



**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. 36/17**

**Date to Members: 08/09/2017**

**Member's Deadline: 14/09/2017 (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](mailto: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](mailto: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.

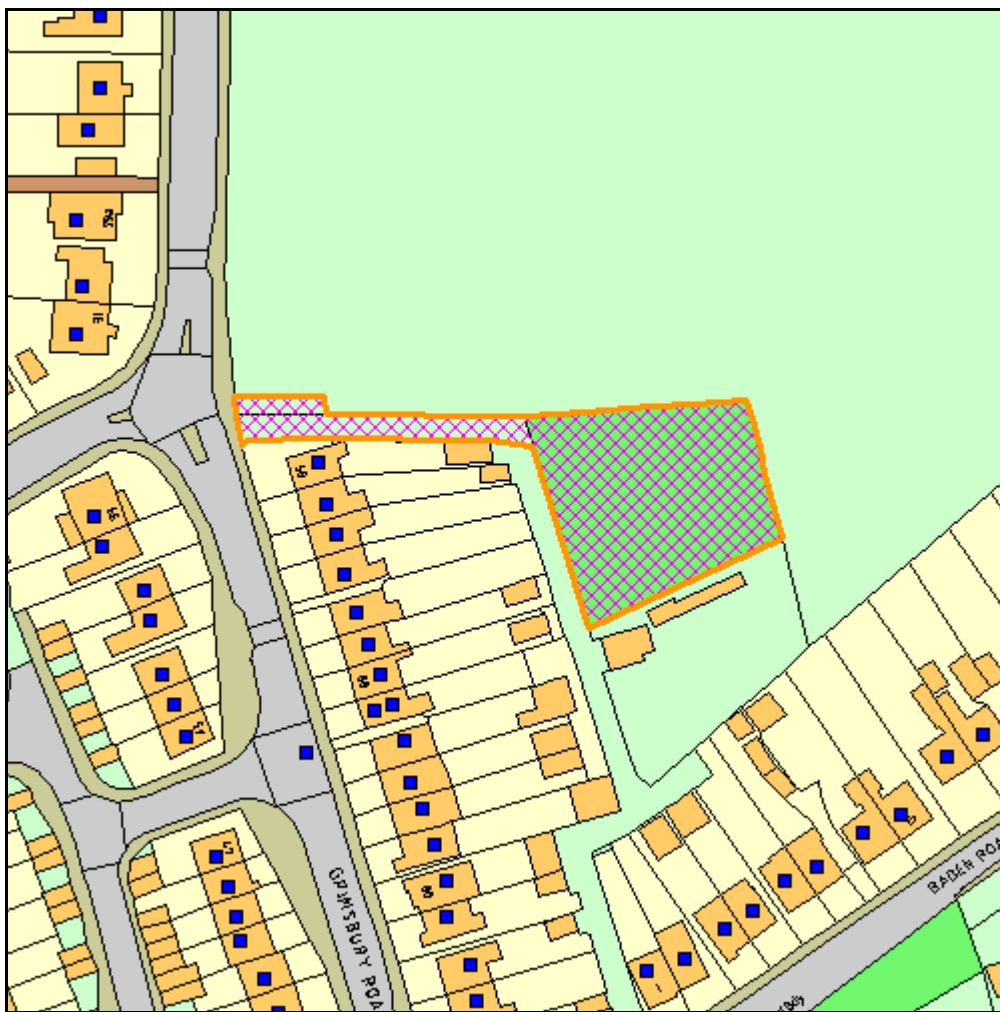
# CIRCULATED SCHEDULE 08 September 2017

ITEM	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK16/4380/F</b>	Approve with Conditions	Land To The Rear Of 58 To 68 Grimsbury Road Kingswood South Gloucestershire	Woodstock	None
2	<b>PK17/0069/AD</b>	Approve with Conditions	Unit 1 Willcock House Southway Drive Warmley South Gloucestershire BS30 5LW	Oldland	Bitton Parish Council
3	<b>PK17/1541/F</b>	Approve with Conditions	2 Wentworth Yate South Gloucestershire BS37 4DJ	Yate Central	Yate Town
4	<b>PK17/2124/F</b>	Approve with Conditions	The Cave 77 Hill Street Kingswood South Gloucestershire BS15 4HA	Kings Chase	None
5	<b>PK17/2265/F</b>	Approve with Conditions	126 Woodend Road Frampton Cotterell South Gloucestershire BS36 2HX	Frampton Cotterell	Frampton Cotterell Parish Council
6	<b>PK17/2298/F</b>	Approve with Conditions	15 Victoria Road Hanham South Gloucestershire BS15 3QJ	Hanham	Hanham Parish Council
7	<b>PK17/2393/F</b>	Approve with Conditions	6 Anchor Road Kingswood South Gloucestershire BS15	Kings Chase	None
8	<b>PK17/2597/AD</b>	Approve	15 Victoria Road Hanham South Gloucestershire BS15 3QJ	Hanham	Hanham Parish Council
9	<b>PK17/2875/F</b>	Approve with Conditions	23 Hollybush Close Acton Turville Badminton South Gloucestershire GL9 1JJ	Cotswold Edge	Acton Turville Parish Council
10	<b>PK17/2928/F</b>	Approve with Conditions	Parkfield Farm Hall Lane Lower Hamswell South Gloucestershire BA1 9DE	Boyd Valley	Cold Ashton Parish Council
11	<b>PK17/3161/F</b>	Approve with Conditions	10 Victoria Road Warmley Bristol South Gloucestershire BS30 5LD	Oldland	Bitton Parish Council
12	<b>PK17/3293/F</b>	Approve with Conditions	10 Home Field Close Emersons Green South Gloucestershire BS16 7BH	Emersons	Emersons Green Town Council
13	<b>PK17/3403/CLP</b>	Approve with Conditions	6 Winfield Road Warmley South Gloucestershire BS30 5JQ	Siston	Siston Parish Council
14	<b>PK17/3439/CLP</b>	Approve with Conditions	22 St Annes Drive Oldland Common South Gloucestershire BS30 6RB	Bitton	Bitton Parish Council
15	<b>PK17/3885/CLE</b>	Approve	22 Abbotswood Yate South Gloucestershire BS37 4NG	Dodington	Yate Town
16	<b>PT16/6941/F</b>	Approve with Conditions	The Pheasant Cottage Iron Hogg Lane Falfield South Gloucestershire GL12 8DU	Charfield	Falfield Parish Council
17	<b>PT17/1305/F</b>	Approve with Conditions	Land At Shellards Lane Alveston South Gloucestershire	Thornbury South And	Alveston Parish Council
18	<b>PT17/1763/RVC</b>	Approve with Conditions	B & Q Fox Den Road Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
19	<b>PT17/2180/F</b>	Approve with Conditions	16 Ormsley Close Little Stoke South Gloucestershire BS34 6EN	Stoke Gifford	Stoke Gifford Parish Council
20	<b>PT17/2222/O</b>	Approve with Conditions	Land To West Of Mill End House Patch Elm Lane Rangeworthy South Gloucestershire BS37 7LT	Ladden Brook	Rangeworthy Parish Council

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
21	<b>PT17/2381/F</b>	Approve with Conditions	6 Bradley Avenue Winterbourne South Gloucestershire BS36 1HT	Winterbourne	Winterbourne Parish Council
22	<b>PT17/2465/F</b>	Approve with Conditions	11 North Road Thornbury South Gloucestershire BS35 1EA	Thornbury North	Thornbury Town Council
23	<b>PT17/2989/CLE</b>	Refusal	Hawthorn Cottage Hortham Lane Almondsbury South Gloucestershire BS32 4JP	Almondsbury	Almondsbury Parish Council
24	<b>PT17/3338/ADV</b>	Approve with Conditions	Cromhall Chapel Townwell Cromhall South Gloucestershire	Charfield	Cromhall Parish Council

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK16/4380/F	<b>Applicant:</b>	Mr D Scadding
<b>Site:</b>	Land To The Rear Of 58 To 68 Grimsbury Road Kingswood Bristol South Gloucestershire BS15 9SD	<b>Date Reg:</b>	10th August 2016
<b>Proposal:</b>	Erection of 3 no detached dwellings with access and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	366252 173347	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th October 2016



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100023410, 2008.

N.T.S.

PK16/4380/F

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

This application has been referred to the Circulated Schedule due to the receipt of objections from a number of local residents, contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 3no. detached dwellings with access and associated works.
- 1.2 The site lies within the development boundary of the urban area. The application relates to a site located at the rear of houses on Grimsbury Road and Baden Road. The site is located to the east of Grimsbury Road, and access would be via a lane along the north elevation of No. 58 Grimsbury Road. The plot of land measures approximately 0.13 hectares in size and is currently vacant.
- 1.3 The proposal seeks planning permission for the erection of three detached, two-storey dwellings with three bedrooms and detached garages. This proposal follows previous applications for a single dwelling on the site. There is provision for parking, space for a bin/recycling and cycle parking areas and private amenity space.
- 1.4 During the course of the application, additional information and revised plans have been submitted concerning the access, as well as a Coal Mining Risk Assessment report (May 2017).
- 1.5 It is also important to note that planning permission Ref. PK11/3176/EXT Erection of 1no. detached dwelling and garage with means of access and associated works (Consent to extend time limit implementation for PK08/1791/F) was approved in February 2012. There is a lengthy planning history relating to the site, proposing the erection of 1no. and 2no. dwellings since 1981.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2015

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

## CS29 Communities of the East Fringe of Bristol Urban Area

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

- L5 Open areas within the Existing Urban Areas and Defined Settlements
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

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

- PSP5 Undesignated Open Spaces within Urban Areas and Settlements
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP43 Private Amenity Standards

#### 2.3 Supplementary Planning Guidance

- South Gloucestershire Design Checklist SPD (Adopted) 2007
- South Gloucestershire Residential Parking Standard SPD (Adopted) 2013

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

- 3.1 PK11/3176/EXT Erection of 1no. detached dwelling and garage with means of access and associated works (Consent to extend time limit implementation for PK08/1791/F)  
Approved 10.02.12
- 3.2 PK08/1791/F Erection of 1no. detached dwelling and garage with means of access and associated works (resubmission of PK08/0926/F).  
Approved 19.01.09
- 3.3 PK08/0926/F Erection of 1no. detached dwelling and garage with means of access and associated works.  
Withdrawn 28.05.08
- 3.4 PK05/3622/F Erection of 1no. detached dormer bungalow with means of access and associated works.  
Refused on 02.02.09; appeal dismissed on 21.04.93
- 3.5 P92/4342 Erection of 1no. bungalow (outline).  
Refused 07.08.92; appeal dismissed on 21.04.93
- 3.6 P81/4301 Erection of 2no. bungalows.  
Refused 20.07.81

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
Unparished area,
- 4.2 The Coal Authority

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically likely historic unrecorded underground coal mine workings at shallow depth.

The Coal Authority objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

*Final comments:*

The Coal Authority withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure a scheme of intrusive site investigations, submission of a report of findings arising from site investigations scheme of remedial works, and implementation of remedial works.

4.3 Community Enterprise  
No comment received.

4.4 Highway Structures  
No comment.

4.5 Lead Local Flood Authority  
No objection.

4.6 Planning Enforcement  
No comment received.

4.7 Sustainable Transport  
No objection; I refer to the further information including a Stage 1 Road Safety Audit and revised red line site boundary shown on drawing no. A101. Although the access is off-set from the mini roundabout the Safety Auditor has raised no concerns with this arrangement and having regard to the increase from one permitted dwelling to three and the increase in daily vehicle movements generated by the development of around 10 per day or 1 vehicle movement in any one hour, I am satisfied that the access as shown with the widened entrance and turning area for a refuse vehicle is safe and suitable subject to the following conditions.

### **Other Representations**

4.8 Local Residents  
A total of 13no. local residents have raised objections to the proposal, raising the following concerns:

*Design, visual amenity and residential amenity*

- Design of dwellings not in keeping;
- Over-development of a relatively small site;



- Proposal is out of character with the 1930s homes bordering the site;
- Density inappropriate;
- Not enough parking;
- Overlooking and impact on privacy;
- Increased use of lane would cause vibration and noise to neighbouring property;
- Land cleared of vegetation whilst birds nesting;
- Peace and quiet of our garden would be affected by the proposal;

*Access, highway safety and parking*

- No right of access through the original lane to the site. no legal right of way to the site;
- Grampian Condition has not been address, without which there is no entrance to this parcel of land;
- No visitor parking. Both Grimsbury Road and Courtney Way are already under pressure with on-street parking;
- Additional vehicles using lane will lead to wear and tear;
- Lane not wide enough for two-way traffic usage or emergency vehicles;
- Pedestrians use the lane;
- Unsafe exit onto Grimsbury Road;
- Red edge boundary appears to have increased, encroaching on public playing fields;
- Safety of lane being used by existing residents vehicles, pedestrians and cyclists;
- The site is land-locked;
- Grimsbury Road can be extremely busy, used by drivers as a “rat run” to avoid the congestion on the A4174 and the view is often obscured by parked vehicles;
- No turning circles proposed on site causing congestion;
- No provision for social housing within the development or any attempt to enhance the locale;
- Access privately owned by the residents;
- Swept-path analysis plans for refuse lorry are misleading as there is not enough room;
- Car movements per day would be significantly more than indicated which is a safety concern;
- Lane does not serve 20 properties with garages (not all properties have garages);
- Lane has previously become flooded due to inadequate drainage on the highway;
- Is it illegal for someone to develop land not permitted or not belonging to them?
- Would the approval of the council for the development of the lane hold them to any account?
- Who will be responsible for the ongoing maintenance of the lane after development?
- Will the council accept full responsibility for any damage caused to mine and my adjoining neighbour's property, during the intended works and ongoing use of the lane by the new development?

- To avoid all of these issues why doesn't the council sell the rest of the strip of the recreational field to give the plot its own private roadway entrance?
- The price paid for the land reflected the lack of access;
- How can a developer adjoin land to a private access and use it as their own?
- How can new properties obtain Title Deeds with access when none exists?
- Access via Baden Road also narrow;
- Will there be a clause to ensure that any permission does not grant rights to carry out works on, or over land not within the ownership or control of the applicant?

*Other matters*

- No mains supplies to the proposed site;
- No provision for social housing within the development or any attempt to enhance the locale;
- Planning permission for one dwelling on the land has lapsed and an Enforcement Notice to stop proceedings was made to a previous developer;

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application site lies within the existing urban area of the east fringe of Bristol. Under policy CS5 which establishes the locational strategy for development, the site is considered to be a suitable site for development subject to site specific considerations and would therefore be supported in principle.

5.2 Policy CS17 would also allow for development within existing residential gardens and curtilages subject to an assessment on the impact of the development on the character of the area, transportation, and residential amenity.

5.3 Currently, the Council is unable to demonstrate a 5-year housing supply of deliverable housing land. Proposals for new residential development should in any event have regard to the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF. The presumption in favour of sustainable development states that proposals that accord with the development plan should be approved without delay. However where the development plan is out of date, planning permission should be granted unless the adverse impacts of doing so *significantly and demonstrably* outweigh the benefits or when specific guidance in the NPPF or non-housing policies in the development plan indicate that planning permission should be refused. Paragraph 49 advises that where there is a failure to demonstrate a 5 year supply of housing, then policies that relate to the supply of housing should be considered out of date. Nevertheless the starting point remains the adopted development position, with the advice in the NPPF constituting an important material consideration. In this instance whilst policy CS5 does relate to the

supply of housing and so would be out of date for NPPF purposes, it would in any event support the principle of residential development at this location. However additional weight is given in favour of increasing housing supply in light of the current shortfall, however this is limited as the contribution proposed of 3no. dwellings would make a minor difference to the overall housing supply.

- 5.4 Having established the principle is acceptable, the impact of the proposed development should also be carefully assessed and this is set out in the remainder of this report. The overall design and impact on the character of the area is an important element of the assessment (Policy CS1); the impact on the existing residential amenity of the area (Saved Policy H4); and the transport implications (Saved Policy T12; policy CS8 and Residential Parking Standards SPD). Full weight is given to policy CS1 which does not relate to the supply of housing, but controls the quality of new development within South Gloucestershire. Policy CS8 and the residential parking standard SPD supporting it are considered to be up to date. These are therefore considered up to date in terms of paragraphs 14 and 49 of the NPPF.
- 5.5 The proposal is for the erection of 3no. new dwellings within an established residential and urban area. Both national and local planning policy are supportive of such development and weight can therefore be given to it being an acceptable form of development, subject to a detailed assessment below.

#### Planning History

- 5.6 The previous refusals, Planning Inspectors decision and most recent approvals raise a number of issues, which are also reflected in the objections raised by many local residents. The land has most recently been approved planning permission for one dwelling in 2009 and 2011 respectively. The proposal would increase the number of approved dwellings on site from one (planning permission Ref. PK11/3176/EXT expired 10.02.15) to three. Concerns such as access, land ownership and highway safety are most relevant, given the previous refusals and the comments of objection received from local residents. Following discussions with the agent, additional transportation and highway safety information has been submitted to the Council for further consideration. It is therefore for the Officer to assess whether the benefits outweigh any perceived harm and to make a balanced judgement.

#### 5.7 Design/Visual Amenity

The application site lies behind a group of two-storey family-size dwellings along Grimsbury and Baden Roads. These terraced dwellings exhibit a uniform architectural appearance. The applicant proposed three detached dwellings facing north across the rugby pitch. All dwellings would have detached single garages, off street parking and private amenity space. They would be laid out in a row formation in the middle of the plot. They would be located on a large plot measuring 0.13 ha.

- 5.8 All the dwellings are proposed to be finished in brick and render, with clay roof tiles and grey coloured aluminium windows. Given the proposed dwellings are located to the rear of existing terraced dwellings on Grimsbury Road and Baden Road, they would appear more modern and individual. They do not form

- part of the immediate street scene. A condition on the decision notice will ensure that these materials are used in the construction.
- 5.9 Comments of objection about overdevelopment of the plot and density are noted, however the density of the plots are considered to be appropriate given the location and access. It is considered that the proposal would not be harmful to the character of the area. By not forming part of a street scene, there is considered to be no harm to visual amenity or existing patterns of development. Overall, the development is considered to accord with policy CS1 of the adopted Core Strategy.
- 5.10 Landscape  
The application site is currently fenced off and overgrown. There are some trees, shrubs and hedges within the site, but none are protected by Tree Preservation Orders.
- 5.11 The applicant has proposed some additional planting around the rear boundary and front of the dwellings. This will be important in mitigating the visual impact of the dwellings and ensuring a high quality finish. Given the application site is located in an urban area and the open rugby pitch to the north, the proposed site layout appears appropriate in its context.
- 5.12 Residential Amenity  
The application site is surrounded by terraced dwellings to the south and west. Window openings would generally be on the front and rear elevations. The rear elevations of dwellings on Grimsbury Road would be approximately 30 metres from the west side of the application site and dwellings on Baden Road approximately 50 metres from the south side of the application site. Given the size of the application site and the distances above, it is unlikely that the existing dwellings residential amenity will be negatively impacted.
- 5.13 It is pertinent to discuss the impact on No. 56 Grimsbury Road in respect of the increase in the use of the access lane to the rear of properties and for the three additional dwellings. whilst there have been numerous comments from local residents about the use of the 'private access lane', as it runs along the north elevation of No. 56 it is necessary to consider the impact on their residential amenity. Given the application site has previously been granted planning permission for one dwelling, will the increase to three be significant in terms of the number of vehicles? It is unlikely that there will be significant or harmful rise in vehicular movements, although it is acknowledged there would be an increase. Given the lane is existing, and there are proposed improvements, it is not considered that this would have a negative impact on No. 56 in particular.
- 5.14 Each dwelling will have ample-sized private amenity space in excess of 100 sqm. These figures exceed the requirements for a three-bedroom dwelling outlined within emerging policy PSP43 of the Policies, Sites and Places DPD.
- 5.15 In conclusion, the proposed increase in the number of dwellings is not considered to be harmful to the residential amenities of the application site or the surrounding neighbouring occupier in terms of privacy, overlooking or overbearing impacts.

5.16 Transportation, Highway Safety and Parking Provision

The application site is located to the rear of dwellings on Grimsbury Road and Baden Road. Some 20no. existing dwellings benefit from rear access to garages via the existing private lane off Grimsbury Road. Officers have assessed the site and this land is set well back from the main road with no direct frontage to the adopted public highway. As 'back land' development, the sole means of access for all users to this site would be from a private lane. The lane measures approximately 3.5 metres wide and is currently in poor condition. The ownership and proposed use of the lane is evidently a contentious issue.

5.17 If allowed, this proposal would result in the creation of three new dwellings to be served via private lane. As a sole means of access for all types of traffic, the access is currently considered inadequate. The applicant does not own the land, but they have purchased a small parcel of land to widen and improve the access off Grimsbury Road.

5.18 There have been two previous applications to erect a detached single dwelling on this application site. Planning permission (Ref. PK05/3622/F) was refused and subsequently dismissed by the Planning Inspectorate in July 2006. The Council highway refusal reasons were as follows:

*As the principal means of access to the development site, the existing lane is substandard by reasons of insufficient width for use by any service vehicles, poor surfacing, inadequate turning area and unsatisfactory pedestrian facilities. If allowed, the proposal would lead to increase highway safety conflicts with the existing users all to detriment of highway safety.*

*The site access is poorly located in relation to adjoining junction and it has inadequate visibility onto public highway. If allowed, the proposal would lead to increase use of a substandard junction with public highway thereby increases safety conflicts to detriment of highway safety.*

The Planning Inspector clearly considered all the relevant matters and in commenting about the issues, the Inspector gave reasons before reaching his final decision to dismiss the appeal. Their main concerns and the narrowness of the track, visibility along the footway, the endangering of pedestrians walking on the east side of Grimsbury Road, as a result of the increased use of the lane by one additional dwelling. This decision is now over ten years old and therefore is considered to hold limited weight.

5.19 The applicant has submitted a statement on transport issues, which includes trip generation figures and forecasts. The application site is located within an urban area and there are many local facilities within walking distance, including local shops, primary and secondary schools and Kingswood town centre. The site is also well-served by public transportation. The statement also concludes that the site will be accessed from Grimsbury Road, not Baden Road, and this will be a shared surface of around 4 – 4.2 wide providing both vehicle and pedestrian access to the site. The access will remain private. The access, where it connects to Grimsbury Road, will be widened to allow access for two

vehicles and re-surfaced. It is concluded in the statement that there is no material trip impact associated with the scheme and that the highway layout arrangements are appropriate and broadly in line with the previous planning permission.

- 5.20 Following discussions with the applicant, additional transportation information has been submitted, including visibility improvements to the junction off Grimsbury Road, a swept path analysis for access to the site, a road safety audit and a revised red edge site boundary (drawing A101). It is important to note that the applicant has acquired a small parcel of land near the entrance of the lane to enable the widening for two vehicles and better visibility.
- 5.21 The Transportation DC Officer has commented that although the access is off-set from the mini roundabout the Safety Auditor has raised no concerns with this arrangement. Having regard to the increase from one permitted dwelling to three and the increase in daily vehicle movements generated by the development of around 10 per day or 1 vehicle movement in any hour, the Officer is satisfied that the access as shown with the widened entrance and turning area for a refuse vehicle is safe and suitable, subject to conditions on the decision notice.
- 5.22 Each dwelling will have a minimum of two off-street parking spaces, including a single garage, and cycle storage. The proposed level of parking is acceptable and complies with the Council's adopted Residential Parking Standards, therefore we cannot require additional off-street parking. Although, there is likely some room leftover for visitors to park near the proposed dwellings, as well as adequate turning space.
- 5.23 In view of the above, and in consideration of the planning history and Inspector's decision in relation to transportation issues, it is the Officer's opinion that the applicant has taken into account concerns previously raised. The proposed scheme addresses the access arrangements to the site, albeit that there are potentially complex land ownership matters which do not fall within the scope of this application. The proposed widened access is considered an appropriate solution and does not harm highway safety. Subject to conditions being attached to the decision notice, there is no highway objection.
- 5.24 Coal Mining  
The application site falls within the defined Development High Risk Area. The applicant did not initially submit a Coal Mining Risk Assessment Report to overcome the Coal Authority's concerns, therefore they raised a fundamental concern about the proposed development.
- 5.25 Subsequent to the Officer's request to the applicant, a Coal Mining Risk Assessment Report was submitted to the Council in April 2017. The submitted report was sufficient for the Coal Authority to withdraw their objection and support the proposed development subject to the imposition of a condition(s) to secure intrusive site investigations. Conditions will be attached to the decision notice which address the need for intrusive site investigations, report of findings and scheme of remedial works, as requested.

5.26 Drainage

The Council's Drainage Engineer has raised no objection to the proposal, subject to a Sustainable Drainage Systems condition and a detailed development layout showing surface water. Such a condition will be attached to the decision notice accordingly.

5.27 Affordable Housing

The site area is below 0.5 hectares in area and the proposed number of units is below local and national policy guidance on the threshold for requiring an Affordable Housing contribution. Therefore, there is no requirement for the provision of Affordable Housing for this application.

5.28 Other Matters

There have been a number of issues raised by local residents in relation to the private access lanes off Grimsbury Road and Baden Road. The access lane measures approximately 3.5 – 4 metres wide and is in poor condition. The proposal seeks to use the existing private access off Grimsbury Road only and as such, the applicant has purchased a small parcel of land measuring 3.5 metres wide by 10 metres in length to the north of the access to increase its width and include a passing place. The Officer has checked Land Registry and the parcel of land was purchased by the applicant in May 2016.

5.29 The applicant has completed Certificate D in their planning application meaning they have all reasonable attempts have been taken to find out the names and addresses of everyone who owns the access lane. An advert has been placed in the local paper (Evening Post). The applicant is not claiming to own the access lane and it has not been included in the red edged plan for the proposal. Local residents claim to own the private access and indeed formulated the access a number of years ago by sacrificing part of their rear gardens to create the rear access. The access lane is unregistered and there are claims that there are multiple landowners, which does present an issue for the applicant as the plot is currently 'land locked' without their consent and without the necessary improvements to the access lane. Whilst the Officer has taken these issues into consideration, they are largely landownership and civil matters that do not affect the principle of the proposed development. In addition, the fact that planning permission has previously been granted for one dwelling is a material consideration.

5.30 Whilst there are issues with respect to the ownership and proposed use of the access lane, the applicant is proposing to make a variety of improvements to the access, including widening the entrance for the benefit of vehicles and pedestrians using the lane, re-surface the lane, and move the telegraph pole at the entrance to improve visibility. The proposal will provide betterment by making improvements to the access lane and making it easier for local residents to use more regularly. An informative will be added to the decision notice advising the applicant about carrying out work on land not in their ownership and to seek neighbours permission prior to works commencing.

5.31 Comment has been made on the price of the plot reflecting the fact that it is land locked. This reflects the value of the land in its current condition and state

without planning permission and potentially access issues. This is not a planning consideration as such.

5.31 Concern regarding noise/disturbance and potential damage to properties caused by the developer. This would be a civil matter, rather than the responsibility of the Council. A condition will be attached to the decision notice restricting construction hours.

5.32 Planning Balance

The above assessment has acknowledged that three new dwellings would be a positive addition to the housing supply shortage. It is considered that the proposed design and appearance will make a modern statement, in an area of more traditional terraced dwellings. The proposed increase from one to three dwellings would make efficient use of the land. The scheme would not have a negative impact on the amenity of closest neighbours given the distance separating these respective properties and the consideration given to the openings in the new properties. The issue of impact on the highway and private access lane has been of great concern and the applicant has been willing to work with Officers to achieve satisfactory improvements to the benefit of the future occupiers and existing neighbouring dwellings. Proposed improvements to the highway safety of the use of the lane and its surface will also benefit those using the parking areas to the rear. Sufficient off-street parking and turning can be achieved on site for the new dwellings which also counts in favour of this scheme.

5.33 In conclusion, the previously identified negative elements have been satisfactorily address and overcome under this application. As a result, the scheme can be recommended for approval, subject to a number of conditions.

## 6. CONCLUSION

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

6.2 The recommendation to **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 is **APPROVED**, subject to the attached conditions.

**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.

### Reason

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

2. The development shall be implemented strictly in accordance with the following plans: Combined Garage Plans (A105); received by the Council on 10th August 2016. Swept path analysis for access (1606-71\_SP01 Rev C; SP02 Rev B; SP03 Rev A); received by the Council on 18th November 2016. Proposed plans, Elevations and Site plan (A101); Plot 3 and Garage Elevations plan (A102); received by the Council on 22nd November 2016.

### Reason

For the avoidance of doubt.

3. Prior to the commencement of development:
  - a) A scheme for intrusive site investigation into the coal mining legacy issues on the site shall be submitted to and approved in writing by the Local Planning Authority;
  - b) The intrusive site investigations shall be undertaken in accordance with the approved scheme;
  - c) The intrusive site investigations shall then be followed by the submission of a report of the findings to the Local Planning Authority, that shall detail any necessary remedial works, and a timetable for their implementation.

### Reason

To establish if remedial works to treat areas of shallow mine workings are required and to ensure the safety and stability of the proposed development to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

This information is required as a pre-commencement condition because it is necessary to establish if the coal mining legacy has affected the stability and safety of the land prior to the any development commencing on site.

4. In the event that remedial works are found to be necessary under condition 3(c);
  - a) A scheme of remedial works shall be submitted to and approved in writing by the Local Planning Authority;
  - b) The approved scheme of remedial works shall be implemented.

### Reason

To ensure the safety and stability of the proposed development. To ensure that any remedial works identified by the site investigation are undertaken at the appropriate time. To accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

5. Prior to the commencement of development, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the

Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the guidance contained in the National Planning Policy Framework (2012).

This information is required as a pre-commencement condition because it is necessary to agree on the materials to be used prior to the construction of any dwellings on site.

6. Prior to commencement of development, details of the construction of the access including surfacing, drainage and lighting, shall be submitted to the Local Planning Authority and approved in writing. The proposal shall be carried out strictly in accordance with the approved details prior to the occupation of the dwellings.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the guidance contained in the National Planning Policy Framework (2012).

This information is required as a pre-commencement condition because it is necessary to agree on the details of the construction to ensure the lane is constructed appropriately to address the needs of the proposed development.

7. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (A101) hereby approved shall be provided before the dwellings are first occupied, and thereafter permanently retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area To accord with Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies); the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013; and the guidance contained in the National Planning Policy Framework (2012).

8. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. A detailed development layout showing surface water and SUDS proposals is required as part of this submission.

Reason

To ensure that a satisfactory means of drainage is provided given the scale of the proposed development, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required to be agreed prior to

commencement as it relates to the earliest part of the construction, and cannot easily be amended at a later point.

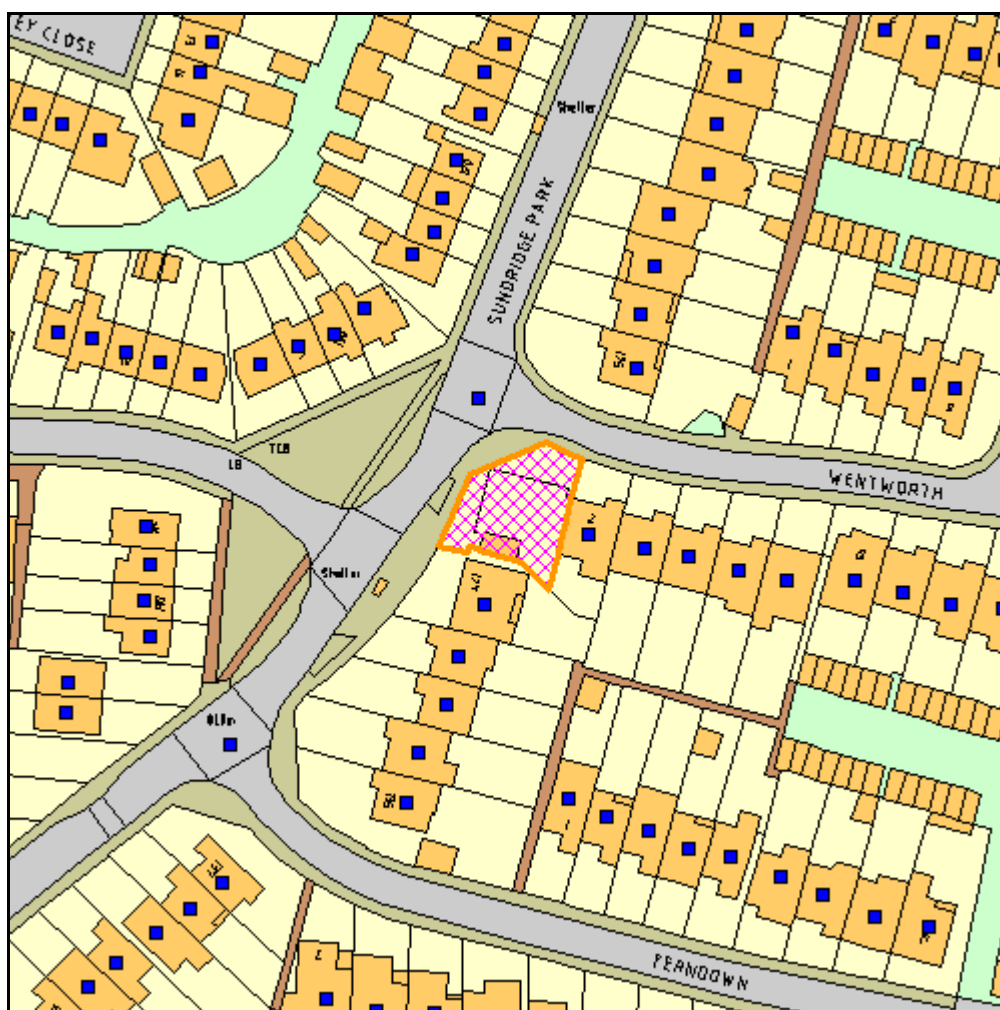
9. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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 which back onto the application site, 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.

## CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017

<b>App No.:</b>	PK17/1541/F	<b>Applicant:</b>	Mr R Edwards
<b>Site:</b>	2 Wentworth Yate Bristol South Gloucestershire BS37 4DJ	<b>Date Reg:</b>	3rd May 2017
<b>Proposal:</b>	Erection of 1no detached dwelling with access and associated works	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371391 182111	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th June 2017



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PK17/1541/F

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

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the erection of 1no detached dwelling with access and associated works at no. 2 Wentworth, Yate.
- 1.2 The application site consists of bungalow set at the end of a terrace row. The site located within the defined settlement boundary of Yate/Chipping Sodbury. The site consists of a corner plot situated at the junction between Wentworth and Sundridge Park, with an open area situated to the east of the existing dwelling. The proposed detached dwelling would be constructed in this area. The proposal seeks to construct a detached dwelling in this area.
- 1.3 A revised proposals plan was received by the Local Authority on 16<sup>th</sup> August 2017. The revised plan provided further details in relation to parking provision, private amenity space and site drainage. A revised site location plan was also requested and received by the Local Authority on 5<sup>th</sup> September 2017. A blue line around the existing property at no.2 Wentworth (land also under the ownership to the applicant), was added to the plan. It is not considered that the revisions to the plans have altered the scope of the proposal, or disadvantaged any of the consultees. As such a further period of consultation has not been undertaken.
- 1.4 Planning permission was previously granted in 2009 for the erection of a detached dwelling at the site. However the permission has since lapsed, and as such this application seeks planning permission for the construction of a re-designed new dwelling.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance (2014)

- 2.2 Development Plans

- 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
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility

CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity

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

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

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

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

**3. RELEVANT PLANNING HISTORY**

**3.1 PK09/0514/F**

Erection of 1no detached dwelling with access and associated works.

Approved: 01.05.2009

**3.2 PK08/0285/F**

Erection of 2no. semi-detached bungalows and associated works.

Refused: 02.04.2008

**4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection

- 4.2 Other Consultees

Sustainable Transport

### *Original comments*

Insufficient information has been provided to enable me to fully assess the transportation impact of the development. No layout of the existing dwelling (2 Wentworth) has been submitted. No bin or cycle storage is shown on the plans. Although the proposed combined plans show a vehicular hardstanding, it is unclear what parking is allocated to which dwelling. For information the Council's residential parking standards state that a dwelling with two bedrooms requires one parking space and a dwelling with up to four bedrooms two parking spaces. Each space needs to measure 2.4m wide by 4.8m deep and be provided within the red line boundary of the site.

Before final comments can be made revised plans addressing the above needs to be provided.

### *Updated comments*

Revised plans have now been submitted which show that the existing vehicular access onto Sundridge Park will be utilised to provide two parking spaces for the proposed new dwelling. A new vehicular access and parking will be provided for the existing dwelling onto Wentworth. The level of parking proposed complies with the Council's residential parking standards for the size of the existing and proposed dwellings.

There is no transportation objection to the proposed development subject to a condition that the proposed parking area is provided prior to commencement of the development and permanently maintained thereafter. All parking areas must have a permeable bound surface and be satisfactorily maintained as such thereafter.

### Lead Local Flood Authority

Clarity that 'Soakaways' will be utilised for Sustainable Drainage Systems (SuDS) has now been received, which is an acceptable method, therefore we have No Objection.

### Highway Structures

No objection

## **Other Representations**

### 4.3 Local Residents

One comment objecting to the proposal, as well as well comment neither explicitly objecting to nor supporting the proposal, were submitted by local residents. The main concerns raised are outlined below:

- Did not receive any notification from the Council that the application had been made.
- Concerns about the number of vehicles parked on the corner between Wentworth and Sundridge Park.
- Sundridge Park is well used by all ages and especially children on their way to school. Extra vehicles being parked on the road in Wentworth will

cause a hazard to those on foot and also those entering Wentworth by car.

- A number of cars and vans which appear to be associated with no. 2 Wentworth take up a lot of parking space along the street.
- If planning permission is granted it should have the proviso of double yellow lines on the curve into Wentworth.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning permission is sought for the erection of 1no. detached three-bedroom dwelling within an existing residential curtilage. Policy CS5 of the Core Strategy outlines the locations at which development is considered appropriate. CS5 dictates that most new development in South Gloucestershire will take place within the communities of north and east fringes of the Bristol urban area. CS5 also outlines that at Yate/Chipping Sodbury, new development will be of a scale appropriate to achieve greater self-containment, improving the roles and functions of towns, with a focus on investment in the town centres and improving the range and type of jobs. The application site is located within the defined settlement boundary of Yate/Chipping Sodbury, and the scale of development is considered appropriate for this location. As such, based solely on the location of the site, the principle of the development is acceptable.

