



**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. 32/17

Date to Members: 11/08/2017

Member's Deadline: 17/08/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. Please note a copy of your referral e mail will appear on the website. **If in exceptional circumstances, you are unable to e-mail you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.**
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

Schedule Number	Officers Deadline reports to support before 3PM	Date to Members 9AM	Members deadline 5PM	Decisions issued	Notes
33/17	As Normal – Weds	Friday 18 Aug	Thursday 24 Aug	Friday 25 August	
34/17	Tuesday 22 Aug	Thursday 24 Aug	Thursday 31 Aug	Friday 01 Sep	

Changes to usual deadlines are shown in RED

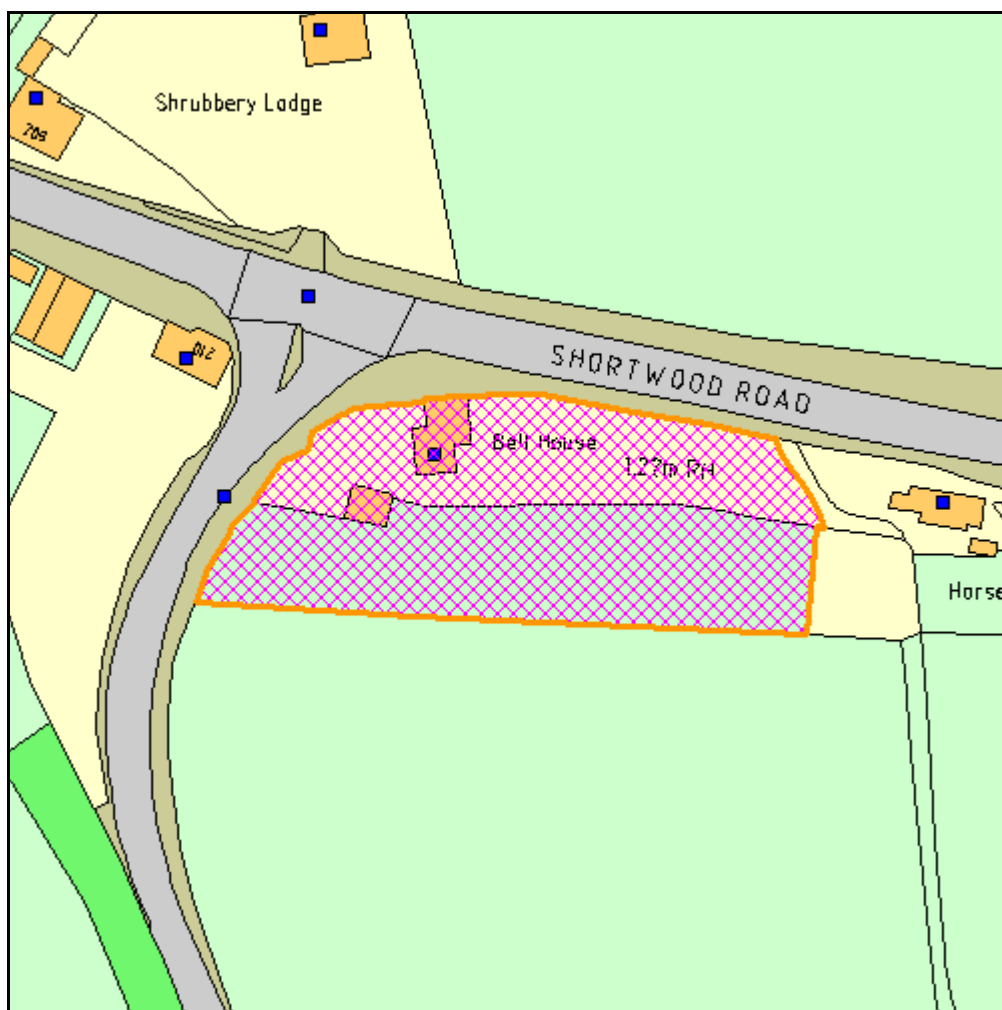
Changes to Dates and Officer Deadlines for Circulated Schedule due to August Bank Holiday 2017

CIRCULATED SCHEDULE - 11 August 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1670/F	Approve with Conditions	Bell House Shortwood Road Pucklechurch South Gloucestershire BS16 9PQ	Boyd Valley	Pucklechurch Parish Council
2	PK17/2029/F	Approve with Conditions	10A Hawthorn Avenue Hanham South Gloucestershire BS15 3ES	Hanham	Hanham Parish Council
3	PK17/2253/F	Approve with Conditions	Stanbridge Cp School Stanbridge Road Downend South Gloucestershire	Rodway	None
4	PK17/2418/F	Approve with Conditions	9 Sutherland Avenue Downend South Gloucestershire BS16 6QJ	Downend	Downend And Bromley Heath Parish Council
5	PK17/2596/F	Approve with Conditions	Land To The Rear Of 37 To 39 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	Cotswold Edge	Hawkesbury Parish Council
6	PK17/2990/CLP	Approve with Conditions	11 Kelston Grove Hanham South Gloucestershire BS15 9NJ	Hanham	Hanham Parish Council
7	PT17/0095/F	Approve with Conditions	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire BS35 3TT	Thornbury South And	Thornbury Town Council
8	PT17/1189/O	Approve with Conditions	Frome Valley Farm Badminton Road Winterbourne South Gloucestershire BS36 1AW	Westerleigh	Westerleigh Parish Council
9	PT17/1196/F	Approve with Conditions	Church Farm Stables Moorhouse Lane Hallen South Gloucestershire BS10 7RT	Almondsbury	Almondsbury Parish Council
10	PT17/1763/RVC	Approve with Conditions	B & Q Fox Den Road Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
11	PT17/2040/F	Approve with Conditions	Grey Gables Old Gloucester Road Thornbury South Gloucestershire BS35 1LJ	Thornbury North	Thornbury Town Council
12	PT17/2388/F	Approve with Conditions	Hackett House Hacket Lane Thornbury South Gloucestershire BS35 3TY	Thornbury South And	Thornbury Town Council
13	PT17/2480/F	Approve with Conditions	Greshams 24 Townsend Almondsbury South Gloucestershire BS32 4EN	Almondsbury	Almondsbury Parish Council
14	PT17/2496/CLP	Approve with Conditions	6 The Close Patchway South Gloucestershire BS34 6BB	Bradley Stoke Central And Stoke Lodge	Stoke Lodge And The Common
15	PT17/2563/F	Approve with Conditions	19 Oaklands Drive Almondsbury South Gloucestershire BS32 4AB	Almondsbury	Almondsbury Parish Council
16	PT17/2589/CLP	Approve with Conditions	Hillview House 20A West Ridge Frampton Cotterell South Gloucestershire BS36 2JA	Frampton Cotterell	Frampton Cotterell Parish Council
17	PT17/2710/F	Approve with Conditions	Springfield 1 New Road Stoke Gifford South Gloucestershire BS34 8QW	Filton	Filton Town Council
18	PT17/2961/CLP	Approve with Conditions	42 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LS	Charfield	Charfield Parish Council
19	PT17/2984/CLP	Approve with Conditions	1 Colston Close Winterbourne Down South Gloucestershire BS36 1EW	Winterbourne	Winterbourne Parish Council
20	PT17/3128/F	Approve with Conditions	13 Gillinstool Thornbury South Gloucestershire BS35 2EQ	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PK17/1670/F	Applicant:	Mr Clayton Woodman
Site:	Bell House Shortwood Road Pucklechurch Bristol South Gloucestershire BS16 9PQ	Date Reg:	12th May 2017
Proposal:	Erection of single storey extension to south elevation to replace existing conservatory and provide additional living accommodation	Parish:	Pucklechurch Parish Council
Map Ref:	368860 175784	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	22nd June 2017



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission to erect a single storey side extension to Bell House, Pucklechurch. The application site relates to a detached, two-storey dwelling situated outside of the defined settlement boundary of Pucklechurch, within the Bristol/Bath Green Belt and just outside of the Siston Conservation Area.
- 1.2 The plot is situated on a busy highway. The property has facing stone elevations with brown roof tiles. The plot has a large hardstanding area for parking and a large detached garage to the front. There is a garden to the rear and side of the property and open fields directly behind to the south elevation.
- 1.3 During the course of the application, numerous design changes have been considered. The original scheme was much larger than the current proposal, and was considered unacceptable on design, conservation and greenbelt terms. The proposal has undergone a number of changes in terms of reduction in scale and improvement of design in order to satisfy conservation and greenbelt criteria.

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
CS8 Improving Accessibility
CS5 Location of Development (inc. Green Belt)
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1 Landscape Protection
L12 Conservation Areas

2.3 Supplementary Planning Guidance

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

3. **RELEVANT PLANNING HISTORY**

3.1 K1739 Approval 23.03.1977
ERECTION OF DOUBLE GARAGE (Previous ID: K1739)

3.2 P87/1959 Refusal 26.08.1987
Erection of detached house and garage (outline)

Refusal Reasons:

1. The site is located within the Bristol Green Belt and the proposed development does not fall within the limited categories of development which it is the policy of the Council to permit in this area.
2. The proposal conflicts with policies H7 and GB6 in the Approved Acon County Structure Plan
3. The proposed development will generate additional traffic entering and leaving a fast length of the B4465 in close proximity to a road junction with the consequent risk of danger to and interference with traffic on that road

3.3 P99/4538 Approval 04.10.1999
Erection of two storey rear extension. Creation of rear dormer extension.
Erection of conservatory

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council
No Comment

Pucklechurch Parish Council

Objection – the proposed extension would appear to amount to a disproportionate addition to a property that sits within the green belt on a prominent site on the edge of Siston Conservation area.

Bell House has existed since at least the 19th century. Property details found online dated June 2016 <http://www.zoopla.co.uk/property-history/bell-house/shortwood-road/pucklechurch/bristol/bs16-9pq/40742868> state that the property has already been extended into its current configuration. Permission was granted for a 2 storey rear extension and conservatory in 1999 that increased the property by at least 25% (P99/4538). There are also existing outbuildings within the curtilage. The question that must be asked is how much has already been added to the property since 1948 and whether or not the addition would be disproportionate. PPC believes this is likely to be the case and requests SGC Officers assess the property and associated records to ascertain what the % volume has been added since 1948.

4.2 Other Consultees

Conservation Officer

Original Plans:

Bell House appears on the first OS map, although with a smaller footprint than it currently possesses today. The site is also prominent in the public realm, adjacent to the Shortwood Road and Siston Lane junction. Although clearly altered, it does largely remain an attractive cottage in an isolated rural location.

The southern boundary of the site also forms the boundary of the Siston Conservation Area, and so any development here would impact on the setting of the conservation area.

The proposed scheme in my opinion is driven by functional requirements than any consideration of aesthetics. The scale and form of the extension in my view would largely subsume the original cottage and the impact would be a detrimental to the aesthetic appearance of the building. If permitted it would read as an incongruous, visually jarring add on. In contrast, through CS! The approach should be a more a considered addition that by virtue of its thoughtful scale, proportions, design and form, can be regarded as a complementary addition that successfully integrates with its host.

The proposed extension would have a harmful impact on the character and appearance of the area and due to its design and scale, would detract from the setting of the Siston Conservation Area.

The proposed scheme should therefore be refused on the grounds of poor design and its harmful impact on the site's context which includes the setting of the Siston Conservation Area with the refusal reason citing policies CS1, CS9 of the Core Strategy, Policy (saved) L12 of the SGLP and the Siston Conservation SPD (adopted).

Updated Plans:

The reduction in scale had addressed the concerns regarding the disproportionate nature of the initial submission. The form remains questionable in respect of how it relates to the character and proportions of the host building, but I would agree the harm considered would not be sufficient to sustain an objection. There are therefore no objections subject to conditions relating to the rooflights being of a 'conservation rooflight' design and matching materials.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application proposes to erect a single storey side extension to Bell House, Pucklechurch. The site in question resides within the Bristol/Bath Green Belt and the assessment against Green Belt policy is at the heart of whether the proposal is acceptable in principle. The Government attaches great importance to Green Belts and the NPPF states that the essential characteristics of Green

Belts are their openness and their permanence. The NPPF states under paragraph 87 that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF goes on to explain that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt.

The officer's report for P99/4538 (the original two-storey rear extension) states that the extension did not alter the footprint of the house, instead replacing an existing single-storey shower room/glazed area. It was also stated within the officer's report regarding P99/4538 that the scheme brought with it an aesthetic improvement, increasing the size of the rear portion of the house only by 25%. Using this figure, it is calculated that the original size of the rear element was around 165 cubic metres. It is therefore presumed that the size of the original dwelling, prior to the two-storey rear extension and double garage was approximately 473 cubic metres. With the addition of the detached double garage (around 180 cubic metres), the two-storey rear extension (46.5 cubic metres) and the conservatory (59 cubic metres), the property currently stands at around 758.5 cubic metres – a 60.36% increase in size over the original dwelling. With the removal of the existing conservatory, and the addition of the proposed extension, the volume of the dwelling would be 823.5 cubic metres, an increase over the original dwelling of 74%. The Council's Supplementary Planning Document- Development in the Green Belt (2007) states that as a general guide, an addition resulting in a volume increase of more than 50% of the original dwelling would most likely be considered unacceptable. However, the character and design of the extension would still need to be considered with particular regard to the second test, being the appearance of the proposal - it should not be out of proportion with the scale and character of the original dwelling.

This means that the extension should then be assessed on appearance, in that it should not be out of proportion with the scale and character of the original dwelling, and that it would not negatively affect the openness of the greenbelt. The scheme has undergone numerous reductions in size, overseen by the conservation officer, and it is considered that the latest proposal would not be out of proportion with the existing dwelling, nor would it negatively affect the character of the dwelling. It would not extend past the front or rear elevations of the dwellinghouse, and the house itself sits within a very large plot. Additionally, it would replace an existing conservatory which is considered to detract from the visual amenity of the property due to its age and build quality.

It has previously been noted that the footprint of the house was unchanged as a result of the two-storey rear extension. This means that the wall which the proposed side extension extends from would qualify as an original wall of the dwellinghouse. Therefore, a flat-roofed, single-storey extension could be built projecting from the southern wall under "Permitted Development". In this case, particular reference must be made to *Burge v SOS & Chelmsford BC* [1987], which states that the council must satisfy itself that the proposed works would be significantly more harmful than the fallback position (of Permitted Development). The Conservation Officer objected to the original design, due to the flat roof and its effect on the setting of a conservation area. It is therefore considered that the granting of permission would result in a higher

quality development than would otherwise be possible, and it is therefore not considered that the proposal can be refused on greenbelt grounds.

While it would be considered that any extension would have an effect on the openness of the greenbelt, the position of the extension to the side of the house and its screening behind the existing garage and the landscaping surrounding the house would mean that the effect of extension would not be materially significant.

Overall, on balance it is considered that the proposed works would have an acceptable impact on the greenbelt.

5.3 Conservation Area and Design

The proposal consists of a gabled roof over a single storey side extension that will extend by approximately 5.4m out to the side of the property and provide additional living accommodation. The ridge height measures 3.7m, with the gables measuring 2.3m. The extension would be contained within the side elevation, spanning most of the flank of the house.

The side elevation of the extension would have four large glazed features, with a casement window and rooflights in the front and rear roof elevations. The extension is considered to be in-keeping with the scale of the existing property and would be considered to blend in with the hierarchy of the existing dwelling.

As part of the proposed works, a window would have to be moved on the house's side elevation. This would be considered acceptable in terms of visual amenity.

Additionally, the extension would replace an existing large, poor quality conservatory, which is seen to detract from the visual amenity of the dwelling. The conservation officer has no objections subject to conditions relating to the rooflights being of a 'conservation rooflight' design and matching materials.

Therefore the extension accords with Policy CS1 of the Core Strategy (2013).

5.4 Residential Amenity

There are no neighbours in close proximity to Bell House, Pucklechurch. Due to its scale, position and distance from any neighbouring properties, it is not considered that the proposal would have any overbearing, overshadowing or overlooking effects.

5.5 Transport

The proposed works would not create additional bedrooms and there would not be any change to parking provision. There are no transport concerns in regards to the proposal.

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 the application be **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).

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 tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

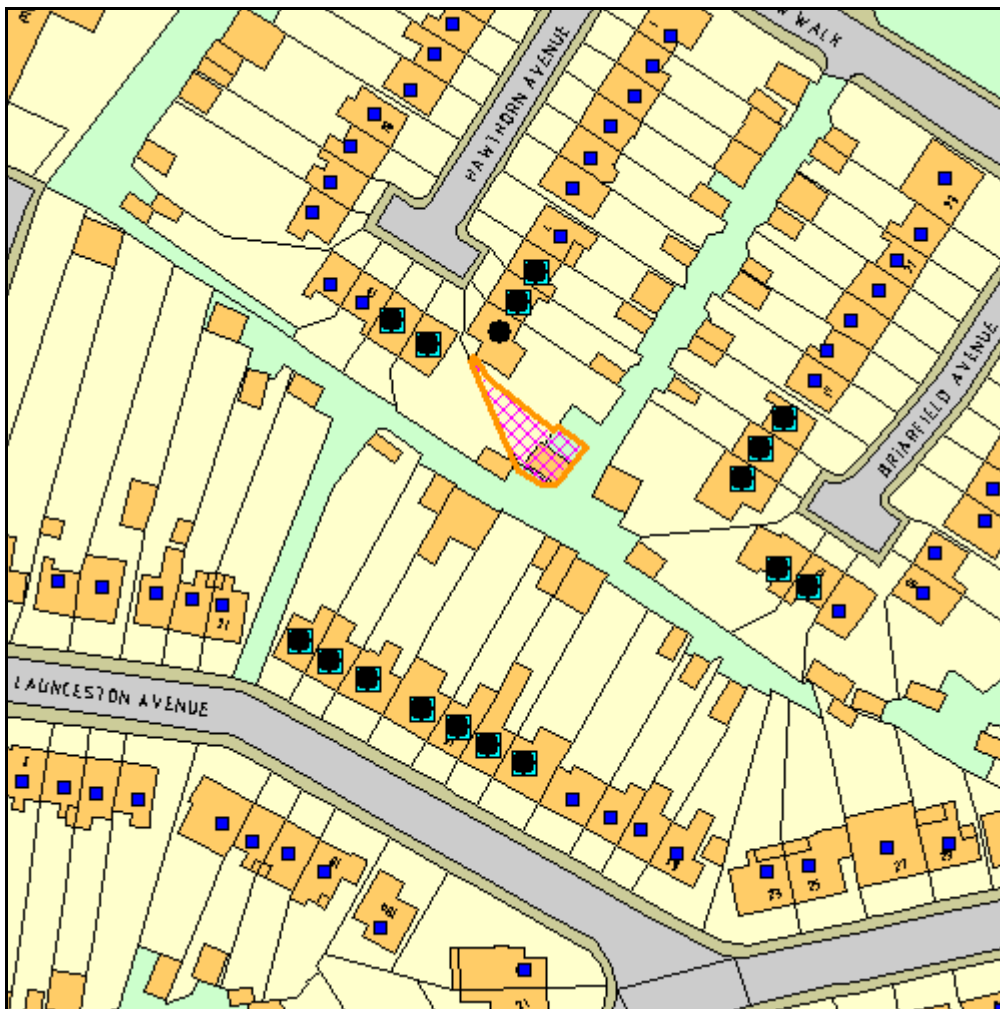
4. The rooflight(s) hereby permitted shall be of a traditional conservation type and so maintained.

Reason

To maintain and enhance the character and appearance of the Conservation Area, 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. 32/17 – 11 AUGUST 2017

App No.:	PK17/2029/F	Applicant:	Ms Rosemary Nutt
Site:	10A Hawthorn Avenue Hanham Bristol South Gloucestershire BS15 3ES	Date Reg:	27th June 2017
Proposal:	Change of use of detached single storey residential annex ancillary to main dwelling to form 1 no. seperate house.	Parish:	Hanham Parish Council
Map Ref:	363940 172156	Ward:	Hanham
Application Category:	Minor	Target Date:	21st August 2017



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100023410, 2008.

N.T.S.

PK17/2029/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been subject to representations contrary to the findings of the following report. Accordingly under the current scheme of delegation, it is required to be taken forward under circulated schedule.

1. THE PROPOSAL

- 1.1 The proposal seeks permission for the change of use a rear outbuilding that was built as an annexe into an independent residential unit.
- 1.2 Information from the site inspection indicates the building is already in use as a separate dwelling and therefore retrospective permission is sought for the change of use.
- 1.3 The host property made up of a 2 single storey mid-20th Century end-terrace dwelling with rendered elevations a two storey extension and a hipped roof; and a rear outbuilding structure, again with a rendered finish and hipped roof.
- 1.4 No alterations are proposed that require planning permission. The application simply seeks permission for the change of use into an independent dwelling.
- 1.5 The site is located within the built up residential area of Hanham within an area occupied predominately by mid-20th Century dwellings.

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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure
CS24 Open Space Standards

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

PSP39	Residential Conversions
PSP42	Custom Build Dwellings
PSP43	Private Amenity Standards

- 2.3 Supplementary Planning Guidance
 Design Checklist SPD (adopted) August 2006
 Residential Parking Standards SPD (adopted) December 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/1569/F – Approval – 25/06/2012 – Demolition of existing detached garage to facilitate erection of detached single storey residential annex ancillary to dwellinghouse.
- 3.2 PK05/2491/F – Approval – 06/10/2005 – Erection of two storey rear and first floor side extension to form additional living accommodation. Erection of detached garage with office.