5.2 Notwithstanding this, it is recognised that, at present, the local planning authority is unable to demonstrate a five-year supply of deliverable housing land. Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. However as the application site falls within the defined settlement boundary of Yate/Chipping Sodbury, the principle of development is acceptable under the provisions of policy CS5. As policy CS5 is not seeking to restrict the supply of housing, it can be afforded full weight in this case.

5.3 Whilst the principle of the proposed development is acceptable under the provisions of policy CS5, the impacts of the development require further assessment to identify any potential harm. The harm identified will then be balanced against the benefits of the proposal. The further areas of assessment are; design and visual amenity, residential amenity, and transportation. An assessment of the design of the proposal and its impact on the visual amenity of the area will be made against policy CS5 of the Core Strategy and H4 of the Local Plan. An assessment of any impacts on residential amenity will be made against policy H4 of the Local Plan. An assessment of any transportation impacts will be made against policy T12 of the Local Plan and the South Gloucestershire Residential Parking Standards SPD.

### 5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale,



height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context. Furthermore, policies CS16 and CS17 of the Core Strategy relate to housing density and diversity. Policy CS16 outlines that the density of new development should be informed by the character of the local area and contribute to: the high quality design objectives set out in policy CS1. Policy CS17 outlines that building on gardens will be allowed where this would not adversely affect the character of an area.

- 5.5 The immediate surrounding area is characterised by terrace rows of bungalows. The majority of properties are finished in white render, with low pitched roofs finished in dark flat interlocking tiles. The existing property at the site (no. 2 Wentworth), is situated at the western end of the terrace.
- 5.6 The proposed bungalow incorporates a fairly simple, chalet bungalow design with a box dormer situated at the rear elevation of the property at a first floor level. Despite being detached, the property would follow largely the same building line as properties to the east along Wentworth and properties to the south along Sundridge Park. The front elevation of the property would face on to Sundridge Park, with the side of the dwelling facing on to Wentworth to the north. The proposed dwelling would be finished in white render, with a small section of brick to match the finish of surrounding properties.
- 5.7 On balance the scale, design and finish of the proposed new dwelling are considered to be appropriate. It is considered that the proposed dwelling would appear visually similar to neighbouring properties, and would not detract from the immediate streetscene. The orientation of the property is also considered acceptable, with the front elevation facing on to Sundridge Park. It is noted that the property occupying the corner plot on the other side of Wentworth from the application site also faces on to Sundridge Park. In addition to this, it is not considered that a property of the scale proposed would appear cramped within the plot.
- 5.8 Overall, it is considered that an acceptable standard of design has been achieved. The proposal is considered to satisfy the design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan, as well as the requirements of policies CS16 and CS17 of the Core Strategy.
- 5.9 Residential Amenity  
Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.
- 5.10 When considering the impacts of the proposal on the residential amenity currently enjoyed by the occupiers of neighbouring properties, the main properties under consideration are the existing property at the site, (no. 2 Wentworth), and the adjacent property to the south (no. 127 Sundridge Park). As properties immediately to the north and west of the site are separated from the site by the highway, it is not considered that the erection of the proposed

dwelling would significantly impact the residential amenity enjoyed by the occupiers of these properties.

- 5.11 The proposed bungalow would be situated within a corner plot. The proposed bungalow would largely follow the same building line as properties along Wentworth to the east and Sundridge Park to the south. On this basis, it is not considered that the proposed chalet bungalow would significantly overbear or overshadow on to the rear gardens of the immediate neighbouring properties. The potential for any overbearing impacts is also reduced by the modest height of the proposed dwelling. In addition to this, the siting of the proposed dwelling would not reduce the outlook from any windows at neighbouring properties.
- 5.12 With regard to overlooking, it is noted that the erection and use of the proposed dormer window would result in an increased sense of overlooking on to the rear garden area of no. 2 Wentworth. However due to its siting towards the north of the rear elevation, the dormer window would largely overlook the neighbouring building, and would not provide a direct line of sight on to the neighbouring garden. Furthermore, the proposed dormer would not provide a direct line of sight in to any neighbouring windows. On balance, it is not considered that the erection and use of the proposed dormer window would have an unacceptable impact on residential amenity through an increased sense of overlooking. Overall, it is not considered that the residential amenity of neighbouring residents would be significantly prejudiced by the construction of the new dwelling.

#### *Working hours*

- 5.13 Notwithstanding the above, it is noted that the erection of a new dwelling will create some disturbance to neighbours. In light of this, a condition will be attached to any decision restricting the hours of work during the construction period, in order to protect the residential amenity of neighbouring residents.

#### *Private amenity space*

- 5.14 In terms of private amenity space, emerging policy PSP43 of the Policies, Sites and Places Plan June 2016 relates to private amenity space standards. Whilst this policy is not yet adopted, it is unlikely to be subject to further modification. As such it can be afforded moderate weight in the assessment of this proposal. PSP43 supports the provision of sufficient space at new dwellings to meet the needs of the likely number of occupants. The policy outlines that a 3 bedroom house should provide a minimum of 60m<sup>2</sup>.
- 5.15 Submitted plans indicate that 97m<sup>2</sup> of amenity space will be provided to the front and side of the proposed dwelling, with 60m<sup>2</sup> of private amenity space provided to the rear of the property. This provision of private amenity space complies with the standards set out in PSP43, and is considered acceptable.
- 5.16 Transport  
Policy T12 of the Local Plan advises that development will be permitted provided that, in terms of transportation, new development provides; adequate, safe, convenient and attractive access, and; would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety.

- 5.17 It is noted that an existing access to the site off Sundridge Park will be utilised to provide vehicular access to the proposed dwelling. It is noted that this access is situated in close proximity to the junction between Sundridge Park and Wentworth, as well as a bus stop. However given the fairly minor intensification of the access, it is not considered that the proposal would have any significant impacts in terms of highway safety.
- 5.18 The concerns raised in relation to vehicles parking at the junction between Sundridge Park and Wentworth have been taken in to account. However submitted plans indicate that sufficient parking space can be provided for both the existing and proposed dwellings. The proposed parking arrangements satisfy the requirements set out within the South Gloucestershire Residential Parking Standards SPD.
- 5.19 The local planning authority can only aim to ensure that sufficient space is provided on-site to meet the needs of current and future occupiers. As such, the minimum parking standard is based on the number of bedrooms provided within a property. However the LPA are unable to actually control the number of vehicles associated with properties on a case by case level. As such, whilst the concerns have been taken in to account, sufficient parking space has been provided to meet the minimum requirements, and there are therefore no objections in relation to parking provision or highway safety.
- 5.20 However in order to secure the minimum parking provision, a condition will be attached to any decision, requiring a minimum of 2 parking spaces to be provided for both the existing and proposed dwellings, and thereafter retained for that purpose.
- 5.21 Waste Storage  
Waste storage facilities would be situated adjacent to the proposed parking area, and would be enclosed behind a 0.75m high wall. The location of the proposed waste storage facilities is considered acceptable.
- 5.22 Drainage  
The submitted details regarding the method of surface water disposal to be utilised have been found to be acceptable. On this basis there are no concerns in relation to site drainage.
- 5.23 Equalities  
The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

5.25 Other Matters

The concerns raised in relation to not having received notification of the application have been taken in to account. However following further investigation, it has been found that the resident concerned was not required to have received a personal notification (in accordance with the minimum consultations for planning applications – as set out in the South Gloucestershire Statement of Community Involvement 2015).

5.26 Planning Balance

Following the assessment of the proposed development, no significant harm in terms of design and visual amenity, residential amenity or highway safety has been identified. The modest socio-economic benefit of one new dwelling to count towards housing supply has also been taken in to account. As no significant harm has been identified, and the principle of this type of development at this location is considered acceptable, it is recommended that planning permission be granted.

## 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 included on the decision notice.

**Contact Officer: Patrick Jackson**

**Tel. No. 01454 863034**

## CONDITIONS

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

Reason

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

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

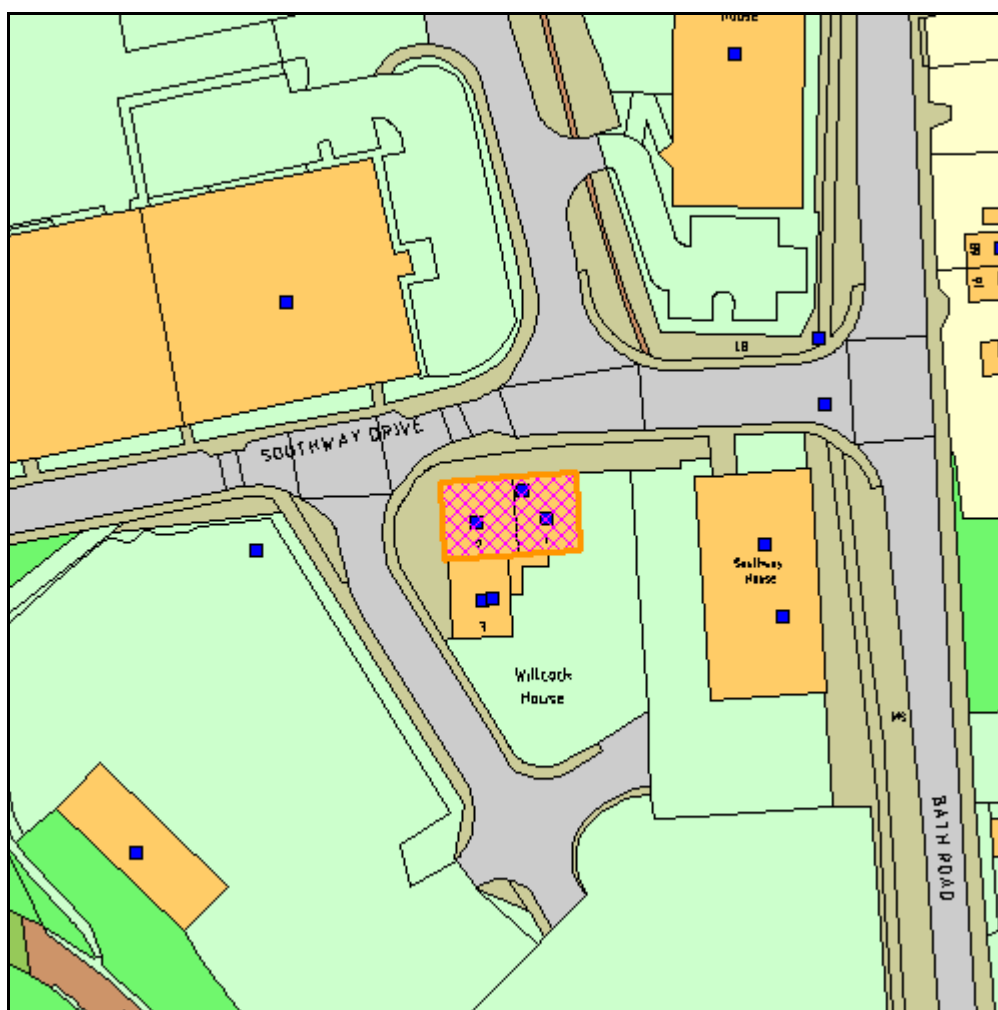
3. The off-street parking facilities for both the new dwelling and no. 2 Wentworth (for all vehicles, including cycles) shown on the plan (Drawing no. 2 - Rev E) hereby approved shall make provision for the parking of a minimum of 2 vehicles within the residential curtilage of each property (with each space measuring at least 2.4m by 4.8m). The parking spaces shall be provided before the new dwelling is first occupied, and thereafter retained for that purpose.

Reason

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

## CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017

<b>App No.:</b>	PK17/0069/ADV	<b>Applicant:</b>	Mr Andrew Eustace
<b>Site:</b>	Unit 1 Willcock House Southway Drive Warmley Bristol South Gloucestershire BS30 5LW	<b>Date Reg:</b>	9th January 2017
<b>Proposal:</b>	Retention of 1no. externally illuminated fascia sign.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367848 172407	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd March 2017



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PK17/0069/ADV

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

The application has been referred to the Circulated Schedule following receipt of an objection.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the retention of 1.no externally illuminated advertisement.
- 1.2 The advertisement is located on a commercial building. The building is sited on a corner plot adjacent to Southway Drive in Warmley. The area has a commercial character to it, with other businesses located in the nearby vicinity. Residential properties are located along Victoria Road, approximately 120 metres to the west, and, also to the east along Bath Road, with the closest property approximately 80 metres away.
- 1.3 The 1.no advertisement is located 4.8 metres from the ground. It measures 1.14 metres in height and 6.5 metres in width. The sign is externally illuminated.
- 1.4 This application was submitted as a result of a planning enforcement investigation concerning the advertisement related to this application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

The Town and Country Planning (Control of Advertisements) Regulations 2007

The Town and Country Planning Act 1990; Section 220.

#### **2.2 Development Plans**

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation

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

PSP1 Local Distinctiveness

#### **2.3 Supplementary Planning Guidance**

Shopfronts and Advertisements (Adopted) 2012

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

3.1 None

### **4. CONSULTATION RESPONSES**

#### **4.1 Bitton Parish Council**

No objection

#### **4.2 Other Consultees**

##### **Sustainable Transport – Transportation DC**

‘We do not believe that this display creates any material highways or transportation issues and have no comments about this application’.

##### **Street Lighting**

The following points were raised:

- There is not enough information to provide a recommendation taking into account the document: Institution of Lighting Professionals – Technical Report 5).
- Based on the information present (photographs of the advertisements) , the lighting seems to be directed downwards which is acceptable in principle.
- Considering that there are no residential properties adjacent to the sign, and the limitation on the lighting would be switched on, it is unlikely the sign would cause any nuisance.

#### **Other Representations**

#### **4.3 Local Residents**

One objection was received raising the following:

- The illumination created by the advertisement can viewed by local residents from within their properties.
- The area is backed by green belt land, and this advertisement is therefore not in keeping with the area.
- It is unnecessary to have the sign illuminated as it can easily been seen without the need to be lit.
- No other business units in the area have their signs illuminated so others may follow suit.
- The timer comes on at a different time to those stated in the application.
- The sign is illuminated on Saturday and Sunday when the business is closed.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 states local planning authorities should consider the impact of advertisements in the interests of amenity and public safety. The National Planning Policy Framework (2012) states poorly placed advertisements can have a negative impact on the appearance of the built and natural environment

The contents of the above policies and supporting guidance have been considered throughout the following paragraphs of this report.

### 5.2 Design and Visual Amenity

Unit 1 Willcock House is located on a corner plot adjacent to Southway Drive. The building itself is a medium sized red-brick structure with a hipped roof. Its appearance resembles that of a commercial building. The building shares similarities with a building located opposite in design and appearance. Advertisements are a common feature along Southway Drive, which indicates the function of the immediate area is that of a commercial business use.

The proposed advertisement is simple and clean in appearance; using a design that is similar to those existing adverts in the immediate area. The company logo is displayed against a white and red background. The size and design of the advert does not dominate the existing building or detrimentally harm the visual amenity of the surrounding area.

#### *Lighting*

The advert is externally illuminated. There are no moving objects or figures. It is proposed to illuminate the advert from 6am to 8am; and 4pm to 6pm. It is likely the advert if illuminated during all hours of the day will form an uncharacteristic feature of the area, particularly in the evening. Therefore, in the interests of protecting the visual amenity of the locality, it is considered illuminance of the advert is acceptable subject to a limitation on the hours of illuminance.

In addition to this, having regard to the commercial nature of this urban area, the level of lighting the advert produces does not detrimentally affect the immediate locality. Should permission be granted however, a condition will be attached which restricts the level of illuminance produced by the advertisement in the future.

### 5.3 Public safety

The proposed advertisement has been assessed by the Councils Transportation Officer and there are no objections to the proposal on the grounds of public safety. The design is simple and the sign is set back from the public highway. Therefore, the advertisement is not considered a distraction for drivers along Southway Drive. Further to this, the advertisement being located on the building does not provide a pedestrian hazard.

#### 5.4 Residential Amenity

With regard to residential amenity, the advertisement will be able to be viewed by residential properties from a distance. However, this proximity means that it is unlikely to raise any issues in terms of light pollution. In addition to this, the advertisement being sited within an urban area, coupled with lighting facing downwards will not result in light spilling into nearby areas to which residential dwellings are present.

### 6. CONCLUSION

6.1 In accordance with Section 220 of the Town & Country Planning Act 1990 and Regulation 3 of the Advertisement Regulations 2007, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

### 7. RECOMMENDATION

7.1 It is recommended that advertisement consent be **GRANTED** subject to the conditions below:

**Contact Officer: Sam Garland**  
**Tel. No. 01454 863587**

### CONDITIONS

1. The external lighting on the advertisement hereby approved shall be turned off between the times 18:00 to 06:00.

Reason:

To protect the character and visual amenity of the area in accordance with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013.

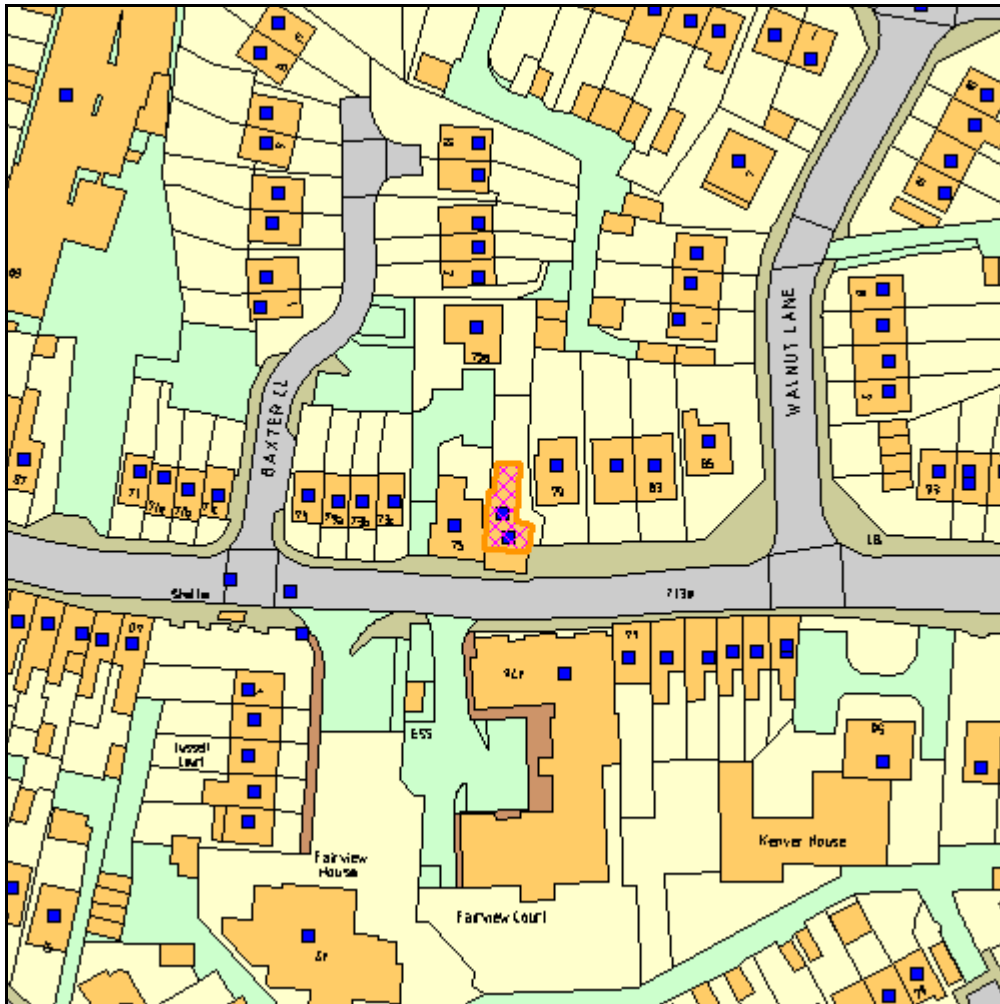
2. The level of illuminance on the external lighting hereby approved shall not exceed 600 cdm-2 (luminance).

Reason:

To protect the character and visual amenity of the area in accordance with Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013.

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2124/F	<b>Applicant:</b>	Mrs Joanne Rodrigues
<b>Site:</b>	The Cave 77 Hill Street Kingswood Bristol South Gloucestershire BS15 4HA	<b>Date Reg:</b>	13th June 2017
<b>Proposal:</b>	Change of Use from shop (Class A1) to mixed use for shop, restaurant and hot food takeaway (Class Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	None
<b>Map Ref:</b>	365983 173695	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd August 2017



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100023410, 2008.

N.T.S.

PK17/2124/F

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

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure as a result.

### **1. THE PROPOSAL**

- 1.1 Planning permission is sought for the change of use from a shop (Use Class A1) to a mixed use of shop, restaurant and hot-food takeaway (Use Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
- 1.2 The application relates to The Cave at no. 77 Hill Street, Kingswood. The property has previously been used as an off-license (Use Class A1), however is no longer operating as such. The site is situated within the urban fringe area of Kingswood, along Hill Street (A420).

### **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 Improving Accessibility
- CS13 Non-Safeguarded Economic Development Sites
- CS14 Town Centres and Retailing

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- T12 Transportation
- E3 Criteria for Assessing Employment Development
- RT1 Development in Town Centres
- RT8 Small Scale Retail Uses
- RT9 Changes of Use of Retail Premises within Primary [...] Shopping Frontages in Town Centres

- 2.3 Supplementary Planning Guidance  
Design Checklist SPD (Adopted) August 2007  
Shopfronts and Advertisements SPD (Adopted) April 2012

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

- 3.1 **PK16/0254/F**

Change of use of ground floor from Retail (Class A1) to 1no. self contained flat (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works.

Approved: 14.03.2016

3.2 **PK07/0802/F**

Change of use of Off Licence (A1) to Flat (C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of stair access and door on west elevation, alterations to roofline on west and east elevations with associated works.

Approved: 27.07.2007

3.3 **P86/4037**

DISPLAY OF POSTER BOARD ON SIDE ELEVATION OF PROPERTY  
(Previous ID: A139/2)

Refused: 03.03.1986

3.4 **K1045**

ERECTION OF REPLACEMENT STORE IN CONNECTION WITH RETAIL  
OUTLET. (Previous ID: K1045)

Approved: 31.10.1975

4. **CONSULTATION RESPONSES**

4.1 Town/Parish Council  
The area is un-parished

4.2 Other Consultees

Environmental Protection

*Original Comments*

A risk assessment has been carried out in accordance with DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems, January 2005.

1. The risk assessment score has indicated a **high level of odour control** is required, therefore full details of the proposed extraction and odour abatement system should be provided.
2. In addition to information on odour abatement, details should be provided on predicted noise levels from the extraction system (fan and air movement, through and leaving the ducting).

3. Suitable and sufficient waste storage facilities shall be made for the safe and secure on site storage of waste derived from the business/flats between collections to ensure that no detriment to amenity from smell, flies or vermin arises. A scheme detailing the provisions to be made for the safe storage of waste must be submitted in writing and not altered without the prior written approval of the Local Planning Authority for agreement before the development is brought into use.
  
4. The current use as an off-licence has not caused any noise or odour complaints that have been referred to Environmental Health. However there are concerns that if planning permission were granted for A3 use. General A3 use would allow the premises to be used for any hot food use, which could include very high odour type cooking (Fish and chips, Indian, Chinese, etc) for which we would usually require an odour abatement system to be designed and installed at the planning stage. I would therefore suggest that if you are minded to approve this application, the permission be granted as a personal permission for the current applicant. This would allow us to review the Environmental impact should the premises change hands and a new user take over.

#### *Updated Comments*

I have no objection to the proposed café, however general A3 use would allow the premises to be used for any hot food use, which could include high odour type cooking (Fried Chicken, Indian, Chinese, Italian etc) for which we would usually require an odour abatement system to be designed and installed at the planning stage.

The proposed use as a café, while falling under this broad use class is unlikely to cause a problem and it would seem heavy handed to require the applicant to install full extraction with odour abatement. I would therefore suggest that if you are minded to approve this application, the permission be granted as a personal permission for the current applicant. The applicant should be aware that if the food production increases they should update their extraction abatement system and provide details of any plant used to avoid enforcement action under Statutory Nuisance.

#### Sustainable Transport

We note that this planning application seeks to change the lawfully permitted use of 77 Hill Street, Kingswood from a shop (Class A1) to mixed use as a shop (Class A1) with restaurant (Class A3) and takeaway (Class A5) facilities. As we understand that the shop is relatively small and was formerly used an off-license, we consider that these uses are likely to attract visitors in a broadly similar manner. Therefore, we do not believe that this change will significantly alter the trip generation pattern associated with these premises. As a consequence, we have no highways or transportation comments about this application.

Community Enterprise

No comment

Police Community Safety

No comment

Planning Enforcement

No comment

**Other Representations**

4.3 Local Residents

Four letters objecting to the proposed development have been submitted to the Local Authority by local residents. The main concerns raised are outlined below:

*Environmental Impacts*

- Proposed kitchen situated in close proximity to neighbouring properties. Neighbours would be affected by cooking smells and noise from food preparation
- An industrial BBQ has been set up to the rear of the premises – would there be cooking outside?
- Despite provision of bin, customers would still drop litter causing further environmental issues.

*Other General Disturbance Issues*

- Concerns with early opening hours. Also later opening hours may encourage youngsters to loiter near premises.
- People smoking outside premises and slamming car doors etc. will affect residential amenity of neighbours.
- People using the side/rear of the premises will invade the privacy of neighbours.

*Highway Safety/Parking Provision*

- No. 77 causes an obstruction to the line of sight for passing motorists. The property has been a contributing factor to several fatal accidents. The property was set to be demolished many years ago but this never happened.
- Neighbouring garden walls have been knocked down by motorists losing control of vehicles/attempting to manoeuvre vehicles at this section of Hill Street.
- Parking is very limited. Nearby layby provides parking for 3 vehicles but is occupied 90% of the time. Customers will stay longer at a restaurant than they would at the off-license.
- No space to front of premises for delivery vehicles.
- Large commercial bin has been moved to front of premises on several occasions, blocking pathway and requiring pedestrians to walk in road.

## 5. ANALYSIS OF PROPOSAL

- 5.1 This planning application seeks permission for the change of use from a shop (Use Class A1) to mixed use comprised of a shop, restaurant and hot food takeaway (Use Class Sui Generis). A small area to the front of the shop would be retained as A1 use, and would be used to display and sell a small range of convenience goods. Three tables would then be situated towards the rear of the premises, and would provide the dining area for the proposed A3 use. A small kitchen would then be situated to the very rear of the premises, and would be used to prepare and cook the food served within the premises. The food served would also be available to take-away.
- 5.2 Having carried out a site visit, it is noted that the internal works have already been undertaken. Having seen the scale of the proposed mix of uses, and been made aware of the type of food to be served at the premises (small tapas-style dishes), it is considered that the proposed A3 element can be defined more as a small café than a restaurant. As such, the A3 element will be referred to as a café throughout the remainder of this report.
- 5.3 Principle of Development  
The application site is situated within the urban fringe area of Kingswood. This is an area where development is generally directed in South Gloucestershire.
- 5.4 Policy RT8 of the Local Plan supports development of this kind provided it has acceptable impacts on amenities (visual, character, highway safety and residential) of the area. Furthermore, Policy E3 of the Local Plan supports employment uses within urban areas, such as the conversion and reuse of existing buildings, provided that the development would have acceptable impacts on the amenity of the area (environmental; highway safety; vehicular parking; residential; and character).
- 5.5 Accordingly, the proposed development at the scale intended is acceptable in principle subject to the proposal conforming to the considerations set out above. Such considerations will be assessed throughout the remainder of this report.
- 5.6 Environmental Impacts

### *Cooking Smells/Food Preparation*

The concerns raised in relation to the possibility of cooking smells being dispersed from the kitchen on to neighbouring properties have been taken in to account. However following the submission of further details, the Environmental Health Officer considers that the extraction and odour abatement system installed is satisfactory for the scale of cooking/food preparation proposed. It should be noted that having visited the premises, the limited size of the kitchen area has been taken in to account; with the size of the kitchen being more akin to that of a residential property than a commercial one. Following the submission of further details, the extraction and odour abatement system is considered acceptable, and it is not considered that the proposed change of use would have any significant impacts in terms of the dispersal of cooking smells.



- 5.7 It is noted that the Environmental Health Officer has suggested that a condition be attached to any decision, requiring any permission granted to be a personal permission for the current applicant. It is noted that this has been recommended as to allow for the Local Authority to review the environmental impact should the premises change hands and a new user take over.
- 5.8 However it should be noted that any permission granted would not grant permission for a predominant A3 use. Any permission granted would grant permission for a change of use from a shop (Use Class A1), to a mixed use of a shop, restaurant and hot food takeaway (Use Class Sui Generis). The permitted Sui Generis use would only relate to the mix of uses as described in the description of development. As such, any change of use in the future (for example to a predominant A3 Use), would require planning permission. It is considered that the environmental impacts of any change of use (and subsequent intensification of cooking and food preparation), could be assessed at the stage. National guidance cautions against the use of personal conditions, and they only be used in exceptional circumstances. As such, attaching a condition restricting any permission granted to a personal permission is not considered necessary in this case.
- 5.9 It should also be noted that if the food production increases, the applicant should update their extraction abatement system and provide details of any plant used to avoid enforcement action under Statutory Nuisance.

#### *Outside Cooking*

- 5.10 It is noted that a large barbecue is situated to the rear of the premises. However the applicant has outlined that this is not owned by themselves, and that the rear of the premises is under the ownership of the resident of the flat above the unit. It has been confirmed that all cooking and dining will take place inside.

#### *Waste Storage and Litter*

- 5.11 It is noted that the commercial bin has been positioned to the eastern side of the building. This location is considered acceptable. Furthermore, it has been outlined that the bin is cleaned once a week to reduce the potential for unwanted smells/vermin.
- 5.12 The concerns raised in relation to customers dropping litter have been taken in to account. However it is not considered that the change of use from the established A1 use would significantly increase the risk of this occurring.
- 5.13 Other Impacts on Residential Amenity

#### *Opening Hours*

The concerns raised in relation to proposed opening hours, and the impacts that this could have on the residential amenity of neighbouring residents, have been taken in to account. Confirmation has been provided that the applicant intends to operate similar opening hours to the previous off-license (7am – 10pm), and it seems from the planning history there are no planning conditions that restrict the hours of opening. On this basis whilst it is considered that some

restriction would be appropriate given that the unit is situated within a largely residential area, regard must be had to imposing what is strictly necessary. As such, in order to protect the residential amenity of neighbouring residents, a condition will be attached to any decision, restricting the proposed hours of opening of the unit to opening hours of 7am – 11pm on any day.

*Invasion of Privacy, Loitering and General Disturbance*

- 5.14 The concerns raised in relation to the potential increase in the number of customers loitering around the premises, and the subsequent impacts on the privacy of neighbouring residents, have been taken in to consideration and attract some weight. However given the scale of the proposed shop and café, it is not considered that the change of use would result in a significantly greater number of customers loitering outside the premises. As such, it is not considered that the privacy of neighbouring residents would be prejudiced. Furthermore, some general noise disturbance such as the sound of car doors closing is considered fairly common in this type of urban area.
- 5.15 On balance, for the reasons outlined above, it is not considered that the proposed change of use would have any unacceptable environmental impacts. Furthermore, it is not considered that the proposed change of use would be to the detriment of the residential amenity of neighbouring residents.
- 5.16 Highway Safety and Parking Provision  
The concerns raised in relation to parking provision and the potential increase in vehicle movements adjacent to the premises have been taken in to account.
- 5.17 However in line with Transport Officer comments on the application, given the scale of the proposed development and the limited size of the proposed café, it is not considered that the proposed change of use would significantly alter the trip generation pattern associated with these premises. It is also not considered that the change of use would result in a significant increase in the number of vehicles manoeuvring outside the premises along Hill Street.
- 5.18 It is recognised that the proposed change of use would likely increase the amount of time spent at the premises by customers per visit. However as the restaurant would only contain three tables, and due to its limited size does not have the capacity to provide many additional tables, it is considered that the number of customers parking near the premises would be limited, with any impacts on highway safety reduced. Overall, in line with the Transport Officer comments on the application, it is not considered that the proposed change of use would have a significant impact in terms of highway safety.
- 5.19 It is recognised that the positioning of the commercial bin to the front of the shop would obstruct the public footpath, and would result in pedestrians having to walk on a busy stretch of the highway. During a site visit, the applicant outlined that the bin was being moved by an unknown party, and that the police had been contacted. The applicant has outlined that the bin will be secured to the external wall of the premises to avoid this happening in the future.
- 5.20 Overall, for the reasons outlined above, it is not considered that the proposed change of use would have a significant impact in terms of highway safety.

5.21 Design and Visual Amenity

Policy CS1 of the Core Strategy states development proposals will only be permitted if the highest possible standards of site planning and design are achieved - meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.22 The proposed development does not involve any external alterations to the building. The existing signage etc. will remain in-situ. However consideration must still be made on how well the mixed use unit would integrate in to the immediate locality. It is recognised that the unit is not situated within a row of retail/commercial units, as is often the case with this type of use. However commercial/retail units are situated in fairly close proximity to the north of the site at Tibberton, as well as further along Hill Street to the west towards Kingswood High Street. Whilst the immediate locality is characterised by residential units, it is also noted that the commercial/retail use of the premises has long since been established.

5.23 On this basis, it is considered that the proposed mixed use unit would form an appropriate feature within the streetscene, and would not significantly detriment the character or distinctiveness of the immediate surrounding area. The proposed development is considered to comply with design criteria set out in policy CS1 of the Core Strategy.

5.24 Equalities

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

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

5.26 Other Matters

Concerns regarding the actual presence of the building, and the impact that this has in terms of highway safety, have been taken in to consideration. However the purpose of this report is to assess whether the change of the use of the premises would cause a degree of harm, and not to assess whether the building should be demolished on highway safety grounds. As the building would not be extended in any way, the proposed development would have no

impact on the extent to which the building obstructed the view of passing motorists. As such, this issue does not form a material consideration within the assessment of this application.

## 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 included on the decision notice.

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

## **CONDITIONS**

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

Reason

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

2. The opening hours of the mixed use unit (Use Class Sui Generis) hereby approved shall be restricted to the following time periods:

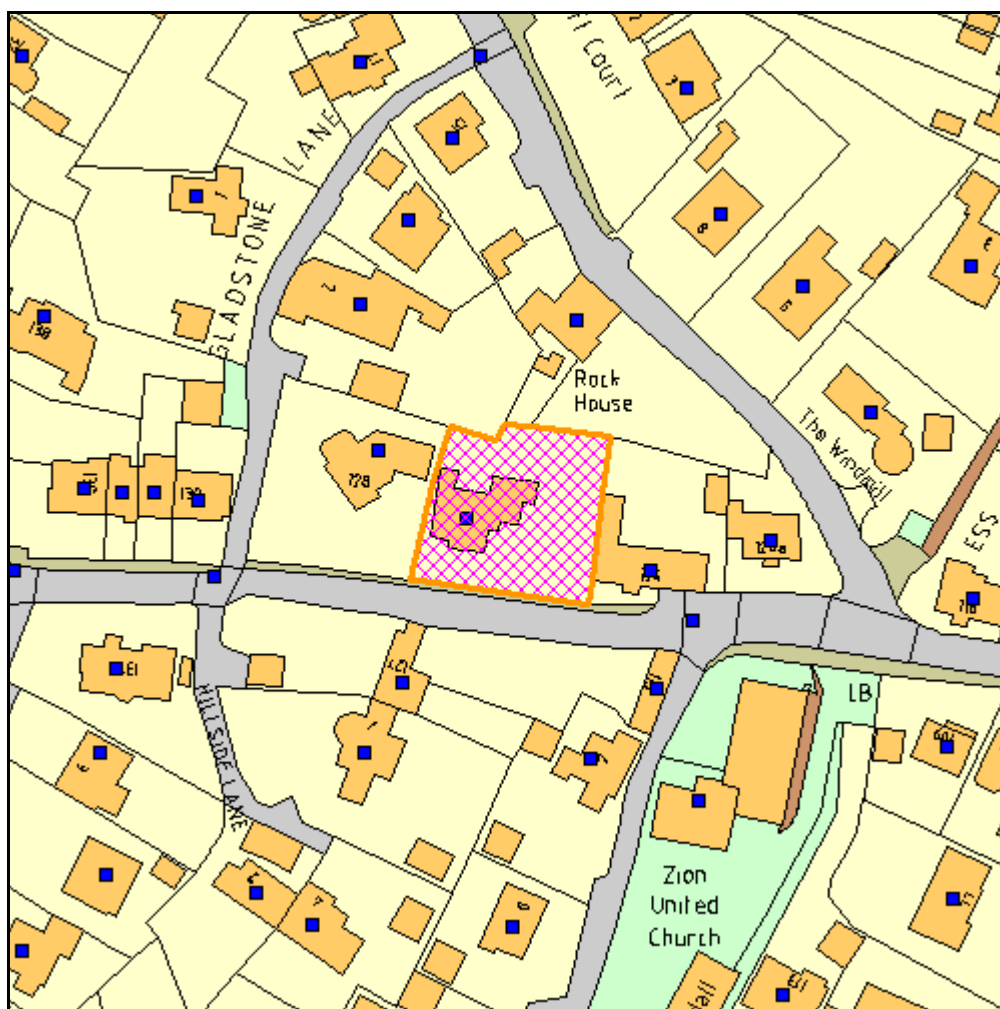
On any day: 07:00 - 23:00

Reason

In the interests of residential amenity, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2265/F	<b>Applicant:</b>	Mr Carl Tomlin
<b>Site:</b>	126 Woodend Road Frampton Cotterell Bristol South Gloucestershire BS36 2HX	<b>Date Reg:</b>	22nd May 2017
<b>Proposal:</b>	Demolition of existing side extension and erection of single storey rear and two storey side and rear extensions to provide additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367133 181321	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th July 2017



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PK17/2265/F

## INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of an objection letter from the local residents.

### 1. THE PROPOSAL

- 1.1 This is a full application relates to the erection of a single storey rear and two storey side and rear elevations at No. 126 Woodend Road, Frampton Cotterell. The site comprises a two-storey detached dwelling situating within a residential area of Frampton Cotterell. It is not situated within any land-use designations, and the host dwelling is not statutorily or non-statutorily protected. It is however noted that there are a number of locally listed buildings, including the adjacent property at No. 124 Woodend Road, and Rock House at the rear.
- 1.2 During the course of the application, the applicant submitted a revised proposal to address the concerns raised by the residents and the Council Highway Officer. The revised proposal shows that there would be a 1.8 metre high screen wall with an obscured glazed balustrade at the rear elevation. The proposed integral garage has also been enlarged in size.

### 2. POLICY CONTEXT

#### National Guidance

National Planning Policy Framework (NPPF) March 2012

National Planning Practice Guidance (NPPG) 2016

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

#### South Gloucestershire Local Plan (SGLP) (Adopted) 2006 Saved Policies

T12	Transportation Development Control Policy for New Development
H4	Residential Development within Residential Curtilages

#### 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

#### South Gloucestershire Supplementary Planning Documents

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

### 3. RELEVANT PLANNING HISTORY

- 3.1 PT03/0037/F           Erection of detached dwelling. Refused 01.04.2003
- 3.2 N7918                   Erection of side extension to provide garage, construction of vehicular access. Approved 04.03.82

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

- 4.1 Frampton Cotterell Parish Council  
No objection subject to the consideration of sufficient parking and the proximity of the neighbouring listed building
- 4.2 Highway Officer: No objection in principle, but advised that the length of the proposed garage would be below the Councils Standards and it would be difficult to use the additional parking space given the existing stonewall and vegetation.
- 4.3 Conservation Officer: No objection from the heritage perspective, but advised that the proposed extension would risk further debasing the original character, scale and form of the building, and so any further development must be considered sensitively. No further comments to the revised proposal.
- 4.4 Archaeology Officer: No objection.

#### **Other Representations**

- 4.5 Local Residents  
A letter of objection has been received, the local resident is concerned that the first floor terrace at the rear would overlooks the neighbouring garden.

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

- 5.1 Principle of Development  
The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the resulting appearance and impact on the character of the area (CS1); the impact on residential amenity (H4) and impact on highway safety and parking (T12, CS8 and SPD: Residential Parking Standards). Policy CS9 of the adopted Core Strategy seeks to protect the historic assets and their setting. The proposal is considered to accord with the principle of development and this is discussed in more detail below.
- 5.2 Design, Visual Amenity and Heritage Perspective  
The host dwelling itself is not listed nor locally listed, and it is not situated within a conservation area nor the setting of any designated or non-designated heritage assets. As such, there is no heritage objection to the proposal.
- 5.3 It is however noted that the host dwelling is a attractive detached Victorian villa appears on the first OS map (1844-1888) and is so of historic interest, therefore the proposal needs to demonstrate that the highest possible standard of design has been achieved to prevent any further debasing the original character, scale and forms of the building.

- 5.4 The host property is a two-storey detached Victorian dwelling with a lean-to attached garage to the side. The proposal is to demolish this single storey addition and to erect a two-storey side extension with a roof terrace at the rear. It is also proposed to erect a single storey structure to form a conservatory, filling the gap between the existing single storey extension and the proposed two-storey side extension.
- 5.5 The proposed two storey side extension is not small in scale, however, it would set back from the frontage of the host dwelling by approximately one metre and its height would also be lower than the main building. As such, the proposal would adequately retain its subservient form and to allow the original character of the property to be prominent from the public domain. In addition, the fenestration and quoins details are in keeping with the character of the main buildings and the external materials would match the existing building materials. The proposed rear extension is modest in scale and has been designed to match the existing single storey rear extension. Officers therefore consider that the proposed extensions are acceptable from the design, visual amenity and heritage perspective.
- 5.6 Residential Amenity  
It is noted that the resident's concerns regarding the potential overlooking and loss of privacy upon the neighbouring properties.
- 5.7 Impact upon No. 128 Woodend Road  
The proposed two storey extension would be adjacent to No. 128 Woodend Road, which is a two-storey detached property. Although the extension would be located closer to the site boundary, its ridge height would be lower than the host dwelling and would be further lower at the rear part of the extension. In addition, the extension is located to the east side of the neighbouring property. Therefore, it is considered that the proposal would not cause significant overbearing impact or significant loss of daylight or sunlight. A small rooflight is proposed to the side elevation, given its location, it would not cause an overlooking impact. The proposed roof terrace would be adjacent to the side elevation of No. 128 and a 1.8 metres high wall is proposed to the side elevation to protect the privacy for both properties. Subject to a condition restricting no new windows on the side elevation, there is no overlooking issue or loss of privacy in this instance.
- 5.8 Impact upon the neighbouring properties at the rear  
To address the residents' concerns, the applicant submitted a revised proposal showing that the proposed roof terrace will be constructed with obscured glazed balustrade, although it is noted that the proposed external staircase would still be retained. Given that the proposed two-storey extension and its roof terrace would be approximately 5 metres away from the rear boundary, also there would be a reasonable distance from the proposed extensions (and roof terrace) to the neighbouring's primary garden, it is considered that the overlooking impact would not be so significant to be detrimental to the living conditions of the nearby residents. The proposed single storey extension, incorporating a conservatory and a utility room, is modest in scale and it would not project beyond the rear elevation of the existing single storey rear



extension. Therefore, there is no adverse impact, in terms of overlooking or overbearing issues.

5.9 The proposal would also still retain a good sized outdoor amenity space, as such, there is no adverse impact upon the residential amenity of the host dwelling. In conclusion, officers consider that the proposal would not cause an unreasonable adverse impact upon the amenity of the neighbours' amenity, therefore the proposal is deemed to be acceptable.

#### 5.10 Sustainable Transport

The proposal is to erect a two-storey side extension and a single storey extension at the rear, as a result, the property will have four bedrooms. The Councils residential parking standards state that a dwelling with up to four bedrooms provide a minimum of two parking spaces within its site boundary. A revised proposal has been submitted to show the proposed garage will be extended to 5.5 metres and one additional parking space will be provided to the front of the property. Given that the proposal has demonstrated that adequate off-site parking spaces can be provided within the site, and the length of the proposed garage would only be slightly below the required dimensions, it is considered that there is no substantiate highway objection to the proposal subject to a conditions securing the off-street parking to be provided according to the proposed block plan.

## 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 following conditions:

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### 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. Construction Hours

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. Matching Materials

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

### Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

## 4. Implementation of Parking Facilities

The off-street parking facilities shown on the plan, 1706-02 Revision A, hereby approved shall be provided before the proposed two-storey side extension is firstly occupied, and thereafter retained for that purpose.

### Reason

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

## 5. Details of Balcony

Prior to the commencement of the relevant part of the development, details of obscured glazed balustrade shall be submitted to and approved in writing by the Local Planning Authority. Development shall be retained as such thereafter.

### Reason

To ensure the satisfactory external appearance of the development, in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

6. New window restriction

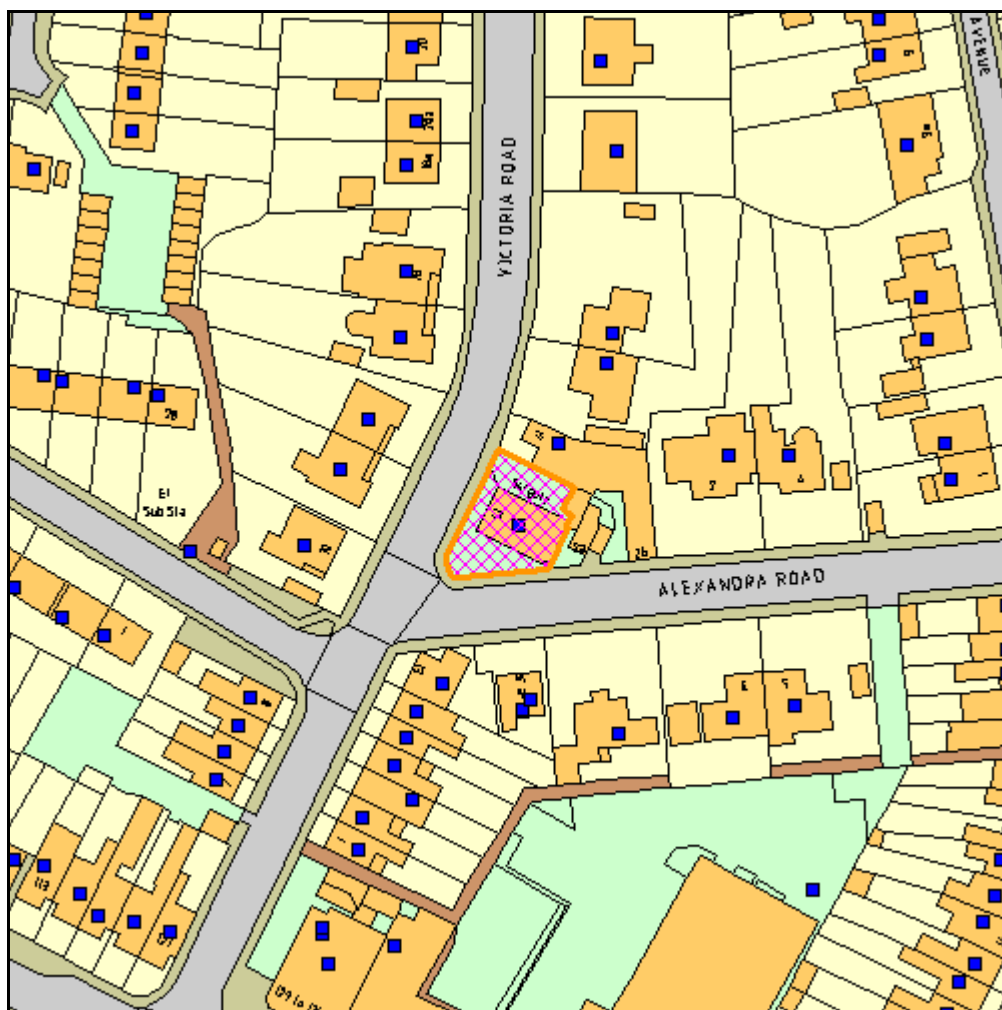
No windows other than the proposed rooflight shown on the plans hereby approved shall be inserted at any time in the side elevation of the proposed two-storey extension hereby approved.

Reason

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

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2298/F	<b>Applicant:</b>	Dr James And Kay Hallows HANHAM DENTAL PRACTICE
<b>Site:</b>	15 Victoria Road Hanham South Gloucestershire BS15 3QJ	<b>Date Reg:</b>	5th July 2017
<b>Proposal:</b>	Erection of entrance canopy to front elevation and erection of porch to rear/side elevation. Improvement to existing disabled access ramp to include glass panneling, removal of external chimney stack and installation of external air-conditioning unit.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364486 172327	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd August 2017



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PK17/2298/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of a consultation response raising certain concerns with the regards to the proposals.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of an entrance canopy to the front elevation and erection of porch to the rear/side elevation, improvement to the existing disabled access ramp to include glass panelling, removal of an external chimney stack and installation of an external air-conditioning unit.
- 1.2 The application relates to 15 Victoria Road a detached property, on a mainly residential road, the building itself is the existing Hanham Dental Practice.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
LC4 Proposals for the Development, Expansion or Improvement of Education and Community Facilities (including Dental Surgeries)

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

PSP32 – Local Centres, Parades and Facilities

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

- 3.1 P97/4130 – Erection of access ramp and steps to south elevation. Approved 25/4/97
- 3.2 PK17/2597/ADV – Display of 1no. externally illuminated free standing post sign and 1no. externally illuminated wall sign Currently under consideration.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objections

#### Highways.

We note that this planning application and that which accompanies it (ref PK17/2597/ADV) seek carry out a number of works to the existing dental practise located at 15 Victoria Road, Hanham.

We understand that these works include provision of a new entrance canopy at the front of the property, erection of porch at the rear, improvement of the existing disabled access ramp, removal of an external chimney stack, installation of an external air-conditioning unit and the provision of new signs. As all of these changes take place within the existing curtilage of the site, we do not believe that it will create any material highways or transportation issues and so have no comments about this application

#### Highways Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner.

The developer is to propose routes for any abnormal load movements required for the construction of this development. An abnormal load is any vehicle or load that is over 3 meters wide, 18.75 meters long or over 40 tonnes in weight.

#### Lead Local Flood Authority

No objection

#### Economic Development

No objections

### **Other Representations**

#### 4.3 Local Residents

One comment has been received, as follows:

*'I have concerns over the air conditioning unit, which is proposed to be at the rear of the property. My property is in close proximity to the rear of 15 Victoria road and I'm concerned of the noise and any substances this may emit?? From viewing the drawings it is unclear as to how far down the driveway the porch and unit will be situated and the noise levels which the unit will make'*

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The proposals are located on and within the existing curtilage of an existing dental practice. The principle of the site is therefore already established. The issues for consideration therefore are any additional impacts of the proposed changes.

## 5.2 Visual Amenity

The proposals would be located at an existing dental practice. The proposed changes to the existing set up are considered minimal and unobtrusive. It is not considered that the nature and scale of the proposed changes at this location would in its own right have a significant or material adverse impact or indeed a cumulative impact to the detriment of the visual amenity of the area.

## 5.3 Residential Amenity

The comments regarding the proposed air conditioning unit, above are noted. The proposed unit would be housed in cabinets located at ground floor level approximately 5 metres away from the curtilage boundary of the nearest property in this direction with an intervening parking area. Further to this the hours of operation for the practice are stated as 09.00 – 18.00, Mondays to Fridays. Given this, it is not considered that there is likely to be a significant or material impact from this aspect of the proposals, in planning terms. Similarly, it is not considered that any material impacts would accrue from the remainder of the proposals, given their scale, nature and location.

## 5.4 Highways

The relatively minor proposals would be located within the confines of an existing dental practice. The proposals at this location raise no transportation objections.

## 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

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## CONDITIONS

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

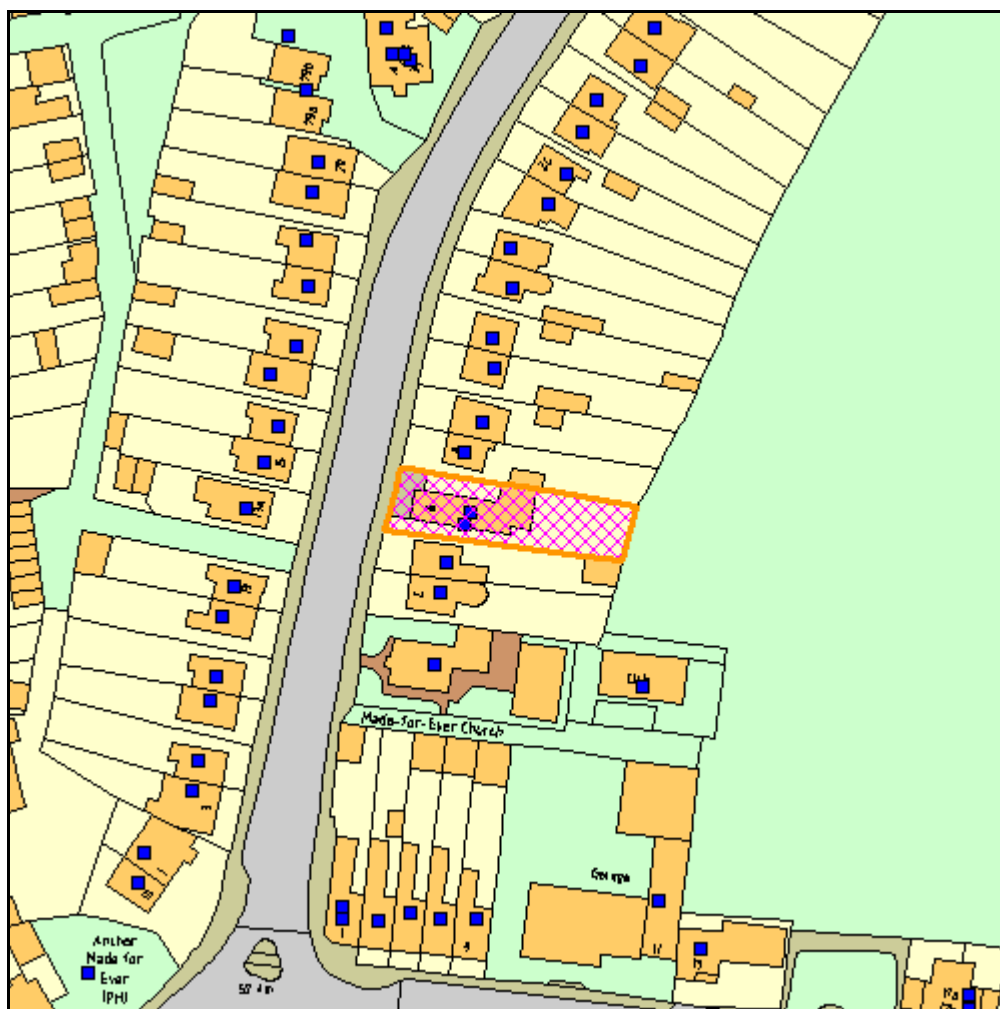
Reason

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



## CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017

<b>App No.:</b>	PK17/2393/F	<b>Applicant:</b>	Mr B Patel
<b>Site:</b>	6 Anchor Road Kingswood Bristol South Gloucestershire BS15 4RG	<b>Date Reg:</b>	14th June 2017
<b>Proposal:</b>	Conversion of existing garage to form store. Erection of single storey and two storey rear/side extensions to form enlarged store and additional living accommodation. Erection of a two storey side extension to form additional living accommodation. (re submission of PK16/3916/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	366150 174496	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th August 2017



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

The application has received two comments which are contrary to the Officer recommendation. Therefore, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks full planning permission for the conversion of an existing garage to form a store; and the erection of single storey and two storey rear and side extensions to form enlarged store and additional living accommodation.
- 1.2 This application is a re-submission of application PK16/3916/F which was decided in unison with application PK16/3915/F; both of these were refused by the LPA; and the subsequent appeals dismissed.
- 1.3 The application site relates to a two-storey detached property situated within the established residential settlement of Kingswood. The ground floor of the building is used as a local newsagents shop (Use Class A1). The first floor of the property is a two bed residential flat (Use Class C3).
- 1.4 The proposed works will include an extension to the existing shop to create additional storage space.
- 1.5 The first floor of the building is currently accessed by an external staircase. The building itself comprises of numerous extensions including a single storey lean-to front extension for the shop entrance as well as a number of rear extensions.
- 1.6 The agent and Case Officer have spoken regularly regarding the issues with the proposal; and several alterations have been requested. All of which were completed by the agent.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance April 2016

#### **2.2 Development Plans**

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

H4 Development within Existing Residential Curtilages

RT1 Development in Town Centres

RT8 Small Scale Retail Uses within the Urban Areas

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS14 Town Centres and Retail  
CS29 Communities of the East Fringe of Bristol Urban Area

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 Standards

2.4 Supplementary Planning Guidance

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

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

- 3.1. PK16/3915/F  
Refusal (23.08.2016)  
Demolition of existing garage and erection of 1 no. attached dwelling  
(Appeal Dismissed; 16.03.2017)
- 3.2. PK16/3916/F  
Refusal (23.08.2016)  
Erection of single and two storey rear extension. Erection of first floor side extension to form flat storage area.  
(Appeal Dismissed; 16.03.2017)
- 3.3. P93/4500  
Approved (1.11.1993)  
Retention of externally illuminated fascia sign
- 3.4. K6969  
Approved (19.8.1991)  
Extension to front elevation of shop

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
The area is unparished
- 4.2 Sustainable Transport  
“We have no highways or transportation objections in principle to this application as this property is within an existing urban area, so is well situated to maximise non car travel. We are however concerned about the current and future provision of parking for this site. This is because it is not clear from the information provided how many spaces will be present at the enlarged property

and whether this will change once construction is completed. Hence, we would wish to see this issue clarified before we can reach a final a conclusion about the acceptably of this proposal. Should this information not be forthcoming or be unsatisfactory in nature, then we would recommend an objection be lodged against this proposal.

For the record, the Councils minimum residential car park standards, as set out in the Residential Parking Standards SPD adopted in December 2013, indicate that four bedroom properties must be provided with at least two car parking spaces.”

Revised comment

“This seems in order and answers my queries.”

Lead Local Flood Authority

“The Drainage & Flood Risk Management Team have no objection to this application.”

Highway structures

“If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected.

Or

If the application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner”.

**Other Representations**

4.3 Local Residents

Two letters of objection were received from local residents. The points raised are:

- *Lack of privacy due to shop opening hours*
- *Noise related to the shops operation which may increase e.g. shop door slamming; barking dogs tied up outside; gathering of teenagers; and noise from traffic*
- *Size of daily delivery vans*
- *Car parking e.g. driveway blocked; lack of access for emergency and public services; parking on paths and double yellow lines*
- *Rubbish from the shop blowing into gardens*
- *Human rights infringed by development*
- *Impacting upon health*
- *Delay in receiving consultation card*
- *Loss of landscape view at the bottom of the garden*

- *Presence of rats that could increase if store increases*
- *Existing extensions*
- *Loss of light to side windows*

## 5. **ANALYSIS OF PROPOSAL**

5.1 The application seeks planning permission for the conversion of an existing garage to form a store; and the erection of single storey and two storey rear and side extensions to form enlarged store and additional living accommodation. The proposal will be assessed against the policies listed above alongside other material considerations. A material consideration for this application is the dismissed appeal relating to the previous application.

### 5.2 Principle of Development

Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and the emerging Policy PSP38 of PSP Plan (June 2016) allow the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, Policy CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

5.3 Saved Policy RT1 of the South Gloucestershire Local Plan (adopted January 2006) allows for retail and other development which is appropriate to be permitted within certain areas including Kingswood. However, proposals should not detract from the overall vitality and viability of the area, they should be consistent with the scale and function and accessible. Furthermore, saved policy RT1 highlights proposals should not have unacceptable environmental or transportation effects and would not prejudice residential amenity. Saved policy RT8 of the South Gloucestershire Local Plan (adopted January 2006) supports small scale retail units and their expansion in principle but similarly to policy RT1 they should not be detrimental to the surrounding area with regards to residential amenity, the character of the area, and traffic and parking at the site. This is highlighted further within the NPPF which seeks the planning system to promote sustainable development and encourage economic growth providing development would not have adverse impacts upon factors such as residential amenity, transport and design. Weight is given in favour to the economic benefits arising from the scheme to a more efficient shop unit with appropriate storage; and a more efficient improved residential unit over the shop.

5.4 The proposal will be assessed and determined against the analysis below.

### 5.5 Character of the Area

The applicant site is situated within an established residential area of Kingswood. The character of the area is mixed with dwellings being different styles and ages but are predominantly semi-detached. The applicant site differs from the other properties as it is detached and narrow. The roof style visible from the streetscene is a hipped roof with a single storey front lean to, to the rear there are a number of extensions to the property.

## 5.6 Design and Visual Amenity

It is highlighted that developments should only be permitted where the highest possible standards of design are achieved, this is highlighted both within the NPPF and policy CS1 of the Core Strategy. During the assessment period the Case Officer requested reducing the roof height of the side extension; and the depth of the rear extension, along with some internal alterations to reflect the change. The Case Officer is satisfied that the changes proposed to the scheme overcome the reasons for the previous refusal.

### 5.7 *Rear extensions*

The proposed two storey rear extension would not extend beyond the existing two storey rear elevation of the host dwelling (for reference, the previous proposal extended beyond the rear elevation by 5.1 metres). It would be a remodelling of the existing two storey rear extension; and would be built up from an existing small single storey side lean-to extension; the existing roof would be extended over the proposal and would replace the current flat roof.

5.8 The proposed single storey rear extension would extend beyond the existing garage and rear elevation by 2 metres; and would have a width of 7.6 metres. This part of the proposal would replace a decaying flat roofed garage and existing single storey rear extension with one single storey pitched roof extension.

5.9 The scale of the rear proposals are not considered to be out of context with the host property or the surrounding area. Indeed the proposals would replace some poorly designed and haphazard extensions with a single storey modern structure; and 'tie-in' the existing two storey extension with the host dwelling; thereby improving the design of the property.

### 5.10 *Side extension*

The two storey side extension would contain a car port element and be built out from the northern elevation of the property. The extension would sit behind the two storey rear elevation of the host property by 0.9m and the two storey front elevation by 2.1m. The roof would be set down by 0.5m from the host dwelling (this alteration was negotiated with the agent as the original application proposed raising the roofline of the entire property). The width of the proposal is 2.9m. The proposal therefore is considered subservient to the host dwelling.

5.11 The depth of the proposal was also negotiated to be decreased; due to the potential loss of light to No.8; and also to ensure the massing respects the host property. It should be noted that this part of the proposal is some 6 metres less in depth than the previous refused application.

5.12 The proposals would be constructed from rendered blockwork; white UPVC windows and doors; and concrete roof tiles. These materials would match those present on the original property.

5.13 Overall, the proposal is considered to comply with policy. It is considered that the proposed extension would not be detrimental to the character of the property or its context. Additionally, it is of an acceptable standard of design.

Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy; the NPPF; and policy RT8 of the Local Plan.

5.14 Residential Amenity

Policies H4, RT1 and RT8 of the adopted Local Plan (2006) and PSP38 of the emerging PSP Plan (2016) sets out that development within existing residential and retail curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.15 The single storey and two storey rear elements of the proposal; due to being minor alterations to what is present at the property; also when considering the garage at No.8; the existing boundaries; and the siting and scale of these elements, are not considered to appear overbearing or such that they would prejudice existing levels of outlook or light afforded to neighbouring occupiers.

5.16 It should be noted that the impact on residential amenity was a refusal reason for the previous application, this was also noted by the Planning Inspector when dismissing the appeal. The current application is a reduction in depth of the two storey element of the previous refused application by 9.9m. This substantial reduction is sufficient to overcome the issue raised by the previous Case Officer.

5.17 The proposal will not result in an increase of overlooking into the private amenity space of neighbouring dwellings. There are three new windows proposed to the north elevation of the host dwelling, these would be obscure glazed and would look out onto the side elevation of No.8, which as noted on a site visit only contains one first floor window which is also obscure glazed. The development would reduce the number of windows on the south elevation by one.

5.18 When considering the existing boundary, combined with the siting and scale of the proposals. The alterations would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved policies H4; RT1 and RT8 of the Local Plan (2006) and PSP38 of the emerging PSP Plan (2016).

5.19 Sustainable Transport

Subject to the comments of the Transport Officer in 4.2 (the Highways Structures comment is not applicable); the parking available at the property meets Council requirements. This parking provision will be conditioned.

5.20 The development involves increasing the size of the store rooms at the shop, but not the working shop space. Therefore the Case Officer concludes that the proposal would not increase traffic issues in the area. Indeed with an increased store room space, the daily deliveries that are referred to in the consultee comment would be likely to reduce.

5.21 Objections were received relating to the transport issues at the property. On a site visit the Case Officer witnessed cars parking on double yellow lines and

across driveways. However, this is not considered to be a planning issue, inconsiderate parking is a police issue.

#### 5.22 Other Matters

One of the objectors notes that they have no privacy because of the shop, it is noted that the objector lives opposite the shop rather than adjacent to it. This matter is not considered to be a reason to refuse planning permission.

5.23 Concerns were raised with regards to the increasing size of the shop and the issues associated with this as noted in the Transport section, the public space of the shop will not increase therefore the Case Officer concludes that the proposed development will be unlikely to have a material impact over the present arrangement.

5.24 Whilst concerns relating to anti-social behaviour at the site have been submitted, it is not considered that this proposal will materially impact upon this and as such limited weight is given to this in the assessment. Any existing concerns are primarily matters for the local police.

5.25 In relation to the concerns regarding the size of the store rooms and the increased presence of vermin, this is primarily a matter for the management of the unit (rather than the principle of having it) and Environmental Health. Very limited weight has been given to this concern in this assessment.

5.26 The loss of view of No.8 is related to the rear of the garden and trees planted by persons unknown and not related to the proposal. Moreover, there is no 'right to a view'.

5.27 Despite the delay in the consultation card (for reasons unknown) the consultees still submitted their comments which have been addressed in this report

5.28 In regards to the Human Rights of the objector; Article 8 gives the 'right to respect for private and family life'. As noted throughout the report, the operating space of the shop will not increase; therefore it is considered that the issues raised in the objector comment relating to the operation of the store will not increase. The status quo would remain.

## 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 **GRANTED** subject to the Condition(s) set out in the Decision Notice.

**Contact Officer: David Ditchett**  
**Tel. No.**

### **CONDITIONS**

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

Reason

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

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

Reason

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

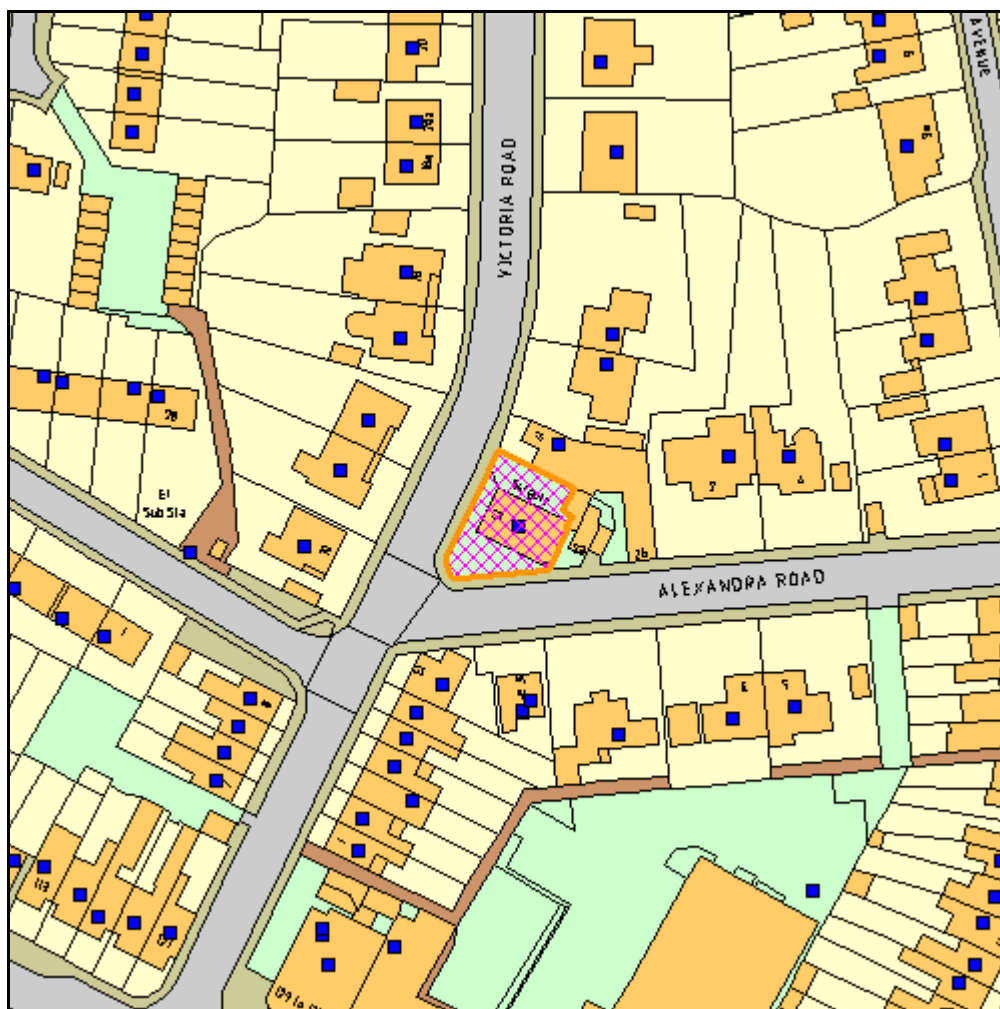
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

## CIRCULATED SCHEDULE NO. 17 - Circulated Schedule

<b>App No.:</b>	PK17/2597/ADV	<b>Applicant:</b>	Dr James And Kay Hallows HANHAM DENTAL PRACTICE
<b>Site:</b>	15 Victoria Road Hanham South Gloucestershire BS15 3QJ	<b>Date Reg:</b>	5th July 2017
<b>Proposal:</b>	Display of 1no. externally illuminated free standing post sign and 1no. externally illuminated wall sign.	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364486 172327	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd August 2017



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PK17/2597/ADV

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of a consultation response raising certain concerns with the regards to the proposals.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the display of 1no. externally illuminated free standing post sign and 1no. externally illuminated wall sign.
- 1.2 The application relates to 15 Victoria Road, a mainly residential road, the building itself is the existing Hanham Dental Practice.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance

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

- 3.1 P97/4130 – Erection of access ramp and steps to south elevation. Approved 25/4/97
- 3.2 PK17/2298/F – Erection of entrance canopy to front elevation, erection of porch to rear/side elevation, improvement to existing disabled ramp to include glass panelling, removal of external chimney stack and installation of external air conditioning unit. Currently under consideration.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
No objections

#### Highways.

We note that this planning application and that which accompanies it (ref PK17/2298/F) seek carry out a number of works to the existing dental practise located at 15 Victoria Road, Hanham. We understand that these works include provision of a new entrance canopy at the front of the property, erection of porch at the rear, improvement of the existing disabled access ramp, removal of an external chimney stack, installation of an external air-conditioning unit and the provision of new signs. As all of these changes take place within the existing curtilage of the site, we do not believe that it will create any material highways or transportation issues and so have no comments about this application.

#### **Other Representations**

- 4.3 Local Residents

One comment has been received as follows:

*'I have some reservations with regards to illumination and whether it will affect our bedroom as we are also a bungalow directly opposite this property.*

*Our bedroom is at the front of the property and we are already affected by a bright street light and wouldn't want our bedroom to be further affected. Will the hours of illumination be between certain hours? I have no objection in general with the signage but this isn't Hanham high street it is a residential street.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### **5.2 Visual Amenity**

The signage would be located on an existing dental practice, with existing signage that would be replaced with the new signage. The proposed changes are considered minimal and given their location, scale and nature and the context of the existing site and surroundings it is not considered that signage proposed at this location would in its own right have a significant or material adverse impact or indeed a cumulative impact to the detriment of the visual amenity of the area. It is not considered that these relatively minor illuminated signs, close to the building itself would have a material impact on the level of illumination in the street scene or change the character of it. The signs are considered unlikely to cause any material harm to the properties on the opposite side of the road, and as such it is not considered necessary to have a condition to control the hours of illumination.

### **5.3 Public Safety**

The signage would be located within the curtilage of an existing dental practice and replace existing signage. The addition of these signs at this location raises no transportation objections.

## **6. CONCLUSION**

6.1 The recommendation to grant consent 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

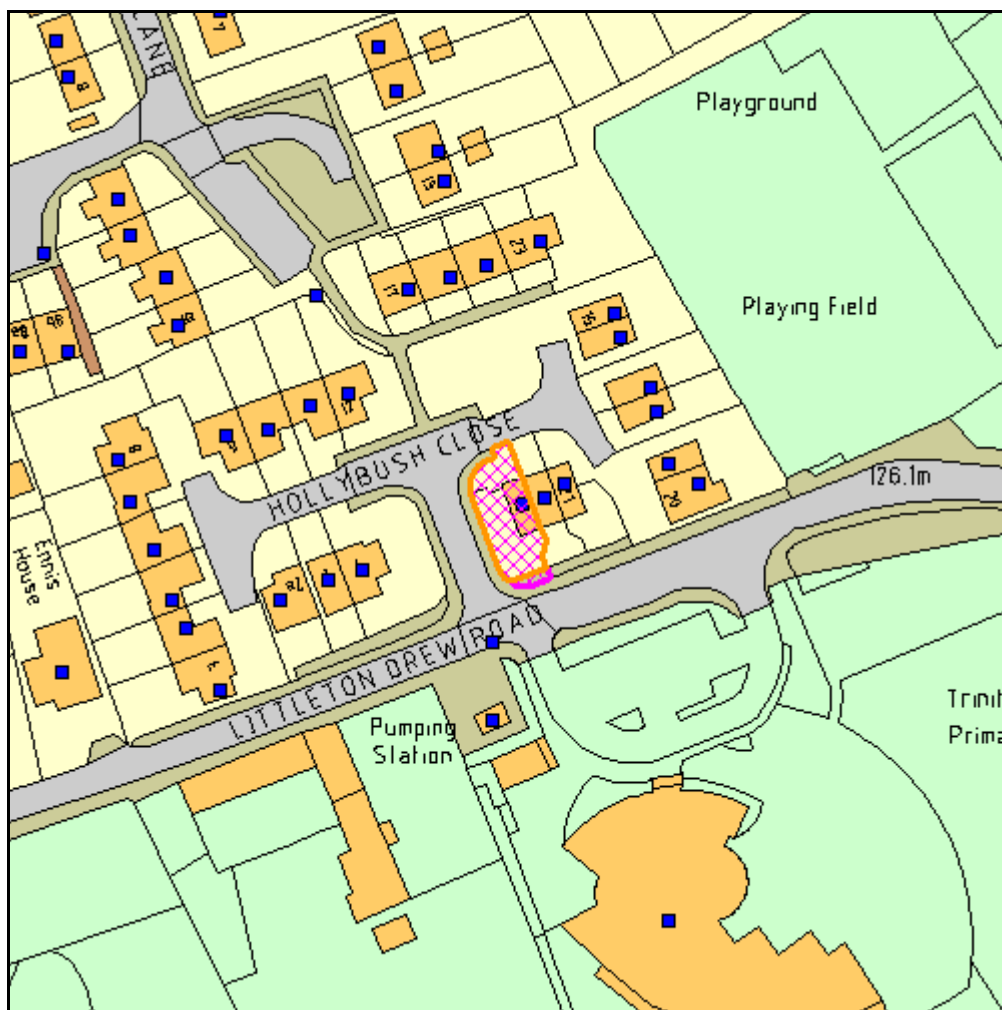
## **7. RECOMMENDATION**

7.1 That Advertisement Consent is GRANTED.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017

<b>App No.:</b>	PK17/2875/F	<b>Applicant:</b>	Mr Adam Bannell
<b>Site:</b>	23 Hollybush Close Acton Turville Badminton South Gloucestershire GL9 1JJ	<b>Date Reg:</b>	18th July 2017
<b>Proposal:</b>	Erection of a two storey side extension to form additional living accomodation. Resubmission of PK16/6624/F.	<b>Parish:</b>	Acton Turville Parish Council
<b>Map Ref:</b>	381115 180883	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th September 2017



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PK17/2875/F

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

The application has been subject to representations contrary to the findings of this report. Under the current scheme of delegation the application must be taken forward under circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey side extension at 23 Hollybush Close, Acton Turville.
- 1.2 The subject property is a late 20th or early 21st century end-terrace property with rendered elevations and a gabled roof. To the rear is a conservatory.
- 1.3 The proposal would be subservient to the existing dwelling with a gabled roof.
- 1.4 The subject property is situated settlement of Acton Turville in an area occupied by similar modern properties.
- 1.5 This application is a resubmission of a withdrawn application. The proposal has been amended in line with the previous case officer's recommendations.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 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 Managing the Environment and Heritage

##### 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  
PSP3 Trees  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

PK16/6624/F – Withdrawn – 28/02/2017 – Erection of two story side extension to form additional living accommodation.