4. **CONSULTATION RESPONSES**

- 4.1 Hanham Parish
 No Objection

- 4.2 Other Consultees

Highway Structures

Suggests informatives are included if were permission granted

Transport Officer

No objection subject to condition requiring the parking spaces to be permanently retained.

Drainage and Flood Risk

No Objection

Other Representations

- 4.3 Local Residents

Two comments have been received objecting to the proposal. One of which questions why the original permission provided an annexe and that no changes are proposed under the application, only that it would provide a new residential unit. The other comment suggest that previous objections to the application for the annexe should be considered some of which are omitted from the following bullet points as they are no longer relevant considerations. These previous objections still relevant to the planning application are as follows:

- No other dwellings accessed off the lane which leads to people's garages and rear gates.
- Problems with the dust gravel on the lane.
- Cars park on the access lane where there is no room
- Some occupants are running a business from their property and the employees have nowhere to park

- Proposed dwelling with add to the volume of traffic and parking on the lane
- Lane is for access to garages not residential properties
- Access lane poor quality and surface run off is a problem for some properties
- Will start a precedent.
- Proposal will cause problems with access to garages
- Inappropriate siting for a residential property
- Similar development in another garden in Hawthorn Avenue has been repeatedly refused (PK06/1757/F) partly on the grounds that the proposal constitutes a cramped development which would be out of character with the existing pattern of development.
- Loss of privacy through increased use of lane
- Out of keeping with surrounding structures

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H5 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development for residential subdivisions and conversions. This support is subject to the proposal respecting the existing design of the property and that it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. In this case the site has not been specifically identified within the Development Plan, however the housing land supply has been found insufficient; in this situation there is a presumption in favour of sustainable development unless the adverse impacts significantly and demonstrably outweigh the benefits. The proposal would represent a modest contribution to this housing land supply and this is therefore a material consideration in the determination of this planning application. The location of the site would be considered a suitable location for development and would be acceptable in principle. Consequently the main issues to deliberate are the design and appearance of the dwelling and the impact on the character of the area; the impact development may have on the amenities of neighbouring occupiers and the resultant dwelling; and the proposals impact on transport and parking provision. The proposal is subject to the consideration below.

5.2 Design and Visual Amenity

The proposal consists of the change of use of an outbuilding used as an annexe to an independent residential unit. This would take the form of a Mews House. No external alterations are proposed. Whilst such Mews development are not common within close proximity, this is not an unusual style of development for such a location and there are many other similar developments across the South Gloucestershire and Bristol urban area. Furthermore there are a number of bungalows within close proximity to the proposal site and on this basis such development could be considered to be in line with these other single storey properties. The area is characterised by having access lanes providing access to the rear of properties and their associated outbuildings and garages. The majority of properties have a detached garage to the rear of the curtilage and the building to be converted is considered to be in keeping with other nearby structures in terms of scale and

- appearance. On this basis the proposal is considered to be keeping with the general character of the area.
- 5.3 The proposal site is located on a private access lane and is away from the public realm. This location is discreet. In addition the proposal site forms the end terrace and sits on a corner plot. Following subdivision of the site the host property would have a quadrilateral plot that would replicate the general shape of other plots along Hawthorn Avenue. The plot created would appear as independent from the existing residential unit and there is no objection with regard to this.
- 5.4 With regard to the house type, Policy CS17 requires that new housing development provides a mix of housing to accommodate a variety of potential users. The proposal would introduce a disabled friendly property in an area predominately occupied by two storey dwellings that would not be suited for such a resident and on this basis the proposed house type is supported.
- 5.5 The proposal does not seek to do any external alterations. Overall, it is considered that the proposed detached dwelling would not harm the character or appearance of the area and as such is 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 H5 and conforms to the criteria in the adopted Local Plan.
- 5.6 Residential Amenity
Policy H5 of the adopted Local Plan gives the Council's view on residential conversions and subdivisions. 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.
- 5.7 The proposal does not seek to create any additional built form only to convert the accommodation into an independent residential unit. Accordingly the proposal is not considered to result in any further harm to the amenity of neighbours as a result of overbearing and the associated overshadowing of these surrounding properties. Furthermore the proposal would not result in any additional harm to the privacy of the surrounding dwellings as the annexe is already in place and permitted, accordingly the proposal would be considered to have the same material impact on the amenity of any neighbouring occupiers.
- 5.8 Given the host properties plot would be subdivided and the outbuilding was originally constructed as an annexe ancillary to the dwelling, there is potential for the proposal to have a harmful impact on the host property and vice versa due to loss of privacy. With regard to this the building to be converted is located to the south-east of the host dwelling and does not sit directly to the rear of the property. In addition there are 1.8 metre closed panel fences along the proposed boundary line that screen the north-eastern elevation from the host properties primary living accommodation.
- 5.9 The outbuilding does have a French door and window oriented towards the rear elevation of the host dwelling, however this is located around 10 metres from

the dwelling. In addition openings on the north-west elevation are well screened from the nearest windows and doors in the host dwelling due to fencing, and are situated at an angle of around 55 degrees from the windows in the proposed dwelling. As a result the proposal is not considered to have an unacceptable impact as a result of direct inter-visibility between primary living accommodations and is acceptable in this regard.

- 5.10 The proposal site will be served by an area of courtyard and private gardens. The proposal will be a single bedroom and is not expected to be occupied by more than 2 individuals. Given the size of the proposed outdoor space, this is considered to be sufficient for the size of the dwelling proposed and there is no objection with regard to this.
- 5.11 In relation to permitted development rights, given the size of the site and the location of neighbouring property, were additions provided these could potentially result in cramping of the site and reduction in the amenity enjoyed by neighbours. Consequently it has been seen as reasonable to remove permitted development rights for volumetric additions and a condition will be attached to that effect.
- 5.12 The subject property is located within a built up residential area and given the scale and location of the proposed development will not result in a detrimental 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 annexe is already being occupied as an independent dwelling and parking has been provided in line with what is indicated on the plans submitted. This provides 3 parking spaces to the rear of 10 Hawthorn Avenue. One of which is provided to the outbuilding, the other two to the main dwelling. This is considered to be sufficient for the size of the host dwelling and the proposed detached dwelling. In respect of this there are no objections in relation to highway safety or parking provision; meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006) and the provisions of the Residential Parking Standards SPD.
- 5.14 Comments on the earlier application for the erection of the annexe have objected on the basis of the impact on the access lane. These have included concerns over dust and gravel on the lane, cars parked on the access leaving restricted width, employees for local businesses not being able to park and the lane having a poor quality surface. Comments have also suggests that the lane is for access to garages and rear gates and not to residential property; officers fail to see how this is any different as a planning unit is taken as a whole and a garage would not be considered separate from the residential use of the site, therefore the lane provides access to garages and by virtue of this the dwelling with which they are associated. It should be noted that the proposal and the permitted arrangement of an annexe and a 4 bedroom property would have the same basic travel demand/parking requirements. Given this consideration the proposal is not considered to result in any additional vehicular movements over that of the permitted arrangement. In addition the access lane is private and should be maintained by the residents that use it. The level of additional traffic

arising from permitting the proposal would not be considered to further deteriorate the lanes surface. Lastly inconsiderate parking on the lane is a civil matter and is covered by legislation outside of planning and is not therefore considered relevant to the planning assessment, in addition if the business use is so significant employees are needing to park outside of the curtilage of the property, this suggests the use goes beyond that permitted within a residential use and planning permission would likely be required. Nevertheless, the assessment is on the individual merits of that proposed, accordingly as there is sufficient parking provided and the proposal would not lead to additional adverse impacts on highway safety, there is no objection with regard to parking provision and highway safety.

5.15 Planning Balance

The proposal would represent a modest contribution to housing supply. Housing applications should be considered in the context of the presumption in favour of sustainable development. Currently the 5 year housing land supply has been found insufficient and according to para.49 of the NPPF in this situation permission should be granted unless the harm would significantly and demonstrably outweigh the benefits of doing so. Given the location of the site and the contribution to housing supply, significant positive weight should be given in the balance. In terms of design due to lack of external alterations there is no objection to this part of the consideration and neutral weight would be attributed to design criteria. The proposal accords with adopted transport policies and again neutral weight is applied to this consideration. In terms of residential amenity the proposal would have an acceptable impact on neighbours, however there is the potential for a reduction of privacy between the existing dwelling and that proposed. That said the proposal will be situated at an angle to the host dwelling and given the screening provided is considered to have an acceptable impact and whilst a small amount of negative weight is attributed to this consideration, given the positive weight given to the provision of a new housing unit, the balance is seen to lean in favour of permitting development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the 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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D and E), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall thereafter be 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.

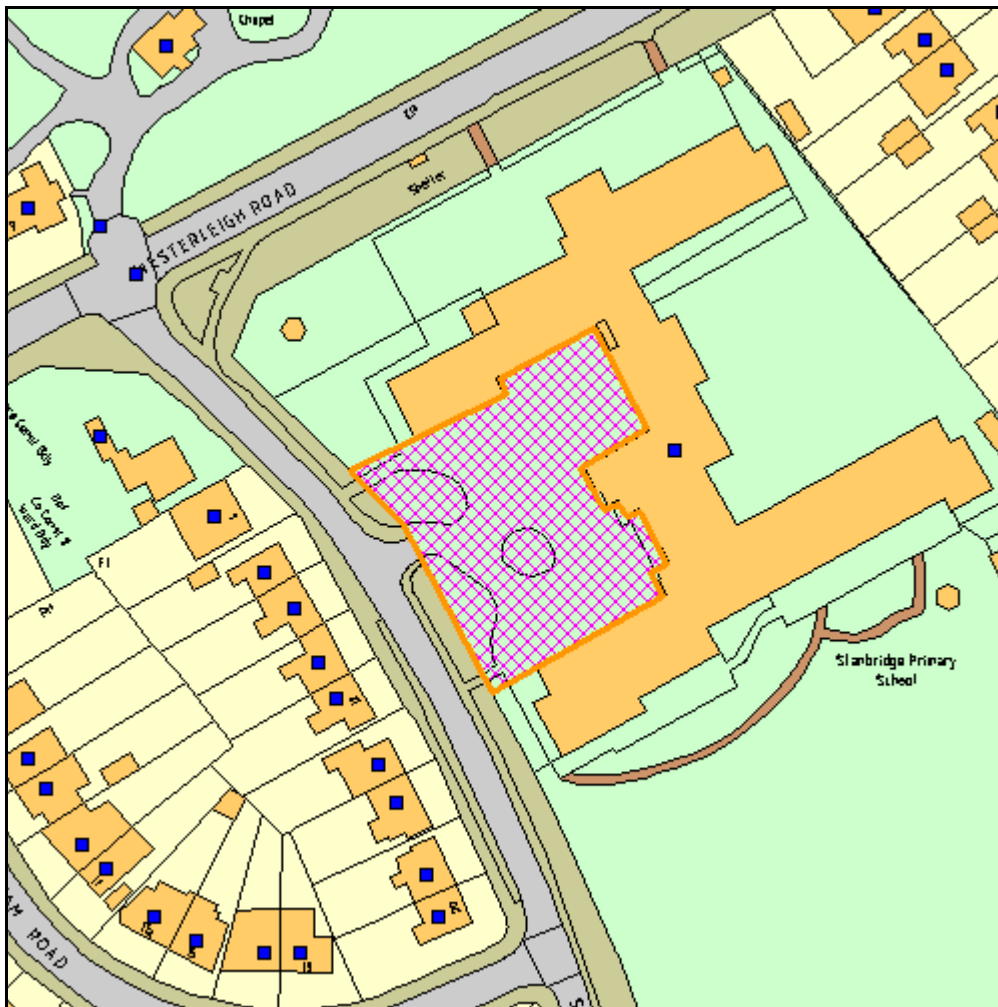
3. The boundary treatment between the property known as 10 Hawthorn Drive, Hanham and the application site shall be maintained at a minimum height of 1.8 metres and have a solid construction.

Reason

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

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PK17/2253/F	Applicant:	Stanbridge Primary School
Site:	Stanbridge Cp School Stanbridge Road Downend Bristol South Gloucestershire BS16 6AL	Date Reg:	19th June 2017
Proposal:	Creation of 4no. additional car parking spaces and installation of 6no. lamp posts to facilitate car park lighting.	Parish:	None
Map Ref:	365718 176910	Ward:	Rodway
Application Category:	Minor	Target Date:	10th August 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as one comment has been received which is contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the Creation of 4no. additional car parking spaces and the installation of 6no. lamp posts to facilitate car park lighting at Stanbridge Primary School Stanbridge Road Downend Bristol South Gloucestershire BS16 6AL.
- 1.2 The property site relates to a primary school that is located within the settlement boundary and built up residential area of Downend.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T8 Parking Standards
LC4 Proposals for Education and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/1689/R3F
Erection of single storey classroom extension.
- 3.2 PK00/0669/F
Approve with Conditions (24.05.2000)
Replacement storage outbuilding

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Not parished.

Other Representations

- 4.2 Highway Structures
"No comment".

Lead Local Flood Authority
"No objection".

Sustainable Transport

"We had previously responded to this application and had indicated our general acceptance of these proposals, provided that the car parking provision conformed to the Council's standards as set out in Policy T8 of the South Gloucestershire Local Plan. This guidance states that the maximum permitted provision of car parking at a school is 1 space per 2 staff members. Therefore, as the applicants intend to provide 36 spaces in all, then the school must have a minimum of 72 employees. We now understand that it has 74 staff in all and so conforms to these guidelines.

Consequently, we have no further highways or transportation comments about this application".

Local Residents

- "My objection is regarding the lamp posts. If they are on a timer switch and switched off at night....say 22.30, then I have no objection. If they are left on all night, then I object most strongly to their presence".
- "The increase in the number of car spaces goes against South Gloucestershire Council's guidelines on sustainable transport and should not be supported. Further to this, should the additional bays be approved, there is sufficient lighting currently in the car park which caused issues when first installed a number of years ago as the light lit up the bedrooms of neighbouring houses. There is no evidence provided which shows the beam of the lights and the intensity and no mention of the lights being on a timer".
- "Providing the car park lighting is time controlled i.e. Power off by at least 10 .30 pm we have no objection".

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy LC4 of the South Gloucestershire Local Plan (Adopted) 2006 permits the development, expansion or improvement of education and community facilities. This permittance is subject to the consideration of residential amenity and the environment. Additionally, saved policy T8 of the

South Gloucestershire Local Plan (Adopted) 2006 allows the provision of car parking spaces to non-residential institutions provided that they meet Council Standards.

Furthermore, policy CS1 of the Core Strategy (adopted) 2013 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Design and Visual Amenity

The proposed development is the creation of 4no. additional car parking spaces and the installation of 6no. lampposts to facilitate car park lighting.

5.3 Two of the proposed car parking spaces would join a row of four existing spaces. The remaining two spaces would be located at the western edge of the car park; all four spaces would involve the loss of a small amount of a grassed area.

5.4 The design and materials proposed for the additional spaces would match those present in the existing car park.

5.5 Four of the proposed lampposts would be located alongside the proposed car parking spaces; the remaining two would be located at the centre of the car park, on the centre circle.

5.6 The lampposts are proposed to be Thorlux SB15800 Starbeam. These are nondescript; grey in colour; and of a standard design.

5.7 The proposed car park spaces and lampposts therefore are considered to be of an appropriate standard in design.

5.8 It is considered that the proposed development would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.

5.9 Residential Amenity

Policy LC4 of the adopted Local Plan (2006) sets out that development within education and community facilities should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.

5.10 Due to the location and scale of the car park spaces; there are not considered to be any impacts on residential amenity resulting from their implementation or subsequent use.

5.11 The lampposts have raised some concerns from neighbours regarding the intensity of light; and the duration that they will remain in operation at night. The intensity will be set by British Industry Standards; and the hours of operation will be restricted by condition.

- 5.12 When considering the existing boundary, combined with the siting and scale of the proposals. The proposals would not unacceptably prejudice residential amenities. Therefore, the development is deemed to comply with saved Policy LC4 of the Local Plan (2006).
- 5.13 The environment
The proposed car park spaces would add additional hardstanding where there is currently some grassed areas. This hardstanding would be mitigated via the use of a sustainable drainage system.
- 5.14 The proposed lampposts would meet British Industry Standards for sustainability and light pollution. Submitted plan 15/1509/E/01 shows the impact of the light emitting from the lampposts would have a minimal impact of the nearest residential properties.
- 5.15 Transportation
Policy T8 of the Local Plan (2006) allows for the provision of car park spaces within non-residential institutions providing that they meet acceptable criteria. As noted by the Transport Officer in point 4.2; the applicants intend to provide a total of 36 spaces. As such, the school must have a minimum of 72 employees. The school employs 74 staff; so the proposal conforms to these guidelines.

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: David Ditchett
Tel. No. 01454 863131

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).

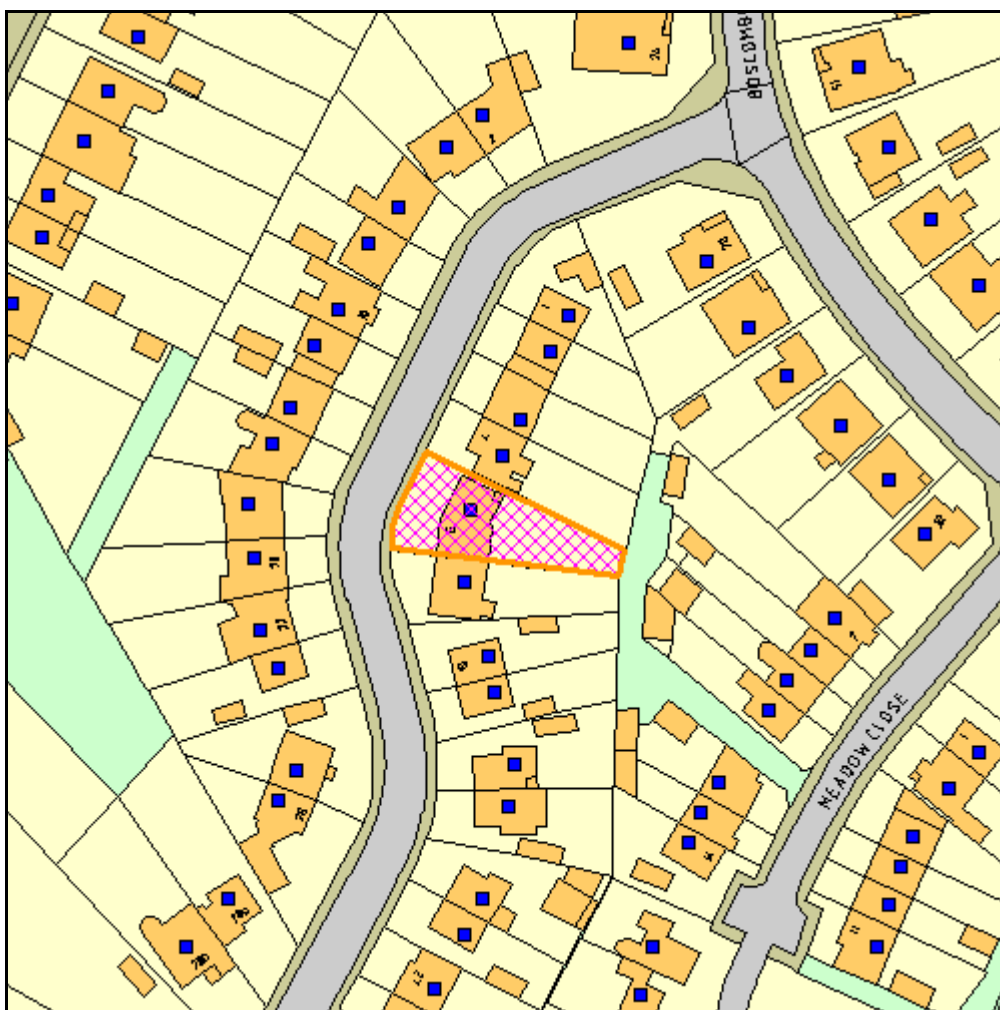
2. The lampposts hereby permitted shall not be in operation between the hours of 10.30pm and 5am seven days per week.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PK17/2418/F	Applicant:	Mrs Teresa Saunders
Site:	9 Sutherland Avenue Downend Bristol South Gloucestershire BS16 6QJ	Date Reg:	13th June 2017
Proposal:	Demolition of existing double garage and erection of 1 no. attached dwelling with access and associated works (resubmission of PK17/1004/F)	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365490 177515	Ward:	Downend
Application Category:	Minor	Target Date:	18th July 2017



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N.T.S.

PK17/2418/F

APPLICATION TO APPEAR ON CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of a number of objections from local residents and the Parish Council, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of existing double garage and erection of 1no. attached dwelling with access and associated works (resubmission of PK17/1004/F).
- 1.2 The application site relates to an existing semi-detached, two storey dwelling constructed in half- concrete render finish and half-red brick stone finish on the front and side elevations. There is an existing attached double garage with a flat roof, and an entrance way in between the garage and dwelling into the main house.
- 1.3 The existing dwelling is located on a slight bend in Sutherland Avenue. Properties along Sutherland Avenue are largely semi-detached. Many on the west side of the street have been extended to the side with large two storey side extensions.
- 1.4 The property benefits from a large triangular-shaped plot that tapers towards the rear garden. There is existing off-street parking in front of the double garage. Along the front boundary of the site is a low red brick wall, which is a common feature of the street scene.
- 1.5 The property is located within Downend, an existing urban area and within a defined settlement. Sutherland Avenue is located within a well-established residential area, on the East Fringe of Bristol.
- 1.6 The previous submission PK17/1004/F was withdrawn in May 2017 as the required a Coal Mining Risk Assessment was absent and would take several weeks to commission. The resubmission includes a CMRA report and incorporates amendments to the proposed design of the dwelling as suggested by the Officer. During the course of the application, the agent has submitted a visibility splay plan, which has been assessed by the Transportation Officer.