PK16/4198/TRE – Refusal – 30/08/2016 – Works to fell 1no Sycamore Tree

P86/1366 – Approval – 05/06/1986 – Erection of 21 dwellings with associated garages or garage spaces; construction of associated roads and footpaths. (In accordance with the revised details received by the council on 22ND April (1986).

P84/2181 – Approval – 24/10/1984 – Residential and ancillary development on approximately 0.6 hectare (1.5 acres) (outline)

### **4. CONSULTATION RESPONSES**

#### **4.1 Acton Turville Parish Council**

Objection – the proposal would result in the loss of a 2 bed house in an area where there are few; the proposal has not been amended in line with their concerns raised under the previous application; the drawings are not sufficiently detailed and don't include dimensions; the proposal affects the field maple tree; the proposal will have double doors at ground floor; the proposal will utilise windows to match those in the proposed development and that these may not be in keeping with the remainder of the estate.

#### **4.2 Other Consultees**

Arborcultural Officer

No Objection

#### **Other Representations**

#### **4.3 Local Residents**

Two comments received objecting to the proposal. Both comments note that the house was originally provided for first time buyers and there are few other similarly sized houses nearby; in addition both cite concerns over the drawings submitted. One comment also highlights that there is a tree to the front of the property that is potentially impacted by the proposal.

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

#### **5.1 Principle of Development**

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no

negative effects on transportation. The proposal is subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the erection of a two storey side extension to form additional living accommodation and utility room. Other nearby properties have been extended in a similar manner. Accordingly the proposal is considered to be in keeping with the general character of the area.

5.3 The host property is situated in a modern estate on the outskirts of the historic settlement of Acton Turville. The remainder of the estate was erected in the 1980s and the property is a typical of the streetscene. The proposal will be subservient to the existing dwelling and is considered to be in accordance with design guidance.

5.4 It is noted that the proposed utility room will be served by double doors. Whilst this may be considered unusual by the parish council and objecting parties, this would be less harmful than a garage in design terms. Furthermore the room will be serving an incidental use for storage and utility and would not provide living accommodation. Lastly, were there already an extension in place, there would be no restriction and the doors could be implemented without the need for express planning consent. This consideration is also applicable to the introduction of windows and other door openings. A garage would be considered acceptable in such a situation and on this basis no objection is raised with regard to the appearance of the doors or proposed windows.

5.5 The existing property also includes a conservatory. This was not included on the originally submitted existing plans and elevations but revised plans have since been received. According to supporting information this structure will be removed following completion of the development, in addition officers do not consider this to require express planning permission and could be provided for under the provisions of the General Permitted Development Order 2015 (as amended), specifically Schedule 2 Part 1 Class A.

5.6 Objection comments have questioned the standard of the drawings provided and the lack of dimensions. These are to scale and have a reasonable degree of detail, including some annotation and compass directions. National requirements only ask that a site location plan and block plan are submitted, for householder development it would also be beneficial to submit elevational and floor plans, these have been provided and are sufficient to inform the case officer. It should be noted that there is no requirement to provide dimensions on drawings and the lack of such dimensions should not impact the recommendation of the case officer. In order to ensure the proposals are in keeping with materials on the estate it is possible to condition that the materials are of a similar appearance to those in the existing property. This is seen as reasonable to ensure compliance and will be attached to any approval.

5.7 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an



acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

#### 5.8 Arboriculture

To the north-west of the site is a Field Maple tree. In the past an application was submitted to remove this tree. This was not given consent, however it seems there is no Tree Protection Order (TPO) on the tree. That said in light of the amenity value offered by the tree, a TPO request is currently being considered. Irrespective of the that this proposal does not seek to remove this tree and an Arboricultural report has been submitted in support of the application demonstrated how it will be protected and retained. This is in line with British Standard 5837:2012 and has provided assessment and method statements to ensure the tree is not harmed during development. The Council's Arboricultural officers have reviewed this information and hold no objection to the proposal subject to the development being carried out in accordance with the method statement at Section 8 of the report.

#### 5.9 Residential Amenity

Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.

5.10 The host dwelling forms the end terrace and the proposal will be situated to the side of the property. As a result the proposal will not have a harmful impact on the amenity of the attached properties. Furthermore properties to the west are separated by the highway and have no windows directed towards the dwelling. Consequently the development is not considered to have a harmful impact on the amenity of any neighbours and there is no objection with regard to this.

5.11 The proposal will occupy a small amount of additional floor space, however sufficient private amenity space would remain following development.

5.12 The subject property is located within a developed residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

#### 5.13 Sustainable Transport and Parking Provision

The proposal would result in the creation of an additional bedroom and would lead to an increase in the required parking provision. According to the Residential Parking Standards SPD a 3 bedroom dwelling would be required to provide 2 off-street parking spaces. The existing arrangement providing parking for 2 cars on the hardstanding is considered sufficient. Therefore the proposal would not have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

#### 5.14 Other Matters

Objection comments have noted that the house was originally built as a 2 bedroom property. The comments continue to say that there is a shortfall of similar properties in the area and a number of properties this size have been extended. The planning policy position has been outlined whereby domestic extensions are generally supported. Whilst housing mix can be material this would tend to be for the original layout for larger scale domestic proposals. This would not restrict individual owners from making appropriate adaptations and extensions to their properties as time progresses. Given that the proposal is for householder development, for which there is a presumption in favour according to the NPPF, and affordable/social housing policies are not applicable to the consideration of an application of this scale this is unlikely to have material impact on the mix and balance of the community. These comments have not been given weight in the assessment of this application.

5.15 Notwithstanding the comments from the Parish Council who have suggested that not all of the concerns raised in previous comments have been addressed; it is concluded that the concerns have been sufficiently addressed.

### 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 attached to the decision notice.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

### CONDITIONS

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

Reason

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

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

Reason

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

3. Development hereby authorised shall be carried in accordance with Section 8 of the Arboricultural Report prepared by Chris Wright of Silverback Arboricultural Consultancy Ltd and received by the Local Planning Authority on 20th June 2017.

Reason

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

**CIRCULATED SCHEDULE NO. 36/17 -  
08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/2928/F	<b>Applicant:</b>	Mr & Mrs Cann
<b>Site:</b>	Parkfield Farm Hall Lane Lower Hamswell South Gloucestershire BA1 9DE	<b>Date Reg:</b>	12th July 2017
<b>Proposal:</b>	Demolition of two chimney stacks and erection of an enlarged single storey side extension to form additional living accommodation.	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	372889 171094	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	4th September 2017



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**This report appears on the Circulated Schedule due to the Parish Council concerns about the loss of two of the Chimneys.**

## **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for replacement of side extension with another of a greater size and for the demolition of two chimneys. The proposal also shows a raised patio area.
- 1.2 The application site relates to a two-storey detached property situated within a rural location outside of any settlement boundary and within the Green Belt and Area of Outstanding Natural Beauty (AONB).
- 1.3 Proposed materials are white upvc fenestration in a natural stone wall finish with reproduction Cotswold stone tiles to the roof.

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance 2016

### 2.2 Development Plans

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

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

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

L1 landscape protection and enhancement  
L2 AONB  
T12 Transportation Development Control  
H4 Development within existing Residential Curtilages

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

PSP7 Development in the Green belt  
PSP8 Residential amenity  
PSP16 Parking standards  
PSP17 Heritage assets and the historic environment.  
PSP38 Development within residential curtilages, including extension and new dwellings  
PSP43 Private amenity space standards

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)  
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007  
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

3.1 none recent related to the house and close confines of the red line.

### **4. CONSULTATION RESPONSES**

4.1 Cold Ashton Parish Council

No objection to the extension but cannot see a reason to demolish the two chimney stacks.

4.2 Other Consultees

4.3 Sustainable Transport

No objection

4.4 Archaeology officer

No comment

#### **Other Representations**

4.3 Local Residents

None received

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

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is increase in scale of development in the Green belt (CS5 and NPPF), the resulting appearance and impact on the character of the area (CS1/CS9/ PSP17); the impact on residential amenity (H4 and PSP8 and PSP43) and impact on highway safety and parking (T12, CS8 and SPD: Residential Parking Standards and PSP16).

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

5.3 Green Belt

The NPPF facilitates the extension of a buildings provided that it does not result in the disproportionate additions over and above the size of the original building. This proposal replaces an existing extension which appears to have been added since the Green Belt was designated. As such the extension is not classed as original but the proposal is no more than 25% increase over the volume of the original building. The proposal is modestly higher than the extension it replaces but not sufficient to cause material loss of openness to the Green Belt. The removal of the chimneys will only reduce impact in the Green Belt and is supported in that regard. The proposal is therefore considered to accord with paragraph 89 of the NPPF as it is appropriate development which does not harm the Green Belt.

#### 5.4 Design and residential Amenity

The property is already in situ and sufficiently remote from other dwellings to prevent harm from overlooking and from scale of the building. The proposal will be more visible from the road as a result of its gabled roof form but this better reflects the form of the house and is not so large or different in scale as to cause material harm. The fenestration sizes are akin to the scale of those on the building being replaced and will in part be screened by the existing hedge.

5.5 There are two modern looking chimneys on the cat-slide rear extension (extension is considered to be pre-1948) which the application proposes to remove and make good the resulting roof. This making good shows the reinstatement of raised kneeler edges to the existing cat slide roof. The house is not listed despite being in a historic area directly adjacent to a Scheduled Battlefield and as such the chimneys are not protected. Indeed they appear to be unsympathetic to the form of the house. Other chimneys are retained.

5.6 Whilst the appearance of the building could be improved by the reduction in window sizes it is not considered that this would affect the Green belt or AONB and overall, given the form of extension being demolished, a neutral impact will result. It is considered necessary to ensure that the walling stonework matches the existing house and as such a condition is proposed which states that the natural stonework shall match that of the existing building in type, colour, texture, size, coursing and jointing. Given the light touch that is to be had to conditions the fact that the drawings detail reproduction Cotswold stone roof tiles/slates is considered sufficient detail for the roof. As such the proposed works are acceptable in terms of design and residential amenity.

#### 5.7 Transport

The proposal would not affect access and there is no change to the parking requirement as a result of the proposal. Parking is currently available for three cars independently on the existing drive and as such whilst the garage is lost to parking retained is sufficient to meet the Councils standards.

#### 5.6 Archaeology

The site is close to an archeologically sensitive site but on this occasion there is no objection to the limited works proposed.

## 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 attached below.

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

### CONDITIONS

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

Reason

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

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; policy L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

3. The proposal shall be carried out in accordance with the following considered plans:  
PBPDS/PP173  
location plan  
block plan  
all received and valid on 10 July 2017.

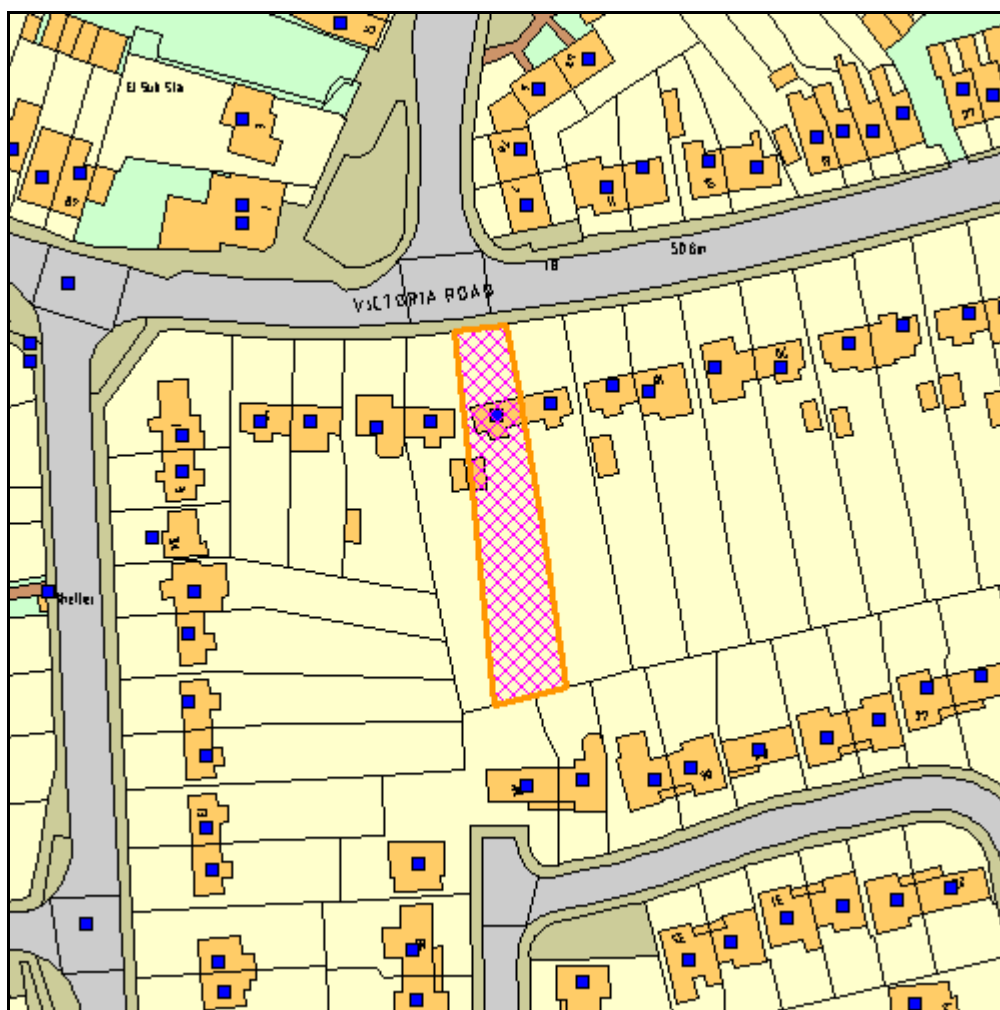
Reason

In the interests of the appearance of the building and to prevent the the need for remedial action at a later date.



**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3161/F	<b>Applicant:</b>	Mr Clint Pope
<b>Site:</b>	10 Victoria Road Warmley Bristol South Gloucestershire BS30 5LD	<b>Date Reg:</b>	27th July 2017
<b>Proposal:</b>	Erection of a two storey rear extension to provide additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367461 172367	<b>Ward:</b>	Oldland Common
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st September 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 applicant is seeking full planning permission for the erection of a two storey rear extension to provide additional living accommodation. The application site is a semi-detached, two storey house within Warmley. The dwelling, and the neighbouring houses benefit from very large rear gardens.
- 1.2 The proposal underwent a redesign as a result of officer comments. As a result of these comments, the second-storey element closest to the boundary was stepped back.

### **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  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility

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

PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Object due to overbearing impact

Sustainable Transport

No objection

Archaeology Officer

No objection

**Other Representations**

4.2 Local Residents

No objection

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Visual Amenity

The two-storey rear extension would consist of two elements; the ground-floor extension, and a first-floor extension sitting atop it.

5.3 The ground-floor extension would extend around 4.3m from the rear of the house. It would sit to the south of the property, and would abut the existing side wall, spanning the rear of the house. A first-floor element in two parts would sit atop this – one of which would also extend 4.3m from the dwelling, and one which would extend 3.3m from the rear of the dwelling. Each of these elements would have a hipped roof atop them, which sit slightly below the existing ridge line. The entire rear extension would be finished with materials to match the existing dwelling.

5.4 Although the extension is large, it sits within a very large plot, and it is not visible from the public areas offered along Victoria Road by virtue of its position to the rear of the house.

5.5 Overall, the proposed extension is considered to have been informed by the existing dwelling in respect of scale and design and is not considered detrimental to the character of appearance of the dwelling or surrounding area. As such, is considered acceptable in terms of visual amenity.

5.5 Residential Amenity

It is noted that Bitton Parish Council objected due to overbearing impact on neighbouring occupiers.

5.6 While it was agreed that the original extension would have resulted in a materially significant overbearing impact in the original plans, the second storey element closest to the boundary was stepped back by 1m in a subsequent redesign. The proposed extension is large in scale; however, it is considered

that the very large garden of the neighbouring property and the position of the single-storey rear extension attached to No. 12 mean that while some overbearing impact would likely occur, it is not considered that this would be materially significant.

5.7 There were also concerns that the proposed development would cause a loss of light for the neighbouring property. However, having looked at the path of the sun, it is not considered that the loss of light would be severe enough to refuse permission. It is noted that the gardens are south facing; however, the loss of light would be minimal, the gardens themselves are very large and there would be no loss of light to habitable rooms.

5.8 There is one window proposed on the side elevations of the house. The scale and position of this window mean that it is unlikely that any loss of privacy would occur as a result of the window. There are therefore, no concerns regarding loss of privacy as a result of this proposal. Overall, it is considered that there is no objections regarding residential amenity as a result of this proposal.

5.4 Highway Safety

The proposed development will increase the bedrooms from two to four on the first floor. The block plan submitted shows that two vehicular parking spaces will remain to the frontage of the site via an existing access onto Victoria Road. This level of parking complies with the Council's residential parking standards. On that basis, there is no transportation objection to the proposed development.

## 6. CONCLUSION

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

6.2 It is concluded that the proposed development is acceptable and would not harm the visual or residential amenities of the neighbouring properties and would not have a material impact on highway safety. As such the proposal accords with Policy CS1 of the Core Strategy (Adopted) 2013 and Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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 the application be approved subject to the conditions outlined on the decision notice.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

**CONDITIONS**

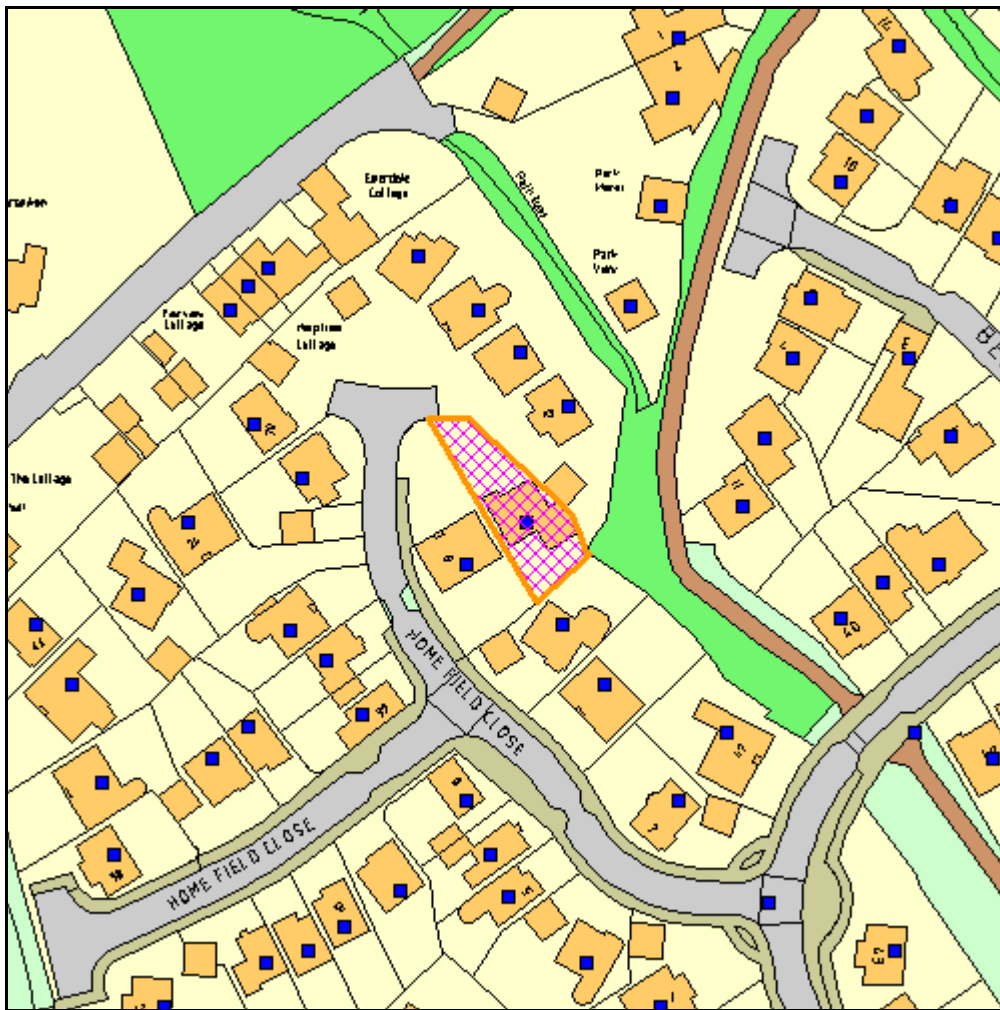
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017

<b>App No.:</b>	PK17/3293/F	<b>Applicant:</b>	Mr & Mrs Steve Carling
<b>Site:</b>	10 Home Field Close Emersons Green Bristol South Gloucestershire BS16 7BH	<b>Date Reg:</b>	24th July 2017
<b>Proposal:</b>	Domestic single storey front extension	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	366951 176927	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th September 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 seeks full planning permission for erection of a single storey front extension to 10 Home Field Close, Emersons Green
- 1.2 The application site consists of a modern detached two storey property within a residential area of Emersons Green, with buff brick and facing tile accented elevations and a concrete tiled roof.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

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

##### South Gloucestershire Local Plan 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

PSP8 Residential Amenity  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Emersons Green Town Council  
No objection

## 4.2 Other Consultees

### Sustainable Transport

The proposed development will reduce the length of the existing garage which will result in a space which is considered unsuitable for the parking of a standard size motor vehicle. It can therefore not be included as part of the vehicular parking requirements.

Residential vehicular parking requirements are assessed on the number of bedrooms available. A dwelling with up to four bedrooms requires a minimum of two parking spaces and five or more bedrooms three parking spaces. Each space needs to measure a minimum of 2.4m wide by 4.8m deep and be provided within the boundary of the site.

No detail on the layout of the first floor has been submitted and the proposed vehicular parking has not been submitted.

Before further comment can be made a revised plan needs to be submitted addressing the above.

## Other Representations

### 4.3 Local Residents

One comment received objecting to the proposals due to design, precedent, community safety, site over-development and car parking. These will be discussed in more detail within the report.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policies CS1 of the South Gloucestershire Core Strategy (adopted December 2013) and Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) are both supportive in principle. Saved Policy H4 is supportive providing development is within the curtilage of existing dwellings, the design is acceptable with relation to policy CS1 of the Core Strategy, that there is safe and adequate parking, and also providing the development has no negative effects on transport.

Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. The proposal shall be determined against the analysis below.

### 5.2 Design and Visual Amenity

The application site is a two-storey detached dwelling within Emersons Green. The development would consist of a single-storey front extension which would extend 2.35m from the front of the dwelling, attaching to an existing garage. The front of the garage would be extended by 1.5m, and the extension would measure 4.9m in width.

A comment was received which objects to the extension due to the protrusion from the front of the house, the rendering of the ground floor element and the inclusion of powder coated aluminium windows. The comment also suggested



that the inclusion of the front extension would represent overdevelopment of the site.

The dwelling has its permitted development rights intact in regards to the rendering and replacement of windows. It is considered that the rendering of the house and the replacement of the windows are able to be done under permitted development, and therefore are not able to be considered within this report.

It is not considered that the erection of the front extension would have a significant detrimental impact to the dwelling or the street scene due to its relatively small scale and position. While it is agreed that the extension would be visible from the public areas along Home Field Close, the spacing, position and differing styles of the houses means that there is no strong building line, or a unifying street scene. It is not considered that the proposal would represent overdevelopment. It is therefore considered that the front extension would be acceptable in design terms.

It is considered that the proposal respects the character of the site and the wider context as well as being of an appropriate scale and proportion with the original dwelling and surrounding properties. Thus, the proposal satisfies policy CS1 of the adopted Core Strategy.

### 5.3 Residential Amenity

Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.

It is not considered that the scale or position of the proposed development would have a negative effect on any neighbouring occupiers.

A comment was received which suggested that the extension would create a community safety issue due to the creation of an area of “blind side”. This is not considered likely, and there are no safety issues relating to the proposal.

The proposal is considered to accord with saved policy H4 of the adopted Local Plan 2006.

### 5.4 Transport

No new bedrooms are proposed within the development. While the extension would remove some parking space to the front of the dwelling, a parking plan was received which shows the availability at least three parking spaces measuring 4.8m x 2.4m, contained within the house’s boundary on the hardstanding to the front; a Land Registry plan was provided to confirm that the parking spaces sat entirely within the applicant’s land. The parking provision is therefore considered acceptable in regards to the South Gloucestershire Parking Standards SPD.

### 5.5 Other Matters

A comment objected to the proposal due to its ability to set a precedent for future properties in the area being extended to the front. While this may be the

case, each application is determined on its own merits, and this is not given weight in the assessment of this specific scheme.

## **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 is **APPROVED** with conditions.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

### **CONDITIONS**

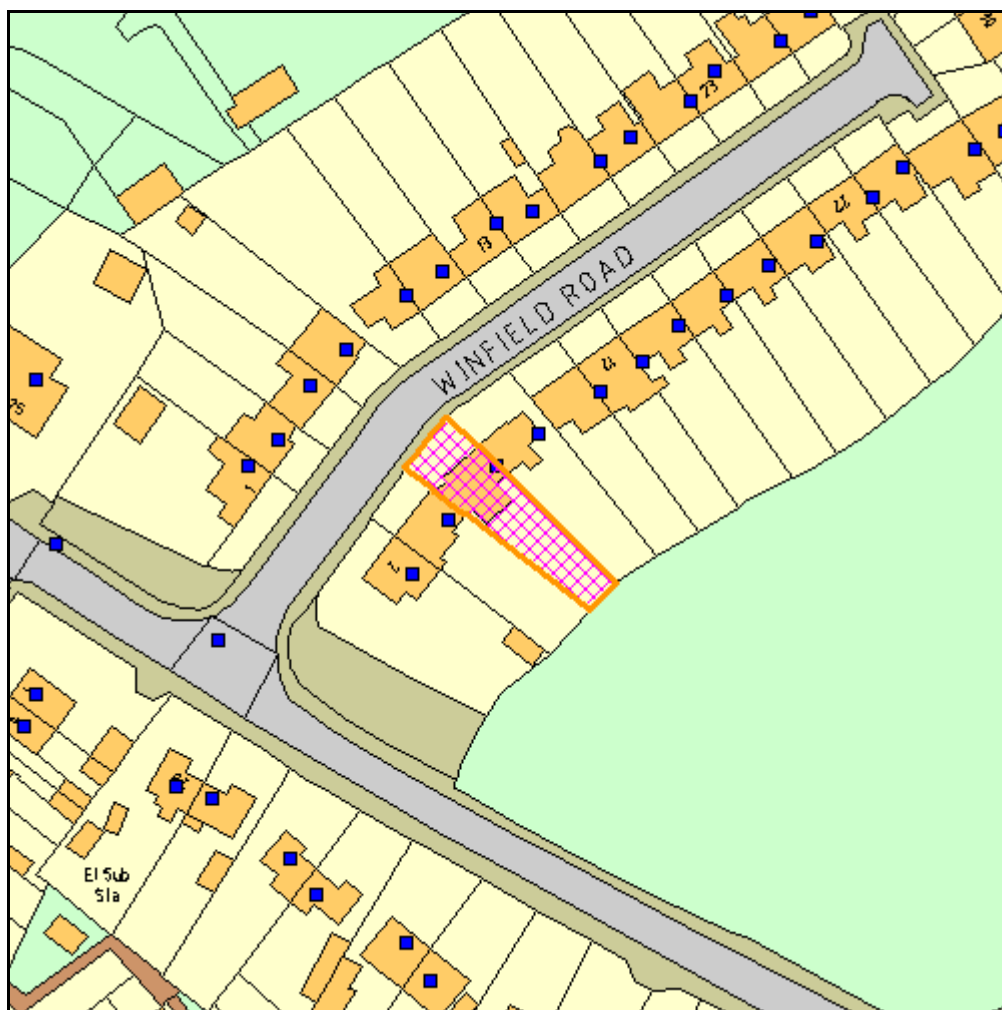
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3403/CLP	<b>Applicant:</b>	Mr Andrew Arnott
<b>Site:</b>	6 Winfield Road Warmley Bristol South Gloucestershire BS30 5JQ	<b>Date Reg:</b>	11th August 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for a proposed hip to gable roof conversion, a rear dormer and roof lights to front elevation.	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367445 173428	<b>Ward:</b>	Siston
<b>Application Category:</b>		<b>Target Date:</b>	13th September 2017



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

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether a hip to gable roof conversion; installation of a rear dormer; and insertion of roof lights to the front elevation to facilitate a loft conversion at 6 Winfield Road Warmley would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class B and Class C.

The submission is not a planning application thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 3.1 P98/4234  
Approval Full Planning (02.06.1998)  
Erection of attached garage  
  
K7352  
Approval Full Planning (05.02.1993)  
SINGLE STOREY REAR EXTENSION (Previous ID: K7352)

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
None received.

#### **Other Representations**

- 4.2 Local Residents  
None received

## 5. **SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Site Location Plan  
Drawing Number 196-PL-SITE-01
  
- Block Plan Existing  
Drawing Number 196-PL-SITE-02
  
- Block Plan Proposed  
Drawing Number 196-PL-SITE-03
  
- Plans and Sections  
Drawing Number 196-PL-GA-01
  
- Elevations (1 of 2)  
Drawing Number 196-PL-GA-02
  
- Elevations (2 of 2)  
Drawing Number 196-PL-GA-03

## 6. **ANALYSIS OF PROPOSAL**

- 6.1 Principle of Development  
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
  
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.
  
- 6.3 The proposed alterations from hip to gable roof and the installation of 1no rear dormer would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:
  - B.1 Development is not permitted by Class B if –**
    - (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposed dormer window and roof alteration would not exceed the highest part of the roof.

- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposals do not extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
- (i) 40 cubic metres in the case of a terrace house, or**
  - (ii) 50 cubic metres in any other case'**

The property is a semi-detached house. The rear dormer would result in a volume increase of 26m<sup>3</sup>; and the hid-to-gable alteration would result in a volume increase of 13m<sup>3</sup>. The total therefore would be 39m<sup>3</sup>; this is less than the 50m<sup>3</sup> permitted.

- (e) It would consist of or include –**
- (i) the construction or provision of a verandah, balcony or raised platform, or**
  - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include any of the above.

- (f) The dwellinghouse is on article 2(3) land**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

As noted in the application; and submitted drawings; the materials used will be of similar appearance to the existing dwellinghouse.

- (b) the enlargement must be constructed so that –**
  - (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**
    - (aa) the eaves of the original roof are maintained or reinstated' and**
    - (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
  - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The hip-to-gable alteration is excluded as per point (b)(i). The rear dormer would not impact the eaves; it would be 0.3 metres from the outside edge of the eaves of the original roof; and the dormer does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –**
  - (i) obscure-glazed, and**
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

No additional windows are proposed to the side elevations.

6.4 The proposed development also includes the provision of 2 new roof lights to the front elevation. This development falls within Schedule 2, Part 1, Class C of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits any other alterations to the roof of a dwellinghouse. This allows roof light additions subject to the following:

#### **C.1 Development is not permitted by Class C if-**

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under Classes M, N, P, PA or Q of Part 3.

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The roof lights proposed will not protrude more than 0.15 meters beyond the plane of the original roof.

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or**

The roof lights proposed will not be higher than the highest part of the original roof.

- (d) it would consist of or include-**

- I. the installation, alteration or replacement of a chimney, flue or soil vent pipe, or**
- II. the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

Not applicable.

6.5 No. 6 Winfield Road Warmley has its permitted development rights intact.

## **7. RECOMMENDATION**

- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reasons:

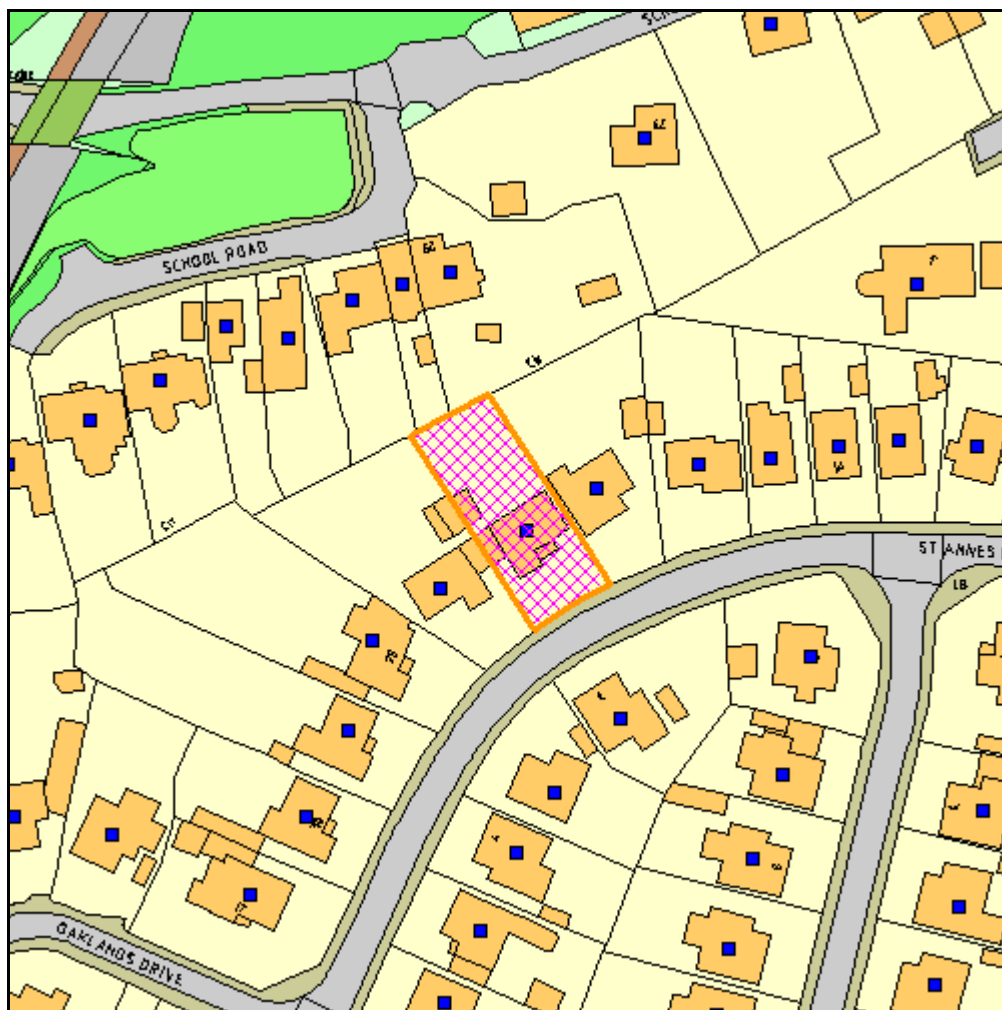
Evidence has been provided to demonstrate that on the balance of probabilities the installation of 1no rear dormer; hip to gable roof alteration; and insertion of roof lights to the front elevation falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B and Class C of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: David Ditchett**  
**Tel. No. 01454 863131**



**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3439/CLP	<b>Applicant:</b>	Mrs Karen West
<b>Site:</b>	22 St Annes Drive Oldland Common Bristol South Gloucestershire BS30 6RB	<b>Date Reg:</b>	15th August 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for a proposed single storey rear extension, internal alterations and a loft conversion.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	367141 171037	<b>Ward:</b>	Bitton
<b>Application Category:</b>		<b>Target Date:</b>	6th October 2017



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

This application is for a Certificate of Lawfulness and as such according to the current scheme of delegation it is required to be taken forward under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension, a rear dormer and roof lights at 22 St Annes Drive would be lawful development. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application thus the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming the proposed development is lawful against the GPDO.

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

- |     |   |          |            |
|-----|---|----------|------------|
| 3.1 | PK17/3322/F   | Approved | 25.08.2017 |
|     | Erection of front extension to form new porch and alterations to the appearance of the principal elevation. |          |            |

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
No Comments Received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully, without the need for planning permission. Accordingly there is not consideration of planning merit, the application is based on the facts presented. This submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Classes A, B and C of the GPDO (2015).

5.3 The proposed development consists of the construction of a single-storey rear extension, and a rear dormer and rooflights to facilitate a loft conversion. This development would be within Schedule 2, Part 1 Classes A, B and C of the GPDO (2015).

### 5.4 Assessment of Evidence: Single Storey Rear Extension

#### **A.1 Development is not permitted by Class A if –**

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) **As result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**

The total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

- (c) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**  
The height of the rear extension would not exceed the height of the roof of the existing dwellinghouse.
- (d) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) forms the principal elevation of the original dwellinghouse; or**
  - (ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The proposed extension does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

The proposal does not extend beyond the rear wall of the original detached dwellinghouse by more than 4 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
  - (ii) exceed 4 metres in height;**

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
  - (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

- (i) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The conservatory would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height.

- (j) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—**
- (i) **exceed 4 metres in height,**
  - (ii) **have more than a single storey, or**
  - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond a side wall of the original dwellinghouse.

- (k) **It would consist of or include—**
- (i) **the construction or provision of a verandah, balcony or raised platform,**
  - (ii) **the installation, alteration or replacement of a microwave antenna,**
  - (iii) **the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
  - (iv) **an alteration to any part of the roof of the dwellinghouse.**

The development would not include any of the above.

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

- (a) **it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- (b) **the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

The application site does not fall on article 2(3) land.

**A.3 Development is permitted by Class A subject to the following conditions—**

- (a) **the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials would match the existing dwellinghouse.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
- (i) obscure-glazed, and
  - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

5.5 Assessment of Evidence: Dormer Window

Schedule 2 Part 1 Class B allows for alteration to the roof of a dwellinghouse subject to meeting the following criteria:

**B.1 Development is not permitted by Class B if –**

- (a) **Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) **Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The proposal would not exceed the height of the highest part of the existing roof.

- (c) **Any part of the dwellinghouse as a result of the works, extend beyond the plane of any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway;**

The proposal will be situated to the rear elevation and does not front a highway.

- (d) **The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –**

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by more than 40m<sup>3</sup>.

- (e) It would consist of or include —**  
**(i) the construction or provision of a verandah, balcony or raised platform, or**  
**(ii) the installation, alteration or replacement of a chimney, flu or soil and vent pipe;**

Not applicable.

- (f) The dwellinghouse is on article 2(3) land.**

The host dwelling is not on article 2(3) land.

**B.2 Development is permitted by Class B subject to the following conditions—**

- (a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The materials used will be of a similar appearance of the existing dwelling.

- (b) the enlargement must be constructed so that –**  
**(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**  
**(aa) the eaves of the original roof are maintained or reinstated; and**  
**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measure along the roof slope from the outside edge of the eaves; and**  
**(ii) other than in the case of an enlargement which joins the original roof to the roof of a side or rear extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The proposal would be greater than 0.2 metres from the outside edge of the eaves of the original roof and does not protrude beyond the outside face of any external wall of the original dwellinghouse.

- (c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be-**  
**(i) Obscure-glazed, and**  
**(ii) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is to be installed.**

Not Applicable

5.6 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration to the roof of a dwellinghouse subject to meeting the following criteria:

**C.1 Development is not permitted by Class C if –**

**(a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**(b) The alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;**

The proposed roof lights do not protrude more than 0.15 metres from the roofline.

**(c) It would result in the highest part of the alteration being higher than the highest part of the original roof; or**

The proposed rooflights do not exceed the highest part of the original roofline.

**(d) It would consist of or include –**

**(i) The installation, alteration or replacement of a chimney, flue or soil and vent pipe or**

**(ii) The installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

The proposed development does not consist of any of these features.

**C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be –**

**(a) Obscure-glazed; and**

**(b) Non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The proposal does not include any side elevation windows.

**6. RECOMMENDATION**

6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

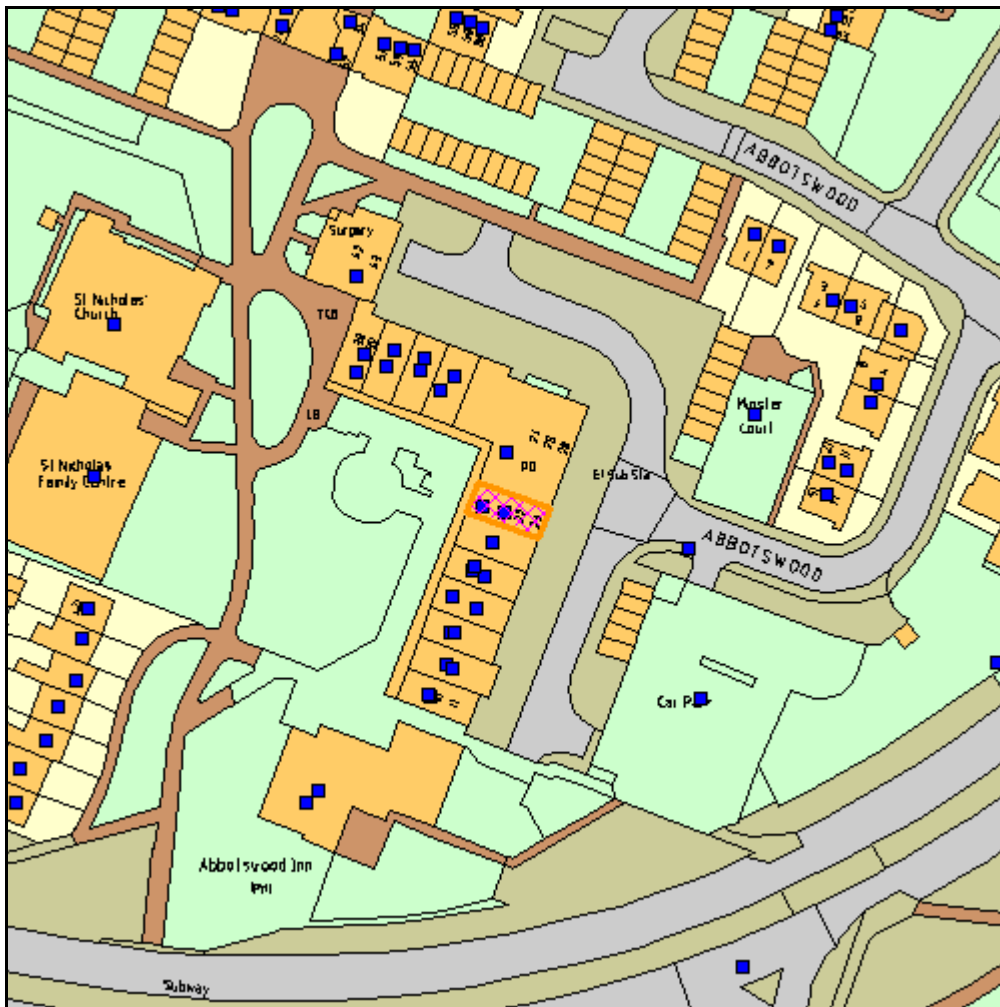
Evidence has been provided to demonstrate, on the balance of probabilities, that the proposed extension would fall within the permitted rights afforded to householders under Schedule 2; Part 1, Classes A, B and C of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**



**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PK17/3885/CLE	<b>Applicant:</b>	Many's
<b>Site:</b>	22 Abbotswood Yate Bristol South Gloucestershire BS37 4NG	<b>Date Reg:</b>	18th August 2017
<b>Proposal:</b>	Certificate of lawfulness for the continued use of the ground floor as a hot food takeaway (Use Class A5).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370674 181220	<b>Ward:</b>	Dodington
<b>Application Category:</b>		<b>Target Date:</b>	1st September 2017



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 100023410, 2008. **N.T.S.** **PK17/3885/CLE**

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

This application is referred to the Circulated Schedule in accordance with the Council's adopted scheme of delegation.

### **1. THE PROPOSAL**

- 1.1 The application seeks a Certificate of Lawfulness for the existing use of a ground floor unit as a hot food takeaway (Class Use A5).
- 1.2 The certificate of lawfulness is sought on the basis that the use of the ground floor as a hot food takeaway is immune from enforcement action under section 191 of the Town and Country Planning Act 1990 as amended by section 10 of the Planning and Compensation Act 1991 and is therefore, lawful.
- 1.3 The application site relates to a purpose built block with residential above retail/commercial units at 22 Abbotswood, Yate.

### **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
  - iii. National Planning Practice Guidance: 17C (2014)

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

- |     |          |  |
|-----|----------|--|
| 3.1 | P84/1847 | Landscaping works in shopping area including new hard- surfacing, seats, climbing frame, levelling grassed area and tree and shrub planting. |
|     | Approved | 18.7.84  |
| 3.2 | P94/1856 | Enhancement of Abbotswood shopping centre, car park and family centre.   |
|     | Approved | 22.8.94  |
| 3.3 | N3276/1  | Erection of approximately 1,170 sq. m. (12,600 sq. ft.) of retail floorspace with associated parking facilities (Outline).                   |
|     | Refused  | 6.3.80   |
| 3.4 | N3276/2  | Erection of two shops and construction of associated car parking, servicing and manoeuvring areas (Outline).                                 |
|     | Refused  | 23.10.80   |
| 3.5 | N3276/4  | Construction of 540 sq. m. (6000 sq. feet) of shopping floorspace and associated parking and servicing areas.                                |
|     | Approved | (Outline).<br>20.5.83  |

## **Garage:**

- 3.6 Applicant Mr Lau (named on the lease document)  
PK02/1377/CLE Certificate of Lawfulness for existing use of domestic garage and storage of goods associated with Spring Onion Take Away, 22 Abbotswood, Yate  
Approved 15.7.02
- 3.7 Applicant Mr Lau (named on the lease document)  
PK00/3342/F Retention of use from domestic garage to storage (B8) and installation of roller shutter  
Refused 26.1.01
- 3.8 Applicant name and address given as Mr Lau, Spring Onion Fish Bar P97/2347  
Change of use of garage for storage. Installation of security shutter door.  
Refused 18.11.97

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

### **4.1 List of supporting evidence provided to the LPA:**

- a. A lease signed in 1991 for a period of 21 years to be renewed every 3<sup>rd</sup> year between the previous occupants, one named as Mr Lau, and the owners
- b. Witness statements from a 2002 planning application by neighbour stating that a garage has been used by the businesses at No. 22 for storage for past 30 years
- c. EON invoice dated 10.10.13
- d. Food Hygiene Rating letter dated April 2014
- e. Pest control letters dated September 2015 and December 2017
- f. Rates invoice for period January to March 2017

## **5. SUMMARY OF CONTRARY EVIDENCE**

- 5.1 The LPA does not have any contrary evidence.

## **6. OTHER REPRESENTATIONS RECEIVED**

- 6.1 Yate Town Council  
No objection received

## **7. EVALUATION**

- 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 ground floor of 22 Abbotswood, Yate has been used as a hot food takeaway for over 10 years.
- 7.2 The guidance contained within the National Planning Practice Guidance states that 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. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.3 In this instance, it must be proven by the applicant that the ground floor in question has been used as a hot food takeaway for a period of 10 years or more, prior to the date of this application (7<sup>th</sup> July 2017). Therefore, the use of the building as separate flats must have commenced on or before 7<sup>th</sup> July 2007.

7.5 Background information included with the application

A covering letter included with the application details states:

*The property, which has been owned by our clients family since before 1991, has been used continuously for this purpose for many years, well over the 10 years minimum requirement, and probably for much longer previously under the name of Spring Onion Takeaway.*

*Attached to this application are a Business rate demand, pest control risk assessments, a food hygiene rating and an invoice from Eon addressed to both Many's and Spring Onion Takeaway covering the period from the date the freehold owners took back control of the business in 2012 until now.*

*We also attached extracts from the previous lease, which ran from 1991 to 2012, during which time the property was continuously used as a hot food take away.*

*Also attached are witness statements from a 2002 planning application for a previous change of use of the garage owned by our client which testify to the subject property's use as a hot food takeaway for upwards of thirty years prior to 2002, i.e. from as early as 1972.*

7.5 Assessment of Lawfulness

Each item of evidence will be discussed in turn below.

7.6 The lease included with the pack of evidence indicates that a Mr Lau was one of the signatories. The lease was signed in 1991. Planning records show that Mr Lau made a number of planning applications in 1997, 2000 and 2002 to regularise the use of a garage as storage for the business named as Spring Onions takeaway. This helps to show that the premises was run as a takeaway business for these years by Mr Lau. Also included in the evidence are two witness statements signed in 2002 and associated with planning application PK02/1377/CLE. These statements helped prove that the garage had been used by an established business for its commercial storage for a number of years and, in addition, both statements also declared that the storage had been used in connection with the business carried out at the takeaway for upwards of thirty years.

- 7.7 The rest of the evidence provided in the form of an EON invoice dated; Food Hygiene Rating letter; Pest control letters and a Rates invoice show that the business has been operating as a hot food takeaway in more recent times.
- 7.8 It is acknowledged that the more recent details are not continuous but they do establish the use of the premises as a hot food take away.
- 7.9 When analysing the evidence supplied, the lease, planning records and sworn statements together hold a significant amount of weight to validate the previous use of the ground floor of the premises as 22 Abbotswood as a hot food take away. The more recent documents are also important indicating the continued use as a hot food takeaway and these also hold weight.
- 7.10 On balance of probabilities and in the absence of contradictory information it is considered that the evidence provided is sufficient to demonstrate that 22 Abbotswood has been used as a hot food takeaway (Class use A5) for a period of over 10 years. As such it is lawful and immune from planning enforcement action.

## 8. **CONCLUSION**

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the use of the ground floor of 22 Abbotswood, Yate, South Gloucestershire, BS37 4NG as a hot food take away (Class Use A5) has been established for a continuous period of over ten years and so the use is considered to be lawful.

## 9. **RECOMMENDATION**

- 9.1 That the Certificate of Lawfulness of **GRANTED**.

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

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT16/6941/F	<b>Applicant:</b>	Mr And Mrs M Lewis
<b>Site:</b>	The Pheasant Cottage Iron Hogg Lane Falfield South Gloucestershire GL12 8DU	<b>Date Reg:</b>	6th January 2017
<b>Proposal:</b>	Erection of 1no. dwelling with creation of new vehicular access and associated works.(Re submission of PT16/3581/F)	<b>Parish:</b>	Falfield Parish Council
<b>Map Ref:</b>	367344 191370	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st March 2017



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PT16/6941/F

## INTRODUCTION

This application has been referred to the Circulated Schedule due to the receipt of objections from the local residents and the Falfield Parish Council.

### 1. THE PROPOSAL

- 1.1 This application seeks full planning permission for an erection of one dwelling at The Pheasant Cottage, Iron Hogg Lane, Falfield. The application site is part of the residential garden of The Pheasant Cottage. During the course of this application, a revised proposal has been submitted to change the design of the proposed dwelling and to show the visibility splay of the proposed access. It is noted that there is a large outbuilding near the southern boundary of the site and it is not proposed to make any alterations to this building.
- 1.2 The proposed dwelling will be 2-storey detached property sitting between Laurel Cottage and Little Whitfield Farm. The development site is approximately 0.37 hectare in size. Although it is situated outside the nearest settlement boundary of Thornbury, it is not located in the Bristol/Bath Green Belt. The site is also situated within a setting of the Grade II listed building, Pool Farm, which lies opposite to the application site.
- 1.3 Given the unique location of the site, it is considered that the Rural Settlements and Villages 2015 Topic Paper; Sustainable Access to Key Services and Facilities & Demographic Information (November 2015) would be particularly relevant to this case. The document provides technical evidence for the Policy Sites and Places Development Plan (PSP) to provide an understanding of the relative sustainable access to services and facilities in the rural villages and settlements of South Gloucestershire. This can be used to form a view of the services and facilities that would be accessible via sustainable modes of transport from Thornbury and the application site.

### 2. POLICY CONTEXT

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Section 6 Delivering a wide choice of high Quality homes  
Section 7 Requiring good design  
Section 9 Protecting Green Belt Land  
Section 12 Conserving and Enhancing the Historic Environment' and accompanying Historic Environment Planning Practice Guide.
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation Development Control Policy for New Development  
L1 Landscape Protection and Enhancement  
L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS6	Infrastructure and developer contributions
CS8	Improving Accessibility
CS9	Heritage and the natural environment
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

Emerging Policies Sites and Places Development Plan document June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourse Management
PSP37	Internal Space and Accessibility Standards for Dwelling
PSP38	Development Within Existing Residential Curtilage, Including Extensions and New Dwellings
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP42	Custom Build dwellings

2.3 Supplementary Planning Guidance and other relevant documents

Residential Parking Standards SPD (Adopted 2013)

Affordable Housing and Extra Care Housing SPD (Adopted May 2014)

South Gloucestershire Biodiversity Action Plan (Adopted)

The South Gloucestershire Design Check List SPD (Adopted August 2007)

Trees on Development Sites SPD Adopted Nov. 2005

Waste Collection Guidance for new developments January 2015 SPD

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

SPD – Adopted March 2015

South Gloucestershire Health Improvement Strategy 2012-2016

**3. RELEVANT PLANNING HISTORY**

- 3.1 N1110 Renovation and extensions of existing derelict building to form detached dwellinghouse. Refused 10.04.1975
- 3.2 P84/1454 Renovation of existing cottage and erection of 2 storey side and rear extension to form kitchen, bathroom, hall and lounge with 2 bedrooms above. Refused 06.06.1984
- 3.3 P93/1774 Erection of double detached garage. Approved 18.07.1993



- 3.4 PT01/2629/OErection of a dwelling and garage (Outline). Refused 15.10.2001 for the following reasons:
- A. *The proposal would constitute further residential development outside of the defined settlement boundaries in the development plan. This would be detrimental to the open countryside, and likely to lead to development reliant upon the use of the private car. This would be contrary to policy RP7 of the adopted Rural Areas Local Plan; policy H3 of the South Gloucestershire Local Plan (deposit draft); policy H7 of the Avon County Structure Plan (incorporating adopted third alteration); and advice set out in PPG3 - Housing.*
  - B. *The proposal would result in the intensification of a narrow access, which is likely to lead to vehicles standing on the highway, or reversal of vehicles onto the highway. This is considered to be detrimental to highway safety and the free flow of traffic on a principal classified highway. This would be contrary to policy RP1 of the adopted Rural Areas Local Plan; policy T12 of the South Gloucestershire Local Plan; and policy TR19 of the Avon County Structure Plan (incorporating adopted third alteration).*
- 3.5 PT03/0354/F Erection of first floor rear extension to form bedroom and bathroom and erection of replacement side conservatory. Approved 07.03.2003
- 3.6 PT08/3092/F Erection of two storey side extension and front porch. Repositioning of rear conservatory. Approved 30.12.2008
- 3.7 PT14/2558/F Erection of single storey rear extension to form additional living accommodation. Erection of front porch. Approved 15.09.2014

A planning decision, which was mentioned by the residents

- 3.8 PT02/2031/F Formation of new agricultural access on land adjacent to Old Gloucester Road, Pool Farm. Dismissed 24.07.2003

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

##### **4.1 Falfield Parish Council**

Objection: Although the overall height of the property is now in keeping with other local properties, the following comments remain unchanged:

- 1) The development site lies outside of the parish settlement boundary in open countryside.
- 2) Introducing a new access onto the A38 Highway, in close proximity to the newly configured A38/B4061 junction, will be detrimental to highway safety and will negatively impact users of the A38. Access to the site from the south bound A38 and leaving the site going southbound from the site is relatively straightforward. However, accessing the northbound A38 from the site and turning from the northbound A38 into the site is not possible due to a central reservation being located directly opposite the site. Access to other properties

near this location with a similar issue is achieved by performing a U-Turn around the central reservation but by increasing the number of vehicles that will be performing this operation will increase the risk of an accident happening and result in further highway safety issues.

3) Although other properties in the area have a high number of bedrooms the overall footprint of the dwelling is large in comparison to other local properties.

4) Building at this location will negatively impact the flood risk of properties in the surrounding area. No details have been provided to demonstrate how it is intended to manage surface water and hence reduce the risk of flooding to the surrounding area.

5) This location is unsustainable due to its limited public transport, having no mains gas, sewerage services or reliable broadband and reliance on a car to access employment, schools, health services, shops and leisure facilities.

6) A previous application PT01/2629/O was REFUSED on the following grounds:

*“The proposal is outside the defined settlement boundaries and will be detrimental to the open countryside and likely to lead to development reliant upon the use of a private car” “Detrimental to highway safety and the free flow of traffic on the principal classified highway” These grounds for refusal are still valid for this planning application.*

#### 4.2 Other Consultees

Enabling Team: No objection subject to a Section 106 securing a financial contribution of £74,175, which is equivalent to one affordable home, towards the off-site Affordable Housing.

Public Rights of Way Officer: No objection, the proposal is unlikely to affect the right of way (OFA 26) running along the other side of the field boundary to the rear (south east) of the properties.

Highway Officer: No objection subject to a condition seeking details of the visibility splay and access.

Conservation Officer: Objection to the design and scale of the proposed dwelling, however it is considered that the harm upon the setting of the listed building would not be sustainable at appeal.

Arboricultural Officer: An arboricultural report has been submitted, no objection to the proposal subject to a condition securing the works to be carried out in accordance with the submitted details.

Landscape Officer: No in-principle objection subject to a landscaping condition seeking the submission of a ten year maintenance specification for the boundary hedges, also defer to the Council Conservation Officer’s comments

regarding the height reduction and the potential harm to the setting of the listed buildings and non-designation heritage assets.

Drainage Engineer: No objection subject to a condition seeking details of surface water disposal.

Ecology Officer: No objection, the replacement pond and planting is acceptable.

Highway Structure: No objection, advised of the requirements of Technical Approval and the maintenance responsibility of boundary wall alongside the public highway / open space

Natural England: No comments to make

### **Other Representations**

#### **4.3 Local Residents**

Two letters of objection and one letter of support have been received and the residents' comments are summarised as follows (full comments can be viewed in the Council's website)

Location:

- It is in open countryside outside current settlement boundary
- Unsustainable location, almost all infrastructure and services depends on private vehicles, all the nearest schools are many miles distant.
- Limited bus services
- No high speed broadband, shopping or employment
- Nearest pub; 17 mins walk, post office: 24 mins walk on uneven paths and few drop kerbs
- Cycling here is for the experienced older ridge
- Whitfields' access to key services and facilities would have been deemed very poor

Highway Issues:

- Highway safety would be seriously compromised
- There are already near-misses in the locality, and there is a long history of nearby accidents, including serious ones.
- The planning appeal, APP/P0119/A/02/1105971, was dismissed by the Inspector
- A38 is a very busy major route
- This proposal sets a precedent for further additional property access roads to be built directly onto the A38 creating an escalating road safety issues
- The position and height of the directional sign obscures the splay, therefore the achievable splay is some 30% short of the required length, therefore it proves this is a substandard access.

Neighbouring Amenity:

- Overlooking, loss of privacy, due to the proximity to the neighbours' conservatory, main bedroom window

- Overshadow some of the neighbours' land
- Increase noise and light levels
- The majority of the neighbouring rear garden will be surrounded by cars and garages
- Will affect the neighbours' views
- Noise and disturbance during the construction

#### Design:

- out of character
- the overall size of the property is disproportionate in scale to other residential properties in the locality  
remains a very large footprint, modern town house, like a sore thumb in this countryside setting particularly during many months where the hedges are without leaves
- when considered next to and in the context of the non-designated heritage asset, Little Whitfield Farmhouse and opposite the Grade II listed Pool Farmhouse, dating from 17<sup>th</sup> century, The Pheasant would be incongruous

#### Flooding

- A stream runs the full length of the boundary between the neighbouring property and the proposed dwelling. The existing drainage system has already been at full capacity due to the ever increasing rainfall and struggled as Elfin Cottage was flooded twice. Additional properties and areas of non-porous hard standing, will make this worse
- No main sewerage in the area, there are well-founded significant doubts about the ability to manage foul and surface water on this site

#### Wildlife

- The site is located to the proximity of the neighbours' wild orchard, which provides habitats for wildlife. Noise and pollution from cars would seriously affect the wildlife that reside there and regularly visits

#### Other issues

An informal discussion of a second phase of development including an extension with an indoor pool

#### Supporting comments:

- The proposal will provide the applicants with a home more suited to Mr. Lewis's complex needs and those of this family

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 The application stands to be assessed against the above listed policies and all material considerations. On 27<sup>th</sup> March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of

consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

- 5.2 The Annual Monitoring Report (December 2016) shows that South Gloucestershire Council does not currently have a five year housing land supply (i.e. 4.54 years according to the 2016 Report). As such paragraph 49 of the NPPF is engaged. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan is the starting position.
- 5.3 As the site is located outside any settlement boundaries, Policies CS5 and CS34 would be particularly important. Policy CS5 states that development, which is located in the open country outside a settlement boundary, should be strictly limited. In addition, Policy CS34 focusing on Rural Areas states that the settlement boundaries around rural settlements should be maintained and that development outside those boundaries should be strictly controlled. Accordingly on the face of it the proposal runs counter to the adopted plan; however in light of the NPPF national policy this attracts less weight, and more weight is given to the paragraph 14 test in the NPPF in the assessment of this proposal.
- 5.4 Para 55 of NPPF resists “isolated homes” in the countryside unless there are special circumstances. Para 55 reads as follows;

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby (officer underlining). Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
  - where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
  - where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
  - the exceptional quality or innovative nature of the design of the dwelling.
- Such a design should:
- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
  - reflect the highest standards in architecture;
  - significantly enhance its immediate setting; and
  - be sensitive to the defining characteristics of the local area.

- 5.5 Although the site is outside any settlement boundaries, it is considered that it is located within a reasonable sustainable location due to the close proximity to the Thornbury settlement boundary. There are also two bus stops nearby (approximately 170 metres from the application site) providing bus services to Thornbury Town Centre, Castle School and a health centre in Thornbury. A primary school is approximately 3.2 miles from the site. Given that the site is situated to the proximity of transport infrastructure and the proposed dwelling would be surrounded by a small group of cottages, officers do not consider that the proposal would result in a provision of an isolated home in the countryside as the site would have reasonable access to day to day facilities and transportation links. Therefore, the proposal would not be contrary to the principle of Paragraph 55 of the National Planning Policy Framework as the site is situated within a sustainable location.
- 5.6 Whilst reference is made to previous planning history and appeals these occurred some time ago, and whilst they are material they attract limited weight. In the intervening period national and local planning policy has significantly altered – for example the National Planning Policy Framework, and emphasis on maintaining housing supply was published in 2012. Planning applications must be assessed against the prevailing policy context at the time of their submission. As such, there is no ‘in-principle’ objection to the proposed development.
- 5.7 Self Build  
Although the applicant has not submitted clear information to confirm that the proposed dwelling would be a self-built project it would seem to be an individual commission. Self-building or custom building is generally supported by national and local planning policies, including PSP42. This is considered to attract limited weight in favour of the development in the circumstances.
- 5.8 Density and Affordable Housing  
The proposal is to erect one detached dwelling on the ground of approximately 0.37 hectare, this would equate to a density of approximately 2.7 houses per hectare. This is a very low density development and it is necessary to consider whether this represents the most appropriate approach to this site. As described above, the site is surrounded by a group of large detached cottages with a good sized garden and it would also be sandwiched between two existing detached cottages, known as Laurel Cottage and Little Whitfield Farmhouse. It is therefore considered that the proposed two-storey detached dwelling, by virtue of its particular location and the size of the plot, would be in keeping with the character. Furthermore, given the close proximity to the adjacent properties and the existing landscaping and ecological features of the site, it is considered that any higher density development would likely result in an adverse impact upon the amenity of the adjacent properties and the natural environment. In this instance, officers are satisfied with this design approach.
- 5.9 Affordable Housing  
A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. Policy CS18 deals with the need for affordable housing provision to meet housing need in South Gloucestershire. As such development should

aim to achieve 35% affordable housing on all new housing developments. In rural areas the threshold is 5 no. or more dwellings or a site of 0.20ha. As the proposal is to erect one dwelling within the garden of the Pheasant, to accord with Policy CS18 of the adopted Core Strategy, the proposal would require an off-site financial contribution that represents the same level of subsidy that would have been provided by the developer had the affordable housing been delivered on-site. Based on the submitted details, the Council Enabling Team consider that an off-site financial contribution of £75,175 is required and such figure is equivalent to one affordable home. The applicant has agreed to enter a section 106 agreement to make such financial contribution.

### **Assessment on other main issues**

5.10 The other main issues to consider in this instance are the appearance/form of the proposal and the impact on the character of the area, the impact on the residential amenity of neighbouring occupiers, whether the proposal provides a sufficient level of private amenity space and transportation effects. The site is situated within a setting of a grade II listed building, Pool Farm. The NPPF and policy CS9 of the adopted Core Strategy and saved Policy L15 of the adopted Local Plan require that heritage assets of historical importance are protected and where appropriate, enhanced. Therefore, careful consideration is required with regards to the effect on the appearance of the dwelling, which contributes positively to the character of the area.

5.11 Landscape & Visual Amenity.

The site is located on the A38 between Falfield and Thornbury. There are detached residential dwellings to the northeast and on the opposite side of the road and a terrace and farm buildings to the southwest. There is a tall mixed native hedge backed by an evergreen hedge on the boundary with the A38 and a tall overgrown hedge on the south eastern boundary. The site is currently a well-stocked garden and there is a native hedge on the western boundary. There is a public footpath running along the south-eastern boundary. The submitted details show that the existing boundary vegetation will be retained, although it is noted the hedges further to the east has been removed or is being maintained as a low height, as such this has opened up the dwellings to view from the public footpath and open countryside to the south east. A revised proposal shows that the footprint of the building has been reduced by removing the triple garage and the height of the ridge line has been reduced. Officers consider that the proposal would not cause an adverse impact upon the landscape character of the locality subject to a condition seeking a soft landscaping scheme and securing its long-term maintenance specification for the boundary hedges.

5.12 Heritage Impact and Design

Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance

of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

- 5.13 Little Whitfield Farmhouse and its adjacent barn are considered to be non-designated heritage assets; on the opposite side of the road lies the Grade II Pool Farm. The Council Conservation Officer raised concerns relating to the previous withdrawn planning application. One of the concerns is due to the lack of sections showing the building in context of the adjacent Little Whitfield Farm and Pheasant and Laurel Cottages and the height of the proposed dwelling.
- 5.14 A section drawing has been submitted with this application showing the height of the new dwelling, which would be approximately 7.2 metres to its height, as such, the new dwelling would not be taller than the adjacent properties. In addition, the current proposal showing that the large attached garage has been removed. Further amendments were made to simplify the design of the side and rear elevation and to reduce the overall height of the front gable.
- 5.15 From the heritage perspective, officers acknowledge that the scale of the proposed dwelling would create a dominant element within the street scene directly opposite the principal elevation of the listed farmhouse, however, given the considerable distance from this listed farm house, it is considered that the harm to the setting of Pool Farm as a designated heritage asset would be less substantial, as such, the heritage objection would not be substantiated.
- 5.16 From the design perspective, paragraph 60 of the NPPF states '*Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is however, proper to seek to promote or reinforce local distinctiveness.*' The Conservation Officer noted the changes have been made to the previous proposals, however he continued to express reservations that the resultant scale was in keeping within its context.
- 5.17 Your case officer took into consideration the Conservation Officer's concerns regarding the design and the scale of the proposed dwelling. Although the proposed dwelling would not be small in scale, the resulting dwelling would not necessarily dominate the street scene given that it would be sandwiched between two existing cottages at a low density, which are both similar in height. Whilst the proposed dwelling would not wholly reflect the linear configuration of the surrounding cottages, the dwelling itself has been carefully designed by restricting the ridge height to match those of the adjacent properties, adopting some of the architectural features in the locality, e.g. smaller dormers on the front elevation, and finishing with traditional and appropriate building materials, natural plain clay roof tiles, natural stone and render. In this instance, it is considered that the proposal has achieved a good standard of design, as such, it would not cause significant harm to the character and appearance of the locality subject to a condition seeking samples of building materials.



#### 5.18 Arboricultural Impact

The proposal is to erect a two-storey detached dwelling within the garden of The Pheasant Cottage with a new access drive onto A38. A number of trees will need to be removed to form the proposed parking and turning spaces. An Arboricultural Report in accordance with BS:5837:2012 has been submitted and the Arboricultural Officer is satisfied with the submitted details. Therefore there is no arboricultural objection to the proposal subject to condition securing the works will be carried out in accordance with the submitted details.

#### 5.19 Impact upon wildlife habitat

It is noted that the residents' concern regarding the impact upon the wildlife habitat of the locality. Given the proposal would result in a loss of the existing pond and a number of trees, an ecological survey report was submitted with the application. Additionally, a further investigation relating the protected species, great crested newts, has also been carried out. In addition, a revised block plan has been submitted to show the location of the replacement pond. The Council Ecology Officer is satisfied with the submitted details and the proposed plan, therefore there is no ecological objection to the proposal subject to a condition seeking the replacement pond to be constructed in accordance with the approved drawings.

#### 5.20 Residential amenity

The proposal is to erect 1 no. detached dwelling with new parking spaces in the private garden of The Pheasants. The nearest residential properties to the proposed new dwelling would be Laurel Cottage and Little Whitfield Farmhouse, officers noted the concerns raised by the proposal. Therefore the potential impact assessments are discussed as follow:

5.21 The new dwelling would be situated between Laurel Cottage and Little Whitfield Farmhouse. The submitted street scene shows the relative height of the proposed dwelling and the adjacent properties, which are all very similar in height. It is also shown that the proposed dwelling would allow a reasonable distance between these properties. In particular, the new dwelling would be approximately 25 metres away from the north eastern boundary and 8 metres away from the southwestern boundary. Given its siting and design, there would not be any unreasonable over-shadowing or loss of daylight / sunlight upon the neighbouring dwelling house. No principal window is proposed at the first floor side elevation to the new dwelling, as such there would not be any unacceptable loss of privacy upon the adjacent residents.

5.22 Regarding the noise and disturbance during the construction period, it would be reasonable to impose a planning condition restricting the construction hours of the proposed development to minimise the disturbance upon the neighbouring residents. Although it is noted that the proposed dwelling would increase vehicular movements in the locality, it is not considered such activities would result in significant noise and pollution to the neighbouring residents given its scale and domestic nature of the proposal.

5.23 Provision of Amenity Space

Emerging Policy PSP43 states that all new residential units will be expected to have access to private amenity space. Given the size of the plot and the site layout, the proposal would provide a reasonable sized outdoor amenity space for the proposed new dwelling and the host dwelling. As a result, the proposed amenity space is adequate and acceptable.

5.24 Transportation

This is a resubmission application for the erection of one detached dwelling adjacent to Pheasant Cottage and a new access is proposed. Officers noted that the highway safety concerns, in particular, the provision of visibility splay, the location of the existing directional sign, the location of new access onto the A38 and the history of traffic accidents.

5.25 The Council Highway Officer raised a concern on the previous application as this point of Gloucester Road forms part of the A38, which is subject to a 50 mph speed limit, it is nevertheless an important route through South Gloucestershire. Consequently, this access would be required to conform to the full Design Manual for Roads and Bridges (DMRB) standards.

5.26 To address the Highway Officer's concerns, the applicant submitted more detailed information about the proposed access with this current application and it indicates that the visibility to the right from the site access exceeds which is the appropriate standard for 50mph general purpose road (160m x 2.4m). Conversely, the information suggests that visibility to the left is more limited and does not conform to these requirements. A concern is also raised regarding the existing directional sign within the proposed visibility splay, the Highway Officer has made further investigation on this particular element of the proposal. It is considered that the proposed required visibility can be achieved subject to a condition seeks details of the visibility splay and access, including the construction of the access and the relocation of the Advance Directional Signage to be submitted to the Council for prior approval.

5.27 The central island also prevents eastbound vehicles on the A38 from turning directly into the site access. However, as there is a gap in the island a short way to the east, vehicles can use this to u-turn so that they can enter the site. The Highway Officer would not normally advocate this approach but in this case the forward visibility both for u-turners and westbound vehicles on the A38 is very good, there is no record of recent accidents here and the number of u-turning vehicle is likely to be very small, the officers therefore consider this arrangement is acceptable. It certainly would not amount to a "severe harm" as referred to the NPPF (paragraph 32).

5.28 Regarding the parking provision, the submitted details show this new property will have six bedrooms. To conform to the requirements of the Councils adopted Residential Parking Standards SPD, the site must be provided with three or more car parking spaces. In this instance, there are a large area of hardstanding for parking vehicles and the proposed turning space is sufficient in size to allow vehicles to turn round and leave the site in forward gear.

Therefore, the proposal would fully conform to the Councils' Residential Parking Standards.

5.29 With regard to the location of the proposal, this site is located close to a bus stop, albeit fairly infrequently served and Thornbury is within cycling but not walking distance of the new dwelling. Hence, residents are provided with alternative travel options to the private car. Consequently, officers consider that this proposal is broadly satisfactory and there is no highway objection to the proposal.

5.30 Drainage

The site area is within Flood Zone one, as such, the site is not subject to a high risk of flooding. The Council Drainage Engineer and your case officer noted the concerns relating the existing flooding problems and the potential drainage issues of the proposal.

The Council Drainage Engineer has previously inspected the locality due to the existing drainage issues of the adjoining properties. The Engineer considered the submitted details are acceptable, therefore raised no drainage objection to the proposal subject to condition seeking details of sustainable drainage system to prevent the site from flooding and pollution. The proposal is deemed to be acceptable from drainage and flood risk perspective.

5.31 Public Rights of way

The proposed development is unlikely to affect the nearest public right of way reference OFA 26, which runs along the other side of the field boundary to the rear (south east) of the properties. Therefore, there is no objection from public rights of way perspective.

5.32 Other Issues

The residents' concerns have already been discussed and addressed in the above paragraphs. Your case officer would advise that a loss of private views would not be planning material consideration. Also, any new extensions / structures to the host dwelling and new dwelling will be subject to further consideration under the Planning Legislation, therefore, the proposal can only be considered as it submitted.

5.33 The Planning Balance

As set out above, the Annual Monitoring Report has demonstrated that South Gloucestershire Council does not have a five-year supply of deliverable housing land and as such Policies CS5, CS15 and CS34 are out-of-date for the purpose of assessing this application. As set out above, the proposal would provide a positive contribution in meeting the shortfall identified in respect of the five-year housing land supply. On this basis, Paragraph 49 of the National Planning Policy Framework 'NPPF' is relevant and this application must now be considered in line with the 'presumption in favour of sustainable development set out in Paragraph 14 of the NPPF. Officers consider that in all other respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that policies are out of date, the Local Planning Authority

should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.33 The proposal is for the erection of 1 no. new dwelling and the benefits of new housing to the housing supply and the financial contribution toward off-site Affordable Housing are given a great weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). It is acknowledged that a degree of impact would occur in respect of the setting of the grade II listed building Pool Farm and the non-designation heritage, the general landscape character of the site and the amenity of the locality. Whilst such impact would not be modest, it is considered that the considerable benefits, which are the provision of new housing within the proximity of the Thornbury Town Centre and the existing transport link, and the financial contribution toward the off-site Affordable Housing, would adequately outweigh such impact. It is therefore considered that there are no significant or demonstrable harms that outweigh the benefit such that the presumption in favour should be resisted. On this basis, officers consider that there is considerable weight in favour of granting planning consent in respect of this application.

#### 5.34 CIL tests and Planning Obligations

Legislation was introduced in 2010 that allows local councils to set a Community Infrastructure Levy (CIL). South Gloucestershire commenced CIL charging on 1 August 2015. Charges are liable for development of one or more dwellings. Affordable housing units are exempt from CIL payments but the other properties would attract a fee. The Council is able to spend CIL receipts upon infrastructure listed in its "Regulation 123" list. It cannot also require planning obligations upon the same matters, and in this way the scope of section 106 agreements are more limited than was previously the case. Affordable Housing is not considered to be "infrastructure" which is why (subject to policy) it is still a component of a section 106 agreement.

5.35 It is considered that the S106 financial obligations calculated in terms of affordable housing needs meet the statutory tests in being necessary to make the development acceptable in planning terms, is directly related to the proposed development and is fairly and reasonably related in scale and kind to the development.

## 6. CONCLUSION

6.1 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, in particular the advice in the NPPF.

## 7. RECOMMENDATION

7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106

of the Town & Country Planning Act 1990 (as amended) to secure the financial contribution of £75,175 towards off-site Affordable Housing.

Reason: To provide appropriate off-site affordable housing proportionate to the scale of the development in accordance with Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013

- 7.2 That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **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. Landscaping and Hedges Maintenance Scheme (Pre-commencement condition)

Prior to the commencement of development, a scheme of landscaping, which shall include a ten-year maintenance of the boundary hedges, proposed planting and planting schedule, details of boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. In addition, the tree protective works shall be carried out in accordance with the Arboricultural Report dated March 2017. Development shall be carried out in accordance with the agreed landscaping details.

Reason: In the interests of the existing trees and the landscape character of the site and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework. This is a pre-commencement condition to ensure any protective works to be carried out and to avoid any unnecessary irreversible damage to the landscape character of the site.