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
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities in the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Residential Development
T7 Cycle Parking
T12 Transportation Development Control

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages, including Extensions and New Dwellings
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
Waste Collection: Guidance for New Development SPD (Adopted) January 2015
Community Infrastructure Levy and Section 106 Planning Obligations Guide (Adopted) March 2015
Statement of Community Involvement (Adopted) 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/1004/F Demolition of existing double garage and erection of 1no. attached dwelling with access and associated works
Withdrawn 02.05.17
- 3.2 Recent relevant applications in the area:
PK16/5673/F Erection of 1no. detached bungalow with access and associated works
Approved 31.03.17

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
Objection on the following grounds:
- Out of keeping with local area and neighbouring properties.
 - Access concerns regarding tight bend and visibility issues.
 - Loss of garage and additional parking spaces required for the additional property.

4.2 The Coal Authority

No objection.

4.3 Emersons Green Town Council

No comment.

4.4 Highway Structures

No objection.

4.5 Lead Local Flood Authority

No objection.

4.6 Sustainable Transport

We understand that it is a resubmission of a previous one (ref PK17/1004/F) which we consider remains essentially unchanged in highways and transportation terms. Our records indicate that we had raised an objection to that application because we were unclear about the visibility from the site access and about the proposed cycle storage provision.

We note that applicant has now indicated that cycle storage provision will be made in sheds at the front of each property. This is deemed to be adequate.

Conversely, however, no explanation has been provided of the visibility for the site accesses. Hence, we would wish to see this matter clarified before we can come to a final conclusion about this development. Once again, should this information not be forthcoming or be unsatisfactory, then we would recommend an objection be lodged against this proposal.

Further comments:

The latest submitted visibility splay submitted by the agent is correct.

Visibility to the left seems to be partially obscured by a tree/hedge and other impedimenta, most of which is located in the neighbour's garden. It would be unlikely to meet the required design criteria and would object. Visibility to the right is acceptable.

Objection.

Other Representations

4.7 Local Residents

Comments of objection have been received from 7no. local residents:

- Objections to several contradictions and anomalies in planning design and access statement;
Design/character
- Proposed dwelling does not take into consideration pre-application advice to reduce 3 bedroom property to 2 bedroom and put front door on side elevation;
- Proposed dwelling reverted to a 3 bedroom 'retirement' property with door on front elevation;

- Examples of similar developments in BS16 are not in Sutherland Avenue and are not relevant;
 - Proposed dwelling would change character of the area resulting in a terrace;
 - Proposed dwelling will protrude out further than current garage;
 - Extensions in area are not separate dwellings;
 - Proposed three windows in side elevation contrary to design statement;
 - Proposed plan view not drawn to scale, does not show protrusion;
- Amenity*
- Impact on privacy for No. 7 due to proposed dwelling and side elevation windows;
 - Significant increase in noise, pollution and dirt associated with vehicles and building works;
- Transport/parking/access*
- Sutherland Avenue is a busy road. It is used as a pathway and road by small children and parents accessing local schools and a driving test centre route;
 - Will increase likelihood of vehicles parking on the pavement and pedestrians walking in the road;
 - Site located on a double bend which restricts views of traffic;
 - Additional parking on site will create a hazard to pedestrians;
 - Road will become a 'rat run';
 - Proposed number of parking spaces inadequate;
 - Proposed planting in front garden will reduce amount of off-street parking;
 - States to the rear of the property there is an access lane. This lane is private for exclusive access to properties in Meadow Close. The proposed property would have no rear access;
 - Access lane could be used for the delivery of building materials to the site and for associated works traffic;
- Other*
- Re-routing of existing drains will affect other properties too;
 - Coal mining report not made public until 7 days before end of consultation;
 - Coal mining report is only a 'desk-based' review and states proposed dwelling is detached;
 - No. 9 is approx. 600mm above neighbour No. 7, which leads to surface run-off for No. 7;
 - Neighbours on Meadow Close (south-east rear of the site) have not been notified of the application;
 - Many local builders unaware of the HSE public HSG51 where risk reduction to "protecting the public" is a key feature to building operations.

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. In addition, 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.
- 5.2 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 1 no. dwelling would make a negligible difference to the overall housing supply.
- 5.3 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
- 5.4 Saved Policy H4 is supportive in principle of new dwellings, however, each application is considered on its own merits. In this instance, the introduction of an additional detached dwelling in part of the garden of the host dwelling no. Sutherland Avenue shall be discussed fully in the report below.
- 5.5 Design and Visual Amenity
Matters such as the size of the private amenity area, landscaping, location of a bin store, rear access footpath and boundary treatments need to be considered and should remain in keeping with the character of the area.

- 5.6 The application site relates to a triangular-shaped plot located next to no. 9 Sutherland Avenue. The site is located on a slight bend in Sutherland Road. It is proposed to replace an existing attached double garage with an attached modest-sized dwelling next to no. 9. The dwelling would have a pitched roof. The proposed development would be orientated to follow the existing building line of No. 9 and 11 Sutherland Avenue, providing a terraced arrangement. Towards the rear of the dwelling, it would be staggered, taking into account the tapered boundary line and neighbouring property no. 7. The existing and proposed dwellings would have two off-street parking spaces at the front of the dwellings.
- 5.7 Dwellings on Sutherland Avenue are generally set in pairs. There are a number of local examples of dwellings being extended at the side, to two storey level, which provides a similar level of infill development in the street scene to the proposal. The proposed three bedroom dwelling would mimic the appearance of the attached existing dwelling no. 9, in terms of fenestration pattern, pitched roof design, materials and external finishing. The proposed dwelling would have a modest single storey rear extension providing additional room to the kitchen/dining area due to the tapered nature of the plot. The proposed dwelling would measure a similar width and depth to the existing property, with the exception of the single storey lean-to extension. This means the building line on the front elevation would match the existing dwelling.
- 5.8 Improvements have been made to the proposed design since the previous submission, following feedback from the Officer. In terms of its proportions, design, scale and detailing, the proposed dwelling would match the existing dwelling and is considered to be suitably in keeping with the overall character of the area and an acceptable addition to the street scene.
- 5.9 Residential Amenity
Another consideration is the impact of development on residential amenity. Part of this consideration relates to the provision of adequate private amenity space. Whilst there are no official minimum space standards, emerging policy PSP43 deals specifically with the amount of amenity space to be provided for new dwellings. As a three bedroom dwelling, it is suggested that an area of 60 sqm of private and useable space is needed for such a new build. Plans indicate that the amount of rear garden space would equate to about 81 sqm for the proposed dwelling and 75 sqm for the existing dwelling, which is above the target figures. Whilst this is only a suggested level and the policy has not yet been adopted and does not hold full weight, it is acknowledged that the proposal complies with emerging PSP43, which is a positive benefit in favour of the proposal. Gardens would be sub-divided by close-boarded fencing, which would be in-keeping with the character of the area and would provide suitable amounts of privacy for the future occupants and existing neighbouring dwellings.
- 5.10 Development should not result in any overbearing impact, overshadowing or a loss in privacy. Taking into account there are two-storey extensions along this road and the existing large, attached double garage, care must be taken to ensure the proposed dwelling would not have an impact on privacy or overlooking particularly in respect of the existing dwelling no. 9 and

neighbouring property no. 7. Whilst there are three windows included in the side elevation, facing the side elevation of no.7, two of these are in the ground floor and would face the side elevation of their garage. In respect of the first floor window, this would serve the landing and given there is a bedroom window in the side elevation of no. 7 it would be reasonable to condition that this would be obscurely glazed to prevent any divert overlooking or privacy impact.

5.11 Transportation and Parking

The existing dwelling benefits from a large double garage and driveway. The application site is located on a slight bend in Sutherland Avenue meaning the proposed dwelling would follow the building line and the parking would be nearer to the shared boundary with no.7.

5.12 The proposed layout of the site provides adequate off-street parking provision for the existing and proposed dwellings. The Council's adopted Residential Parking Standard SPD sets a minimum number of parking spaces that need to be provided to a level commensurate with the number of bedrooms in the property. Both the existing and proposed dwellings would have three bedrooms and would therefore need to provide a minimum of two parking spaces. Off-street parking along the front elevation is a common feature in the street scene and is considered appropriate in this application.

5.13 The Transportation Officer has raised concern about the visibility associated with the proposed parking spaces for the new dwelling. Given the application site is located on a bend in Sutherland Avenue and visibility is partially obscured by a tree/vegetation and other garden paraphernalia, located in the neighbour's garden. However, given the application site is located on a residential road, traffic is relatively slow, there is existing parking and access onto the application site and the amount of existing driveways in the local area, it is considered unreasonable to object to the proposal on these grounds. The NPPF paragraph 32 states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. This is not the case for this proposal taking into account the above. Existing visibility to the right is acceptable. Therefore, on balance the proposed parking arrangements and visibility is considered overall acceptable and would not create a highway safety issue for road users and pedestrians.

5.14 A number of concerns have been raised by local residents that an additional dwelling will increase likelihood of on-street vehicular parking, the road will become a 'rat run' and the private rear access lane is proposed to be used by the future occupants and for building material deliveries. The proposed level of parking complies with the Council's adopted standards and is in line with other neighbouring properties. To request additional off-street parking provision would be unreasonable and unnecessary. The existing use of the road is not considered to be significantly or detrimentally impacted by one additional dwelling and is unlikely to change the use of the road or its character. The rear private access lane is thought to 'belong' to dwellings located on Meadow Close (east), which have rear access and garages. There is no proposed rear access for the existing or proposed dwellings, and given the narrow nature of

- the lane it is unlikely this would be desirable for the delivery of building materials.
- 5.15 Overall, the proposed off-street parking arrangements and level of parking are considered acceptable. The proposed addition of one dwelling is not considered acceptable in transportation and highway safety terms. Suitably worded conditions will be attached requiring the access to be constructed and the proposed level of off-street parking to be in place prior to the occupation of the proposed dwelling.
- 5.16 Coal Authority
The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered. The agent withdrew the previous application (Ref. PK17/1004/F) in order to commission a Coal Mining Risk Assessment Report for submission (May 2017, prepared by Hydrogeo).
- 5.17 Due to the submission of two CMRA reports by the agent (one for no. 2 and no. 9 Sutherland Avenue). The Officer has raised this with The Coal Authority and they are satisfied with the contents and conclusions of the CMRAs submitted to be sufficient to demonstrate that the application site is safe and stable for the proposed development. The Coal Authority has no objection to the proposed development.
- 5.18 Other Matters
A number of matters have been raised by local residents concerning the proposal.
- 5.19 The Council's Lead Local Flood Authority team have been consulted and have no objections to the proposal. Whilst there is a slight height difference between no. 7 and 9, given the location and the inclusion of a soakaway in the proposed development there is not considered to be a risk to surface water drainage. The redirection of Wessex Water drains requires separate approval and is not within the control of the Council or proposal as such.
- 5.20 Neighbours on Meadow Close were not consulted, despite being located to the rear of the application site. In line with the Council's adopted Statement of Community Involvement (2015), all adjoining occupiers having a common boundary with the site and properties directly opposite will be consulted by letter. Properties on Meadow Close do not fit the above criteria, hence they were not formally consulted. But there is nothing stopping those neighbours submitting comments on the application, should they wish to.
- 5.21 Lastly, it has been raised that many local builders are unaware of Health and Safety Executive advice HSG51 (storage of flammable liquids in containers). Whilst this may be a valid concern, the Council cannot control which local contractors are employed to build the proposed dwelling.
- 5.22 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.

5.23 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 **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: Proposed Site Plan; Location Plan; Proposed Elevations; Existing Elevations; Existing Site Plans and Floor Plans; Proposed Floor Plans; Location and Block Plan; received by the Council on 23rd May 2017.

Reason

For the avoidance of doubt.

3. The vehicular access and off-street parking facilities shown on the Proposed Site Plan (received by the Council on 23rd May 2017) hereby approved 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, in the interest of highway safety and the amenity of the area, and to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013, and guidance contained within the South Gloucestershire Council Residential Parking Standards SPD (Adopted) December 2013.

4. The materials to be used in the construction of the external surfaces of the new dwelling hereby permitted shall match those used in the existing building no. 9 Sutherland Avenue.

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 (2012).

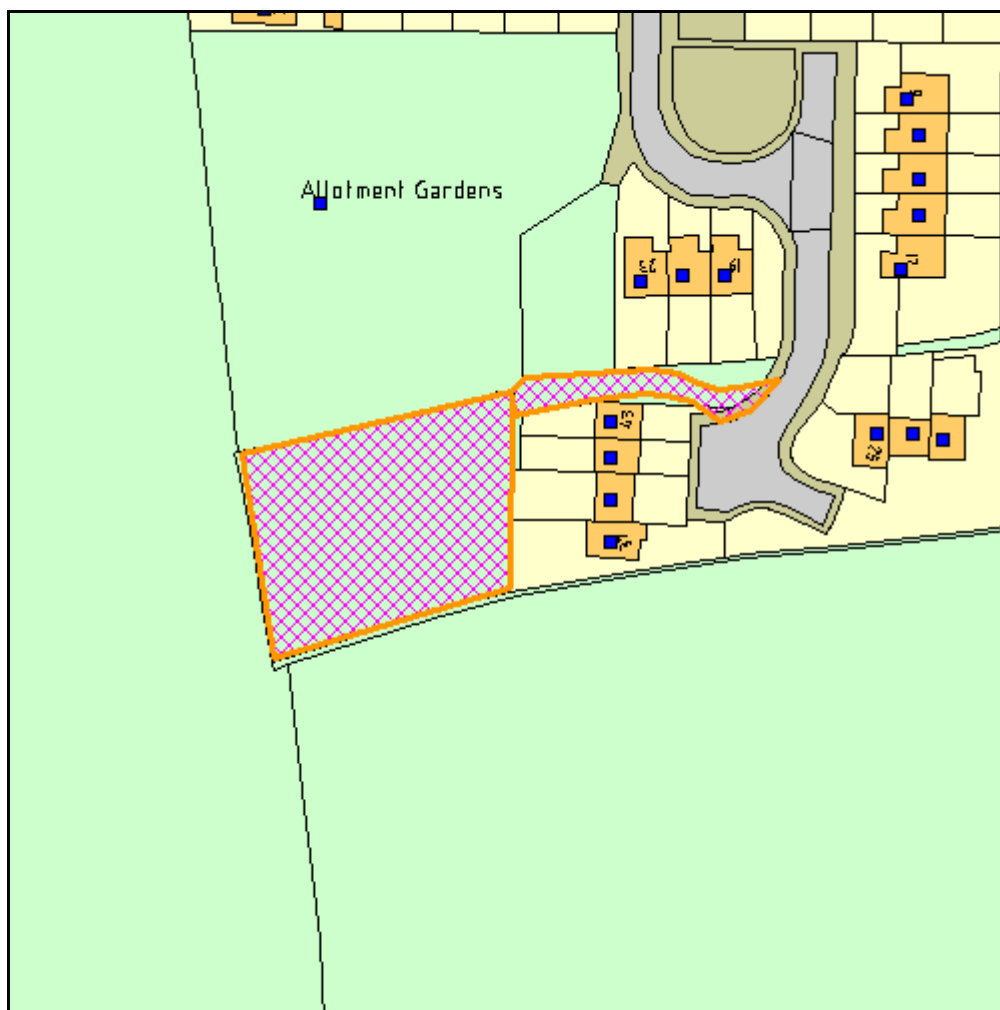
5. Prior to the use or occupation of the new dwelling hereby permitted, and at all times thereafter, the first floor window on the north elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which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

Reason

To protect the privacy and amenity of neighbouring occupiers at no. 7 Sutherland Avenue, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PK17/2596/F	Applicant:	Messrs Bendeaux /Starling
Site:	Land To The Rear Of 37 To 39 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	Date Reg:	27th June 2017
Proposal:	Erection of 2no detached dwellings with access parking and associated works.	Parish:	Hawkesbury Parish Council
Map Ref:	377890 186636	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	18th August 2017



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 100023410, 2008. N.T.S. PK17/2596/F

CIRCULATED SCHEDULE

The application appears on the Circulated Schedule following comments from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 2no. detached dormer bungalows with attached garages, parking and associated works. The application site relates to a green field site adjacent to the village of Hawkesbury Upton. The site therefore lies in open countryside and in the Cotswolds AONB.
- 1.2 It is noted that permission was granted for two very similar bungalows under PK17/0279/F on 22.3.17. Therefore the principle of dwellings on this site has already been established. The difference between that application and this current one is that the bungalows would be three bed properties due to the introduction of dormer windows in the roofs with slightly higher ridge heights and overall footprints. The properties are not restricted to persons of a certain age group and are therefore open market housing.
- 1.3 The site is located behind a small terrace of dwellings No. 37-39 Birgace Road, Hawkesbury Upton. These properties were part of a small development of 10 dwellings granted permission in 1995 as a rural exception site which provided low cost housing to the area. It was on this basis that the application for dwellings outside the settlement boundary was allowed. That application excluded the parcel of land subject of this application and therefore the current site is in the open countryside and not within the village of Hawkesbury Upton.
- 1.4 During the course of this application revised plans were received to show the residential curtilage of each property.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS18 Affordable Housing
- CS19 Rural Housing Exception Sites
- CS34 Rural areas

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

- L1 Landscape Protection and Enhancement
- L2 Cotswold Area of Outstanding Natural Beauty
- H3 Residential Development in the Countryside
- T7 Cycle Parking
- T12 Transportation Development Control Policy for New Development

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Development Related Transport Impact Management
- PSP16 Parking Standards
- PSP40 Residential Development in the Countryside

2.4 Supplementary Planning Guidance

- Design Checklist SPD (Adopted) 2007
- Residential Parking Standard SPD (Adopted) 2013
- Waste Collection: Guidance for New Developments (Adopted) January 2015
- Affordable Housing SPD (Adopted) 2008
- SG Landscape Character Assessment: Character Area 1 - Badminton Plateau.

3. RELEVANT PLANNING HISTORY

- 3.1 PK17/0279/F Erection of 2no. detached bungalows with attached garages, parking and associated works
Approved 22.3.17

- 3.2 PK14/0143/F Erection of 3 no. dwellings with access, parking and associated works. (Resubmission of PK13/2240/F).
Refused 1.4.14

Reason:

The application site lies outside of the defined settlement boundary. Policy CS19 of the Core Strategy (Adopted) which relates to rural exceptions sites, allows for proposals for permanent affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and therefore would be contrary to Policy CS19 of the Core Strategy (Adopted). Policy H3 of the South Gloucestershire Local Plan states that 'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following - Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.' The application is for three retirement dwellings and therefore the proposal does not

fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3 of the Adopted Local Plan and CS5 of the Core Strategy (Adopted).

Appeal dismissed: 13.8.14

Inspector's finding summarised as:

- The appeal site does not fall within the definition of affordable housing; is not an exception site and would not accord with Policy H3
- The site is in the 'open countryside' (the term for rural land outside settlement boundaries) and does not accord with Policy CS5 or the development plan
- Unconvinced that need for older persons housing sufficient to justify development outside a settlement boundary
- The release of land for 'ad-hoc' proposals should not be the intended or desirable consequence, especially where a five year land supply can be demonstrated
- Scope under the Localism Act 2011 for community support and action for this type of housing

3.3 PK13/2240/F Erection of 3 no. dwellings with access, parking and associated works.

Refused

7.8.13

Reasons:

- 1 Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy (which relate to rural exceptions sites) allow for small scale proposals for affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and therefore would be contrary to Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy. Policy H3 of the South Gloucestershire Local Plan states that 'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.' The application is for three retirement dwellings and therefore the proposal does not fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3 of the Adopted Local Plan and CS5 of the Core Strategy.
- 2 Because of the massing and height of the proposed bungalow closest to No's 37 to 49 Birgage Road, its proximity to the existing boundary fence and the fact that it will span almost the entire rear boundary of numbers 37 and 39 Birgage Road, it is considered that the proposed development will have an overbearing impact on the existing level of residential amenity afforded to these properties. The rear wall of the proposed bungalow will be less

than 13.5 metres from the rear extension on No. 37 and less than 18 metres from the main rear wall of No. 39. Windows and doors are shown in the rear elevation of the proposed dwelling facing towards No's 37 and 39 and due to the lack of sections and the existing change in ground levels, your officer cannot be certain that the existing boundary treatment will obstruct visibility. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

3.4 P94/1758 Erection of ten houses arranged in one block of four and two blocks of three dwellings. Construction of extension to estate road and service access, footpaths and parking areas.
Approved 8.6.95

3.5 Site next door at Land off Sandpits Lane:
PK02/2714/F Erection of 11 No. dwellings, garages and associated works
Refused 27.11.03

Reasons:

- 1 The development as submitted fails to demonstrate that there is sufficient need for the size of units proposed from people identified as being in housing need. Furthermore, the site does not lie within or adjoining the village boundary as defined in the South Gloucestershire Local Plan (Revised Deposit Draft) and no justification has been provided to show that the need can not be met from the development of a site within or adjoining the boundary of the village. The proposal is therefore contrary to Policy RP7 of the adopted Rural Areas Local Plan and Policies H3 and H7 of the South Gloucestershire Local Plan (Revised Deposit Draft).
- 2 The proposed development by virtue of the proposed access, highway works, boundary arrangements, landscaping, layout and design fails to preserve or enhance the character and appearance of Hawkesbury Upton Conservation Area contrary to Policy RP43 of the adopted Rural Areas Local Plan, Policy L13 of the South Gloucestershire Local Plan (Revised Deposit Draft) and guidance contained within the Supplementary Guidance Note regarding Hawkesbury Upton Conservation Area.