3. Details of Visibility Splay and Access (Pre-commencement condition)

Prior to commencement of development details of the visibility splay and access shall be submitted to and approved in writing by the Local Planning Authority, the development shall be strictly carried out in accordance with the approved details prior to the commencement of the development hereby approved. For the avoidance of doubt the submitted details shall include construction of the access and the relocation of the Advance Directional Signage.

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

4. Drainage details (Pre-commencement condition)

Prior to the commencement of development hereby approved, foul drainage and surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a detailed site layout plan showing surface water and SUDS proposals.

Reason: To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This is a pre-commencement condition to ensure adequate drainage system are agreed prior to the construction of the development and to avoid any unnecessary remedial works in the future.

5. External Materials

Notwithstanding the submitted details, prior to the commencement of the relevant part of the development hereby approved, samples and details of the roofing and all external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory standard of external appearance and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

6. Construction Hours

The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Mondays to Fridays, and 08.00 to 13.00 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 residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the provisions of the National Planning Policy Framework.

7. Off-street parking spaces provision

The off-street parking facilities shown on the plan, drawing no. LEW/1013/PL/07/17/001/G, hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

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

8. Restrictions on fenestration

No windows, dormers or rooflights other than those shown on the plans hereby approved shall be inserted at any time in the first floor side elevation of the dwelling hereby approved.

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

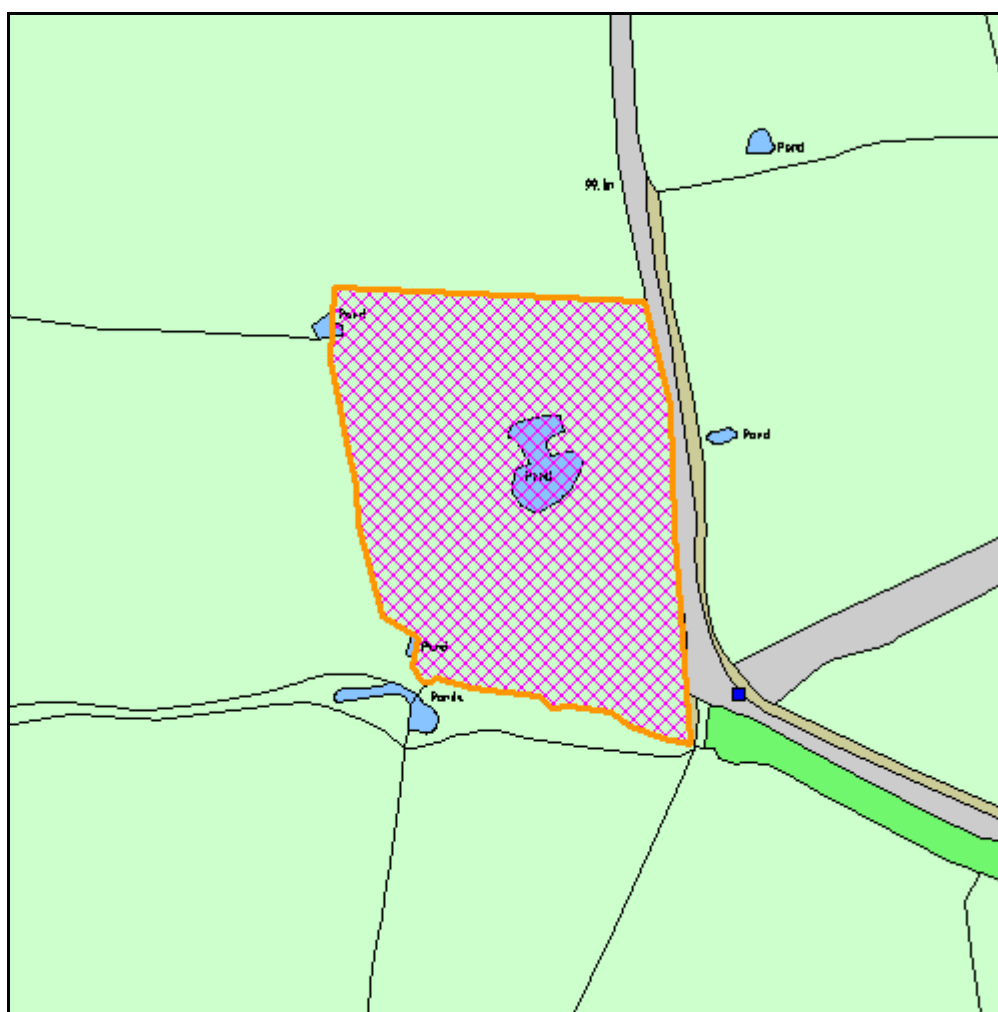
9. Ecological Features

Prior to the first occupation of the proposed development hereby approved, the replacement pond shown on the submitted site plan, Drawing No. LEW/1013/PL/06/17/002/G shall be fully constructed accordingly.

Reason: In the interest of wildlife habitats, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT17/1305/F	<b>Applicant:</b>	Mrs Susan Ryrie
<b>Site:</b>	Land At Shellards Lane Alveston Bristol Southgloucestershire	<b>Date Reg:</b>	4th April 2017
<b>Proposal:</b>	Change of use of land from agricultural to equestrian use and erection of stables.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	365462 186624	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	23rd May 2017



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PT17/1305/F



## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objections from local residents and also because it represent a departure from relevant Green Belt Policy within the Adopted Development Plan.

In this case any resolution to grant planning permission for this development does not need to be referred to the Secretary of the State for Communities and Local Government as the development is not of a large enough scale and it would not have a significant impact on the openness of the Green Belt (referral criteria is set out in the Departure Direction 2009).

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the change of use of land from agriculture to equestrian use and the erection of stables.
- 1.2 The application site relates to a field situated off Shellards Lane in Alveston. The site is therefore in the open countryside and in the Bristol/Bath Green Belt. A number of listed buildings are noted on The Street, which connects to Shellards Lane, and overlook the application site.
- 1.3 During the course of the application the agent was requested to provide justification for the change of use of the land given its Green Belt status and its proximity to listed buildings and their setting. Revised plans also changed the location of the proposed stables and the scale of the building was also reduced.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Practice Guidance April 2016

Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

Managing Significance in Decision Taking in the Historic Environment (GPA 2)

The setting of Historic Assets (GPA 3)

Historic England Advice Notes

#### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement

L9 Species Protection

L13 Listed Buildings

L16 Protecting the Best Agricultural Land

EP2 Flood Risk Development

H10 Horse Related Development

EP2 Flood Risk and Development

T12 Transportation

LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary

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	Managing the Environment and Heritage
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP3	Trees and woodland
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PPS17	Heritage assets and the historical environment
PSP20	Flood risk, surface water and watercourse management
PSP30	Horse related development
PSP38	Development within Existing Residential Curtilages
PSP44	Outdoor sport and recreation outside settlement boundaries

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

South Gloucestershire Landscape Character Assessment (Adopted Nov 2014)

LCA 17 Rudgeway and Tytherington Ridge

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

- 3.1 PRE16/0565 Enquiry completed 21.7.16  
Change of use to equestrian. Erection of removable stabling and storage building

### **4. CONSULTATION RESPONSES**

- 4.1 Alveston Parish Council  
No objection

- 4.2 Other Consultees

#### Conservation / Listed Building Officer

Objection:

The application site forms part of the setting of all three listed buildings. The site contributes positively to the significance of the listed buildings. The proposal would harm this setting and significance, by virtue of its size and location. The applicant has made no proper assessment of the setting and significance of the listed buildings, and no convincing justification for the development with regard to the negative impact on the heritage assets identified.

### Landscape Officer

#### Objection:

It is proposed to locate an American style stable, with a footprint of 10,330 x 7310mm, in an arable field located in the Green Belt to the east of Alveston. Locating the stable closer to the southern boundary may reduce its visual impact on views from Shellards Lane when approaching from the east, though care will need to be taken to avoid the root protection areas of the field trees. Field trees should be planted between the stable and the listed building and public right of way to the north to help screen and soften its visual impact.

The applicant needs to demonstrate that very special circumstances exist for a large stable or that it is an 'appropriate' size due to the location within the Green Belt. To reduce its impact on views from Shellards Lane it should be considered if it could be moved to the southern boundary, though care will need to be taken to avoid the RPA of adjacent hedgerow trees. Field trees should be planted to partially screen and soften its visual impact in views from the north.

In the event of permission being granted permitted development rights should be withdrawn in order to prevent any storage of horse related paraphernalia, including horse jumps, and any subdivision of the field by any means.

#### *Updated comments:*

The proposed location and style of the stable block shown on drawing no 4805 02 Rev A is acceptable with regards to Policies L1 and CS9, it is understood that the applicant will be planting three trees to the north of the block. The applicant has mentioned in an email that they will be planting three trees at the corners of the stable block. These would help to partially screen and soften the visual impact of the block in views from the north. The trees would not need to be close to the stable in order to achieve this and could be located further out into the field, for example between the pond and the hedge. The planting will need to either be shown on the plan with a specification prior to approving the application or be secured by way of an attached landscape condition. The specification should include the name and size of the plant, season of planting, method of keeping a weed free area around the plants for five years (preferably mulching) and method of preventing grazing by horses and rabbits (spiral rabbit guards).

### Ecologist

No objection subject to conditions

### Tree Officer

The installation of the stable block is considered to be viable but, given the stature and importance of the Oak trees nearby, it is recommended that a Tree Protection Plan and Arboricultural Method Statement in accordance with BS5837:2012 are submitted and approved prior to the commencement of work to ensure the safe retention of these trees.

#### *Updated comments following submission of new details*

*No objection subject to a condition to ensure the procedures in the submitted arboricultural plan and statement are followed.*

Sustainable Transport  
No objection subject to conditions

Public Rights of Way  
No objection

Archaeology  
No objection

Public Rights of Way  
No objection

### **Other Representations**

#### 4.3 Local Residents

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

- Inappropriate development in the Green Belt – outdoor recreation refers to publically available sport and recreation facilities
- Applicant has not demonstrated very special circumstances to justify such a proposal in the Green Belt
- Proposal would harm the openness of the Green Belt
- Proposal would have an adverse impact on the setting of a number of Grade II listed buildings
- General nature of these buildings always end up looking unkempt and untidy
- Could lead to other applications for living accommodation then an equestrian centre
- Application puts extra traffic and debris on the highway
- There is already a shelter in full view of our property
- Should I have been consulted?
- Proposed building will be highly visible from our home and adversely affect the setting of our home and the views over the open countryside

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

5.1 In the first instance the proposal must be considered in the light of current Green Belt Policy. The primary policy consideration is guidance contained in the NPPF. Design and siting for the stables will be covered by Policy CS1 High Quality Design and CS5 Location of Development, Policy H4 covers impact on residential amenity and the impact on the surrounding landscape and character of the site will be covered by Policy L1 and impact on the listed buildings and their setting are covered under Policy L12 and Policy CS9.

5.2 Turning to consideration of the Green Belt: The application includes the change of use of agricultural land to land for the recreational keeping of horses, but the change of use of land does not fall within the NPPF list of appropriate forms of development and recent case law has on balance suggested that changes of use of land are the face of it therefore inappropriate development in the Green Belt. The case law acknowledges that this is a somewhat uncomfortable fit with the advice in the same part of the NPPF which seeks to encourage the use of

Green Belt land for recreational and sport uses; and allows for new buildings for sport and recreation in the green belt as appropriate.

- 5.3 Inappropriate development is by definition harmful to the Green Belt and as such very special circumstances are required to show that the proposal would outweigh any harm by reason of definition, and harm to the openness of the area. A list of very special circumstances has been provided and are considered acceptable (this is considered below). The erection of buildings for outdoor recreation can be regarded as being appropriate development in the Green Belt and so is acceptable in principle. Notwithstanding the above, the overall design of the proposed building requires additional assessment and this is covered in the appropriate section below.
- 5.4 Horse related development policy is also relevant to this proposal and is covered in this report under saved Policy E10 Horse Related Development and Policy LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary. The proposal must also satisfy Policy T12 Transportation Development Control.
- 5.5 Impact on the Green Belt and surrounding landscape and very special circumstances  
The NPPF declares that one of the beneficial uses of the Green Belt is to provide opportunities for outdoor sport and recreation. The proposal for the change of use of land for the keeping of horses for recreational use would therefore be in accordance with this general ethos. The proposal can therefore be given considerable weight in this respect. Furthermore, it is considered that the change of use of the land would not have a materially greater impact upon the openness of the Green Belt than the existing authorised use as agricultural; again this is given considerable weight in favour of the proposal. In addition, the site is distinctly rural and as such the keeping of horses would not be out of character. Appropriate conditions limiting for example business use and horse related equipment stored on the land can ensure the openness is maintained and protect the surrounding landscape. These conditions will also ensure the development has minimum impact on the natural beauty of the landscape. There would be no requirement to create a new access as there is an existing gateway off Shellards Lane.
- 5.6 Very special circumstances have been put forward by the applicant to justify the change of use of the land and these include: Its heavy clay soil with pond in the centre of field demonstrating its high water table - in 1995 land drains were introduced here indicating problems for its arable use; The gateways to this and the adjoining field are often subject to litter and fly-tipping and the low-level but consistent presence associated with the change of use would help deter and this behaviour and assist in achieving a cleaner and tidier appearance here; Traditional link between rural character of South Gloucestershire and the presence of horses; demonstrated by network of bridle paths and toll rides, local summer shows, Berkeley kennels and meeting of hounds at Thornbury. Horses and equestrianism add significantly to rural character of area and help local economy for associated equestrian services.

- 5.7 Specifically the applicant states the permission would satisfy a long-standing ambition to secure her own premises close to home to guarantee long-term care of horses and reduce reliance on car transport; the field is of an ideal size for two horses and its proximity would allow more contact with the animals; it is on a quiet lane that is already established as a route for horse riders; it enjoys easy access to an existing network of bridleways and tolls that provide off-road riding to local summer shows etc; health considerations require that one pony has restricted grass intake during the main growing seasons of spring and summer and unrestricted access in a larger field is likely to result in a serious episode of laminitis so some stabling and storage is needed; an established base would guarantee the future care and welfare of the ponies
- 5.8 It is considered that collectively the above reasons amount to very special circumstances sufficient to outweigh any harm to the Green Belt by reason of definition and harm to the openness of the area.
- 5.9 Turning to the erection of the stable block, the NPPF states the construction of new buildings inside the Green Belt is not inappropriate development if the development relates to an appropriate facility for outdoor sport and recreation, as long as it preserves the openness of the Green Belt. The stable is now considered to be of an appropriate size for 2no. horses in this setting, with an approximate footprint of 63 square metres. It would be located along the southern boundary close to the existing field entrance gate.
- 5.10 Given its introduction of the stable into this field, there would be some impact on the openness of the Green Belt by its very presence but the NPPF indicates that new buildings for sport and recreation are considered appropriate. The proposed planting would help to mitigate against the harm and thereby reduces the identified negative impact. It is considered that the change of use of the land specifically to the keeping of horses, the erection of the stable block would not cause harm to the Green Belt.
- 5.11 Horse Related Development Policy  
Policy E10 Horse Related Development and LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary are the relevant horse related policies. These Policies support proposals for horse related development provided it does not have an unacceptable impact in relation to the environment, residential amenity, highway safety and horse welfare.
- Environment:
- 5.12 It is not considered that the stables would have any adverse environmental effects by means of noise, smells, flooding or disturbance due to its size and siting and therefore complies with this part of the policy test.
- 5.13 Ecology  
A Phase 1 Habitat Survey Report has been submitted in support of the proposed application by Windrush Ecology (December, 2016). The findings are detailed below:

*Habitats:*

- Poor semi-improved grassland;
- Hedgerows – all of which were considered to be ‘important’. There is existing access that will be used for the change of use;
- Ponds and ‘hedgerow ponds’.

*Species protected under the Conservation Regulations 2012 (‘European Protected Species’) as well as the Wildlife & Countryside Act 1981 (as amended):-*

- Bats – some of the trees in the surrounding hedgerow were assessed as offering high bat roost potential. The hedgerows and grassland are likely to offer commuting and foraging habitats;
- Hazel dormouse – the hedgerows are suitable although these are far from any blocks of woodland and will remain after change of use.
- Great crested newt (GCN) – there are four ponds within and round the boundary of the site. Pond 1 lies within at the centre of the site and achieved a HSI score of ‘average’. Although the pond is potentially suitable for GCN, the surrounding terrestrial habitat is not suitable. It has recently been sown as a grassland for pasture, and was previously an arable field. Pond 1 will be retained after the change of use. Ponds 2-4 were assessed as having negligible potential for GCN as they were either dry for much of the year or were unsuitable in other ways.

*Species protected under the Wildlife and Countryside Act 1981 (as amended):-*

- Nesting birds – the hedgerows and trees are likely to provide nesting opportunities for birds. The grassland however is not suitable for ground-nesting species.
- Reptiles – Habitat on site is not suitable for reptiles.

*Badger Act 1992:*

- No badger setts were identified during the survey. A mammal path and dung pile showed badgers are present in the area and this field is likely to comprise part of a territory for a family group.

*European Hedgehog (not currently protected but a UK and South Gloucestershire Priority Species:*

- There is suitable habitat for hedgehog to forage and hibernate.

5.14 Providing the development proceeds in accordance with the submitted survey report it is considered acceptable in ecology terms. An appropriately worded condition will be attached to the decision notice to ensure this is the case.

5.15 Landscape

During a site visit it was noted that the field has recently been seeded for pasture and was previously an arable field. A pond is noted in the centre of the field which is surrounded by mature trees. There is a hedgerow with mature trees along the eastern boundary with Shellards Lane and a robust, though slightly overgrown, hedgerow with many mature trees on the southern boundary. Public rights of way are present in the adjacent fields to the south and west and also on the southern boundary of the applicants plot.

- 5.16 Revised plans received during the course of the application indicate the position of the proposed stable block has been moved and its overall size has been reduced. The stable would be in the southern corner of the field. Alternative locations have been discussed with the applicant. However, these also each presented their own limitations, such as impact on trees, requirement of additional hardstanding and so the new location has the least constraints.
- 5.17 The building will be visible in views from Shellards Lane, particularly approaching from the east, but the surrounding network of hedgerows and hedgerow trees should help screen the building in views from the wider landscape. The building will also be open to views from the Grade II listed dwelling and public footpath to the north but the planting of appropriately located field trees would screen and soften the visual impact of the stables.
- 5.18 Given the above there are no landscape objections but it is considered appropriate that permitted development rights should be withdrawn in order to prevent any storage of horse related paraphernalia, including horse jumps, and any subdivision of the field by any means.
- 5.19 Trees  
The proposed stables is surrounded by good quality, mature trees. Immediately to the north of the access gateway (and about 8 metres from the northeast corner of the proposed stables) there is a mature Oak with a diameter in the region of 1 metre. Approximately 15 metres to the south east of the south east corner of the proposed stables is another mature Oak and approximately 12 metres to the west of the south west corner of the stables is a third mature Oak. Between the two Oaks on the eastern boundary of the site there is a smaller Ash that is of far less significance, although it is the closest tree to the proposed development.
- 5.20 The details in the submitted Tree Protection Plan and Arboricultural Method Statement are considered appropriate and would ensure the health and safety of the trees providing the development is in accordance with these details. This will be secured by condition.
- 5.21 *Flooding*  
The site is not located in a flood zone. It is acknowledged that the site may be prone to site specific flooding and therefore the proposal included a mesh surface and an area of hardstanding to protect the horses' feet.
- Residential amenity:*
- 5.22 During the course of the application the location of the stables has been moved to the furthest southern point of the field. The listed residential properties are over 390 metres away to the north and although it is considered there would be no adverse impact on the amenity of these properties, the special status of these listed buildings must be given due regard. The closest residential property is about 280 metres away on the other side of Shellards Lane and therefore screened by two sets of hedging and mature trees. There would be no adverse impact on the amenity of this house following the development.



*Highway safety/transportation*

- 5.23 Access will be obtained via an existing field access and the field would be used for the recreational keeping of horses only and not for livery use or business purposes. The proposal is therefore acceptable in highway terms.

*Horse welfare:*

- 5.24 The general guidelines from the British Horse Society are that each horse should have between 1-1.5 acres of land; in this case the field is 2.5 acres which complies with the guidelines. It is noted that the stable block has room for 2no. horses; a tackroom plus a hay and bedding store incorporated within it.
- 5.25 The development is considered to be in accordance with the criteria listed in Policy E10 and Policy LC5 subject to conditions regarding the number of horses and general use of the land, however, impact on the heritage status of nearby houses is an additional consideration and is addressed full in the appropriate section below.

5.26 Listed Building Assessment

Revised plans indicate the proposed stable block would be located around 390 metres to the south of three grade II listed houses, Alveston Old House and Dial House (semi-detached) and Grove House. It is noted that although Alveston Old House and Dial House have earlier origins all three are of nineteenth century 'polite' design incorporating sash windows, rendered elevations and parapet walls. Grove House is a large dwelling of particularly attractive architectural form, built by the wealthy Bush family who inherited the Alveston estate in the mid-nineteenth century. The east and south side (facing the site) has an impressive wrought iron verandah canopy, set against a full height bow window. The south elevation also has a central door with open pediment on plain pilasters. The house is orientated such that the south elevation directly faces the application site and the verandah clearly illustrates that views south were an intention of the original design. The historic maps show dense planting around Grove Farm which may have been intended to screen agricultural buildings and activities, providing a more picturesque vista to the open landscape to the west. This landscape provides an important setting to the listed building and should remain open and undisturbed. In full leaf there is a fair amount of screening of the site although in winter months views are highly likely. The existing smaller temporary stable is visible currently.

- 5.27 Dial House and Alveston Old House are of lesser architectural pretension however are of a polite design and the open fields to the south, including the application field/site, provide uninterrupted views of the buildings from the south. The raised ground floor and southern entrance and walkway of Alveston Old House provide views directly to the application site, and again, this would no doubt have been a deliberate intention of the original design of the building. The application site forms part of the setting of all three listed buildings and contributes positively to the significance of the listed buildings.
- 5.28 The harm to the setting and significance of the proposed stable block must be assessed. The agent has resisted undertaking a proper assessment of the setting and significance of the listed buildings in order to provide justification for the development with regard to the negative impact on the heritage assets

identified. In the balancing exercise, weight is awarded against the proposal given that harm has been identified to the setting of the listed buildings. However, given the distance away from these buildings the level of harm is much reduced. If the proposed stable block had been closer the harm would have been greater and without a full heritage statement of the impact then it is likely that the application would have been refused. In particular paragraph 134 of the NPPF states that *where development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.*

5.29 Weight is given in favour of the scheme due to stable block being an acceptable form of development in the countryside; that the overall size of the stable has been reduced thereby reducing its overall visual impact. In addition the block would be located about 390 metres away from the listed buildings. It is therefore considered that there would be little /negligible adverse impact on the setting of the listed buildings and the proposal can be recommended for approval.

5.30 Design and Visual Amenity

The proposed stable building would have an overall footprint of about 63 sq m and a volume of 190 cubic metres (approx.. length 11.9 x width 5.3 x height 3 metres). It would have timber wall cladding and profiled cement fibre roof panels. Access to the stable would be off Shellards Lane.

5.31 It is considered that the design, scale and massing of the stable would be appropriate for the proposed use and the materials used, in time, integrate into the landscape. The overall appearance is therefore acceptable for a stable block.

5.32 Other matters

Concern has been expressed by neighbours with regards to the impact on views from their property. There is no right to a view and given the substantial distance between the houses and the stable block it is considered that there would be no adverse impact on the amenity of closest houses.

One comment has stated that if approved the application could lead to the introduction of living accommodation and then an equestrian centre. The application being considered here is for a stable and for the change of use of the field. Each application is assessed on its own individual merits when it is received by the LPA. It is not possible to assess something that may or may not take place in the future.

One neighbour acknowledged the presence of a site notice but queried whether a letter should have been also sent. Following receipt of revised plans letters were sent to neighbours, but no further responses/comments on the application were received.

5.33 Equalities

The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society; it sets out the different ways in which it is unlawful to treat someone. As a result of this Act the public sector equality duty

came into force. Among other things those subject to the equality duty must have due regard to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. The general equality duty therefore requires organisations to consider how they could positively contribute to the advancement of equality and good relations. It requires equality considerations to be reflected into the design of policies and the delivery of services.

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

#### 5.34 Planning Balance

The site is within the Green Belt and very special circumstances have been put forward and accepted regarding the change of use of the land for the keeping of horses. The erection of a stable building is an appropriate form of development. Weight is therefore given in favour for the use and the built form in this location. Impact on the residential amenity of closest neighbours has been assessed and found that given the distance there would be no adverse effect. Neutral weight is awarded for this reason. With regards to the landscape and trees, by means of planting for the purpose of screening the building and by following the submitted arboricultural method statement these measures will mitigate against changes to the appearance / any negative impact on the landscape and on the health and wellbeing of the trees. This is given neutral weight. Impact on the setting of the listed buildings set at around 390 metres away has been discussed above and found acceptable. Given that the nature of the development in this rural location is appropriate; that the scale of the development being a field for 2 horses and an appropriately sized stable is acceptable along with the distance between the listed building and the application site, weight is awarded in favour of the scheme. The proposal is therefore acceptable and is recommended for approval.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations, including the very special circumstance shown to justify the change of use as set out in the report. The proposal was advertised as a departure in April 2017 and as such the required period of 21 days has expired.

## 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. At no time shall the development the subject of this permission be used for livery, riding school or other business purposes whatsoever.

Reasons:

a. To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1, CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and the saved Policy L1 and Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

b. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

c. To protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The number of horses kept on the site edged in red on the plans hereby approved shall not exceed 2 (two).

Reasons:

a. In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

b. To protect the amenities of the occupiers of the nearby dwellings, and to accord with the saved Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

c. In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

5. Any temporary jumps erected on the land shall be stored away to the side of the associated stable, immediately after use.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

6. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

7. The development shall proceed in strict accordance with the recommendations made in Sections 5.2 and 5.3 of the Phase 1 Habitat Survey Report (Windrush Ecology, December 2016). Any deviation from this plan must be agreed with the local planning authority

Reason

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

8. Within three months of this approval and to screen the new stables from general view and to mitigate for impact on the Green Belt a scheme of landscaping including new native hedgerow planting and tree planting is required to be submitted to the LPA for approval. A scheme of landscaping indicating these planting proposals and including details of all existing trees and hedgerows on the land, together with measures for their future protection in a 5 year maintenance plan shall be submitted to the Local Planning Authority for approval. Details shall include the hedge fronting the highway adjacent to the widened access area. Details shall include proposed planting

times and species. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the Green Belt and landscape in general, and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the requirements of The National Planning Policy Framework March 2012 and the South Gloucestershire Council SPD - 'Development in the Green Belt' June 2007.

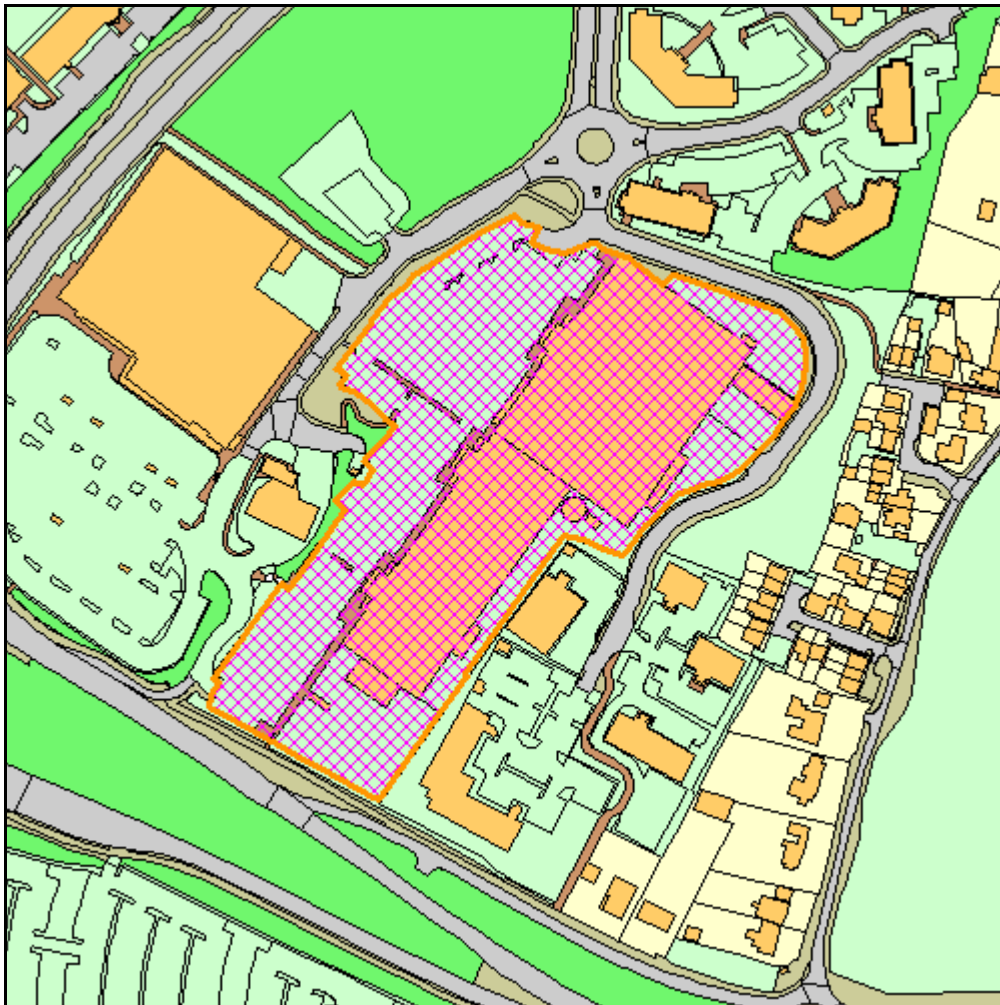
9. Development must be in accordance with the details in the Arboricultural Impact Assessment prepared by Discover Trees dated 16th August 2017.

Reason

To protect the character and appearance of the area and the Green Belt in general to accord and to protect the health and longevity of the trees and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework and Policy L1 of the South Gloucestershire Council Local Plan (Adopted) 2007.

## CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017

<b>App No.:</b>	PT17/1763/RVC	<b>Applicant:</b>	Surplus Property Solutions
<b>Site:</b>	B & Q Fox Den Road Stoke Gifford South Gloucestershire BS34 8SP	<b>Date Reg:</b>	8th May 2017
<b>Proposal:</b>	Variation of Condition 10 attached to planning permission PT16/6859/RVC to allow the sale of additional food and drink sales from the site	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361865 178848	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Major	<b>Target Date:</b>	18th July 2017



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 100023410, 2008.

N.T.S.

PT17/1763/RVC

## **Reasons for Referring to the Circulated Schedule**

Members may recall that this application previously appeared on Circulated Schedule 32/17. The application was referred to the Circulated Schedule following the receipt of objections from Stoke Gifford Parish Council and local residents; the concerns raised, being contrary to the officer recommendation. On that occasion Members did not refer the application to SIS or DC West Committee for determination.

Prior to issuing the Decision Notice however, it came to light that due to confusion resulting from an administrative error on behalf of the applicant, relating to an earlier application PT16/4626/RVC and some ambiguity in the wording of the current submission, that the case officer had in fact reported conflicting statements to Members.

Officers consider that for the avoidance of doubt and to rectify the earlier administrative error, the best course of action is to re-submit the application to the Circulated Schedule. Whilst the principle of the proposal remains the same officers have re-worded some sections of the report and revised the wording of some of the conditions. If approved this decision will supersede PT16/4626/RVC.

### **1. THE PROPOSAL**

- 1.1 The application relates to Unit 2B, of the former B&Q store at Fox Den Road, Stoke Gifford. The wider building measures 11,147 sq.m (GIA) with 10,938 sq.m. of this floor space at ground floor level and 209 sq.m. at mezzanine level. A further 1,115 sq.m. of sales floor space is provided in an external centre on the southern end of the building. The building is currently vacant.
- 1.2 Planning permission PT00/0215/F was granted in May 2000 for the 'Erection of single retail unit with associated garden centre, along with car parking, service area and landscaping'.
- 1.3 A subsequent planning permission PT16/0914/F was granted in April 2016 for "Change of use of the southern part of the building from Class A1 (retail) to Class D2 (Assembly and Leisure) and associated external alterations and works". This permission facilitated the re-occupation of 2,500 sq.m. of vacant floor space by a new health and fitness centre i.e. DW Fitness.
- 1.4 A subsequent Section 73 application was granted approval to *inter alia* vary conditions 11 and 16 of permission PT00/0215/F to allow the sub-division of the former B&Q unit and permit the retail sale of food & drink goods from 2,323 sq.m. of floor space i.e. Unit 2A (not 2B as previously reported).
- 1.5 Both proposals i.e. the Gym and the Food Store form part of a wider package of investment seeking to bring the floor space back into productive economic use and replace the jobs lost following the closure of B&Q. There were no changes in either proposal to the footprint or scale of the building and no increase in the amount of floor space.
- 1.6 Condition 10 attached to PT16/6859/RVC restricts the amount of floor space to be used for the sale of food and drink and reads as follows:



*Other than the 2,323 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.*

*Reason*

*To protect the vitality of nearby centres and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan. 2006 and the requirements of the NPPF.*

- 1.7 In order to meet operational requirements, this current S73 application PT17/1763/RVC merely seeks to vary the wording of condition 10 to allow a further 325 sq.m. of the application site to be used for the retail sale of food and drink thus allowing a total of 2,648 sq.m. The additional 325sq.m. would in fact be located in Unit 2B and be for a separate operator to that occupying Unit 2A. The footprint of the respective units will not increase as a result of this application. The revised wording of condition 10 would therefore be as follows:

*Other than the 2,648 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.*

- 1.8 (For the avoidance of doubt, the proposal is to merely **vary** the wording of the condition not **remove** it as implied in some of the consultation responses.)

## **2. POLICY CONTEXT**

### 2.1 National Guidance

National Planning Policy Framework (NPPF) 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
CS8	Improving Accessibility
CS14	Town Centres and Retail
CS25	Communities of the North Fringe of Bristol

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

T7	Cycle Parking
T8	Parking Standards
T12	Transportation
RT5	Out of Centre and Edge of Centre Retail Development

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

## 2.4 Emerging Plan

### Proposed Submission : Policies, Sites & Places Plan June 2016

PSP11 - Transport Impact Management

PSP16 - Parking Standards

PSP21 - Environmental Pollution and Impacts

PSP31 - Town Centre Uses

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0215/F - Erection of single retail unit with associated garden centre, car parking, service area and landscaping.  
Approved 3 May 2000.
- 3.2 PT01/0453/F - Erection of sprinkler storage tank and pump house.  
Approved 19 March 2001.
- 3.3 PT01/0453/F - Erection of sprinkler storage tank and pump house  
Approved 19 March 2001.
- 3.4 PT01/0528/F - Erection of fence and gate to surround service yard.  
Refused on the grounds of size and scale and detriment to visual amenity 20 March 2001.
- 3.5 PT01/0586/F - Change of use of part of service yard to form external sales area.  
Approved 30 March 2001.
- 3.6 PT01/1743/F - Retention of 4m high fence and gate to surround service yard.  
Approved 24 September 2001.
- 3.7 PT02/0686/RVC - Variation of Condition 11 attached to planning permission PT00/0215/F to allow the subdivision of the unit.  
Approved 25 April 2002.  
*Not implemented*
- 3.8 PT03/1617/RVC - Erection of single retail unit with associated garden centre, car parking, service area and landscaping. Variation of Condition 11 attached to planning permission PT00/0215/F to allow subdivision into 7 units.  
Approved 7 August 2003.  
*Not implemented*
- 3.9 PT06/0221/F - Formation of Service Yard in place of existing external garden centre, relocation of garden centre to existing staff parking area, enclosed by 3 metre high fencing, relocation and construction of new double sprinkler tank and pump-house in new service area and blocking off of an existing service door on rear elevation (in accordance with amended plans received by the Council on 23<sup>rd</sup> February 2006 and 21 March 2006).  
Approved 31<sup>st</sup> March 2006

- 3.10 PT06/1188/CLP - Certificate of Lawfulness for the proposed installation of a mezzanine floor.  
Granted 26<sup>th</sup> May 2006
- 3.11 PT06/1489/F - Formation of service yard in place of existing external garden centre, relocation of garden centre to existing staff parking area enclosed by 4.2m high fencing. Installation of 2no. sets of auto B1-parting doors between store and garden centre (amendment to previously approved scheme PT06/0221/F).  
Approved 23 June 2006
- 3.12 PT06/2349/F - Erection of extension to enclose part of the existing garden centre sales area.  
Refused 19 Oct. 2006
- 3.13 PT06/3338/F - Erection of 7 metre high anti-theft netting around perimeter of external garden centre (retrospective).  
Approved 4 Jan 2007
- 3.14 PT16/0914/F - Change of use of part of building from Class A1 (Retail) to Class D2 (Assembly and Leisure) and associated external alterations and works.  
Approved 21 April 2016
- 3.15 PT16/4626/RVC - Installation of full height glazing and sliding double door and creation of trolley bay to facilitate variation of conditions 11 and 16 attached to planning permission PT00/0215/F to allow the subdivision of unit and permit the retail sale of food and drink from 2323 square metres of floor-space.  
Approved 9<sup>th</sup> December 2016
- 3.16 PT16/6471/F - Installation of mezzanine floor.  
Approved 10<sup>th</sup> Feb. 2017
- 3.17 PT16/6859/RVC - Variation of condition 4 attached to planning permission PT16/4626/RVC to change delivery times.  
Approved 17<sup>th</sup> March 2017

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

- 4.1 Stoke Gifford Parish Council  
Council concurs with residents comments, which identified extra provision elsewhere within the same building. Council objects to the removal of Condition 10.
- 4.2 Other Consultees

### Transportation D.C.

This planning application seeks to vary a condition (ref 10) placed on the permission granted under ref PK16/6859/RVC for the conversion of part of the B&Q store in Fox Den Road, Stoke Gifford to other retail uses.

This is a matter of concern because Condition 10 limited the extent of the floor area which could be used for food and drink retail to 3,323sqm. Hence, we believe that if this condition were to be completely removed, then the whole building could then be devoted to this type of use. This would mean that this building would be likely to have a materially different travel demand pattern to that which would pertain if it were devoted to non-food retail uses.

We note however from the covering letter accompanying this application that it is intended to use only 3,500sqm of the store for these purposes. Therefore, we would recommend that a new condition is imposed on this site, limiting the food and drink retail floor area to that total instead. Otherwise, we have no highway or transportation comments about this application.