3.6 Approval on adjacent site - P94/1758 Erection of 10 dwellinghouses.
Construction of estate road and associated works.
Approved 1994

4. CONSULTATION RESPONSES

4.1 Hawkesbury Upton Parish Council
No objection

4.2 Other Consultees

Drainage Comments

No objection

Public Rights of Way comments

No objection subject to advisory notes regarding the public footpath running through the site

Highway Structures

No objection subject to informatives

Sustainable Transport

No objection subject to a condition and an informative

Ecologist

No objection subject to an informative

Landscape Architect

No objection given the extant planning permission.

Other Representations

4.3 Local Residents

Two of objection have been received from local residents and one letter of comment. The points raised are summarised as:

- Impair outlook
- Footprint increase
- Why increase bedrooms on a retirement property?
- Work has started
- Trouble accessing plans on website
- Delay in receiving notification letter
- Reduction in value of property
- Was told in 1996 when I purchased my home that no building would be permitted at the rear of my property
- Drystone wall already been pulled down – will it be reinstated
- Can extend a dormer window without planning permission
- Concerned it will affect a right of way access

Letter of comment has been made regarding works to the access lane.

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 importance is the recently approved scheme PK17/0279/F which gave permission for the erection of two very similar bungalows on the same plot. Therefore the principle of development on this site is established.

5.2 It is acknowledged that the site is located outside the settlement boundary and is also within the AONB. Policy CS5 states that *in the open countryside, new development will be strictly limited* and saved Policy H3 also declares new residential development outside urban areas (on the proposals map) will not be permitted, but lists exceptions to this as *affordable housing; housing for agricultural or forestry workers or replacement dwellings*. These policies clearly show there is an in-principle objection to the scheme for two new houses on this site.

Five year land supply

5.3 The NPPF at paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that if a local planning authority cannot demonstrate a five year supply of deliverable sites then the supply of housing should not be considered up-to-date. It is acknowledged that South Gloucestershire Council does not have a five year land supply of housing and therefore Policy CS5 which deals with the location of development must be regarded as being out of date. The NPPF at paragraph 14 states that where this is the case, then the local planning authority must approve development proposals that accord with the development plans unless :

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

5.4 It goes on to indicate that other policies within the NPPF state certain development should be restricted; in particular and including those sites designated as Areas of Outstanding Natural Beauty.

5.5 In such a scheme a balancing exercise of weighing up the pros and cons of development is undertaken whereby appropriate weighting must be given to all relevant policies. On the one hand it has been shown that CS5 and H3 are out of date only and therefore only limited weight can be given to these policies. Conversely, given the current lack of housing supply, the more recent NPPF guidance must be heeded and greater weight must be awarded to the benefit the introduction of two new dwellings would have to the housing shortfall. The impact on the AONB and the landscape in general, ecological matters, impact on impact on neighbours and on highway are also assessed and given appropriate weightings. Extant permission for two dwellings on the site is given substantial weight in favour of this scheme.

5.6 Overall and cumulatively, those elements in favour of the scheme indicate the case for the proposal outweighs any potential harm, would not amount to significant and demonstrable harm and can therefore be supported. This is discussed in more detail below.

Residential Development in the Open Countryside

5.7 Policy H3 of the South Gloucestershire Local Plan states that *'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural*

Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.'

- 5.8 Comments have been received querying the development as retirement homes. To be clear, this application, and similarly the recently approved scheme, is for two 'open market' dwellings. As such it is acknowledged that the proposal does not fall within one of the three limited categories of development and would therefore in the first instance be contrary to the requirements of Policy H3. .
- 5.9 However, Policy H3 is out of date due to the absence of a five year land supply of housing. The presumption in favour of sustainable development and the guidance within the NPPF therefore takes precedence and must be given significant weight. Paragraph 55 states that isolated housing in the countryside should be avoided and housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. In this instance, the site is close to the village of Hawkesbury Upton which is well served by bus services and has community facilities such as a school, a pub and shops. The site can be said to be in a sustainable location and weight is given in its favour for this reason.
- 5.10 Sustainable development has three strands: environmental, economic and social. In terms of environmental the site would utilise an area of agricultural land which has the capacity of supporting wildlife. Some weight is given against the use of the site not being previously developed land but the ecological assessment, given elsewhere in this report, concludes it is poor in ecological terms. Overall neutral weight is given to the environmental harm this proposed development could have on this small site. In terms of economic benefit the construction of two new houses could use the services of local tradesmen but given the development is of such a minor scale this benefit can only be afforded limited weight in its favour. With regards to the social benefit, again two bungalows could only have a small impact in terms of community contribution to the village, but nevertheless some limited weight can be awarded in favour of the scheme for this reason. Overall the scheme would comply with the three strands of sustainable development.

Visual Amenity/Area of Outstanding Natural Beauty

- 5.11 The site is located on the southern edge of Hawkesbury Upton and plans indicate it is located outside the settlement boundary in the AONB. The NPPF recognises that AONB have the highest status of protection and great weight should be given to conserving such important landscapes. An assessment must therefore be made in terms of the landscape value of this particular site. The site is south of an allotment area and west of a group of 10 houses built as low cost housing in 1994. Some of the submitted plans at the time identify this area of land, but ultimately it was not included in the final red edge plan or built on. It forms a square of rough grazing land with a public footpath running along its western and southern edges. The footpath matches the western village boundary and also runs along the edge of the aforementioned 10 houses. It would therefore seem quite logical for this small piece of land to be included within the settlement boundary given the presence of these physical features.

- 5.12 It is noted that the open and exposed character of the surrounding landscape makes it potentially sensitive to change. The proposed development would be viewed against the back drop of the existing modern dwellings currently forming the settlement edge of Hawkesbury. The South Gloucestershire Landscape Character Assessment has noted that "More recent built development, such as at Hawkesbury Upton, is situated on higher ground on the edge of the older village core, where the new rooftops break the skyline and there is little tree cover, making it visually prominent within the wider landscape."
- 5.13 It is considered that the proposed bungalows have little architectural merit and will not enhance the visual amenity of the settlement edge or be in character with the rural character of the surrounding countryside. However, there is scope to improve the southern approach to Hawkesbury with hedge and tree planting which would help to screen, soften and integrate the settlement edge within the surrounding landscape. Consequently, there is scope for the development to enhance the settlement edge of Hawkesbury Upton. The previous report identified the need for a landscape condition to ensure sufficient planting and to ensure any planting on the boundary should be mixed native hedging. It is considered acceptable to attach such a condition to this application.
- 5.14 Overall the location of the application site has been identified as being outside the settlement boundary, but due to the lack of five year land supply of housing the NPPF has more weight and the site has overall been found acceptable. Given its edge of village location potential harm to the AONB has been identified. But its precise position bound by public footpaths, allotment gardens and existing development have been considered as special circumstances and, an appropriate landscape condition would satisfactorily mitigate against the visual impact on the landscape and the development would thereby not have a significant and demonstrable harm to the AONB.

Design

- 5.15 The application site is a roughly square shape piece of land bound by walls and stock proof fencing. It is a backland plot, accessed from an existing agricultural lane/track situated to the side of No. 43 Birgage Road. The proposed two dwellings would be single storey, positioned at right angles to one another and 'handed' in their appearance. The properties have been identified on Site Plan rev J. Plot 2 would have its front facing north with a single storey garage attached to its east elevation while Plot Two would have its front facing east and its corresponding garage to the north elevation.
- 5.16 Each would have an overall footprint of about 16.6 metres by 10.3 metres, which would include the attached garage of 3.6 metres by 6.9 metres. A height to eaves of 2.5 metres is proposed and the overall height to the ridge of the dwellings would be about 5.5 metres. A comment from a neighbour has recognised that the overall footprint and height would increase. The increase in scale is summarised as an additional 0.5 metres to the overall height and an increase of about 13% to the overall footprint of each dwelling and garage combined. In addition a single dormer window is proposed for each of the first floor bedrooms. These are to be in the respective rear roof elevations, both of which overlook open fields.

- 5.17 Given that permission for two bungalows was previously justified the increase in scale must also be assessed. The site has been suitable for bungalows and the proposed development would still be bungalows, albeit they would be slightly larger. Had the proposal been for two-storey dwellings then this would have a greater impact on the AONB and the character of this part of Hawkesbury Upton and in all likelihood would be refused. However, the proposed increase in scale would not result in a development too dissimilar from that already granted and on this basis, under these circumstances, can be supported.
- 5.18 A further comment has implied that the new dormers could be extended without planning permission. It is possible to remove the permitted development rights associated with residential properties, however, this is only done under exceptional circumstances and where it can be fully justified. In this instance it is not considered necessary and the permitted development rights remain unaltered.
- 5.19 The dwellings would be constructed of natural stone and have slate roofs. The introduction of slightly larger dwellings in terms of their height would be slightly more in-keeping with the immediate area given the existing presence of two-storey late twentieth century houses. These properties are acknowledged as not being of exemplar architectural merit and notwithstanding the difference in the appearance of the existing houses and those proposed, no objection can be upheld for this reason. In terms of design, scale, massing and materials the proposed single storey dwellings are considered acceptable and some weight is therefore given in favour of the scheme.

Impact on residential amenity

- 5.20 Emerging policy PSP 38 gives suggested levels of residential amenity space according to the number of bedrooms in a property. The amenity space requirement has grown in importance in this application due to the increase in the number of bedrooms proposed. Both the proposed units would have three bedrooms. For a three bed property the PSP suggested amount of residential amenity space is 60 sq metres of private, usable space. Revised plans were requested to show the boundary treatment between the two properties so the amount of residential amenity space could be calculated. These were duly received and rough calculations indicate that Plot 1 would have over 73 sq metres of private usable space however, Plot 2 would fall below this level at under 50 sq metres of private usable space. Submitted plans indicate the site area of the properties but this is not relevant to amenity space. Amenity space is outside space that can be used for example for sitting out in or for hanging out washing. It clearly does not include the footprint of the house nor the pathways around a house, not the area to the front of the house in full public view. It may be possible, by means of moving the proposed boundary to accommodate more amenity space for Plot 2. It is acknowledged that the PSP policy has not yet been fully adopted and although it is gaining in weight it does not attract full weight. If it had, the failure to provide the minimum amount of amenity space as per the PSP would have been a reason for refusal. As likely adoption is a few months away a judgement call can be made. On balance the proposed amount of amenity space can be considered acceptable in this instance and no objection is raised for this reason.

- 5.21 Moving on to the impact on the neighbouring properties, the east side of Plot 2's garage will be about 15 metres from the rear of No. 37, the closest residential property to the site. No openings would be installed in this opposing elevation and given the boundary treatment of 1.8 metres vertically boarded fencing, it is considered that there would be no issues of inter-visibility or overbearing. It is acknowledged that there would be changes for the closest neighbours as currently there is no solid built form in the field but given the house would be single storey with a north-south orientation and therefore side-on to No. 37 there can be no objection in amenity terms. A condition would secure the boundary treatment.
- 5.22 Comments have been received objecting to the scheme on the basis that it would impact on the immediate and wider views. A right to a private view is not a planning matter and as such cannot be taken into consideration within this report.

Public Right of Way

- 5.23 It was noted that the originally submitted plans could have adversely affected the public use of the legally defined route of footpath LHA103. The route of the footpath enters the field by way of two stiles (both, it is noted, require improvement) and runs along the western boundary of the site. The details recognised the footpath but further information on the width of the path and the boundary treatment adjacent to it were requested under that scheme.
- 5.24 Plans submitted here indicate that the two stiles would be repaired or replaced and the footpath would be 2 metres in width. A suitably worded condition will ensure appropriate works to the footpath and stiles.

Ecology

- 5.25 No ecology information has been submitted with this application but as discussed in the previous application it is highly unlikely that this field supports protected species. Officers consider it reasonable that the same assessment is relevant because circumstances are unlikely to have changed in five months.
- 5.26 The field is used as pasture for sheep grazing and as such, floral species diversity and structure is limited.

Bats

There are no buildings on site and the nearby buildings are relatively modern, so it is unlikely that bats use the immediate area for roosting. The field is unlikely to attract many foraging bats but care should be taken with regard to exterior lighting, ensuring it is directed downwards, towards the house and a wattage not above 150W is used.

Birds

It is likely birds feed in and around the field. Nesting is limited to ground-nesting birds around the field boundaries.

The site is of low ecological value and therefore, there is no ecological objection to the scheme but as there is a possibility of sensitive features on site (birds)

protective measures should be employed should the application be approved. This will be covered by suitably worded informative.

Sustainable Transport

- 5.27 It is relevant that the site has permission for two dwellings on this site with the same access. Although the two properties would be three bed dwellings, plans show there would be adequate off street parking for both properties on the site, sufficient room for visitor parking and a suitable manoeuvring space to allow vehicles to access and egress the site in forward gear. In view of this there are no highway objections to the scheme subject to a condition regarding the parking and access arrangements being completed in accordance with the submitted details.

Drainage matters

- 5.28 There are no objections to the proposed development in drainage terms.

Equalities

5.29 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.

Other matters

- 5.30 Loss of property value has been given as an objection reason but as this is not a planning matter it cannot be considered under the remit of a planning assessment.

The delay in receiving a notification letter has been commented on by local residents. This issue is acknowledged by the Council and is being investigated. In this instance as the neighbours contacted the case officer additional time was given to allow for comments to be received.

Difficulty viewing the plans on-line has been included in the list of comments. Officers are not aware of any recent issues with the website which have prevented the public from accessing details. Full plans are available to view at One Stop Shop facilities.

It has been stated that work has already started on the site, but given that there is an extant planning permission for two dwellings granted under PK17/0279/F this is not unreasonable. A condition will be attached to the decision notice to ensure the construction work is undertaken at acceptable times.

A letter of comment has been received regarding works to the access but it is understood that negotiations are underway between the applicant and the owner of the site.

5.31 Overall planning balance

It is acknowledged that South Gloucestershire Council does not have a five year land supply of housing and the introduction of two new dwellings would assist the shortfall. Weight is attributed to the proposal for this reason. Similarly, given the supply of housing situation, housing policies in the adopted local plan and in the Core Strategy are considered out of date and the NPPF takes precedence. This promotes sustainable development unless significant and demonstrable harm can be shown to result from the proposal. In this instance the scheme has been acceptable in terms of design, neutral in terms of impact on residential amenity and neutral in terms of impact on highway safety. Neutral impact with regards to equalities matters. Some harm to the visual amenity of the landscape and the AONB has been identified but this can be overcome by appropriate conditions. Overall the planning balance is in favour of the scheme and it 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 set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The development hereby permitted shall be carried out as an alternative to the permission PK17/0279/F granted on 22.3.17 for Erection of 2no. detached bungalows

with attached garages, parking and associated works; at Land To The Rear Of 37 To 39 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH, but not in addition to it, thus the applicant may carry out one of the developments permitted but not both, nor parts of both developments.

Reason

To prevent an unsatisfactory mix of development and/or over- development of the site.

3. The dwellings shall not be occupied until the access and parking arrangements have been completed in accordance with the submitted details.

Reason: In the interest of highway safety and to accord with South Gloucestershire Council's residential parking standards and Local Plan policy T12.

4. Prior to the commencement of development a scheme of all hard and soft landscaping, to include full details of the proposed planting including species and size of specimens and all boundary treatments, shall be submitted for approval by the LPA. Any planting should be of mixed native hedging (not hawthorn, hornbeam and beech). Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area and the longterm health of the trees to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

5. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area and the longterm health of the trees to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

6. Prior to the first occupation of the approved dwellings the dry stone boundary walls shall be repaired or reinstated as necessary.

Reason

To protect the character and appearance of the area and the longterm health of the trees to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

7. 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 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.

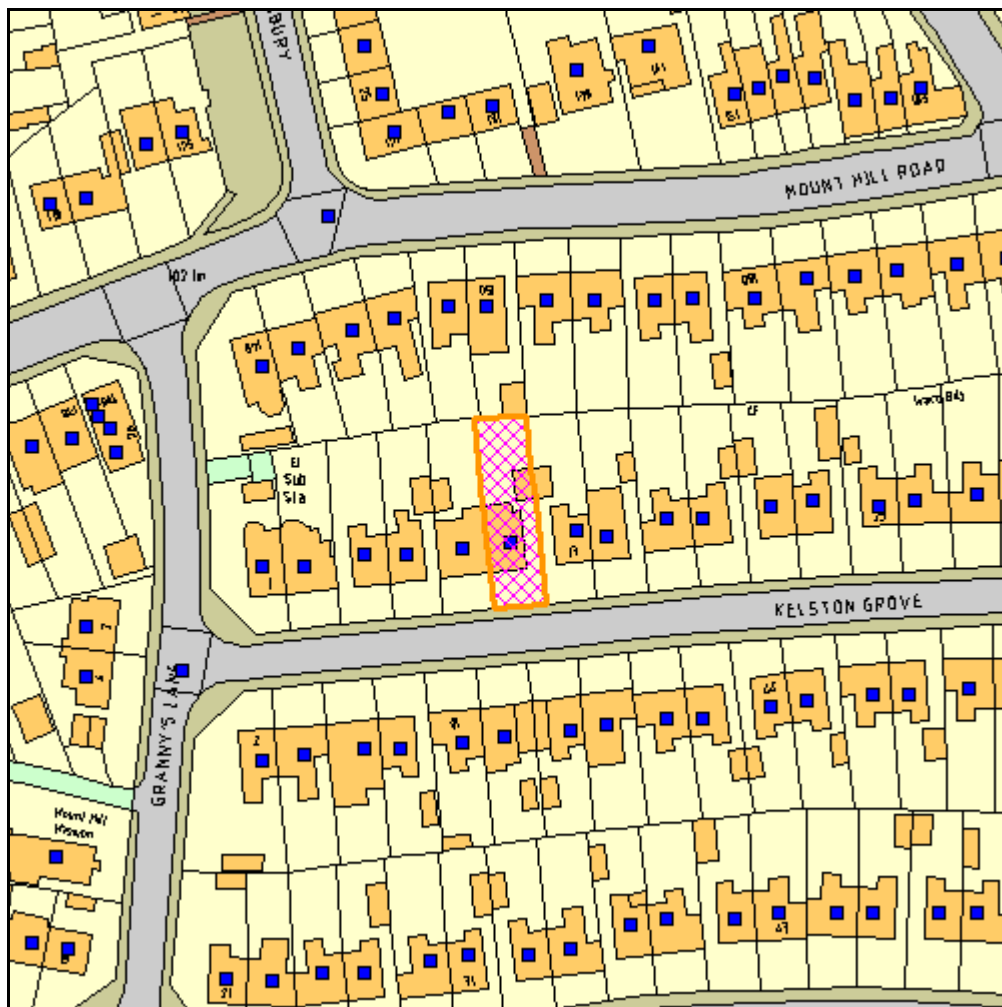
8. Prior to the first occupation of the approved dwellings the stiles shall be repaired or replaced as necessary and the footpath shall be 2 metres in width.

Reason

To protect the character and appearance of the area and the longterm health of the trees to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PK17/2990/CLP	Applicant:	Mr And Mrs Paul And Lisa Cox
Site:	11 Kelston Grove Hanham Bristol South Gloucestershire BS15 9NJ	Date Reg:	7th July 2017
Proposal:	Application for a certificate of lawfulness for a proposed loft conversion.	Parish:	Hanham Parish Council
Map Ref:	365081 172628	Ward:	Hanham
Application Category:		Target Date:	21st August 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 side and rear dormer at 11 Kelston Grove, Hanahm 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 this 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 PK07/1530/F – Approval – 11/06/2007 – Erection of single storey rear extension to form additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Hanham Council
No Objection

- 4.2 Other Consultees
None Received

Other Representations

- 4.3 Local Residents
None 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 Class B of the GPDO (2015).

5.3 The proposed development consists of the introduction of a side and rear dormer. This development would be within Schedule 2, Part 1 Class B of the GPDO (2015), which allows additions etc to the roof of a dwellinghouse provided it meets the criteria detailed below:

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 principle elevation of the dwellinghouse and fronts a highway;**

The proposal will be situated to the side and rear elevations and would not extend beyond a principal elevation fronting 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 proposal would result in an additional volume of approximately 39.69 m³

- (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.

- (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.**

The window to the side elevation will be obscured glazed and non-opening.

6. RECOMMENDATION

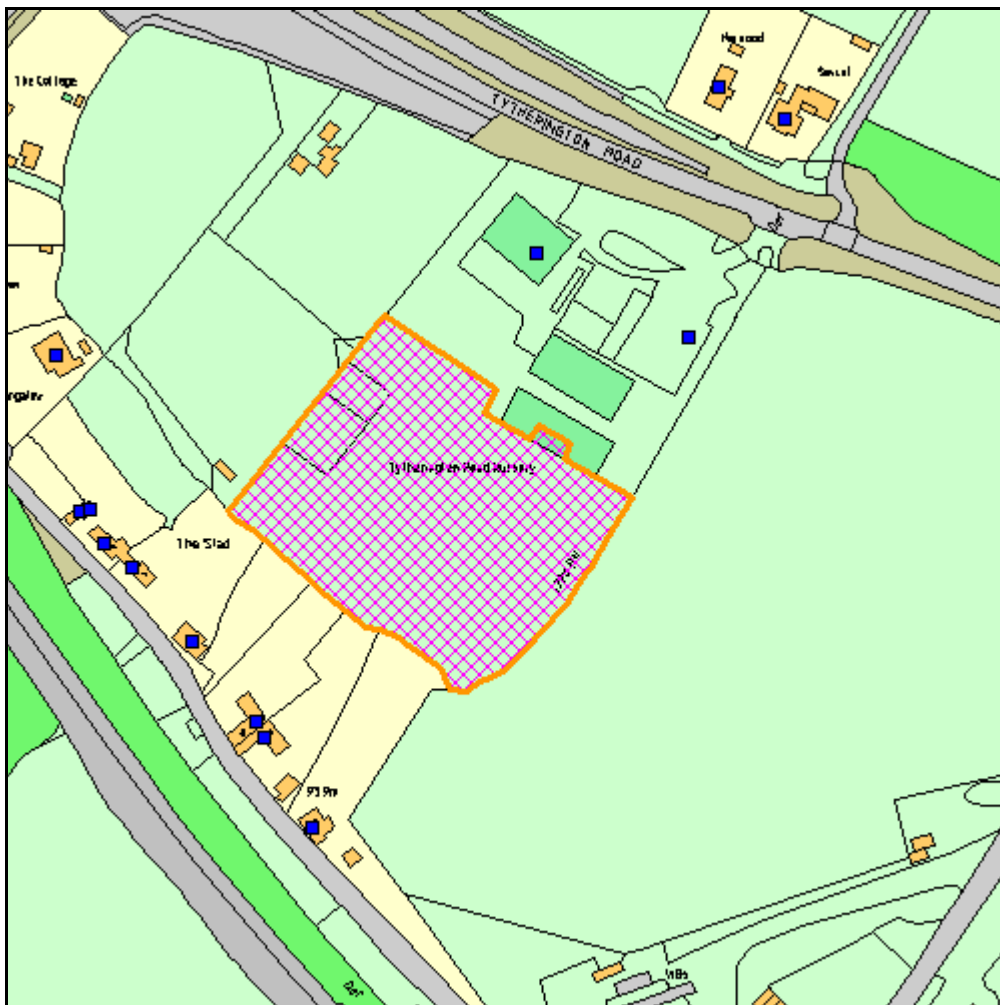
- 6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Schedule 2; Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/0095/F	Applicant:	Mr Robert Fry
Site:	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire BS35 3TT	Date Reg:	24th February 2017
Proposal:	Demolition of existing glasshouse, change of use of land to gypsy/traveller site and erection of day room. Siting of additional mobile home and relocation of transit pitches (with two caravans per transit site).	Parish:	Thornbury Town Council
Map Ref:	365580 189021	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	19th April 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks consent for:
- the change of use of land from horticultural nursery use to gypsy/traveller site to facilitate the erection of a day room to serve an additional mobile home.
 - relocation of transit pitches.
 - demolition of a large greenhouse.
- In detail the development is as follows

An additional mobile home and alterations to authorised transit pitches.

The Mobile home would be located within the site of the existing gypsy/traveller site but displaces the existing four concrete hardstandings which are currently used as two transit pitches rather than the two hardstandings consented. These four hardstandings would be replaced centrally in the gypsy/traveller site area.

Change of use of land to site

The change of use of land refers to a small area of land last used as greenhousing to the horticultural business and where the applicants intend to remove a commercial scale greenhouse. This change of use would facilitate an additional day room, associated to the additional mobile home.

Day Room

The day room would be located to the north of the mobile home and would measure some 8m by 13m. Having been asked for justification for the scale of the day room the agent advises that 'Mr and Mrs Fry have four children from the ages of 6 to 16. The eldest girl is currently studying for her GCSE's and clearly requires some privacy.' 'The day room is based on the day room allowed at Cottage View, Almondsbury reference PT13/3363/F on plan 11b 28/02/2014.'

- 1.2 The application site is situated on the south side of Tytherington Road, Thornbury and is safeguarded by policy CS21 of the South Gloucestershire Local Plan Core Strategy 2013. The application site is sited beyond the Thornbury settlement boundary within the open countryside. The site is located beyond the Green Belt which extends to the disused railway line that runs close to the south of the site opposite the adjoining houses within The Slad.

2. POLICY CONTEXT

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

Planning Policy and Gypsy and Traveller Sites (PPTS). On August 31 2015 CLG issued an updated version of planning policy for Traveller sites (PPTS).

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

E9: Agricultural Development

L1: Landscape Protection and Enhancement

T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy 2013

CS1: High Quality Design

CS5: Location of Development

CS21: Gypsy and Traveller Accommodation – safeguarded site

CS34: Rural Areas

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP8 Residential Amenity

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP28 Rural Economy

Emerging policy: New South Gloucestershire Local Plan (2018 – 2036)

Informal consultation (in line with Regulation 18, Town & Country Planning (Local Planning) (England) Regulations 2012) on the new Local Plan took place between Thursday 12 January – Thursday 23 February 2017. The South Gloucestershire Council Local Plan (2018-2036) Prospectus set out the proposed scope, which includes accommodation provision for Gypsy/ Traveller families, as well as the current programme for preparing the new Local Plan. This consultation invited comments on the new Local Plan 'Prospectus', and sought views as to what the new Local Plan ought to contain. It is anticipated that a draft Plan will be published in late 2017.

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Planning Policy for Traveller Sites document (March 2012)

3. **RELEVANT PLANNING HISTORY**

P97/2328: Retention of horticultural glasshouse. Permitted: 3 February 1999

P99/1883: Erection of glasshouse. Permitted: 11 July 2000

PT00/2485/F: Erection of glasshouse. Permitted: 12 February 2001

PT03/1048/O: Erection of dwelling for horticultural worker on 0.1 hectares of land (Outline). Refused: 29 May 2003

PT04/3492/TMP: Use of land for stationing of mobile home. Refused: 21 April 2005

PT10/2556/F: Erection of 1 19m high self-supporting radio tower and associated transmitting antennas with 2m x 2m compound containing the mast and equipment cabin. Permitted: 10 November 2010

PT13/1974/F Change of use of land from nursery to land for the siting of 6no gypsy caravan pitches, with associated touring caravans, hardstandings, landscaping and works including 6no. utility/day rooms and 2no. transit pitches. Erection of 1no. horticultural shed and 2no. toilet blocks to be used in connection with retained nursery Approved with conditions 6th August 2013

PT13/3216/RVC Removal of condition 11 and variation of condition 12 attached to planning permission PT13/1974/F Approved 27th August 2013

PT16/3880/F Demolition of existing glasshouse. Erection of single storey community building. Single storey extension to existing day room on pitch number two. Split decision allowing only the utility extension 06.09.2016.

PT16/3880/F Demolition of existing glasshouse. Erection of single storey community building. Single storey extension to existing day room on pitch number two.

This application sought to provide a community building for the site as well as to increase the scale of a day room for pitch 2 from a width of 6 metres to 12 metres thus doubling the floor area of that building. It was indicated that the increase in dayroom size was to help provide space for the development of children's education. A split decision was issued allowing the increased day room size but refusing the community building.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council Object to loss of employment land

Corporate Travellers Unit

The shortage of appropriate sites and pitches in the Council's area continues without realistic prospect of resolution within the life of the current or draft local plan. The number of unauthorised "roadside encampments" in the Council's area in 2015 – 2016 was in excess of 60. In the current financial year to date there have been 13 such encampments.

Private family owned sites such as the one proposed are the Government's preferred option. The intensification of such sites is encouraged provided ample space is available.

Once a family is established on its own land the need for publicly funded support is usually removed or significantly diminished as families achieve direct access to services. National research and local experience shows that problems arising from such sites are minimal in contrast to the social and financial difficulties which can arise from unauthorised encampments.

Strategic Planning Policy and Specialist Advice Team

In location terms, the application site is situated in Tytherington, outside of any settlement boundary and is not within the Bristol and Bath Green Belt.

The part of the site associated with this element of the proposal is identified as an existing Gypsy/Traveller site safeguarded under Policy CS21 of the Core Strategy. In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this part of the application falls to be considered in accordance with Policy CS21 (Gypsy & Traveller accommodation) of the South Gloucestershire Local Plan: Core Strategy, as adopted.

Gypsy/ Traveller accommodation

PPTS states that the government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (para 3).

In accordance with the requirements of national policy, the case officer will need to be satisfied that the applicants fulfil the revised definition of Gypsies and Travellers contained within Annex 1 of the PPTS (2015).

The proposed development is located outside of the Green Belt and would result in a new, residential, Gypsy/Traveller pitch.

As set out above, it is acknowledged that the proposed day room is outside of the existing authorised Gypsy/ Traveller site safeguarded through CS21. In this context, the case officer should consider whether the proposed day room can be considered as ancillary development to the use of the existing site for Gypsy/Traveller accommodation.

Given the outstanding level of need for sites in South Gloucestershire, the Council has taken a pragmatic approach in identifying the site as an existing, authorised Gypsy & Traveller site for inclusion in Policy CS21 of the Core Strategy. The proposed development would result in an additional residential pitch on an existing, authorised family site, therefore meeting the objectives of site 'intensification' within Policy CS21 and contributing to the existing shortfall of Gypsy and Traveller sites in the district. Moreover, the fact that this is an existing site is also considered to be a material consideration of some weight.

In planning policy terms, considerable weight can be applied to Policy CS21, which in combination with the demonstrable need for Gypsy/Traveller sites in South Gloucestershire, providing there are no significant highway impacts or unacceptable environmental effects, it is considered that there are policy grounds to support this application.

Furthermore, provided that there are no significant planning constraints that would outweigh the benefits in accordance with paragraph 14 of the NPPF, the application would appear consistent with the Core Strategy and with the aims

and objectives of the PPTS and NPPF with regard to considering development in accordance with the principle of sustainable development.

Loss of employment within the rural area

From a policy point of view, Tytherington Road Nursery is not listed as an area safeguarded for economic development by Policy CS12. It is also not located within any settlement boundary and thus not protected by Policy CS13 (non-safeguarded economic development sites). Policy CS34 (rural areas) however seeks to (inter alia) protect rural employment sites.

The NPPF supports a prosperous rural economy and promotes planning policies that support economic growth in rural areas.

It will be for the case officer to determine whether the proposed dayroom and its encroachment into the existing nursery area is of sufficient scale and significance so as to harm the ability of the nursery business to operate going forward.

Sustainable Transport

The proposals as set out, and in line with the current planning conditions on the site relating to the sole commercial use being the nursery, should not generate additional traffic movements.

No objection in transport terms to the proposed new building for the now proposed sole use of family day room: we note the significant area of the building, and the demolition of a third of the current greenhoused area which reduces the future growing potential of the nursery use. We have no objection to the relocation of transit pitches. If the Council were minded to approve, we would require that the new building use be as proposed: ancillary day-time residential accommodation, and fit in with the existing conditions placed on the site where the sole commercial activity relates to the nursery. Other commercial activities or other uses could generate additional traffic movements and would require careful consideration of impact.

Lead Local Flood Authority

No objection

Highway structures

No comment

Environmental protection

The historic use of the site as a nursery may have caused contamination which could give rise to unacceptable risks to the proposed development. A condition should be attached to investigate if permission is recommended on the commercial land.

Other Representations

4.3 **Local Residents**

There have been objections from three households. The grounds of objection can be summarised as follows:

- Concern that the glass house will be removed and no longer used as a business
- No need for a day room as each plot has their own
- No room for extra caravans
- Additional numbers of people will be living on site. This is many more than the adjacent homes.
- There are two transit pitch spaces per pitch proposed but the previous application stipulated only one per pitch.
- Concern that the sewerage system can cope with effluent.
- Concern that there has been wilful loss of the business since the site was first allowed to change to a gypsy and traveller camp.
- Concern about increased strain on services
- There must be a limit to the number of family members who can live on this site.
- Concern that democracy does not work
- Concern at constant applications

Other comments received in respect of the initial submission of this application

- Provision of staff facilities , showers, launderette and canteen would not serve anyone as the nursery is defunct.

5. ANALYSIS OF PROPOSAL

5.1 **Principle of Development**

The proposed development has two distinct elements as set out in Section 1 above. In terms of considering the principle of development, it is considered necessary to assess these separately.

An additional mobile home and alterations to authorised transit pitches

The additional mobile home would be located within the existing site and the plan shows that existing transit pitches are also to be relocated within the established Gypsy and Traveller Site area. This site is identified in the South Gloucestershire Local Plan Core Strategy (CS) at Policy CS21 as a Safeguarded site for Gypsy and Traveller occupation.

The supporting text to Policy CS21 highlights the on-going need for Gypsy and Traveller pitches throughout the County and at Para. 10.75 states that:

‘Gypsy/Traveller pitches will continue to be provided through the development management process. Any additional new sites will be allocated through the Policies, Sites and Places DPD following a review of the need for further

itches up to 2027. Firstly by working with Gypsy/Traveller families on existing sites by making more efficient use of their land, where considered suitable, for additional pitches....'

Policy CS21 therefore in the first instance supports the intensification of existing sites.

As such the siting of an additional permanent pitch and two transit pitches is considered acceptable in principle within the existing Gypsy site area.

The existing WC/shower facilities for the transit pitches is understood to be retained in situ (albeit now shown on the proposed plan) The related day room is considered separately below as it is proposed outside of the existing Gypsy site area.

Day Room

It is normal practice for individual Gypsy pitches to include a Day Room to provide dedicated toilet and changing facilities, kitchens and communal living areas for the residents of such sites. Each pitch on the site has such a facility. No bedrooms are proposed and the proposal is a day room for the residents of the new mobile home.

It is noted that this is a downsized building from the initial day room proposed at the start of this application which measured 12m by 20m. That building included a site office, launderette and staff facilities which were considered inappropriate to be mixed with the personal domestic needs of the new mobile home. The proposed day room is however larger than normal at 8m by 13m but would serve the site manager, wife and four children. Officers also find it reasonable to expect to have some element of home working and for sufficient room for the children to study in addition to other normal family activities but other elements of the neighbouring business site are considered to be separate to the 'domestic' nature of the Gypsy site. As such the proposal on balance is considered acceptable in terms of scale and the principle of the day room in acceptable.

The day room however falls outside the existing approved Gypsy traveller site as approved through Application PT13/1974/F and as such a change of use of land currently used as horticultural premises is required. This is considered below.

Change of use of land to site

The change of use of land refers to a small area of land last used as greenhousing to the horticultural business and where the applicants intend to remove an old commercial scale greenhouse. The area of land shown to change to Gypsy traveller site is approximately 15m by 7m, allowing a metre path around the outside of the 13m long building to accommodate access points into the building from the Gypsy site. The glass house is proposed to be demolished in any case as it is claimed to be old, unsafe and not fit for

purpose. Mr Fry claims that the land is under-utilised and will explore other uses for the land in due course.

Policy CS34 seeks to “protect rural employment sites...in order to provide local employment, sustain rural and village life and reduce the need to travel’.. Para 16.10 of the Core Strategy states

“The viability of the rural economy also needs to be ensured by providing and protecting sufficient land and premises for a range of employment opportunities...”

This is in accord with the aims of Section 3 of the NPPF – supporting a prosperous rural economy.

Officers take the view that the business has not been in full horticultural use for some years and this is evidenced by neighbour comments above and application PT13/1974/F acknowledged at the time that the glass houses were underused. It appears that this has not changed since the application was approved. As such the glass houses are largely vacant and unused except for in conjunction with what appears to be small scale storage for the family businesses which appears little more than storage of goods for sale at shows and some shed roofing materials.

Condition 14 of the pt13/3216/RVC stated that the existing plant nursery shall be retained as shown on drawing 131/02A and operated by the occupiers of the gypsy/traveller development unless otherwise agreed in writing by the Local Planning Authority. The reason for this was that the gypsy traveller site is located for the most part at the rear of the site and the close relationship between the two land uses could cause problems for each other if in different ownerships. This is likely to relate to access and noise disturbance issues. Whilst some of the limited storage at the site may not relate directly to the nursery business previously or intermittently operating on the site condition 14 does not appear to have been breached as the site appears to remain operated by the Gypsy families on site.

The loss of the glass house, which could be demolished if dangerous as it is not subject of a heritage designation would not prevent the rest of the site remaining in horticultural use and the Council can not force a family to maintain a prosperous horticultural business.

On balance a small area of the commercial property is proposed to be changed to land for the siting of gypsy/traveller caravans. This would be contrary to Policy CS34. However significant weight can be attributed to the need for gypsy sites at present. This is considered to outweigh the modest harm that the loss of the small area of commercial land, at the rear of the commercial site would cause.

Summary of principle of development

Subject therefore to the scheme meeting the criteria listed under Policy CS1 (Design) of the Core Strategy and Policy CS21 there is no in-principle objection to the proposal.

5.2 Environmental Impact

Concern has been raised that the proposed development will have an adverse impact upon drainage and sewerage and be a strain on services.

The application form states that there is already a 60 person septic bio tank on site and this is considered sufficient to provide for the needs of the total of the resultant 7 permanent pitches and two transit pitches. No objection to the development has been raised by the Lead Local Flood Authority and the proposal is considered acceptable in drainage terms.

With regard to services the increase in people living at the site would be negligible (akin to one household as any dwelling) and it is considered that the provision of permanent sites such as this are encouraged because once a family is established on a permanent site the need for publicly funded support is usually removed or significantly diminished as families achieve direct access to services. National research and local experience shows that problems arising from such sites are minimal in contrast to the social and financial difficulties which can arise from unauthorised encampments. There is no valid objection to the application in this regard.

5.3 Residential Impact

The proposed increase from six to seven permanent pitches is not considered to have an adverse impact upon neighbouring residential occupiers given the distance to the nearest residential properties and the fact that the new pitch and relocated transit pitches are located centrally to the overall site area

5.4 Transportation

Policy T12 of the South Gloucestershire Local Plan (Saved Policy), states that new development makes adequate safe and appropriate provision for the transportation demands that it will create in accordance with the objectives of the Local Plan and minimises the adverse impact of motorised traffic. Policy CS8 of the Core Strategy considers parking and vehicle access.

It is not considered that the proposed permanent Gypsy pitch and associated day room will have any adverse impact in transportation terms.

5.5 Design

The proposed day room would be finished in brick and tiles which would accord with the other day rooms on site. A condition can adequately secure appropriate mix of brick and tiles.

5.20 Landscape

The rear of the site was subject to a detailed landscaping scheme which has been fully implemented. The front area is set back from the road and surrounded by vegetation. The proposal is considered acceptable in landscaping terms and the proposal will not materially affect the landscape.

5.22 Ecology

The site has become established. There are no ecological designations or constraints to allowing the proposal.

5.23 Reference to the extant planning permission

Given that this application includes some of the wider existing Gypsy traveller site and could be seen to supersede the varied application PT13/3216/RVC it is necessary to consider reattaching or remodelling conditions previously attached to that varied planning consent.

It is noted that the previous scheme included additional red lined areas to facilitate the pitch next to the access and the storage shed which are excluded from the current scheme's red line. These retain their planning permission as a result of planning application PT13/3216/RVC and they remain within the wider blue lined landholding in the same ownership.

In addition to a time condition (one), it is necessary to dictate the limit of the overall number of pitches and associated touring caravans in condition 2 from six and eight respectively to six and ten to accommodate the pitches located within the red lined site area.

Condition 3 will be reattached in respect of commercial activity and condition four relating to no outside storage remain necessary.

Condition 5 related to cessation of the land and its clearance and remains necessary.

Conditions 6 and 7 related to landscaping and maintenance of that and will be altered to relate to the site as it stands given that the landscaping was carried out.

Conditions 8 and 9 related to lighting and materials and will be reworded according to include the changes.

Conditions 10 relates to siting and will be reapplied in varied form to accommodate this application.

Condition 11 related to the full details of the mobile homes but as the proposal is now located centrally, away from neighbours outside of the site and across internal roads from other pitches, no further information is considered necessary.

Condition 12 limited the development and use of each of the parts of the previous consent and can be varied according to this application.

Condition 13 related to the agricultural storage building and this remains only relevant to the original application as amended by PT13/3216/RVC.

Condition 14 relates to the interrelationship between the site and the nursery use and shall be reworded but remain.

Condition 15 and 16 related to bin storage and collection and visibility splays which can be reapplied.

Condition 17 refers to a site management plan and can be reapplied in varied form.