### Economic Development Officer

No objection

### Environmental Protection

No objection

### Wessex Water

No response

### Safe and Strong Technical Support Officer

No adverse comment

### Strategic Planning Officer

No objection

## **Other Representations**

### 4.3 Local Residents

2no. responses objecting to the proposal were received from local residents.

The comments made are summarised as follows:

- No good reason to relax condition.
- Already have a Sainsbury's and an Asda in close proximity – relaxing condition 10 would hurt them.
- Would prefer range of goods for sale is broadened.
- Will set precedent for all units to sell food and drink.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It is merely proposed to vary the wording of Condition 10 of planning permission PT16/6859/RVC to allow a further 325 sq.m. of food and drink sales in Unit 2B.

Having regard to the reason for the condition, officers must assess this proposal having specific regard to the impact on the vitality of nearby centres.  
Analysis

- 5.2 The scope of a variation of condition application (section 73 application) is more limited than a full planning application. The Local Planning Authority may only consider the question of the condition(s), and cannot revisit or fundamentally change the original permission. It may be decided that the permission should be subject to the same conditions as were on the original permission; or that it should be subject to different conditions; or that permission may be granted unconditionally. There is a right of appeal in the usual way against any conditions imposed.
- 5.3 In assessing this application it is necessary to consider whether or not the relevant condition no.10 or any variations thereto, satisfy the requirements of planning conditions as set out in the National Planning Policy Framework (NPPF). The NPPF requires all planning conditions to pass three tests, these being that conditions should be: –
- i. Necessary to make the development acceptable
  - ii. Directly related to the development
  - iii. Fairly and reasonably related in scale and kind
- 5.4 Policy CS4 of The South Gloucestershire Local Plan Core Strategy replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that:- ‘when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible’. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.5 At the time of PT16/4626/RVC it was envisaged that the future tenant for unit 2A would be a discount food retailer i.e. most likely either Aldi or Lidl.
- 5.6 The application site forms part of a wider commercial area that includes a Sainsbury’s food-store, a number of Class B1 office parks along Fox Den Road, and residential properties to the rear on Harry Stoke Road.

Justification for Varying Condition 10

- 5.7 The applicant has stated that :- “the additional floorspace to be used for the retail sale of food and drink is required to meet the operational requirements of a prospective retailer.”
- 5.8 “The majority of the floorspace within the building has been vacant since B&Q ceased its operation in 2016. DW Fitness, has now commenced operation at the site in the newly created Unit 3. Accordingly, the current application forms part of a wider package of investment seeking to bring the remaining floorspace back in to productive economic use and replace the jobs lost following the closure of B&Q.”

- 5.9 “The proposed food and drink sales will form an ancillary part of the prospective operator’s principal comparison goods offer from Unit 2B. Irrespective of this, it will enhance convenience goods provision in the local area, affording local residents a greater choice of convenience shopping facilities. Furthermore, it will assist in bringing this floorspace back in to productive economic use creating jobs and other positive spin off benefits.”

### Analysis

- 5.10 The authorised use of Unit 2A as a food-store was established with the grant of PT16/4626/RVC and that matter is not for consideration in this application, which merely seeks to increase the overall amount of floorspace to be used for the sale of food and drink items by allowing a further 325 sq.m. of Unit 2B to be used ancillary to non-food sales already approved.
- 5.11 The application seeks to vary condition 10 of the subsequently permitted application PT16/6859/RVC, to allow an additional 325 sq.m. area of existing floorspace to be used for the sale of food and drink A1, which is only considered to be a relatively modest increase.
- 5.12 Core Strategy Policy CS14 sets out an investigation of a new centre at Stoke Gifford, in addition to highlighting the need for an appropriate retail impact assessment it also requires the application of the sequential test – as defined in the NPPF. The emerging (at Main Modification Stage) Policies, Sites and Places Plan, Policy PSP31 confirms designation of a centre at Stoke Gifford, defining a Primary Shopping Area and wider Town Centre. In addition Policy PSP31 provides clarification that applications will not require retail impact assessment for A1 use proposals where they are below 350 sq.m.
- 5.13 Given the approval of the original application (PT16/4626/RVC) and supporting retail impact assessment and sequential test for that application (including council commissioned independent analysis of the RIA) and confirmation in the emerging PSP that the site is within the designated Primary Shopping Area and centre boundary of Stoke Gifford district centre; officers have no objections to this particular variation of condition 10 which would marginally increase the A1 food and drink floorspace used in the emerging Stoke Gifford centre.
- 5.14 Although, officers have no objections to this proposed variation of condition 10, future applications that seek to increase A1 convenience floorspace in this planning unit and Stoke Gifford centre, particularly where it would involve the loss of A1 comparison floorspace, will need to be mindful of the PSP31 policy requirement and retail need for up to 5000m<sup>2</sup> of an additional A1 comparison retail to be provided within Stoke Gifford Primary Shopping Area and edge of centre locations. Subject to the retention of all other conditions imposed on PT16/6859/RVC there are no in-principle objections to the proposed variation of Condition 10.

### Transportation Issues

- 5.15 Officers have concluded that given the location of the site, within a predominantly commercial area, the proposal would not materially change the

associated travel demands. Neither does the officer consider that there would be a significant detrimental harm to neighbouring property. There are therefore no transportation objections to the proposal

#### Impact on Residential Amenity

- 5.18 Local residents have raised concerns that the proposal would set a precedent for all the units to sell food and drink. This would require planning permission in its own right. The current application merely wishes to vary condition 10 to allow a modest increase in the amount of floorspace to be used for the sale of food and drink as opposed to comparison goods and has been assessed in that context.
- 5.19 If the current application is approved, all relevant other conditions attached to PT16/6859/RVC would be carried over and these include conditions to protect residential amenity.

#### Planning Balance

- 5.20 Officers are mindful of the NPPF support for sustainable economic development and the need to boost the economy. Furthermore, conditions should be reasonable and in this case an over restrictive condition has the potential to adversely affect the successful operation of the food-store, at a time when it is trying to establish itself. At the time of application PT16/4626/RVC there was a good deal of support expressed by local residents for a food-store in this location.
- 5.21 The proposed variation would allow only a further 325sq.m. of food and drink sales as opposed to comparison goods which, in officer opinion, would have no significant adverse affect on the vitality of nearby centres.

## **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 consent 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 a variation of Condition 10 is permitted to read as follows:

*Other than the 2,648 sq.m. of floor space for the retail sale of food and drink goods hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.*

*Reason*

*To protect the vitality of nearby centres and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan. 2006 and the requirements of the NPPF.*

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

**CONDITIONS**

1. The development hereby permitted shall be carried out in full accordance with the following approved plans:

Previously Approved under PT16/4626/RVC

Site Location Plan Drawing No. 16-140-16-01  
Existing Elevations 1 of 2 Drawing No. 15-238/Brist/10/01  
Existing Elevations 2 of 2 Drawing No. 15-238/Brist/11/01  
Proposed Elevations 1 of 2 Drawing No. 15-238/Brist/12/01  
Proposed Elevations 2 of 2 Drawing No. 15-238/Brist/13/00  
Proposed GA and Site Plan Drawing No. 15-238/Brist/13/01  
Existing GA and Site Plan Drawing No. 15-238/Brist/14/01

All received by the Council on the 5th August 2016

Site Location Plan Drawing no.16  
Existing Layout Drawing No. 15\*-238/Brist/13

Both received 19th December 2016

**Reason**

For the avoidance of doubt.

2. 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).

3. All surface water run-off from outside storage, parking or vehicle washdown areas shall at all times pass through an oil/petrol interceptor or such other alternative system as may be agreed with the Council, before discharge to the public sewer.

**Reason**

To meet the requirements of the Environment Agency and to prevent the pollution of nearby watercourses and to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th December 2013 and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.



4. For the food-store operating from Unit 2A only, as indicated on the approved Existing Layout Plan Drawing No. 15\*-238/Brist/13; no deliveries shall take place between the hours of 21.00hrs and 07.00hrs Mondays to Saturdays (including Bank Holidays) and between 20.00hrs and 09.00hrs on Sundays. Otherwise, for the remaining retail units within the premises to which this consent relates, no deliveries shall take place between the hours of 18.30hrs and 08.00hrs Mondays to Saturdays and no deliveries shall take place on Sundays and Bank Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

5. Other than public services vehicles, all vehicular traffic to the site, including construction traffic, shall access the site from Fox Den Road.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006; and in the interests of highway safety to accord with saved Policies T12 and RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006.

6. The units hereby authorised and shown on the approved 'Proposed GA and Site Plan' Drawing No: 15-238/Brist/13/01 shall not be sub-divided to form smaller units.

Reason

To protect the viability of nearby centres and to accord with Saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

7. The hours of working during the period of construction shall be restricted to between 07.30 and 18.00 Monday to Friday and 08.00 and 1300 on Saturdays, and no working shall take place on Sundays or Public Holidays.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

8. No outside storage shall take place at the premises.

Reason

In the interests of visual amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006...

9. No external lighting shall be installed on the building or within the service area except in accordance with a scheme originally approved in writing by the Local Planning Authority under planning consent PT00/0215/F.

Reason

To protect adjoining levels of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

10. Other than the 2,648 sq.m. of floor space for the retail sale of food and drink goods (Unit 2b) hereby permitted, the retail units hereby authorised shall not be used for any purpose other than non-food retail, without the prior consent of the Local Planning Authority.

Reason

To protect the vitality of nearby centres and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006 and the requirements of the NPPF.

11. Prior to the first occupation of the development for the purposes hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan shall be implemented as approved before the development hereby permitted is brought into use; or otherwise as agreed in the Travel Plan.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

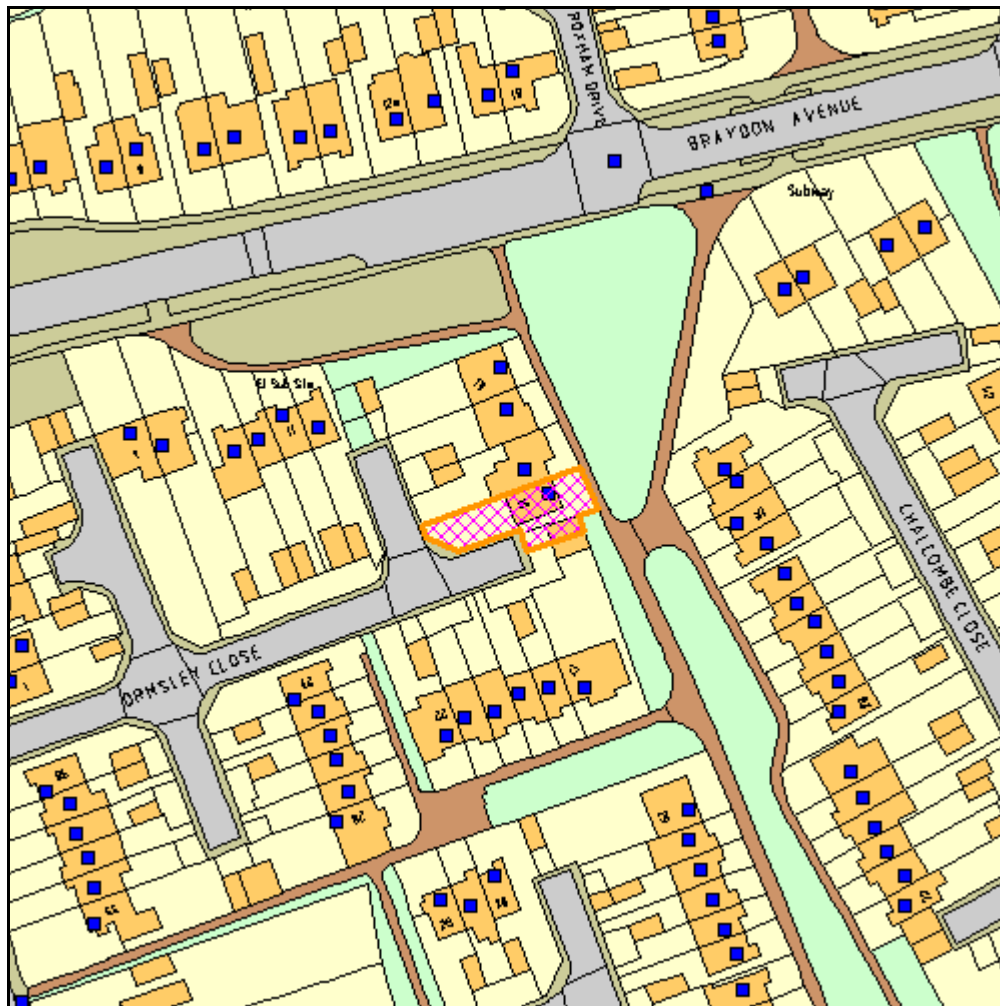
12. This consent shall enure for a period of 12 months only from the date of the first use or occupation of Unit 2A, as shown on the approved Existing Layout Plan Drawing No. 15\*-238/Brist/13, for the retail sale of food and drink. Written confirmation of the commencement of the use or occupation of Unit 2A for the retail sale of food and drink, shall be provided to the Council within one month of said first use or occupation. Thereafter, upon the expiry of the 12 month period, the delivery hours shall revert back to those listed in Condition 4 attached to permission PT16/4626/RVC.

Reason

To give the Council the opportunity to fully assess the impact of noise disturbance resulting from deliveries to the food-store operating from Unit 2A as shown on the approved Existing Layout Plan; in the interests of residential amenity and to accord with saved Policy RT5 of The South Gloucestershire Local Plan (Adopted) 6th January 2006..

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT17/2180/F	<b>Applicant:</b>	Mr Steven Tullett
<b>Site:</b>	16 Ormsley Close Little Stoke Bristol South Gloucestershire BS34 6EN	<b>Date Reg:</b>	14th June 2017
<b>Proposal:</b>	Demolition of existing garage. Erection of single storey front and two storey side extension to form additional living accommodation. Formation of new vehicular access, parking spaces and associated works.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361298 181592	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Householder	<b>Target Date:</b>	7th August 2017



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PT17/2180/F

## 1. THE PROPOSAL

- 1.1 The proposal seeks to erect a two storey side extension at 16 Ormsley Close, Little Stoke.
- 1.2 The subject property is a late 20th century semi-detached property with part brick and part rendered elevations and a gabled roof. To the side is a garage to be demolished.
- 1.3 The proposal would be subservient to the existing dwelling with a gabled roof.
- 1.4 The subject property is situated in the built up residential area of Little Stoke where properties tend to be late 20th century dwellings built as part of a large estate.
- 1.5 The application has been revised following officer advice. The scheme had included a detached garage to replace the existing but this has now been omitted from the proposals. In addition the proposed porch has been reduced in depth to match a similar extension next door.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

### 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 Managing the Environment and Heritage

#### 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  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Space

### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Residential Parking Standards SPD (adopted) December 2013

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

- 3.1 No relevant site specific planning history.  
PT10/2221/F – Approval – 01/10.2010 – Erection of single storey front and side extension to form porch and additional living accommodation. Erection of extension to rear conservatory. (At no15 Ormsley Close)  
PT05/2435/F – Approval – 26/09/2005 – Erection of two storey side and single storey front extensions to form additional living accommodation. (At no14 Ormsley Close)

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Local Member to call to sites. Council raised concerns regarding over development, out of keeping with the area, and concerns regarding access.
- 4.2 Other Consultees  
  
Transport Officer  
Requested revised plans; this is discussed in detail below.

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received

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

- 5.1 Principle of Development  
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal is subject to the consideration below.
- 5.2 Design and Visual Amenity  
The proposal consists of the erection of a two storey side extension and a single storey front extension. A number of nearby properties have been extended in a similar manner, including no14 Ormsley Close. Accordingly the proposal is considered to be in keeping with the general character of the area.
- 5.3 The initial submission had included a detached garage. This would have resulted in a cramped form of development and negative weight would have

been attached to design considerations. This has also assumed to have contributed to the Parish Council's objection. This structure has been removed from the proposals following officer advice. In addition the depth of the front porch has been reduced to match that of the neighbouring property. The proposal is now viewed as acceptable with regard to adopted policy.

- 5.4 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.5 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.6 The host property is semi-detached and the proposal will be located on the side elevation of the property. Dwellings in this direction are oriented perpendicular to the host dwelling. Furthermore the nearest property has a garage that would screen a proportion of the development from view. Nevertheless given the degree of separation between this property and the proposals it is not considered to have a harmful impact on the amenity of this dwelling. Dwellings to the rear are separated by public amenity space and walkways and given this separation is not considered to be harmed by the proposed development.
- 5.7 The proposal will occupy a small amount of additional floor space, however will replace an existing garage. An amount of the garden space will be lost to provide car parking, however the property would retain a similar amount to those properties that have been extended to the rear.
- 5.8 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.9 Sustainable Transport and Parking Provision  
The proposal would not require any additional parking provision, however would result in the loss of the garage space and driveway. The original submission had sought to erect a detached garage as well as an area of hardstanding. The proposal no longer includes the garage but the hardstanding will be required prior to completion of the development to ensure satisfactory parking provision. These must measure a minimum of 2.4 x 4.8 metres and be contained within the boundary of the site. A condition will be attached ensuring that is the case. This has been found to suitably control the parking issue and alleviates concerns of the council and transport officer. The submission had indicated a parking area but following revision this was no longer visible, however the case officer is happy that the spaces can be provided to the south-

western end of the site and on the access lane. Therefore the proposal would not have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

## 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 attached to the decision notice.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

## **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 extension hereby permitted shall not be occupied until 2no private parking spaces measuring a minimum of 2.4 x 4.8 metres with a permeable bound surface have implemented to the south-west of the site. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

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

Received by the Local Planning Authority on 7th May 2017 - Existing Plans and Site Plan

Received by the Local Planning Authority on 12th June 2017 - Site Location Plan

Received by the Local Planning Authority on 16th August 2017 - Revised Proposed Plans and Elevations

For the avoidance of doubt the development shall no longer include the erection of a garage.

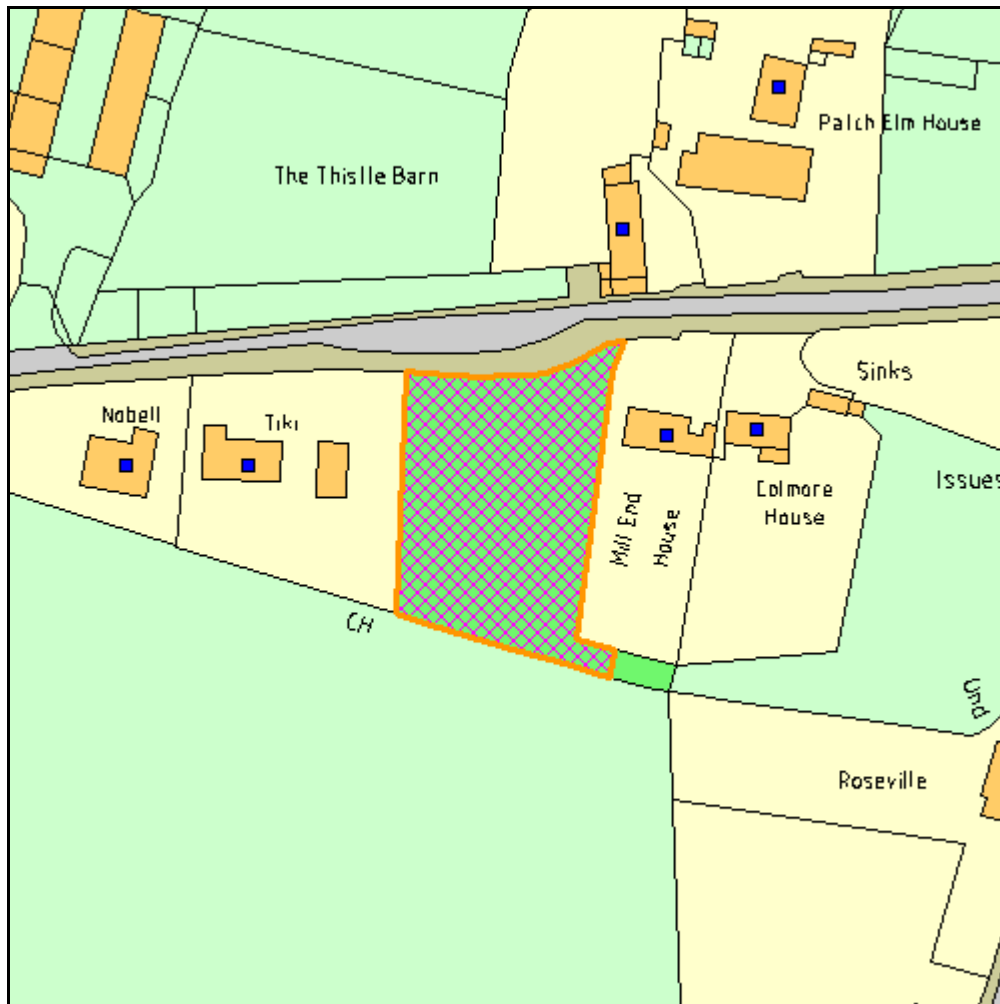
Reason

For the avoidance of doubt and in the interest of a satisfactory standard of design, residential amenity and parking provision, and to accord with Policy CS1 of the South Gloucestershire Core Strategy (adopted) December 2013; Policy H4 of the Local Plan (adopted) January 2006; and the provisions of the National Planning Policy Framework (2012)



**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT17/2222/O	<b>Applicant:</b>	Mr R. Stowey & Ms R. Stowey
<b>Site:</b>	Land To West Of Mill End House Patch Elm Lane Rangeworthy Bristol South Gloucestershire BS37 7LT	<b>Date Reg:</b>	8th June 2017
<b>Proposal:</b>	Demolition of existing storage shed. Erection of 1 no. new dwelling with garage (outline) with access, appearance, layout and scale to be determined, all other matters reserved.	<b>Parish:</b>	Rangeworthy Parish Council
<b>Map Ref:</b>	368904 185285	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd August 2017



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PT17/2222/O

## **CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objections from two local residents and the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline planning permission for the demolition of an existing storage shed and the erection of 1 new dwelling with garage and for access, appearance, layout and scale to be determined. All other matters which in this case would be landscape, are reserved, to be considered at a later date.
- 1.2 The application site refers to a field along Patch Elm Lane in Rangeworthy. It therefore lies outside the village boundary and therefore in open countryside. It is also within the Bristol and Bath Green Belt.
- 1.3 During the course of the application the amount of development on the site was reduced from two dwellings to one dwelling and the access onto the site was also changed to the use of the existing gateway rather than creating a new route over land belonging to a neighbour.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance.

- 2.2 Development Plans

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

- L1 Landscape
- L4 Forest of Avon
- L9 Species Protection
- L11 Archaeology
- L16 Protecting the Best Agricultural Land
- T7 Cycle Parking
- T12 Transportation
- H3 Residential Development in the Countryside
- 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 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Diversity
- CS17 Housing Density
- CS34 Rural Areas

2.3 South Gloucestershire Local Plan - Emerging: Policies, Sites and Places Plan (March 2015) (PSP Plan)

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historical Environment
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

2.4 Supplementary Planning Guidance

Residential Parking Standard SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
South Gloucestershire Council SPD: Green Belt (Adopted) 2007  
South Gloucestershire Landscape Character Assessment (adopted Nov 2014):  
LCA 9 Tytherington Plain

**3. RELEVANT PLANNING HISTORY**

- |     |          |   |
|-----|----------|---|
| 3.1 | P87/1745 | Use of land for stationing of mobile home for occupation by dependant relatives.<br>Refused<br>24.9.87                              |
| 3.2 | P86/1786 | Erection of detached bungalow. Construction of vehicular access. (Outline)<br>Refused<br>7.9.86                                     |
| 3.3 | P84/1917 | Erection of two dwellings and construction of new vehicular and pedestrian access (outline)<br>Refused<br>25.7.84                   |
| 3.4 | N343/3   | Erection of dwelling and garage. Construction of new vehicular access. (Outline).<br>Refused<br>21.10.82                            |
| 3.5 | N343/1   | Erection of five detached dwellings and garages; construction of vehicular and pedestrian accesses (outline).<br>Refused<br>15.6.78 |

**4. CONSULTATION RESPONSES**

4.1 Rangeworthy Parish Council

Objection: the proposed development is outside of the development boundary; the proposed development is within designated green belt; there would appear to be access issues as the proposed development requires access over a verge which is not owned by the applicant; there would be access issues into

and along Patch Elm Lane causing additional traffic movements along a narrow rural lane which is already in an extremely poor state of repair.

#### 4.2 Other Consultees

##### Environment Agency

No objection subject to an informative being attached to the decision notice regarding proximity to Patch Elm Stream.

##### Lead Local Flood Authority

No objection subject to EA direction if works are required to the main river.

##### Ecology

No objection subject to conditions

##### Landscape comments

Objection :

It is felt that the proposal for 2 houses on this plot is too tight and is contrary to the current arrangement and dispersal of dwellings in the vicinity.

##### *Updated comments*

*Revised plans indicate only one property. Any submitted landscape scheme for reserved matters should enhance the setting and contribute to the amenity of the wider landscape and public realm.*

##### Sustainable Transport

Safety issues are raised that have not been addressed: the operation of the junction with Patch Elm Lane and Wotton Road and similarly an assessment of additional traffic movements on the lane itself.

##### *Updated comments:*

*The proposed access is acceptable for one dwelling.*

#### **Other Representations**

#### 4.3 Local Residents

Two letters of objection have been received by the Council. The points raised include:

- Development is in the Green Belt and outside Rangeworthy settlement boundary
- The council can expect a flood of similar applications
- Strip of land adjacent to Patch Elm Lane does not belong to the applicant

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

#### 5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the location of the site within the Green Belt and outside any settlement boundary. Policy CS5 of the adopted Core Strategy directs where development should take place and states that development in the Green Belt will need to comply with the

provisions of the NPPF or relevant Local Plan policies in the Core Strategy. Policy CS5 also notes that development within the open countryside will be strictly limited. Similarly, Policy CS34 'Rural Areas' of the Core Strategy aims to protect the designated Green Belt from inappropriate development and maintain settlement boundaries defined on the Policies Map around rural settlements.

## 5.2 *Five year land supply*

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. It is acknowledged that South Gloucestershire cannot demonstrate a five year housing land supply. This means paragraph 49 of the NPPF is engaged. With reference to this proposal policies CS5 and CS34 of the adopted Core Strategy are therefore considered not to be up-to-date for the purposes of the NPPF. Regardless, the starting point for any decision-taker is the adopted Development Plan, but the decision-taker is also required to consider the guidance set out within paragraph 14 of the NPPF and what weight should be given to these respective policies. Paragraph 14 declares a presumption in favour of sustainable development, and states that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF.

5.3 Accordingly, saved policy H3 of the Local Plan is also considered out of date as are those policies related to housing provision (CS5 and CS34) when considering the NPPF advice. All of these policies were concerned with the retention of settlement boundaries; generally not supporting residential development outside of settlement boundaries or urban areas. However, those aspects of policy CS34 that relate to the protection of the Green Belt should still be considered up-to-date. It is considered that more weight should be given to the NPPF policy test than the adopted local plan policies in view of the current housing land supply position.

5.4 The proposal is for one new dwelling. The question remains whether this proposal would constitute sustainable development in terms of the NPPF advice. Regard has been given to paragraph 55 of the NPPF. This tells us that isolated homes in the countryside should be avoided. Settlement boundaries are guiding tools with the main function perhaps of restricting unacceptable development in rural locations. It is acknowledged that there are limited services in Rangeworthy itself but the site is close to a bus stop, within walking distance of a primary school, local pub, motel and restaurant and the village hall. On this basis the site is not so remote that it could be called isolated development in the countryside. Planning applications are always assessed on their own merits and this instance is no exception. The unique circumstances of this individual site are recognised and are considered sufficient to warrant awarding weight in favour of the proposal being infill in a village setting. While **Weight** is given in favour of the scheme for this reason but it must be

recognised that a single dwelling would only be of very limited benefit to the economy in terms of construction and the use of local businesses, of minimum benefit to the community in terms of its scale and social contribution. It therefore attracts limited weight in its favour for these reasons.

#### 5.5 *Green Belt*

Notwithstanding the status of Policy CS5, the location of the site within the Green Belt remains paramount and paragraph 87 of the National Planning Policy Framework (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 of the NPPF sets out exception categories where the construction of new buildings within the Green Belt should be considered to be appropriate development. One of these exception categories is '*limited infilling in villages*'.

5.6 The Council's Development in the Green Belt SPD states that infill development is defined as '*development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in between existing buildings in a linear formation.*' The definition of infill development within the Core Strategy also states the same criteria. Whilst it is acknowledged that the settlement boundaries have little weight with regards to the location of residential development, the rest of the description still applies. There are a small number of houses along both sides of Patch Elm Lane. It is therefore considered to represent '*a built up area,*' as opposed to being isolated development in the countryside. The application site is a field in between respective houses Mill End House and Tiki and as the proposed development would be for only one house, it can reasonable be described as '*limited*' development. Much of the existing development in Rangeworthy forms a '*linear formation*' stretching along the main B4058 road through the village. The main concentration of housing is around New Road but other pockets off the main road such as on Patch Elm Lane and along Manor Road indicate separate groupings of houses in the area.

5.7 The village settlement boundary is acknowledged as a device employed primarily to control the supply of housing in rural areas, and in view of South Gloucestershire's overall housing supply position, attracts less weight. It is important to recognise that the paragraph 89 exception infilling can be appropriate in all villages in Green Belt terms whether or not there is a designated settlement boundary.

5.8 It is furthermore recognised that the scheme would continue the established building line along this part of Patch Elm Lane and the erection of 1 property would be in-keeping with the existing pattern of development. Negotiations have secured a reduction in the number of units proposed, as the originally proposed 2 houses was considered over development of the site.

5.9 The case has been made that the site would firstly meet the category of being limited infilling and secondly being within a village. As such the proposal meets one of the exception tests and on this basis is appropriate development in the Green Belt. **Weight** is therefore awarded in its favour.

5.10 *Loss of agricultural land*

A further issue to be considered with respect to whether the application is acceptable in principle is the loss of the agricultural land that would result from the proposal.

The National Planning Policy Framework (para 112) states:

*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. Annex 2 of the NPPF indicates that the best and most versatile agricultural land is in grades 1, 2 and 3a.*

5.11 Policy CS9 of the Core Strategy also states that development should avoid using the “*best and most versatile agricultural land*”.

5.12 The applicant has stated that the land has been used for the keeping of horses and storage. It is likely the classification is Grade 3 which is “moderate quality agricultural land with severe limitations which significantly restrict the range of crops and/or level of yields”.

5.13 In summary therefore there is an in principle objection to the development as set out in Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy. This is given less weight as these policies are out of date. The proposal accords with Green Belt criteria having been regarded as limited infilling in a village. For this reason it attracts weight in favour.

5.14 Consequently, and as set out in paragraph 14 of the National Planning Policy Framework, the remainder of this report will weigh the benefits of the scheme against the adverse impacts

5.15 Proposal

This outline application is for the consideration of access, appearance, layout and scale and these matters are discussed below. Landscape details would be for consideration under a reserved matters application.

5.16 Design and Visual Amenity

The proposal indicates that the new four bed house would be two-storey, would roughly follow the building line created by the dwellings on either side, and would have a single garage to the east side. Turning and parking would be to the front and the property. A particular feature of this new house would be the various gables and the amount of glazing used in its design.

5.17 It is considered that the scheme has now responded positively to the site, its location and immediate neighbours to achieve an appropriate infill design. It is acknowledged that the design has not followed the apex roof shape of the houses either side but has instead chosen to reflect some features found on the more historic properties in the immediate area such as the small dormer windows. Its gabled design will not be out of keeping especially when good quality materials are used in the construction to achieve a sympathetic and

- successful integration into the street scene. Properties either side are modern additions to the historic street scene and on this basis there can be no objections to this proposal itself reflecting the appearance of current building styles.
- 5.18 Two dwellings would represent a cramped form of development which would not be supported in this particular location, but the single house is considered appropriate to the size of the plot and to be in-keeping with the other houses and their gardens in its immediate surroundings. In terms of its design, scale and massing the proposed new dwelling is acceptable and to ensure its successful integration conditions will be attached requesting materials be approved by the LPA.
- 5.19 Residential Amenity  
Given that the site will accommodate one house, the amount of residential amenity space for future occupants will be appropriate to a four bed property. Emerging policy states that as a minimum guidance 70 sq metres of usable and private amenity space should be available for house of this size. Private and usable does not include paths around the house, parking areas or space occupied by sheds or bin storage. Although this policy has not been fully adopted in the recent Examination in Public the proposed levels were not questioned by the Inspector and thus the policy proposal grows in the amount of weight that can be attributed to it.
- 5.20 The impact on closest neighbours must be considered. Mill End House, a two-storey property is to the east of the site. This property has no openings in the opposing elevation closest to the application site. Hedging and walls separate the two sites. With regards to the neighbour to the west, Tiki, this is a single storey property which is separated from the application site by a detached double garage. Boundary treatment here is a low fence. Following the introduction of a new dwelling there would be no direct inter-visibility between the properties, no over-bearing and no overshadowing. Although there would be changes for the neighbours it is considered that these would not be sufficient to warrant a refusal of the application and as such the impact on amenity is acceptable.
- 5.21 Sustainable Transport  
The proposal is for a single dwelling to be accessed off Patch Elm Lane. The existing access into the field would be used for this purpose. The access is considered acceptable for the purposes of the amount of traffic movement that would be generated from a single dwelling. The location of the site is noted but on the basis that the impact on highways from this one house would not be severe there can be no objection on sustainability grounds. Sufficient off-street parking and on-site manoeuvring can be achieved and on this basis there is no objection to the scheme.
- 5.22 Environment Agency  
Patchelm Stream runs to the north of the application site which the existing access crosses over. Any works in, over, under or within 8 metres of the Patchelm Stream, notably any new vehicular access to the site, will require a Flood Risk Activity Permit from the Environment Agency. This is over and



above the requirement for planning permission. It is noted that the revised proposal does not include a new access over the stream but an informative will be attached to the decision notice regarding this feature.

#### 5.23 Ecology

The site is a grassland field bounded by hedgerows and trees, with a metal storage shed in the SW corner of the site. No statutory or non-statutory sites for nature conservation will be affected.

An Extended Phase 1 habitat Survey Report (IES Consulting, Oct 2016) has been submitted in support of this outline application.

#### Habitats

Scrub – considered to be of low ecological value.

Building

Improved grassland – considered to be of low ecological value.

Dry ditch – considered to be of low ecological value.

Mature trees – considered to be of high ecological potential (to be retained).

Hedgerows – considered to be of moderate to low ecological value (to be retained).

#### Species protected under the Conservation Regulations 2012 (as amended), known as European Protected Species, and Wildlife & Countryside Act 1981 (as amended)

Bats – the building is not suitable to support roosting bats. There are two mature trees (to be retained) with some limited potential to support roosting bats. The hedgerows (to be retained) may provide some commuting value for bats.

Dormouse – no obvious signs of dormouse were noted and the overall quality of the hedgerow was considered low for this species. No further survey work is required.

#### Species protected under the Wildlife & Countryside Act 1981 (as amended)

Reptiles – the site has some limited capacity to support slow-worms as there are a number of features (piles of debris) on site that could be used as hibernacula.

Nesting birds – There are several habitats (scrub, hedgerow and trees) on site which are suitable to support breeding birds

#### Badger Act 1992:

Badgers – there is no evidence of a sett on site, however the site is being used as a foraging area as a badger latrine was found along with other signs of badger (guard hair, scrapes and snuffle holes).

#### Not currently protected but a UK and South Gloucestershire Priority Species:

European Hedgehog - the boundary habitats may have potential to support this species.

5.24 There are no ecological objections to the scheme subject to conditions regarding various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development.

5.25 Landscape

Although it is recognised that this application is in outline format, only landscape matters are to be regarded as being reserved. However, it is noted that

*“The Tytherington Plain landscape character area is a flat open area of agricultural land, rising gently at the boundaries, divided by a regular framework of hedges and ditches, influenced by a number of powerlines”.* LCA.

In the vicinity of the proposed site, Patch Elm lane is made up of dispersed and randomly arranged dwellings of varying age and character. The site itself appears to be the last remaining paddock in the Green Belt on the south side of the lane. On the lane side it is bounded by a poorly maintained native hedgerow which includes elm saplings that will eventually die out.

In the event of consent being felt to be acceptable then, prior to determination, a landscape scheme should be submitted that enhances the setting of the development and contribute to the amenity of the wider landscape and public realm. The scheme should follow relevant SGC planning policy in relation to landscape, the strategic landscape recommendations of the South Gloucestershire Landscape Character Assessment.

5.26 Other matters

Comments have been received predicting that the Council can expect a large number of similar applications. This is treated as an opinion expressed by a local resident. Each planning application is assessed on its own merits, using current national and local planning policies.

The revised red edge and revised scheme for one house which would use the existing gateway, has addressed the comment raised by a neighbour that the strip of land to the north of the site does not belong to the applicant.

5.27 Equalities

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

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

5.28 Planning Balance

Paragraph 14 states a presumption in favour of sustainable development, and states that proposal that accords with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. In Green Belt terms the proposal is regarded as being *limited infilling* and weight is awarded for this reason. The proposal would not have a negative impact on immediate neighbours and neutral weight is given for this reason. The introduction of one new dwelling in this location would not have a severe highway impact and appropriate on-site parking can be achieved. Neutral weight is accordingly awarded. Some small amount of weight is given in favour of one new dwelling adding to the overall housing supply shortage. Appropriate conditions will limit the impact in ecological and landscape terms and neutral weight is awarded for this reason.

5.29 The above has provided a balanced assessment of the scheme which has clearly indicated that the proposal is considered acceptable and can be recommended for approval.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (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 conditions attached to the decision notice.

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

CONDITIONS

1. Approval of the details of the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Plans and particulars of the reserved matters relating to the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

4. Prior to the first occupation of the dwelling an Ecological Mitigation and Enhancement Plan will be submitted to the LPA for approval in writing, based on recommendations provided in Section 4 of the Extended Phase 1 habitat Survey Report (IES Consulting, Oct 2016). This plan will include details of bat-friendly lighting plans, the erection of and type of one built in bat box, one built in bird box and one built in reptile hibernacula, the retention of the mature trees and hedgerows, new soft landscaping to benefit wildlife, avoidance of harm to badgers, reptiles and European hedgehog and timing of works regarding breeding bird season (L9). Development is to be in accordance with the approved details.

Reason

This is 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.