Conditions 18 and 19 referred to the submission of drainage (Surface and foul) which were discharged. It appears however that instead of the 36 person package treatment plant agreed, a 60 person bio septic tank was installed and this is sufficient to have satisfied the drainage team in this application such that no further information is required. The conditions are no longer required. Condition 20 related to the details of the transit toilet block which has been built and will remain for the relocated transit pitches (agent email dated 1 August 2017). This condition is no longer required as the toilet block is already constructed.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: 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. No more than six mobile homes and ten touring caravans shall be stationed on the site at any one time.
(NB. it is noted that application PT13/3216/RVC also permitted a single pitch with one mobile home and one caravan space which remains lawful in addition to this application.)

Reason

To control the impact of the development upon the character and appearance of the area and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

3. There shall be no commercial activity (with the exception of the existing plant nursery) on or originating from this site at any time.

Reason

To control the impact of the development upon the character and appearance of the area and in the interests of highway safety, all to accord with Planning Policies L1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

4. There shall be no outside storage on the site.

Reason

In the interests of visual amenity and to accord with Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013. .

5. If the land ceases to be occupied as a gypsy/ traveller site, all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity blocks hereby approved, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

6. Development shall be carried out in accordance with the agreed and implemented landscaping details as discharged as condition 6 of planning application PT13/3216/RVC .

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

7. The schedule of landscape maintenance as discharged under condition 6 of PT13/3216/RVC shall be maintained for a minimum period of 5 years from the date of that discharge of condition.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

8. Development shall be carried out in accordance with the approved details submitted and agreed under condition 8 of planning application PT13/3216/RVC, with no further lighting thereafter erected without the written permission of the Local Planning Authority.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

9. Development of the utility blocks shall be carried out and retained in brick and tiles as specified in accordance with the approved details as discharged under condition 9 of planning application PT13/3216/RVC unless other details are provided and approved by the Local Planning Authority for the additional building.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

10. The six mobile homes shown on the plan hereby approved shall be positioned as shown on drawing no. 1443 -PL-01h and thereafter the approved development shall be retained as such.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

11. Prior to the commencement of development, full details of the proposed additional mobile home shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

(NB - details of the other mobile homes have already been provided in respect of condition 11 of planning application PT13/3216/RVC)

Reason

To ensure a good standard of design and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

12. This permission gives planning permission for 6 permanent gypsy and traveller pitches - each to include 1 mobile home, 1 day room and 1 touring caravan (to only be occupied in association with the mobile home). None of the mobile homes, day rooms or touring caravans to be located on any of the 6 pitches shall be any closer to the site boundary than those shown on drawing 1443 -PL -01h received on 30 May 2017. This permission also gives consent for 2 transit pitches to include a maximum of 2 touring caravans each to be located on the play area as annotated on drawing 1443 - PL-01h as received on 30 May 2017 and used in accordance with the existing toilet block as detailed by drawing 131/02A received on June 11 2013 in planning application PT13/3216/RVC. No further development in respect of the site subject to this consent is authorised.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS1 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

13. The existing plant nursery shall be retained as shown on drawing 1443/PL-01h (received on 30 May 2017 and operated by the occupiers of the gypsy/ traveller development hereby approved unless otherwise agreed in writing by the Local Planning Authority).

Reason

In view of the close relationship between the two land uses and the position of the gypsy/ traveller site to the rear of the plant nursery, all to accord with Planning Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy 2013.

14. Refuse collection and storage facilities shall be carried out in accordance with the details agreed under condition 13 of planning application PT13/3216/RVC.

Reason

In the interest of visual amenity and highway safety, and to accord with Planning Policies T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

15. Visibility splays of 2.4m x 120m (with no built form exceeding 0.9m in height within these splays) shall be provided and thereafter subsequently retained in accordance with planning application PT13/3216/RVC.

Reason

In the interests of highway safety and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The site management plan agreed under condition 17 of planning application PT13/3216/RVC shall also apply to the additional permanent pitch and relocated transit pitches. Development shall strictly accord with these approved details.

Reason

In the interests of visual amenity and to accord with Planning Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS21 of the South Gloucestershire Local Plan Core Strategy 2013.

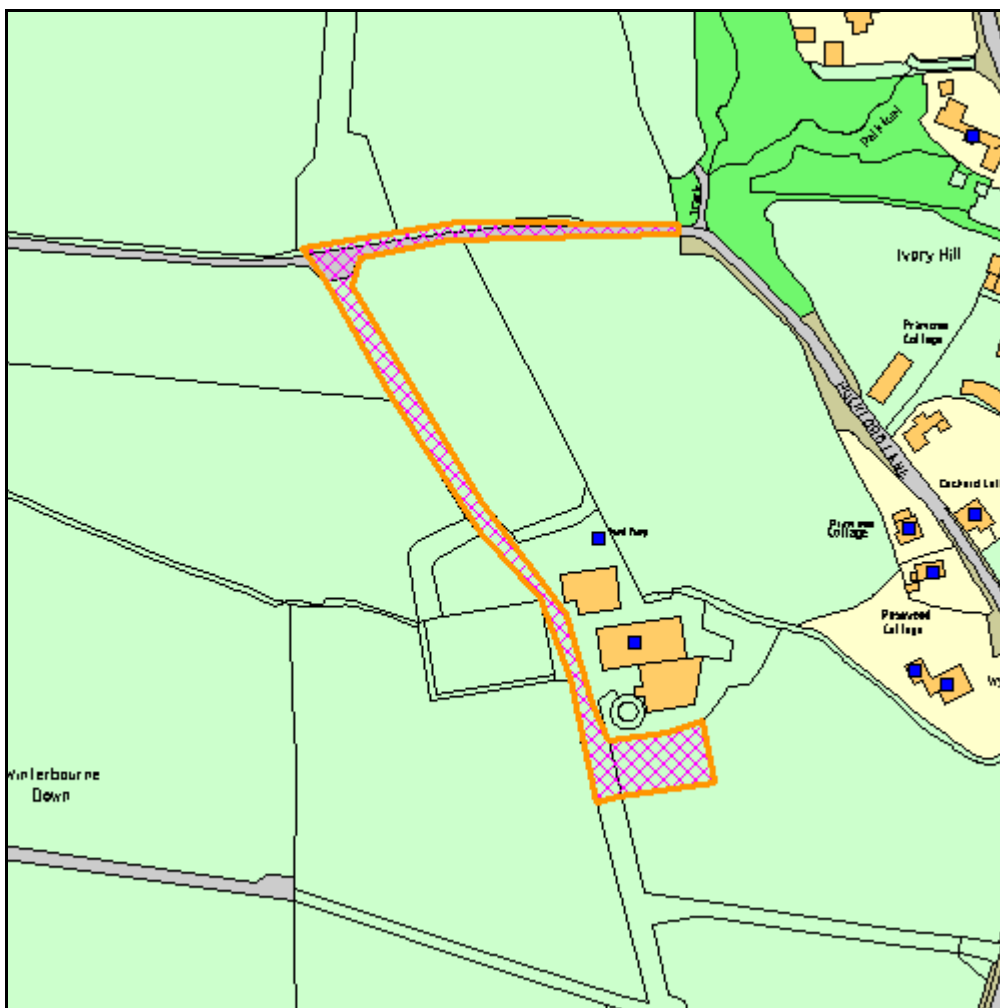
17. The development shall proceed in accordance with the following:
Combined plan 1443 -PL-01h received 30 May 2017

Reason

For the avoidance of doubt and to prevent the need for remedial enforcement action in the future.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/1189/O	Applicant:	Mr Phil Poole
Site:	Frome Valley Farm Badminton Road Winterbourne South Gloucestershire BS36 1AW	Date Reg:	31st March 2017
Proposal:	Erection of 1no. rural workers dwelling (Outline) with access, layout and scale to be determined. All other matters reserved.	Parish:	Westerleigh Parish Council
Map Ref:	366242 179705	Ward:	Westerleigh
Application Category:	Minor	Target Date:	23rd May 2017



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N.T.S.

PT17/1189/O

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been assessed as being a departure from the development plan. Under the Councils current scheme of delegation these applications are required to be referred to the circulated schedule, except when they are notified to the Secretary of State in which the resolution would be at Committee. This application is not required to be referred to the Secretary of State as it falls below the required threshold.

Given the above, this application is also subject to advertisement for 21 days, this period expires on 11th August. Any comments which are received during this time will be taken into account following the circulated schedule procedure.

1. THE PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks outline planning permission for the erection of 1no. permanent rural workers dwelling with access, layout and scale to be considered (all other matters reserved) at Frome Valley Farm, Winterbourne.
- 1.2 The application site relates to a piece of land adjacent to, and forming part of the established livery business. The site is located off Badminton Road, in the open countryside, within the Bristol and Bath Green Belt and outside any settlement boundary.
- 1.3 This application has been submitted in outline format only. Under the Town and Country Planning (Development Management Procedure) (England) Order 2015 Regulation 5 Officers are able to request additional information to assist them assess an outline application. During the course of this application additional information regarding layout, scale and access was requested and received.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (2012)
National Planning Policy Technical Guidance

2.2 Adopted Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS34 Rural Areas

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

L1 Landscape Protection and Enhancement
L16 Protecting the Best Agricultural Land
LC12 Major Recreational Route
T12 Transportation

H3 Residential Development in the Countryside

2.3 Emerging Development Plan

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP7	Development in the Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP40	Residential Development in the Countryside
PSP41	Rural Workers Dwellings
PSP43	Residential Amenity Space Standards

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

3.1 Planning history for the wider Frome Valley Farm

PT02/0915/PNA Objection 08.04.2002
Erection of hay barn and construction of private way.

PT05/3245/F Refusal 27.02.2006
Erection of 2 no. barns for the storage of dry fodder and agricultural machinery.

PT06/2030/F Approve with Conditions 22.09.2006
Erection of 1no. barns for the storage of dry fodder and agricultural machinery.

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

No objection. Question validity of building on Green Belt land.

4.2 Highway Structures

Suggested informative

4.3 Lead Local Flood Authority

We query the method of foul sewage disposal to be utilised and therefore request clarity before we may comment further.

4.4 Public Rights of Way

This development will affect the nearest recorded public right of way, footpath ref. LWE31, also known as the Community Forest Path, a promoted recreational route, which provides pedestrian access along Huckford Lane to the nearby Frome Valley Walkway. Whilst there would be no PROW objection in principle, I feel that further detail should be submitted to show how the

application will mitigate for the effects of construction and future business use on path users. A presumed increase in daily number of vehicle movements would result from residential occupation and business expansion, therefore the principle of safe access for pedestrians must be established prior to any permission being granted. This is a key element under local policies, with the National Planning Policy Framework providing further weight to the need to protect and improve rights of way, and in particular, promoted recreational routes, where affected by development.

4.5 Open Spaces Society
No comments received

4.6 Landscape Officer
Prior to additional information regarding the size, style and any proposed screen planting being submitted it is not possible to determine if the dwelling will be acceptable with regards to Policies L1, CS1 and CS9. However a sensitively designed modest dwelling with carefully considered and robust screen planting is likely to be in accordance with these policies. A visual impact assessment looking at the impact on any views from Badminton Road and the Community Forest Path would need to be carried out in order to minimize and mitigate any impact on the landscape character.

4.7 Sustainable Transport
The supporting Planning Statement in para 5.4 makes reference to the access to remain as existing from Huckford Lane and the substantial parking and turning area for the current stables and livery. The planning statement confirms the dwelling will provide additional parking spaces for at least two cars which would follow the minimum requirement for a three bedroom dwelling from South Gloucestershire Councils Residential Parking Standards SPD (adopted December 2013).

We note there to be no traffic related collisions at Huckford Lane / Badminton Road junction in the last five years, though the immediate junction to the north on the A432 has a number of collisions. The influence of the proposed single dwelling is unlikely to detrimentally affect road safety.

We have no objection in principle in transport terms for the proposed key worker dwelling and would require in the absence of detail (to be considered in subsequent planning stages), that the proposal follows policy guidance relevant to its context.

Other Representations

4.8 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The National Planning Policy Framework makes a presumption in favour of sustainable development and has placed a strong emphasis in respect of

supporting economic growth in rural areas. In particular the document sets out that planning policies should;

- i) *support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development', and*
- ii) *promote the development and diversification of agricultural and other land-based rural businesses.*

- 5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply and 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. In this instance the application is for a house in the open countryside and the Green Belt. The benefits of adding one dwelling to the housing supply must be balanced against the harm that could result from this sort of new development in this type of location.
- 5.3 Paragraph 55 of the National Planning Policy Framework states that new isolated homes in the countryside should be avoided 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. Policy CS5 of the South Gloucestershire Core Strategy is consistent with this setting out that in the open countryside development will be strictly limited.
- 5.4 Saved policy H3 of the South Gloucestershire Local Plan remains consistent with the requirements of the National Planning Policy Framework in respect of proposed agricultural workers dwellings and criterion A of the policy allows for the erection of permanent dwellings in the open countryside provided that such dwellings for agricultural or forestry purposes. On this basis, weight can be afforded to this policy.
- 5.4 It is acknowledged that the emerging Policies, Sites and Places Development Plan Document has yet to be adopted. As such the policies contained in it carry limited weight, but Policy PSP41 (Rural Workers Dwellings) is consistent with the direction of the National Planning Policy Framework and is supportive of new rural workers dwellings where there is an established and functional need for the dwelling which cannot be met within the defined settlement boundaries or other existing rural building and other criteria relating to viability and siting.
- 5.5 The site is located in the Green Belt where new buildings are inappropriate development unless they meet the criteria within the exception list. The new building is for residential purposes and therefore is assessed as not meeting any of these exceptions. As such, paragraph 87 of the NPPF sets out that the development would be inappropriate development in the Green Belt, which

should not be approved except in 'very special circumstances'. The applicant has submitted 'very special circumstances' and this will be discussed in the assessment within this report.

5.7 Without strong justification to support a proposal, the introduction of new dwellings in the countryside is resisted by both national and local planning policies. This justification takes the form of a business case describing the enterprise along with the current buildings and services used. A financial appraisal establishes if the business is a profitable concern and one that is likely to continue in the future. Based on the information provided, an assessment of functional need would be made to prove that workers are needed on site and for 24 hours a day, for animal welfare reasons. A planning assessment continues with regard to the location, scale and access as well as other relevant matters.

5.12 The Need for the Development

It is necessary to assess whether or not there is a genuine need to provide a dwelling on the site in order to support the livery business. Under this application the applicant has provided some information which describes the business, the farm buildings, the land holdings, labour requirement, the functional need and financial records. Given the potential complexity of these type of applications, it is the recognised practice for the Local Planning Authority to engage an independent assessor to scrutinise the applicant's case and provide advice accordingly. The findings of this independent assessment are summarised below.

5.13 *Business Description*

The applicant purchased Kendleshire Farm adjacent to Frome Valley Farm in October 2000. As a former racing yard the holding extended to 26 acres (10.5 hectares), originally comprising land and 15 stables. Since then the following expansion has resulted:

- 2001 – Purchased additional 36 acres (14.5 hectares) - Frome Valley Farm
- 2003 - American barn comprising 15 stables, tack room and toilet facilities
- 2003/4 – Manege and horse walker
- 2004 – 4 external stables and tack room
- 2005 – 6 stables, tack room and workshop

5.14 Operating now over 62 acres (in addition to a further 10 acres rented), the business is based on the provision of 40 stables split over a higher yard (15 stables at formerly Kendleshire Farm) and 25 stables on the lower (second) yard. Previously all DIY stables, the facility is now based on 4 private stables, 15 full liveries and the remainder DIY liveries. A total of 2 stables are currently vacant. The preference is to replace the DIY livery with more full livery and schooling in the future.

5.15 *Evaluation of the Business in terms of Para 55 of the NPPF*
Paragraph 55 of the NPPF states:

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. 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.*

5.16 The primary issue in relation to this application and the NPPF policy is whether there is an essential need for residential accommodation in association with the rural business at Brookfield Farm. The development must also be considered to be sustainable.

5.17 *Functional Need*

A functional test is needed to understand what it is about the running of the business that requires someone to be present most of the time. This need must relate to the business based on the stocking and cropping requirements and not the personal needs of those running the business. In this case, given the livery nature of the activities concerned and the regularly stabling of horses, the rural surveyor considers that there is an accepted functional need in principle based on animal welfare grounds.

5.18 It is both the nature and extent of the activities which determine whether the need justifies an on-site presence. In this case the standard labour calculation indicates a requirement for more than 3 full time equivalent labour units and therefore a business of some scale. Overall, given the horse numbers and the focus more on full livery contracts, the rural surveyor is content that the overall need for on site accommodation can be justified.

5.19 *Financial Viability*

Whilst there is no specific requirement in the NPPF for the viability of the business to be considered, it is reasonable to undertake a financial test to assess the wider sustainability of the proposal, particularly given the application relates to a permanent dwelling.

5.20 Confidential financial details were made available to the rural surveyor for the past 3 years. In each of those years an acceptable level of profit was achieved.

Whilst the surveyor had no forward projections, based on the information available, they were content that the business satisfies the test in principle.

5.21 *Other Accommodation*

There are currently two units of accommodation on the holding; a one bed conversion on the top yard, which is considered too small to meet the needs of a principle dwelling, and the caravan sited on the lower yard, the latter of which currently provides accommodation for the applicant and would be replaced with the permanent dwelling, subject to planning permission being granted. Officers note that these units of accommodation have not received planning permission, and as such this matter has been raised with planning enforcement.

5.22 Otherwise, a Rightmove search has indicated that there is currently no accommodation in the vicinity available for rent or purchase which could potentially be suitable to meet the need.

5.23 *Size and Siting*

The siting of the proposed permanent dwelling is on the lower yard adjacent to one of the stable buildings. Whilst not at the entrance to the holding it is however sited within sight and sound of the stabled horses. The rural surveyor is therefore content that the position is acceptable and within close proximity to meet the identified functional need.

5.24 Although an outline application with all matters reserved, the applicant is proposing in principle a two storey three bed dwelling with an office extending to approximately 225sq m in size. Based on an average cost of say £1300/sq m for a sole contractor build, a dwelling of this size could cost in the region of £300,000. The annual capital and interest charge for this, based on a 25 year term and an average interest rate of say 5%, is £21,300.

5.25 Whilst the business can afford this based on historic levels of profitability and is likely to remain profitable in the future, concern is raised by the rural surveyor regarding the overall size and cost, the impact on profitability and the reduced sum available for supporting 3-4 family members and capital reinvestment. This is an outline application and therefore there are no fixed proposals for the dwelling at this stage, however based on the scaled parameters available, the size of dwelling and potential cost may be considered too high, particularly if it is assumed that the business alone should be able to support itself.

5.26 The applicant was made aware of these concerns, and stated within confidential financial records that the build would be funded by capital and not derived from the business but by sale of property elsewhere. Officers give weight to this matter, and that the application is at outline stage. However, these matters should be considered by the applicant should they wish to submit a reserved matters application.

5.27 *Is there an essential need for a key worker to live at or near to the place of work in the countryside?*

The case has been assessed under the guidance as laid out in paragraph 55 of the NPPF. On balance, the rural surveyor considers that the key tests relating to functional need and financial sustainability are satisfied.

5.28 Green Belt

Notwithstanding the above, the site is within part of the Bristol and Bath Green Belt. Paragraph 89 of the NPPF sets out that the erection of new buildings in the Green Belt should be regarded as inappropriate development. Having said this it states that there are a number of exceptions to this, as follows;

- buildings for agriculture and forestry
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries
- extension of an existing building
- replacement of a building
- limited infilling in villages
- limited infilling or the partial or complete redevelopment of previously developed site

5.29 The proposal for a new dwelling does not meet any of the exceptions above and as such is considered to be inappropriate development within the Green Belt. Paragraph 87 of the NPPF sets out that inappropriate development, is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances'. Paragraph 88 goes on to state that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

5.30 Officers made the applicant aware of this, and invited them to make a case for 'very special circumstances'. This is as follows;

The essential need to live on the site represents 'very special circumstances' necessary to justify a new dwelling in the Green Belt. The particular characteristics of the applicants business make it essential for a worker to be on the site at all times. The Council's Consultant, in his report, confirms this.

The application for a dwelling is entirely genuine in that the applicant started the business sixteen years ago. This is not a speculative proposal. Due to unforeseen circumstances, the applicant has had to live in a caravan in order to keep the business going. This has by no means been an easy option, but without doing so, most likely the business would have failed.

As has been explained fully in the submitted report, the clients (horse owners) would have moved their horses due to lack of supervision and the impact on equine welfare and security.

The applicant has built a profitable and sustainable business and would like to increase the level of profitability further. It has been shown, in detail, the way in which an increase of 100% net profit will be achieved. It has been made clear that the number of horses on site will not increase. The vehicle movements will not increase but will likely be reduced.

The 'very special circumstances' are such that a dwelling is necessary, not just to support the aims of a rural enterprise to become more profitable, but to enable the continued operation of a very well established business that has been in existence for sixteen years.

Whilst it is agreed that the dwelling does not strictly fall within 'appropriate development', it is nonetheless ancillary and essential to a rural enterprise that does fall within 'outdoor sport and recreation'. The livery yard clients all keep their own horses for recreation.

- 5.31 This case, along with the rural surveyors report have been used to conclude that there is a functional need to justify an agricultural workers dwelling on this site. It is considered that this need would constitute 'very special circumstances' which outweigh the potential harm to the Green Belt. Given the above, and the nature of the development, it has been advertised as a departure from the development plan. It should be noted that it falls below the required threshold to be referred to the Secretary of State.
- 5.32 Design and Appearance of the Dwelling
Information submitted shows that the proposed dwelling would have a footprint of approximately 125 sqm, and would be set within a residential curtilage of about 800 sqm. It would be a two storey building which would have a maximum height of 5 metres to the eaves and 8 metres to the ridge. The scale and massing of the new dwelling is not untypical of agricultural properties. No further details, drawings or indicative sketches have been included but these matters would be covered at a later date should a reserved matters application be submitted. A high standard of design which reflects local distinctiveness would be expected, especially in this sensitive location.
- 5.31 Landscape
The site is located in the open countryside between Winterbourne and Coalpit Heath. It is located within the Green Belt and the Community Forest Path passes in an east/west orientation to the south. The rural character of the surrounding area is spoiled by the intensive grazing of horses which has resulted in the fields being subdivided by post and rail fencing, the hedgerows in a poor state of repair and storage of horse related paraphernalia.
- 5.32 In views from the north, and therefore the Community Forest Path, the proposed dwelling will be screened by the intervening stable blocks. The site is open to views from the Badminton Road, which is at a higher elevation. There are mounds around the proposed site which will help to screen the proposed dwelling but are themselves detrimental to the landscape character of the area.
- 5.33 No details are to be determined regarding landscaping details and limited information is to be determined regarding the proposed dwelling. However landscape colleagues consider that a sensitively designed modest dwelling with carefully considered and robust screen planting is likely to be in accordance with these policies. A visual impact assessment looking at the impact on any views from Badminton Road and the Community Forest Path would need to be carried out at reserved matters stage in order to minimize and mitigate any impact on the landscape character.
- 5.38 Residential Amenity
The site is located within an established livery enterprise and would be over 80 metres from the nearest residential property. The amount of residential

curtilage proposed is indicated by the red edge on the plan. The area is around 23 by 33 metres as such it is considered that the amenity area is likely to be in accordance with the emerging residential amenity standards (PSP43). Having said this, details of the amenity areas and accompanying boundary treatments would be required at reserved matters stage.

5.39 Transportation Matters

It is proposed that the dwelling would utilise an existing access off Huckford Lane. Transportation colleagues note there has been no traffic related collisions at the Huckford Lane/Badminton Road junction in the last five years and that the influence of the proposed dwelling is unlikely to detrimentally affect road safety. The access is therefore considered acceptable in principle.

5.40 Whilst it is not apparent from submitted plans where the parking would be located, it is noted that the planning statement confirms the dwelling would have at least two car parking spaces. Officers are therefore satisfied that there could be sufficient parking provision at the site, which would meet the requirements of the Councils Residential Parking SPD. This would be determined at reserved matters stage.

5.41 Environmental and Drainage Issues

Details of foul sewage disposal have not been submitted as part of this outline application, and the lead local flood authority colleagues query the method of such. It is therefore recommended that this information conditioned to be provided at reserved matters stage.

5.42 Public Rights of Way

Part of a Public Right of Way would be located on part of the proposed access to the application site. Colleagues have suggested that mitigation should be provided to ensure the safety of pedestrians. Whilst this is understood, however, it is not felt that the introduction of 1 no. dwelling would materially increase the vehicular movements to and from the site. Particularly given the nature of this application, and that the worker would be required on site for the majority of the time. In any case, these matters would be fully assessed at reserved matters stage.

5.43 Overall Conclusion

The above has been an assessment of outline application with access, layout and scale to be determined (all other matters reserved) for an rural worker's dwelling situated in the countryside within part of the Bristol and Bath Green Belt.

5.44 The above assessment has found that there is a functional need to justify an agricultural workers dwelling on this site. It is considered that this need would constitute 'very special circumstances' which outweigh the potential harm to the Green Belt. Further to this, whilst the development would be located within the open countryside; it has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. The development therefore complies with Para 55 of the NPPF as well as Saved Policy H3.

5.45 The details submitted of the proposed access, layout and scale have been found to be acceptable. Accordingly, and given all of the above, this outline application is recommended for approval, subject to 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 **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 conditions on the decision notice and subject to no material representations being received within the current period of advertisement.

Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. Approval of the details of the appearance of the building, and 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.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected and 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.

3. 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

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

4. 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

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

5. Prior to the relevant stage of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

6. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, at the livery business at Frome Valley Farm, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because there is a functional need to accommodate a person working in a viable rural business, to accord with Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, the saved Policy L1, L2 and H3 of the South Gloucestershire Local Plan Adopted January 2006, and the National Planning Policy Framework.

7. Prior to the relevant stage of development full details of the proposed foul sewage disposal shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

8. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby

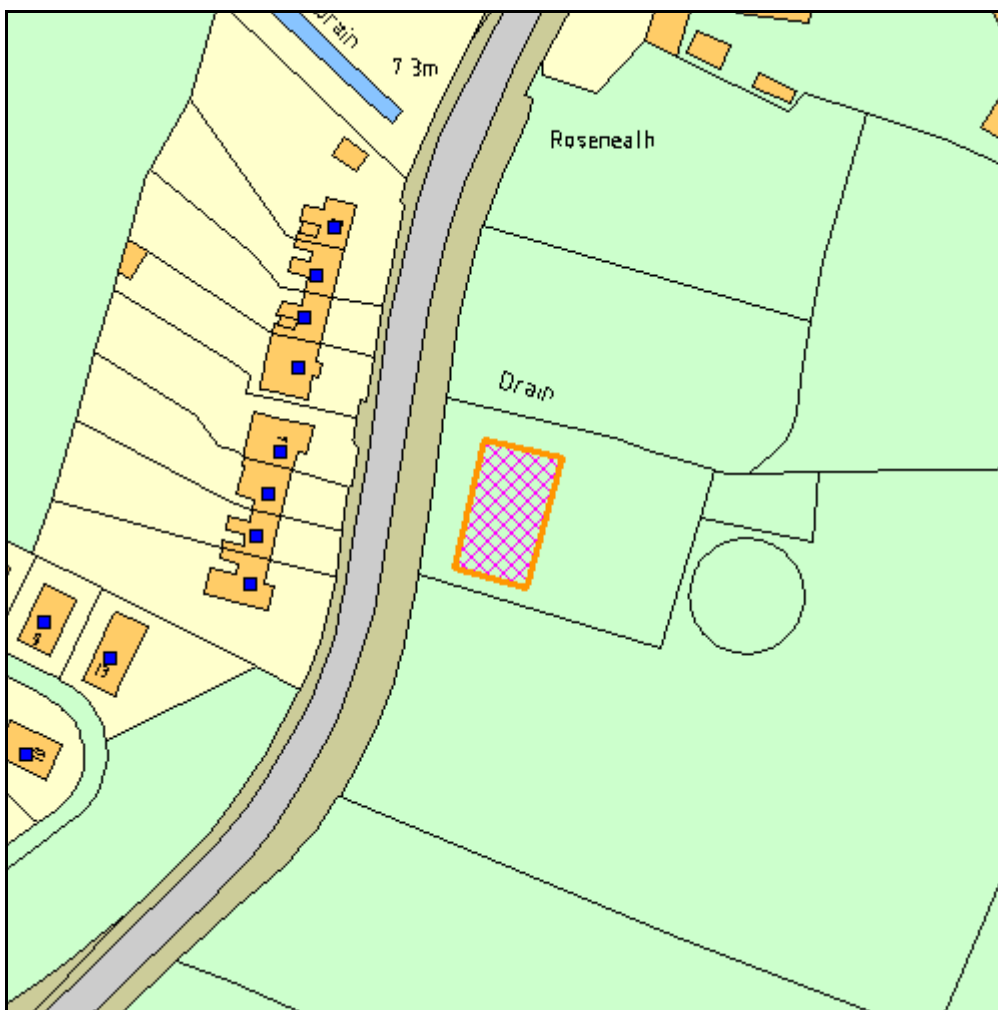
approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure that the accommodation is limited to that commensurate with the established need, in the interests of the visual amenity of the area and to protect the openness of the Bristol / Bath Green Belt and to accord with Policy CS1, CS5 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013 and saved policies L1, L2 and H3 of the South Gloucestershire Local Plan (Adopted) January 2006, the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/1196/F	Applicant:	Miss Jacqueline Hudson
Site:	Church Farm Stables Moorhouse Lane Hallen South Gloucestershire BS10 7RT	Date Reg:	12th April 2017
Proposal:	Erection of building to form stables, tack room and feed store. Construction of hardstanding area.	Parish:	Almondsbury Parish Council
Map Ref:	355064 179964	Ward:	Almondsbury
Application Category:	Minor	Target Date:	5th June 2017



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PT17/1196/F

Reasons for Referring to Circulated Schedule

This application has been referred to the Circulated Schedule as representations contrary to the officer recommendation have been received.

1. THE PROPOSAL

- 1.1 Planning permission is sought to construct a stable building measuring approximately 22m by 12 m, and 4.6 metres to the roof ridge. 7 stable bays are shown with a tack room and hay/feed store incorporated into the same building. It is proposed to site this building on a field used for equestrian purposes on the east side of Moorhouse Lane. The site is opposite a row of terraced housing; and is in the Green Belt. It is located outside of any settlement boundary. It is largely in Flood Zone 2.
- 1.2 The building will appear as a modern rural building with steel frame; concrete panels at lower level, and green profiled sheeting to the sides and fibre cement grey panels to the roof. Access will be via existing access points on Moorhouse Lane. A new hedgerow is proposed to the northern boundary to assist with screening. During the application the building siting was revised in response to comments from the landscape officer. Whilst the red line remained similar, the building was rotated by 90 degrees such that the narrower side elevation will present to Moorhouse Lane, rather than the widest elevation. There is an oil pipeline located to the north eastern part of the site.
- 1.3 It is understood that the applicant has operated a similar scale equestrian operation in the vicinity for some time, but has been served notice in relation to land at Church Farm, Moorhouse Lane (to the north of this site).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement
L16 Protecting the best agricultural land
EP2 Flood Risk and Development
E10 Horse related Development
T12 Transportation
LC5 Proposals for Outdoor Sport and Recreation outside of urban areas and settlement boundaries
LC12 Recreational Routes

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

PSP2 Landscape

PSP7 Development in the Green Belt

PSP8 Residential Amenity

PSP20 Flood risk, surface water and watercourse management

PSP30 Horse Related Development

2.3 Supplementary Planning Guidance

Development in the Green Belt SPD (adopted)

SG Landscape Character assessment (adopted) SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/4255/CLE Certificate of Lawfulness granted for the use of the land as equestrian facility. Granted 28th October 2016. (this certificate covers this site, as well as the land edged in blue on this application surrounding the proposal).
- 3.2 PT16/3824/F 4 detached dwellings proposed at Church Farm, Moorhouse Lane. Refused 30 September 2016. (this relates to land north of this site, in the area where the applicant has historically operated from).
- 3.3 PRE16/0850 – pre-application advice for relocation of equestrian facilities. September 2016.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection

- 4.2 Other Consultees
Health and Safety Executive
In respect of the proximity to the oil pipeline, the HSE does not advise against the proposal.

Local Lead Flood Authority

No objection, the Flood Risk Assessment is acceptable as are the details for dealing with surface water.

Highway Structure Team

General technical guidance given

Transportation

No objection; but recommends some conditions to restrict the number of horses to 10; to ensure the first 2 metres of the field access to be in a suitable surface material; to prevent commercial riding or livery school at the site; and a request that any existing structures associated with the use be removed.

Environmental Protection

Requires further details of the management and storage of manure.

Other Representations

4.3 Local Residents

5 letters of objection have been received in relation to the proposal, which make all or some of the following points:

- The visual amenity of residences opposite will be harmed by an ugly building
- It will restrict light to residences
- There will be noise and disturbance associated with the activity, especially as this is in early morning
- It will devalue houses
- There is an existing vermin problem in the area. The proposed feed store will make this worse.
- There will be smell and flies from manure. Manure heaps have been kept adjacent to hedgerows in the past
- The large amount of hardstanding will increase flood risk
- The highway adjacent is busy. Concerns are expressed regarding access which could be hazardous.
- The highway would spook horses kept at the stables
- Concerns expressed at potential future proposals for housing if building is permitted.
- Location of building is too close to houses, an alternative location should have been sought.
- Seven stables are proposed for a livery business to be run
- Would like to see a restriction on hours of use especially at weekends.
- It is overdevelopment
- Some comments of support are made by non-residents of Hallen

7 letters of support have been received making some or all of the following points:

- The stables are needed to provide suitable accommodation for existing horses
- The siting is the logical place to put the building, and it has been adjusted in accordance with landscape advice
- The building will not be a blot on the landscape
- The vehicle access is acceptable and meets standards
- HSE have not objected
- Proper regard has been given to the safety and comfort of horses in an appropriate structure
- The equine element to the village is a joy to see, and will enhance the area
- The investment is welcomed, and will improve the professional appearance of the land rather than the use of temporary structures.
- The land has been in equestrian use for over 40 years, and is part of the countryside.
- Prefer the countryside smells to city pollution
- The M5 is more intrusive in terms of noise impact

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development including consideration of Green Belt

The Development Plan policy supports horse related development outside of settlement boundaries subject to the consideration of specific criteria (which will be considered in the report below). The certificate of lawfulness has established the equestrian use of the land in question, as such this proposal will not result in the loss of agricultural land. As the site is also in the Green Belt and proposes a new building, this must be considered in addition. One of the few exceptions to the presumption against new buildings in the green belt are buildings that provide appropriate facilities for sport and outdoor recreations. The provision for stabling horses for recreational purposes would fall into this category. It accords with the purposes of the Green Belt given that the NPPF lists outdoor recreation as one of the positive purposes the Green Belt can fulfil. It is concluded that the proposal is appropriate development in the Green Belt, and generally supported in principle by the development plan policy.

5.2 Design and impact on Landscape

The building will have a modern appearance which is consistent with the proposed use. It will not be dissimilar to many agricultural buildings. Whilst the surrounding landscape is not considered to be high quality amendments have been negotiated to re-site the building, and screening has been proposed. The proposed location is a reasonable balance such that it is not unreasonably close to residential buildings (indeed the widest elevation now faces north rather than towards the residences) but relatively close to the site boundary and access. This assists with screening the building and prevents long tracks across land. A planting and maintenance scheme is considered necessary in relation to the existing hedge along Moorhouse lane and the proposed new hedge. This will need to include native trees and shrubs and can be made the subject of an appropriate condition. A five year maintenance schedule is considered more proportionate to the scale of the development (rather than a 10 year scheme suggested by the landscape officer).

5.3 Transportation

There is no objection in principle to the building in transportation terms subject to specific conditions. Weight should be given to the established equestrian use of the land in assessing whether the conditions suggested by the transportation officer meet the national tests. The field gateways used are currently hard-core/stoned in line with the recommendation suggested. The existing operation is a livery, accordingly a condition to prevent that would be unreasonable. However, those uses that might generate significant additional traffic could reasonably be conditioned. Accordingly a condition to prevent commercial riding school or DIY livery is suggested; this would mean specific consideration of those transportation impacts should be considered if such uses were proposed.

Moreover on the basis that the existing equestrian land use (certificate) does not have a limit on the number of horses there is no pressing highway reason to impose by condition a limit of 10 as suggested here – especially when the proposal is for 7 stables which is likely to mean the number would be below that for the most part.

5.4 Flood Risk

The site lies within Flood Zone 2, which is at a higher risk of flooding than zone 1. National advice requires such proposals in higher risk areas to pass a sequential test. This form of development is classed as “less than vulnerable” which is considered to be an appropriate form of development in such a zone. Moreover, there are not any areas at lower risk within the immediate vicinity. It is considered the sequential test is passed for this proposal. In addition a Flood Risk Assessment has been prepared and submitted indicating that the proposal would not have a harmful impact in terms of exacerbating flood risk elsewhere. The floor area would be set at 300mm above existing ground floor level; and the applicants are signed up to the local flood warning scheme. This together with the surface water details shown has satisfied the Lead Local Flood Authority on these matters.

5.5 Residential Amenity

Potentially the site may have an impact on the properties opposite. In terms of siting the relocation of the building by 90 degrees has lessened the likely impact on the dwellings opposite. Most of the activity associated with the building would be sufficiently far enough away that unreasonable disturbance would not be caused. The existing roadside hedgerow and addition screening will assist in mitigating the visual impact. The distance would be such that this would not interfere with levels of light enjoyed by dwellings on the opposite side of the road.

A condition to prevent additional external lighting is recommended. It would not however be practical to restrict the “use” of stables by hours as is requested by a resident. The purpose of the stables is to accommodate horses – so a time restriction would not lend itself to such a use. It would not be feasible or reasonably enforceable to restrict visits to the horses by people – as welfare concerns would tend to necessitate regular visits. As indicated above the use will be restricted such that a DIY livery or riding school will need specific consent.

The location of the manure heap is shown to the east of the building, at a point well away from dwellings with intervening built form, hedgerows and road. The applicant has confirmed that that the muck heap is spread across existing fields, and any surplus removed by either a local farm, local residents and allotment societies. This has been the longstanding existing practice, and the applicant intends to pursue this in the future. Subject to a condition in relation to the location of the manure heap it is not considered that there will be an unacceptable impact to residents through smell or flies.

The current experience of some residents in relation to an existing problem with vermin is noted. This proposal would relocate the existing equine operation further south, and is unlikely to make a material difference to the wider situation. The feedstore however may benefit from being in a modern purpose built structure; which may make any necessary vermin control measures easier. It is not considered that this would amount to a reason to prevent the development in principle.

Other matters

The applicant is aware of the proximity of the oil pipeline, and the necessary easements. The building is not proposed on the pipeline route.

The proposed stables are considered to be designed to take account of horse welfare. The applicant has control over the surrounding land thereby ensuring reasonable access to grazing and recreational routes.

It is not considered that the proposal would raise any significant concerns in terms of the likely impact upon wildlife or ecology.

The application should be considered on its own planning merits. Accordingly, whilst the applicant has indicated that they did consider alternative locations, there is no requirement in this case to demonstrate this is the only location for such a stable if it is acceptable on its own planning merits. The concerns regarding future housing developments are noted, but that is not what this proposal is for. Any such proposals would need planning permission in their own right and would be assessed at that time.

The potential impact upon the value of houses is not considered to be a material planning consideration for this proposal and has not been given weight.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the conditions set out below.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Prior to the commencement of development details of a planting scheme for the existing hedgerow along Moorhouse lane; and the proposed new hedgerows shown on drawing 7249/2A and an associated maintenance schedule (including planting timescale) for the first 5 years following planting, shall be submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so agreed. For the avoidance of doubt the planting scheme should refer to native trees and shrubs.

Reason

In the interests of mitigating the visual impact of the building on the wider area to accord with policy L1 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013. This is a pre-commencement condition to ensure these details are agreed at the earliest stage so planting is established at the earliest opportunity.

3. The development shall accord with the Flood Mitigation measures identified in the submitted Flood Risk Assessment; and the drainage details submitted.

Reason

The site is located in Flood Zone 2 and should incorporate the measures in order to reduce the harm from flood risk to accord with policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

4. Manure associated with the development shall only be stored in the location shown on drawing 7249/2A, and should not be burnt at the site.

Reason

In the interests of residential amenity to accord with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

5. There shall be no external lighting fixed to the building hereby approved.

Reason

In the interests of residential and visual amenity to accord with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013. Any lighting scheme would need to be considered in relation to this impact.

6. The building hereby approved shall not be used for DIY livery, nor as a commercial riding school.

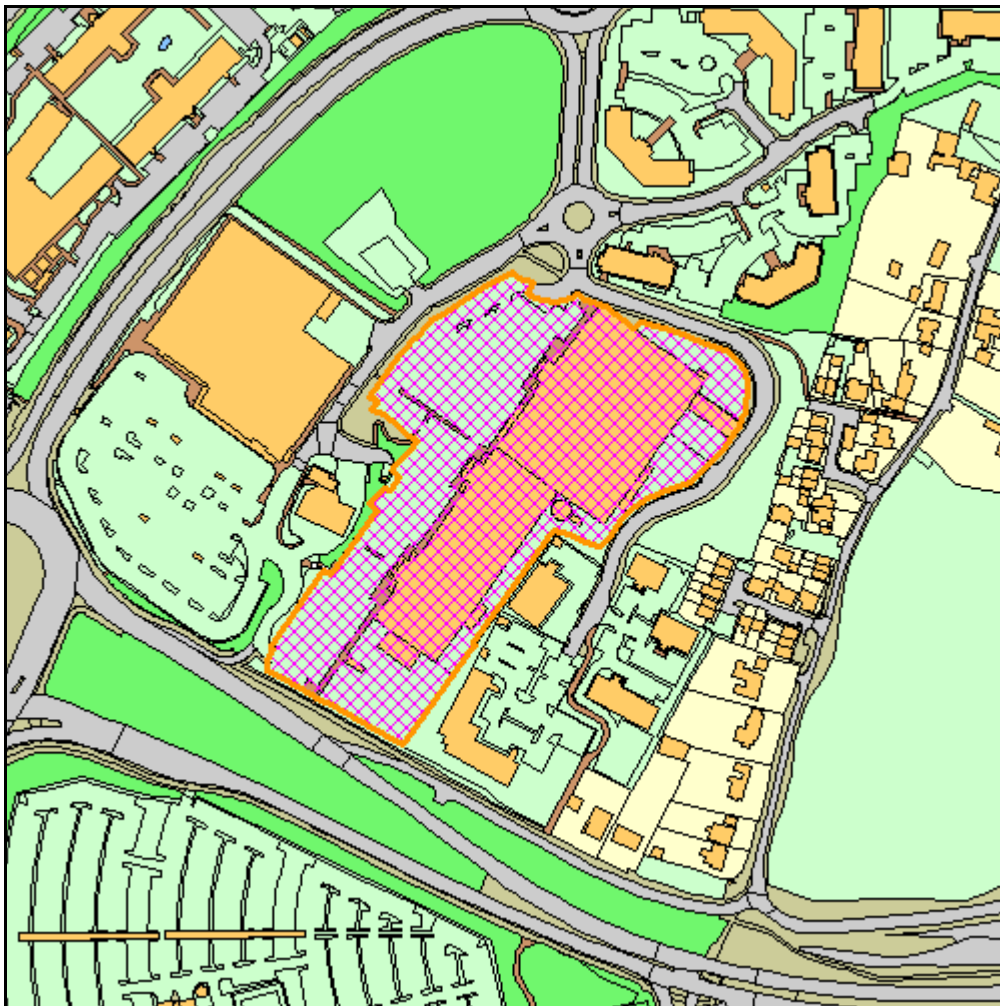
Reason

The transportation movements associated with such uses are likely to be significantly greater than the likely impact associated with the proposal. These uses would require specific additional consideration in terms of the adequacy of the access arrangements and the likely impact to nearby residents in terms of disturbance and assessed against policies T12 and E10 of the South Gloucestershire Local Plan (adopted) January

2006; and policy CS8 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

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



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PT17/1763/RVC

Reasons for Referring to the Circulated Schedule

This application has been 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.