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

Reason

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

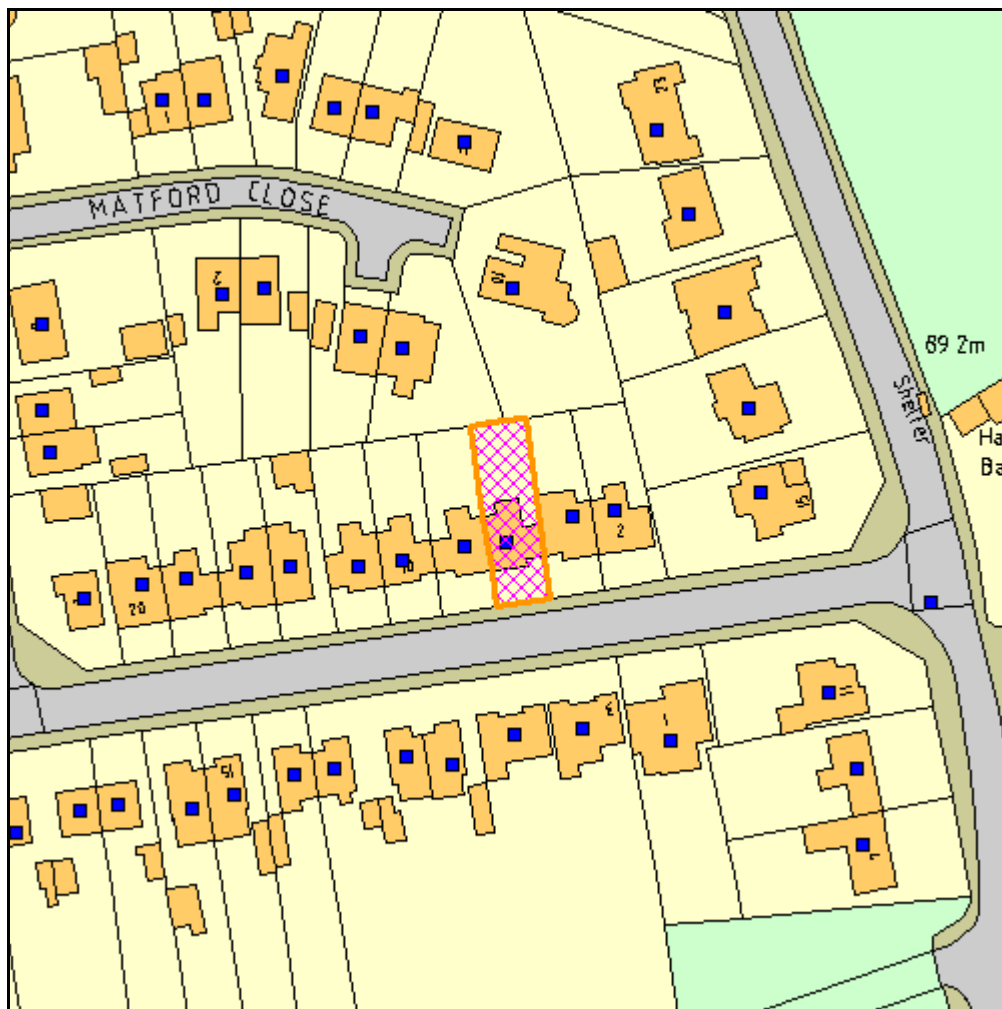
6. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the 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 Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006; and Policy CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT17/2381/F	<b>Applicant:</b>	Miss Finola Watkins
<b>Site:</b>	6 Bradley Avenue Winterbourne Bristol South Gloucestershire BS36 1HT	<b>Date Reg:</b>	7th July 2017
<b>Proposal:</b>	erection of single storey side and rear extensions to provide additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365384 180055	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th August 2017



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## **INTRODUCTION**

This application has been referred to the Circulated Schedule due to the receipt of concerns raised by the local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey side and rear extension to form additional living accommodation at No. 6 Bradley Avenue of Winterbourne. The application site relates to a two-storey semi-detached property situated within the established settlement boundary of Winterbourne.
- 1.2 During the course of the application, a revised proposal was submitted to clarify the size of the proposed extension. The new extension would be of 'L' shaped. The overall length would be 11.78 metres and the width would be 2.78 metres on the front elevation and approximately 8.8 metres long along the rear elevation. It is also confirmed that internal guttering is to be used throughout the project.

### **2. POLICY CONTEXT**

#### National Guidance

National Planning Policy Framework (NPPF) March 2012

National Planning Practice Guidance (NPPG) 2016

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

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage

#### South Gloucestershire Local Plan (SGLP) (Adopted) 2006 Saved Policies

T12	Transportation Development Control Policy for New Development
H4	Residential Development within Residential Curtilages

#### 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

#### South Gloucestershire Supplementary Planning Documents

Residential Parking Standards SPD (Adopted) December 2013

Design Checklist SPD (Adopted) 2007

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

- 3.1 No planning history

## 4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council: No objection

Other consultees:

4.2 Highway Officer: No objection

### **Other Representations**

#### 4.3 Local Residents

Two letters have been received and the residents' concerns are summarised as follows (full comments can be viewed from the Council website);

- No mention how close to the adjacent property of No. 4
- The side wall will be exactly on the border
- We don't want any part of the building, including soffits and guttering coming over the border
- Already flooding problem of the neighbouring driveway from No. 6 gutters,
- To be made of the proposed position of soakaway points
- No mention of underpinning of the neighbouring property will be only 6" away at the rear
- No mention of height – the original size garage was much lower than the rear kitchen, question how and where will they join and what will be heights involved
- The plan dated 14/7/17 is invalid as the 'existing' building no longer exists
- It would be good if the proposed front elevation has the 'castellated' appearance to match the existing properties in the Avenue
- There should be some stipulation that planning is only for a single storey addition and will permanently remain so with no possibility of two stories being built as a retrospective application dodge.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the resulting appearance and impact on the character of the area (CS1); the impact on residential amenity (H4) and impact on highway safety and parking (T12, CS8 and SPD: Residential Parking Standards). 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 host property is a two-storey semi-detached hipped roof dwelling with an attached garage, which has been demolished. The area is characterised by a group of similar design properties. The proposed extension is of 'L' shaped to replace the former garage and also to provide an utility room and a kitchen at the rear.

5.3 The proposed side extension would measure approximately 2.78 metres (on the front elevation) wide and 11.78 metres long (overall). The rear extension



would project beyond the rear elevation of the host dwelling by approximately 3.48 metres. The height of the extension would be approximately 3.4 metres to its ridge. It would have a lean-to roof and would slightly set back from the front elevation. The extension would be finished with brickwork, render and concrete pan tiles to match those on the host dwelling. Although the extension is not small in scale, it has been carefully designed to retain its subservient form. Therefore, the proposed side extension is considered to be acceptable in terms of its design, scale and massing and materials.

5.4 Residential Amenity

The main neighbours to be potentially affected by the proposal would be No. 4 and No. 8 Bradley Avenue.

5.5 The width of the proposed side extension would be identical to the former garage and the rear projection would be approximately 3.48 metres. Although it would be adjacent to the neighbouring properties, it is considered that the proposed extension would not cause an unreasonable overbearing impact upon the neighbouring properties given that it would be a single storey structure and would not significantly project beyond the rear elevation. No window is proposed on either side elevation and all openings would be on the rear elevation or on the roof. Therefore, there is no issue of overlooking or loss of privacy.

5.6 The proposal would also still retain a good sized outdoor amenity space, as such, there is no adverse impact upon the residential amenity of the host dwelling. In conclusion, officers consider that the proposal would not cause an unreasonable adverse impact upon the amenity of the neighbours' amenity, therefore the proposal is deemed to be acceptable.

5.7 Sustainable Transport

As the proposal would not increase the number of bedrooms or affect the existing vehicular parking, therefore there is no transportation objection to the proposal.

5.8 Drainage Issues

Regarding the drainage of the site and the proposed extension, the new extension will need to comply with the Building Regulations, and this is sufficient for a proposal of this scale. Therefore, it would be unreasonable to impose any drainage condition or seek additional mitigation measures to resolve any existing drainage problems on the site.

5.9 Other Issues

The applicant confirmed that internal guttering will be used throughout the proposed extension and therefore there would not any encroachment upon the neighbouring properties. In any event this would be a private civil matter for the applicant and the adjoining owners to resolve any encroachment including the foundation of the proposed extensions under the Party Wall Act. An informative in relation to this would be placed on the decision notice.

5.10 Any potential extensions to the existing dwelling will need to be considered under the Planning Legislation. Should an application for such proposal submitted to the Council, the proposal will be assessed accordingly.

## 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 following conditions:

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **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. Construction Hours

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. Matching Materials

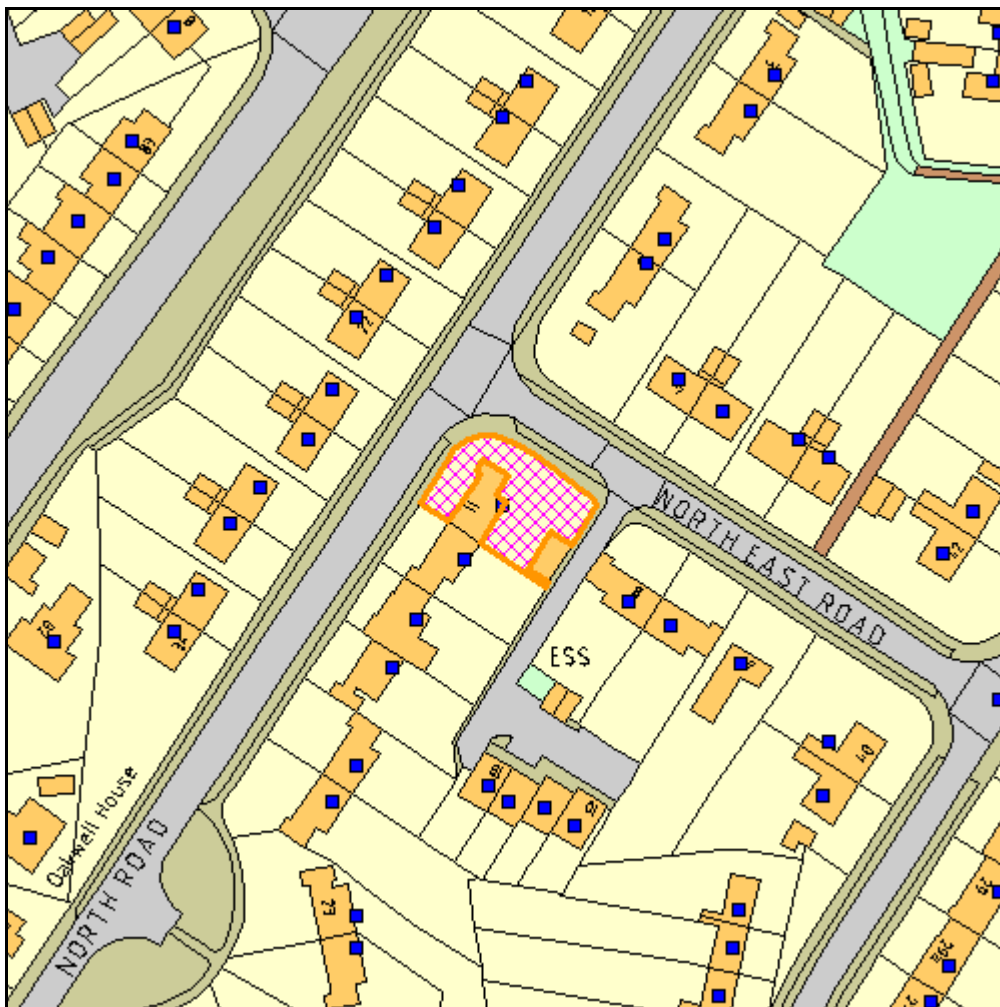
The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

#### Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER**

<b>App No.:</b>	PT17/2465/F	<b>Applicant:</b>	Mr Chris Pointing
<b>Site:</b>	11 North Road Thornbury Bristol South Gloucestershire BS35 1EA	<b>Date Reg:</b>	22nd June 2017
<b>Proposal:</b>	Erection of 2no self contained flats with parking and associated works.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364317 190794	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	16th August 2017



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## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of 2no self-contained flats with parking and associated works.
- 1.2 This application site is a semi-detached property, with consent to extend and split into flats/maisonette (see history below), on a road containing similar properties, layout and building lines, within the residential are of Thornbury. To the rear is a private access tracks to a number of garages and properties.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- H4 Development within Existing Residential Curtilages
- T8 Parking Standards
- T12 Transportation for New Development
- L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

Emerging Plans

Policies Sites and Place Plan (Proposed Submission) June 2016

- PSP8 Residential Amenity
- PSP16 Residential Parking Standards
- PSP37 Internal Space and Accessibility Standards for Dwellings
- PSP38 Development within Residential Curtilages
- PSP39 Residential Conversions
- PSP43 Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007  
South Gloucestershire Residential Parking Standards

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

- 3.1 PT06/3149/F - Demolition of outbuildings. Erection of two storey side and single storey rear extensions to form 1no. self-contained flats. Conversion of existing house to form 2no. flats. To include associated parking, cycle and bin store. Withdrawn 12<sup>th</sup> December 2006.
- 3.2 PT07/0394/F – Demolition of outbuildings. Erection of two storey side and single storey rear extensions to form 1no. maisonette. Conversion of existing house to form 2no. flats. To include associated parking, cycle and bin store. (Resubmission of PT06/3149/F). Approved 17th April 2007.
- 3.3 PT08/0983/F – Erection of two storey side extension and conversion of existing dwelling to form 4no flats and associated works. Refused 19<sup>th</sup> May 2008.

### **4. CONSULTATION RESPONSES**

4.1 Thornbury Town Council  
No objection

4.2 Other Consultees

Sustainable Transportation

This proposal complies with the current standards in terms of parking, the access is as previously approved as such there is no transportation objection to this proposal

Highways Structures

The application includes a boundary wall alongside the public highway or open space land then the responsibility for maintenance for this structure will fall to the property owner

Lead Local Flood Authority

No objection, informatives recommended

### **Other Representations**

4.3 Local Residents

3 letters of objection have been received from local residents raising the following concerns:

- This proposed build will over look our family garden and take all privacy from the back of house overlooking all our rear windows.
- The access lane at the rear of our house is already very busy and the rear access to this proposed build will increase traffic on the junction of the access lane
- Access and parking for up to 4 vehicles is not in keeping with the site.
- My access which is Private would be used and the area and exit/entrance would be just too much for the infrastructure

- Building work in this area is far too much. The proposer would be better if he simply tidied up and fence of the present unruly mess at the rear of the property.
- The owner of 11 North Road has already spent over 10 years (and that is a conservative estimate) converting the former 3 bedroomed home into 2 flats with all the associated inconvenience that living near a building site brings
- the number of times the road has been blocked by utility companies having to dig up the road.
- the vans of his builders and vehicles associated with the site are taking up all the limited parking spaces here
- Parking issues are even more of an issue in this area, with new families moving in (taking over homes from elderly residents who didn't have cars) with one or more cars to park.
- Please reject this application unless there are assurances that the work isn't going on for years and that there will be sufficient parking for his tenants.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The NPPF emphasis is on sustainable growth, including boosting housing supply and building including through windfall development, except where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policy framework. Policy H4 of the South Gloucestershire Local Plan establishes that new residential development on sites within the urban area and the curtilage of dwellings are acceptable in principle, subject to the proposal satisfying other material considerations, such as density, design, residential amenity, and highway safety. Policies CS16 and CS17 of the Core Strategy seek to achieve an efficient use of land, maximise housing supplied at locations where there is good pedestrian access to frequent public transport services, and provide a mix of housing types.

5.2 As illustrated in the planning history above, extensions to the existing host property have been granted to create an additional maisonette and convert the property to two flats. This scheme seeks further permission to add a further extension to the rear of the approved maisonette to the side of the host property and convert this into two flats.

### 5.3 Local Amenity

The proposed elevation to the front does not alter materially from that previously approved and remains acceptable and in keeping with the row of dwellings and the wider streetscene. The rear extension reads as a two storey rear gable extension to the existing property and is subservient to the main building. The end product, incorporating the conversion of the original dwelling will be a complex of 4 separate flats with communal space, parking bin and cycle storage areas. It is not considered that the extent, length, height and scale of the rear gable extension would materially compromise the amenity of the communal space behind the flats. Further to this and being some 8 metres from the next shared residential boundary, it is not considered that it would materially impact the amenity of other properties along the row such as to

sustain an objection and warrant refusal of the application. The windows in the south west elevation would be high level windows with limited scope for overlooking and the remainder of the openings would be velux rooflights for light giving purposes. The rear facing windows would initially overlook the curtilage of the application property and then the rear access track and there are not considered to be any material issues of intervisibility or overlooking beyond this, in this direction. This is considered to satisfactorily address any issues of potential overlooking from these windows. In terms of timescales, a commencement condition would be applied to any new consent, however after a lawful start is demonstrated to have been made the applicants would essentially have implemented the planning permission and could complete it at their discretion.

- 5.4 The proposals incorporate communal space, parking bin and cycle storage areas. Communal space and access would be available at the front, side and rear elevations. On this basis it is considered that there would be sufficient private amenity space within the private curtilage of the plot to serve the requirements combined flats.
- 5.5 On the basis of the above, and taking into account the relative proximity and layout of existing dwellings and their relationship with curtilage boundaries, and taking into account the size and orientation of the scheme, it is not considered that any additional impact of the proposals would be so significant or material in this instance such as to warrant objection or sustain refusal of the application on this basis.

5.6 Design

The proposed elevation to the front does not alter materially from that previously approved and remains acceptable and in keeping with the row of dwellings and the wider streetscene. The rear extension reads as a two storey rear gable extension to the existing property and is subservient to the main building. The proposed first floor windows on the rear elevation of the gable are relatively large and unusual in shape and somewhat of a departure from the norm in the area, however this does not necessarily deem them unacceptable in their own right and given they are the only actual facing windows for this room in the first floor of the gable extension, they would not give rise to significant issues of intervisibility or overlooking in this direction and the fact that it is on a less prominent rear elevation, with lesser impact upon any streetscene, it is considered satisfactory in this instance. Materials, in the main, would match the existing buildings, aside from the timber cladding on the first floor of the rear gable elevation. Whilst this element does not match the remainder of the building or other buildings in the area, at this less prominent rear elevation, the limited use of timber cladding is considered acceptable in this instance. The cycle store and bin store are both located to the front elevation. The cycle store was previously approved located to the front elevation, so the principle of this design has been considered acceptable, the addition and relocation of the bin store to the front elevation, near to the cycle store, does not in this instance raise any material additional concerns. Both elements are illustrated as being located behind the hedgerow, which exists to the front of the property and affords a level of screening to this elevation. The proposed flats in this case are of an appropriate standard of design and has no



material or significant impact upon the surrounding area. The layout and scale, taking into account the size of the plot and the surrounding area, is appropriate and in keeping. The proposals would be considered to adequately integrate within the context of site and surroundings and would not be out of keeping with the building lines and layout in the surrounding area. It is not considered, taking into account the design proposed and the context of the surrounding area that the streetscene would be unduly impacted. The density of development at the site in this location is governed by the size, shape and location of the plot and the proposals are considered acceptable in this respect.

#### 5.7 Transportation

This proposal complies with the Council's current residential parking standards and requirements in terms of parking availability, and the access is as previously approved. On this basis there are no transportation objections to the application. A condition is recommended relating to the provision of the specified parking arrangements and cycle storage.

#### 5.9 Drainage

There are no objections to the proposals on drainage grounds.

#### 5.10 Community Infrastructure Levy

The planning application would be CIL liable. Information regarding the Council's approach to CIL is available on the Council's website, also included is the CIL and s.106 Planning Obligations SPD.

#### 5.11 Equalities

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

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

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That this application is granted subject to the conditions recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

### **CONDITIONS**

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

Reason

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

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

Reason

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

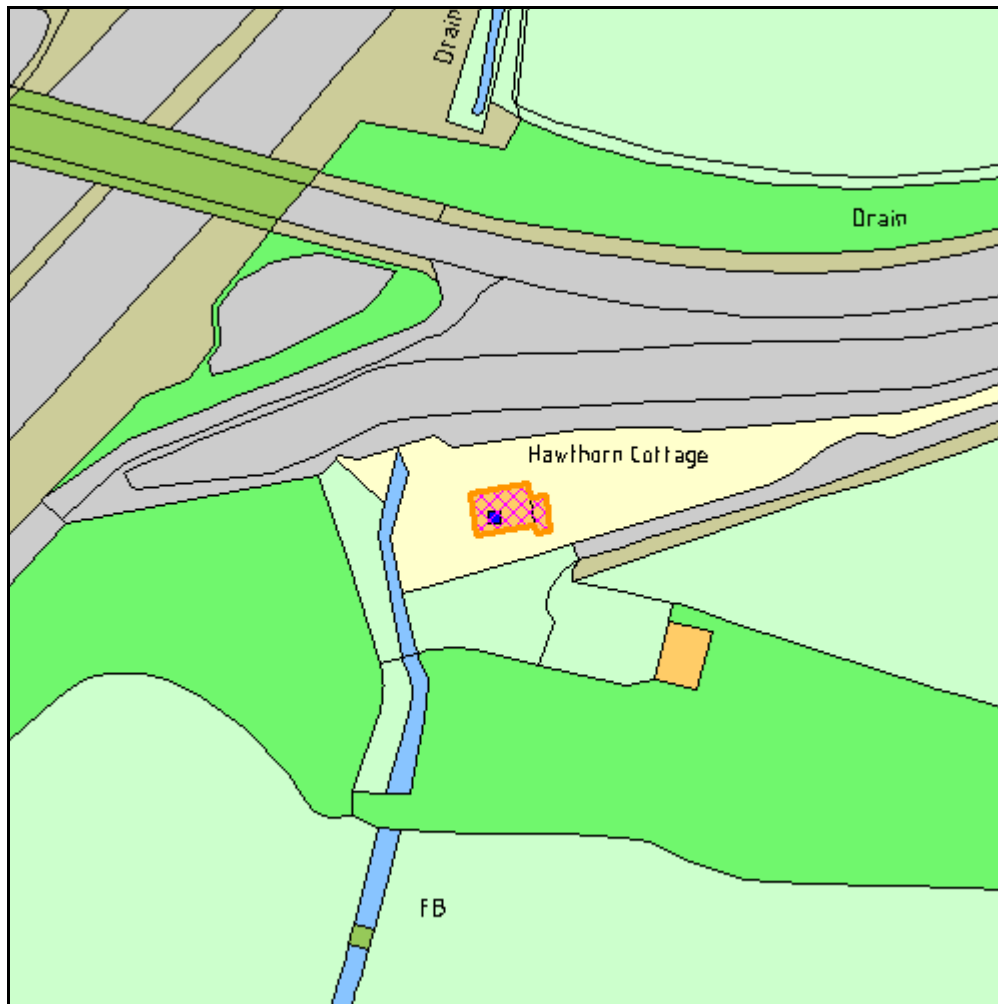
3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT17/2989/CLE	<b>Applicant:</b>	Mr Gary Chapman
<b>Site:</b>	Hawthorn Cottage Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JP	<b>Date Reg:</b>	3rd August 2017
<b>Proposal:</b>	Application for a certificate of lawfulness existing for the continued occupation of a dwellinghouse without compliance with condition (2) attached to planning permission P85/2155.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	362814 184243	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>		<b>Target Date:</b>	18th September 2017



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100023410, 2008.

N.T.S.

PT17/2989/CLE

## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application is for a Certificate of Lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the continued occupation of a dwellinghouse without compliance with condition (2) attached to planning permission P85/2155. Condition 2 stated that the property had to be occupied by an agricultural worker.
- 1.2 The certificate of lawfulness is sought on the basis that the use of the house as dwelling for a non-agricultural worker is immune from enforcement action under section 191 of the Town and Country Planning Act 1990 as amended by section 10 of the Planning and Compensation Act 1991 and is therefore, lawful.
- 1.3 The site relates to a detached two-storey dwellinghouse, Hawthorn Cottage, Hortham Lane, Almondsbury.
- 1.4 This application therefore seeks to demonstrate that the building has not been occupied by an agricultural worker for a period in excess of 10 years prior to the date of submission (i.e. since 24.6.2007).
- 1.5 Planning application P85/2155 gave permission for the *Erection of detached dwellinghouse and garage for agricultural worker. Installation of septic tank (outline)*. Condition 2 of P85/2155 stated:  
  
*The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed, within the Northavon District 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 or such a person.*
- 1.6 Details of the condition were also reiterated in the full application P86/1475 under condition 1. Copies of the decision notices were supplied with the bundle of supporting information on fax messages from Northavon District Council dated 22.10.97.
- 1.7 It is noted that the area of residential curtilage given permission under the two applications referenced above was much smaller than the area enclosed by the red edge in plans submitted with this application. To be clear recent plans show a red edge, triangular in shape, extending around the house itself which is then connected to another triangular shaped area to the south. This southern area has previously been identified as agricultural land and not part of the residential curtilage. It is not disputed that both areas are in the ownership of the applicant but the lower part is not part of the domestic curtilage associated with the property.

## **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
- iii. National Planning Practice Guidance: 17c (06.03.2014)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 PT15/2717/PNGR Prior approval given 26.8.15  
Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 3.2 P95/1459 Approved 10.5.95  
Erection of first floor side extension to form bedroom.
- 3.3 P86/1475 Approved 22.5.86  
Erection of detached dwelling and garage. Installation of septic tank. (Details following outline) (to be read in conjunction with P85/2155).
- 3.4 P85/2155 Approved 23.10.85  
Erection of detached dwellinghouse and garage for agricultural worker. Installation of septic tank. (Outline)
- 3.5 P84/1364 Refused 6.6.84  
Change of use of land from agriculture to use as a water ski and water sports centre, and erection of associated buildings, alteration to existing vehicular access and formation of car parking areas.

## **4. REPRESENTATIONS RECEIVED**

- 4.1 Almondsbury Parish Council  
No objection
- 4.2 Drainage  
No objection.
- 4.3 Local Residents  
None received

## **5. PURPOSE OF A CERTIFICATE OF LAWFULNESS APPLICATION**

- 5.1 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 house has not been occupied by an agricultural worker.

- 5.2 The guidance contained within the National Planning Practice Guidance states that 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. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 5.3 In this instance, it must be proven by the applicant that the house in question has not been occupied by an agricultural worker for a period of 10 years or more, prior to the date of this application (23<sup>rd</sup> June 2017). Therefore, the use of the building as a non-tied house must have commenced on or before 23<sup>rd</sup> June 2007.

## 6. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

### 6.1 List of supporting evidence provided to the LPA:

- a. Statement letter summarising employment history for Mr and Mrs Chapman since they moved into the house in 1993
- b. 8 letters from: friends, business associates and employers
- c. One letter from a relative

In addition copies of the decision notices for planning applications P85/2155 and P86/1475/ were submitted to indicate the appropriate condition. These decision notices were presented on faxed documents dated 22.10.97.

### 6.2 A covering letter/statement letter from Mr Chapman giving employment history for himself and his wife following the purchase of the property in 1993 summarised as:

- The applicant moved to Hawthorn Cottage on 1.8.93
- The family comprised young children, full-time mother and father working in a local quarry
- Father started own business after summer of 1995 delivering logs in area
- In September 1996 in a new business venture, began moving cars all over the country out of Portbury and formed a company with a friend doing the same thing
- In 2000 bought out partner's shares and became Managing Director of Driveforce UK Ltd. This now runs 30 lorries out of Avonmouth and employs 45 staff including drivers
- Mother returned to work in September 1998 for Redland Dental Practice as a dental assistant. She left in February 2016 and now works for a charity, the Bristol Benevolent Institute
- *Apart from the logging company which I ran for a year I have not had any involvement in agriculture for over 10 years*

### 6.3 Summary of letters submitted in support

Eight letters have been submitted by friends, business associates and by employers. One other letter has been submitted by the son of the applicants. Every letter has stated that to their knowledge Mr and Mrs Chapman have not been involved in agriculture. It is interesting to note that 6 of the letters are dated in 2011, two in 2017 and the letter from the son is dated 2009.

- 6.4 Of the letters from business associates and employers, 5 in this sample, are dated 2011. Letters from friends include 1 dated 2011 and 2 dated 2017.
- 6.5 The letters are not sworn declarations but 7 have been written on headed note paper.
- 6.6 Taking the personal support letters first, a number of these declare that they have known the family for over 20 years, some for over 30 years and that the applicants have not worked in agriculture during this time period. The letters also state that when visiting the house on social occasions there was no evidence of agricultural working and two confirm that they were aware the Chapmans have lived at Hawthorn Cottage for over 18 years.
- 6.7 Moving on to the letters associated with employment, one signed letter confirms that the person has worked with Mr Chapman since July 1999 and the other for 11.5 years. These details support the statement letter provided by Mr Chapman. Two letters have been received with regards to Mrs Chapman which confirm that she was employed by a dental practice for a period of 10 years from 1998. Although these letters do not quantify if Mrs Chapman was full-time they do state that to their knowledge she was not employed in any agricultural related work.
- 6.8 The letter from the son of the applicants (written in 2009) confirms that he lived at Hawthorn Cottage for a period of 15 years with his parents and again that their employment was not in agriculture.
- 6.9 Mr Chapman has indicated that for a period of around a year in 1995/6 he set up a business delivering logs but this was for a short period.

## **7. SUMMARY OF CONTRARY EVIDENCE**

- 7.1 Prior notification application PT15/2717/PNGR for the conversion of a barn to a residential dwelling.
- 7.2 Summary of information contained and assessed under PT15/2717/PNGR

In 2013 changes in the permitted development regulations allowed the conversion of barns to residential dwellings without the need for a full planning application provided certain criteria were met. At the time of the PT15/2717/PNGR application the regulations were called Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The application form was signed by Mr Chapman's agent on his behalf. The Declaration states:

*I/we hereby apply for prior approval as described in this notification and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) given them.*

7.3 The description of the proposal as given by the applicant was:

*Change of use of building and land within its curtilage from agricultural barn to dwelling house (within Class C3).*

*See supporting letter for all relevant information.*

7.4 The information contained in the supporting letter is summarised as:

- Barn is single storey, with access doors to the attached field to allow machinery, hay and other agricultural materials and equipment to be stored within it.
- Photograph 2 shows – the barn and the landholding to which it relates
- The barn is accessed off the main access road that also provides access to Hawthorn Cottage off Hortham Lane. The barn is separated from Hawthorn Cottage by the access road and located on the western side of the land that it serves.
- The access track (photograph 5) leads to the existing residential dwelling (photograph 6 below) as well as the barn that is the subject of this application. The track is not adopted and is a private driveway, however there is a right of access across it by the barn, given that it is in the same ownership as the house
- this access road is the sole access for the agricultural holding
- The barn is located near to Hawthorn Cottage
- ... the current use of the barn for storage associated with management of the land, such tractors,...

7.5 The statement goes on to repeat the criteria set out in Class MB of the GPDO and the below is an excerpt of the sections relevant to this certificate of lawfulness application taken from that document.

7.6 The answer to section (a) relating to the use of the barn was:

*The barn is used solely for agricultural purposes associated with the management of the land under the ownership of Hawthorn Cottage (see site location plan for the extent of this land). It is used for the storage of machinery and other equipment associated with the landholding.*

7.7 The answer to section (c) relating to an established agricultural unit is:

*There is currently one other dwelling house within the agricultural site (namely Hawthorn Cottage)*

7.8 The answer to section (d) relating to an agricultural tenancy is:

*The barn and land are owned by the Applicant - Mr. G Chapman who is the owner of Hawthorn Cottage and all the land identified on the site location plan. The agricultural holding number is 34/443/9019.*

7.9 The answer to section (e) relating to termination of tenancy agreement is:

*This is not relevant as the applicant has owned and managed the agricultural holding and land at Hawthorn Cottage for more than 20 years.*



- 7.10 The summary to this planning statement as prepared by the agent at the time stated:

*Given that the proposed change of use satisfies all the criteria of Class MB.1 above, it constitutes Permitted Development and the Prior Approval of the Local Planning Authority is not required.*

- 7.11 On the basis of the information supplied for the prior notification application PT15/2717/PNGR, the submitted details were sufficient to meet the criteria and no objection was raised to the conversion of the barn into a new dwellinghouse in the countryside.
- 7.12 It is furthermore understood from DEFRA – Rural Services, that agricultural holding numbers are issued to individuals and do not go with the land. This is to avoid, for example, any debts from a previous owner being associated with a new owner.

## **8. ANALYSIS OF EVIDENCE**

- 8.1 When analysing the evidence it is necessary for weight to be given to the information in order to arrive at a balanced opinion as to the validity of the claim.
- 8.2 From the above it would appear that a great deal of conflicting information has been presented to the Local Planning Authority. Where the applicant states: *Apart from the logging company which I ran for a year I have not had any involvement in agriculture for over 10 years* this statement directly contradicts the information given in the very recent prior notification application of 2015. The conclusions are as follows:
- 8.3 With regards to the supporting information, it is noted that none of the letters supplied were sworn declarations signed in the presence of a solicitor. Their weight is thereby lessened. It is acknowledged, that some have been written on headed notepaper but all are extremely brief and lacking in any substance or quantifiable detail. All state in some form or other that to their knowledge Mr and Mrs Chapman have not been involved in agriculture, despite some of them having known the applicant for many years. It is noted that most of the letters are dated six years ago. The more recently dated letters again are very brief and insubstantial in the details they contain. The statement written by the applicant is similarly not a sworn declaration signed under oath in the presence of and countersigned by a solicitor. Individually or in their totality the details are therefore in the first instance not sufficient to prove the dwellinghouse has not been occupied by an agricultural worker.
- 8.4 Concerns regarding the efficacy of the details submitted are compounded by the contradictory evidence provided in the prior notification application PT15/2717/PNGR. Those details, indicated as being correct and true, very clearly and in several ways identified Hawthorn Cottage as being part of an agricultural holding. Considerable weight is given to the information presented under PT15/2717/PNGR specifically because it includes a declaration as to the truth and accuracy as to the information provided. In particular the statement

*the applicant has owned and managed the agricultural holding and land at Hawthorn Cottage for more than 20 years* serves to show the conflict between the information presented under that prior notification and that presented here. There is therefore considerable doubt over the accurate position, and the balance of weight is given to the circumstances outlined in a recent public application to the Local Planning Authority.

- 8.2 It is considered that the balance of evidence provided is **insufficient** to demonstrate that Hawthorn Cottage, Hortham Lane, Almondsbury, South Gloucestershire, BS32 4JP has not been occupied by an agricultural worker for a period of over 10 years.

## 9. **CONCLUSION**

- 9.1 Having regard to the above, **insufficient** evidence has been submitted to prove that, on the balance of probability, the use of Hawthorn Cottage, Hortham Lane, Almondsbury as a dwelling for a non-agricultural worker has been established for a continuous period of over 10 years.

## 10. **RECOMMENDATION**

- 10.1 That the Certificate of Lawfulness is **REFUSED**.

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

## **REASONS FOR REFUSAL**

**CIRCULATED SCHEDULE NO. 36/17 – 08 SEPTEMBER 2017**

<b>App No.:</b>	PT17/3338/ADV	<b>Applicant:</b>	Rev Chris W Crocker
<b>Site:</b>	Cromhall Chapel Townwell Cromhall South Gloucestershire GL12 8AQ	<b>Date Reg:</b>	26th July 2017
<b>Proposal:</b>	Display of 1 no. static internally illuminated hoarding sign and 1 no. non illuminated static notice board	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369756 190800	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th September 2017



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 100023410, 2008. **N.T.S.** **PT17/3338/ADV**

## **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 applicant seeks planning permission for the display of 1 no. static internally illuminated hoarding sign and 1 no. non illuminated static notice board.
- 1.2 The site associated to the proposal is related to Cromhall Chapel. The signs would be located to the front of the site, next to an existing fence, and attached directly to the side of the chapel. A public right of way runs close to the site.
- 1.3 The address originally provided was incorrect. This was amended, and the changes went through reconsultation.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

- i. National Planning Policy Framework March 2012
- ii. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

#### 2.2 Development Plans

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

- CS1 High Quality Design
- CS8 Improving Accessibility

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

- T12 Transportation

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

- 3.1 No relevant planning history.

### **4. CONSULTATION RESPONSES**

#### 4.1 Cromhall Parish Council

Object due to transport concerns and design of the sign not conforming to character of the street scene. Object to removal of tree planted to celebrate the Millennium.

#### Other Consultees

#### 4.2 Sustainable Transport

Signs are not located immediately adjacent to highway. Therefore, no objection.

#### 4.3 Public Rights of Way

No objection.

- 4.4 Open Spaces Society  
No comments received

### **Other Representations**

- 4.3 Local Residents  
One comment received stating that the proposals look acceptable.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Guidance within the National Planning Policy Framework states that advertisements should only be controlled in the interests of amenity, public safety and cumulative impact. Design and design quality is assessed in terms of visual amenity and cumulative impact using policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic hazard. Further guidance in the NPPF states that development should only be refused on transport grounds where the impact is considered to be 'severe'.

### 5.2 Visual Amenity

The proposal is to display 1 no. static internally illuminated hoarding sign to the front of the chapel, and 1 no. non illuminated static notice board attached to the side of the church.

Careful consideration is given to the amount and size of the proposal, which should not be detrimental to the appearance of the building to which they relate or to the character of the locality in general. Furthermore, the cumulative effect of the proposal should not be detrimental to the visual amenity of the area.

#### *1 no. static internally illuminated hoarding sign*

The internally illuminated hoarding sign would measure 2.5m across and 1.5m tall. It would have a back-illuminated reader board with a track to hold acrylic letters. It would be located to the front of the chapel, alongside existing fencing. The type of signage proposed is regularly used outside churches, and would be located away from residential properties. It is not considered that it would negatively affect the street scene as it is located a considerable distance from nearby properties.

#### *1 no. non illuminated static notice board*

The non-illuminated static notice board would be attached to the side of the chapel. It is of a normal design for a notice board, and would not be considered to be detrimental to the surrounding street scene.

### 5.3 Residential Amenity

The illuminated sign is located away from any residential properties. It is therefore not considered that there would be a materially significant impact on residential amenity as a result of this proposal.

5.4 Public Safety

It is noted that the Parish Council objects to the signage due to transport concerns. The proposed board would be set back from the main road and transport officers are confident that it would not distract or confuse to passing vehicles or pedestrians. There is therefore no objection, in terms of highway or public safety.

5.5 Public Rights of Way

A public right of way passes through the site. Public Rights of Way Officers have no objection to the proposed development.

5.6 Other Matters

The parish council objected to the removal of a tree planted for the Millennium. The tree is not covered by a Tree Preservation Order, and it is considered unlikely that it would be suitable for nomination. There is no objection to the removal of this tree.

**6. RECOMMENDATION**

7.1 That advertisement consent is granted subject to the following conditions.

**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**