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 2b.
- 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) 6th Jan. 2006 and the requirements of the NPPF.

- 1.7 In order to meet the operational requirements of the intended food-store occupier, this current S73 application PT17/1763/RVC merely seeks to vary the wording of condition 10 to allow an additional 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 revised wording of condition 10 would therefore be as follows:

Other than the 2,648 sq.m. of floor space (Unit 2b) 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 23rd February 2006 and 21 March 2006).
Approved 31st March 2006
- 3.10 PT06/1188/CLP - Certificate of Lawfulness for the proposed installation of a
mezzanine floor.
Granted 26th 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 9th December 2016
- 3.16 PT16/6471/F - Installation of mezzanine floor.
Approved 10th Feb. 2017
- 3.17 PT16/6859/RVC - Variation of condition 4 attached to planning permission PT16/4626/RVC to change delivery times.
Approved 17th 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 an additional 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 2b 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 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. 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 2b 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 amount of floorspace to be used for the sale of food and drink items.
- 5.11 The application seeks to vary condition 10 of the subsequently permitted application PT16/6859/RVC, to allow an increase in the food and drink A1 floorspace used on the site, by a relatively modest amount of only 325m².
- 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 350m².

- 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 5000m² 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 (Unit 2b) 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) 6th 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 2b 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 2b, 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

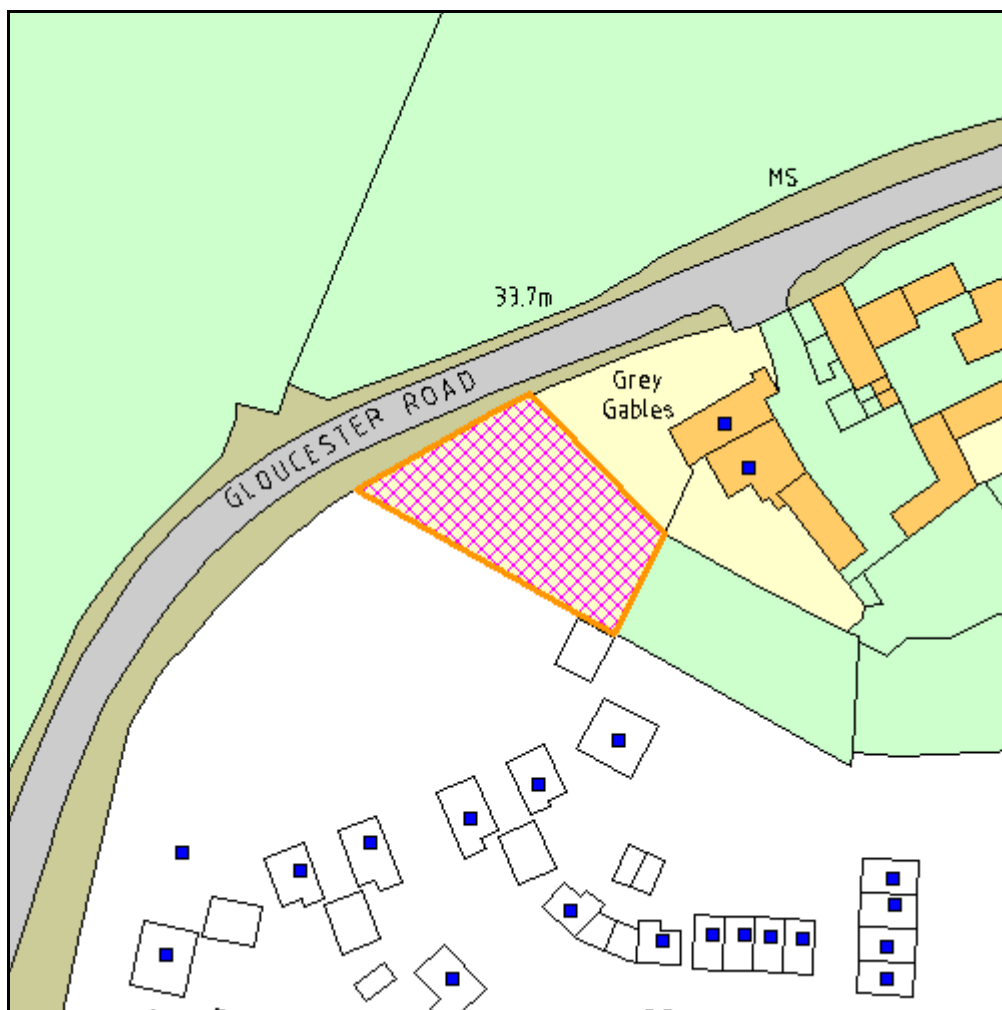
commencement of the use or occupation of Unit 2b for the retail sale of food and drink, shall be provided to the Council within one month of said first use or occupation. Thereafter, upon the expiry of the 12 month period, the delivery hours shall revert back to those listed in Condition 4 attached to 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 2b 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. 32/17 – 11 AUGUST 2017

App No.:	PT17/2040/F	Applicant:	Mr & Mrs Beswick
Site:	Grey Gables Old Gloucester Road Thornbury Bristol South Gloucestershire BS35 1LJ	Date Reg:	22nd May 2017
Proposal:	Erection of 1no. dwelling with vehicular access and associated works. Erection of detached garage.	Parish:	Thornbury Town Council
Map Ref:	364613 191438	Ward:	Thornbury North
Application Category:	Minor	Target Date:	28th June 2017



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 100023410, 2008. N.T.S. PT17/2040/F

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following an objection from the Town Council which is contrary to the officer recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1 no. dwelling with access and associated works and the erection of a detached garage at Grey Gables, Old Gloucester Road, Thornbury.
- 1.2 The site is outside of any established settlement boundary and is considered to be within the open countryside, although it is not within the Bristol/Bath Green Belt.
- 1.3 The applicant submitted amendments to the access and layout in order to accommodate for the possibility that a major residential scheme on the opposite side of the highway may be approved (PT16/4774/O is currently pending consideration by the Local Planning Authority). A period of public re-consultation was carried out.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L9 Species Protection
L11 Archaeology
EP2 Flood Risk and Development
EP4 Noise Sensitive Development
EP6 Contaminated Land
T7 Cycle Parking
T12 Transportation
H3 Residential Development in the Countryside

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

PSP1 Local Distinctiveness

PSP2 Landscape

PSP3 Trees and Woodland

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Wider Biodiversity

PSP40 Residential Development in the Countryside

PSP43 Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist (Adopted) August 2007

Residential Parking Standard (Adopted) December 2013

Waste Collection Guidance for New Development (Adopted) January 2015

CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

3.1 PT16/4774/O Pending Consideration

Erection of 130 no. dwellings on 8.00 hectares of land with public open space, drainage, associated works and access. Outline application with access for consideration, all other matters reserved.

This relates to land on the opposite side of Old Gloucester Road.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object on the grounds that it is outside the development boundary and there are highway access concerns.

4.2 Other Consultees

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.

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.

Lead Local Flood Authority

Query the method of foul sewage disposal to be utilised and we also query the location of a public surface water sewer.

Sustainable Transport

No objection to revised plans subject to conditions.

Archaeology

A condition to ensure a programme for archaeological work should be applied to any consent granted.

Ecology

No objection subject to conditions.

Tree Officer

No objections provided trees are protected in accordance with arboricultural report.

Environmental Protection

Acoustic report for impact of highway recommended.

Lower Severn Drainage Board

No comment.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application proposes 1 no. detached dwelling and a detached garage within the application site. Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes a new dwelling outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

5.2 *Five Year Housing 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. The Authority's Monitoring Report 2016 demonstrates that the Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With reference to the NPPF advice policies CS5 and CS34 of the adopted Core Strategy and policy H3 of the Local Plan are therefore considered not to be up-to-date, as they do relate to the supply of housing. Paragraph 14 of the NPPF states a presumption in favour of sustainable development, and states that proposal 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, or where specific policies in the NPPF indicate that development should be restricted.

5.3 The starting point remains the development plan policy which would resist housing in principle. The question is what weight to attribute to the NPPF, as an important material consideration in light of the current housing supply shortfall. The thrust of paragraph 14 is that sustainable development should only be resisted if specific and demonstrable harm can be shown as a result of the development. In light of this, simply being located outside of the designated settlement boundary alone is unlikely to justify a refusal. The site should be demonstrably unsustainable. Accordingly, a balancing exercise is required, and in this case considerable weight is given to the advice in the NPPF as an important material consideration.

5.4 *Sustainable Development*

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental. The site is situated outside of the settlement boundary of Thornbury, however it is situated very close to the settlement and to the 'Thornbury Fields' development on the land immediately to the south. The centre of Thornbury is a twenty minute walk away, and whilst there is not a pavement for the first 0.2 miles, this is a short distance and there is a wide grass verge for pedestrians to walk on. Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As the site is well related to the existing settlement, the Local Planning Authority would consider it to represent sustainable development from a social, environmental and economic perspective, and therefore the presumption in favour of sustainable development in paragraph 14 of the NPPF is applicable to this site.

5.5 Design and Visual Amenity

The new dwelling will be viewed in the context of the host dwelling, Grey Gables, and the new development to the south which predominantly consists of detached two-storey dwellings with gable roof lines and mix of stone and render, and stone detailing. The proposed dwelling will have a gable roofline with a pitched roof porch and detached garage, and will be finished in render with the exception of the rear elevation which will be a mix of render and timber cladding. The roof tiles and the roof pitch will match Grey Gables allowing the development to blend sympathetically with the surroundings. The plot is an adequate size to accommodate an additional dwelling and so the development is considered to accord with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.

5.6 Landscape and Vegetation

The Council's tree officer has no objection to the removal of some trees on site to facilitate development, provided that development takes place in accordance

with the recommendations within the submitted arboricultural report in order to prevent any harm to trees to be retained.

5.7 Residential Amenity

Amenity must be considered both in the context of the surrounding occupiers and the amenities of the future users of the proposed dwellings. Grey Gables is situated within a large plot and so both the existing and proposed dwelling will have access to a large private garden following development. The proposed dwelling does not have any first floor windows proposed looking out towards Grey Gables, and so it is not considered that there will be any inter-visibility between the two, nor would it cause overshadowing. Overall, it is considered that the amenities of the application site and surrounding occupiers would be protected.

5.8 Environmental Issues

An acoustic report detailing how the highway will affect the proposed unit was requested from the applicant during the course of the application, however this has not been forthcoming. Instead, the applicant has flipped the first floor plan of the proposed dwelling so that the majority of the bedrooms have only windows facing the rear, so that all bedrooms have openable windows away from the highway. This is considered to be acceptable.

5.9 The application site is at a low risk of flooding and it is considered that details of the surface water and foul water drainage can be adequately dealt with through the submission of an associated building regulations application.

5.10 Ecology

An Ecological Impact Assessment has been submitted in support of the proposed application. The Council's Ecology officer has no objection to the development subject to a condition to ensure the mitigating measures recommended within the assessment are implemented, including the provision of 2 no. bird boxes.

5.11 Highway Safety and Parking

Amendments to the position of the access were received on 20th July 2017 so that it does not conflict with the access proposed for PT16/4774/O , which is currently pending consideration by the Local Planning Authority. This was achieved by moving the access eastwards on Old Gloucester Road. Adequate visibility is achieved in both directions however it will require the relocation of the 'Advance Direction Sign' on the highway verge to the east, and the applicant will have to enter into a S278 agreement with the Local Highway Authority in order to move the sign prior to first occupation of the dwelling. Due to the classified nature of the highway, a construction management plan to include wheel washing facilities etc will be conditioned in the event the application is approved.

5.12 The proposed block plan shows adequate parking for vehicles and cycles and bins can be stored within the proposed double garage. There is no transportation objection to the development.

5.13 Planning Balance

It is considered that the proposal represents sustainable development in accordance with paragraph 14 of the NPPF, and no significant and demonstrable harm has been identified to outweigh the benefits of adding 1 no. dwelling to the five year housing land supply.

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** planning 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 conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

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. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

4. Prior to commence of development the applicant is required to submit a Construction Traffic Management Plan for written approval to the Local Planning Authority. For the avoidance of doubt details of wheel washing, delivery times (to avoid network peak hour), contractor parking, storage would need to be included.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement as it relates to the construction period.

5. Prior to commencement of development. details of the proposed access shall be submitted for written approval to the Local Planning Authority, with the agreed details implemented prior to first occupation of the dwelling. For the avoidance of doubt the access works shall include relocation of the 'Advance Direction Sign' and a bound permeable driveway.

Reason

In the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

6. The development shall proceed in accordance with the avoidance and mitigation recommendations set out in Section 6.2 of the Ecological Appraisal (Smart Ecology, March 2017). Any deviation from these recommendations shall be submitted to the local planning authority for approval in writing.

Reason

In order to ensure there is not harm to protected species in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

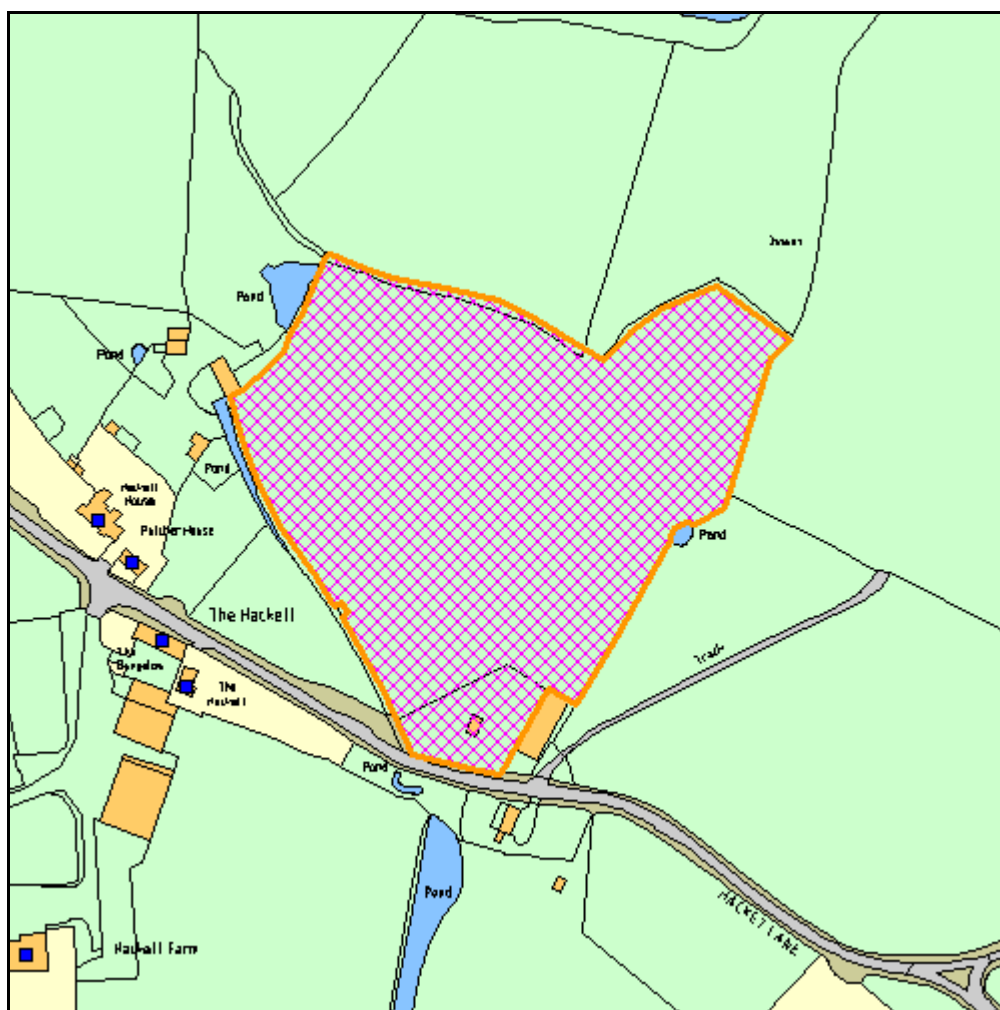
7. Prior to first occupation, the type and location of two bird boxes (based on the recommendations in Section 5.2 of the Ecological Appraisal (Smart Ecology, March 2017)) shall be submitted to the local planning authority for approval in writing. Development shall proceed in accordance with the agreed details, with the bird boxes in place prior to first occupation of the dwelling.

Reason

In order to ensure biodiversity gain in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/2388/F	Applicant:	Mr Andrew Huby
Site:	Hackett House Hacket Lane Thornbury Bristol South Gloucestershire BS35 3TY	Date Reg:	7th June 2017
Proposal:	Change of Use of land from agricultural use to mixed use of agriculture, the keeping of horses and livery. Creation of riding arena (Retrospective)	Parish:	Thornbury Town Council
Map Ref:	365472 189921	Ward:	Thornbury South And Alveston
Application Category:	Major	Target Date:	6th September 2017



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application is being referred to the Circulated Schedule because objections to the application have been received, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks retrospective planning permission for the change of use of the site from agricultural use to a mixed use of agriculture, the keeping of horses and livery. In consultation with the agent the description of development has been reduced from that which is on the application form, as on assessment the elements comprising the sale of feed and amenity use were considered to be so insignificant as to be *de minimis* and did not form a substantive part of the mixed use. It also includes the construction of a riding arena. There are several existing buildings on the site which are lawful and do not require permission, other than as part of the change of use. The application has been submitted in response to a planning enforcement case relating to this development.
- 1.2 The site is approximately 2 hectares (5 acres) in size and lies to the north of Hackett Lane, just outside of Thornbury. The site is accessed off Hackett Lane via an existing access point. The main part of the site is grassed field, with an area of hardstanding immediately inside the entrance with an existing lawful building (used as a tack room) in the middle. The riding arena is adjacent to the south eastern boundary, and to the north east of the hardstanding area and the larger lawful building on site (which remains in agricultural use). The frontage of the site currently comprises 2.5m high wooden stockade fencing and gates at the access, with a mix of Heras and post & rail fencing to the sides. The original hedge has largely been removed and black geotextile fabric backs much of the fencing. Hackett Lane is itself a Major Recreational Route.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving accessibility

CS9 Managing the Environment and Heritage

CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

E10 Horse Related Development

L1 Landscape Protection and Enhancement

LC12 Recreational Routes

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

PSP1 Local Distinctiveness

PSP2 Landscape
PSP10 Active Travel Routes
PSP11 Transport Impact Management
PSP21 Environmental Pollution and Impacts
PSP30 Horse Related Development

- 2.3 Supplementary Planning Guidance
South Gloucestershire Landscape Character Assessment (adopted Nov. 2014)
LCA 18: Severn Ridges
British Horse Society: Guidelines for the Keeping of Horses

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT15/4598/CLE - Application for a certificate of lawfulness for the existing use of land and buildings as a mixed agricultural and equestrian business use.
WITHDRAWN
- 3.2 COM/14/0383/COU/4 – Enforcement notice against the development subject to this planning application.

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council
No objection but concerns about increase in traffic generation in a narrow lane.

- 4.2 Other Consultees
Lead Local Flood Authority – FRA acceptable, no objection

Highway Structures – no objection

Transportation DC – no objection as visibility splays can be achieved, but will need to be integrated with landscaping to ensure they are maintained.

Conservation Officer – no objection but concern raised about the appearance of the structures and fencing to the roadside, as these are incongruous in their context and harm the character and appearance of the locality.

Landscape Architect – no in principle objection and riding arena does not have significant negative impact. Concern over the harmful appearance of the roadside boundary treatment. In the event that planning permission is to be granted an acceptable landscape scheme should be required by condition, which should include the restoration of the hedgerow and providing an access gateway in keeping with the landscape character of the locality.

Other Representations

- 4.3 Local Residents
2 objections received, making following points:
- Commercial operation run by a third party
 - Hedges have been ripped out and replaced by large imposing wooden gates with makeshift fencing covered in plastic sheeting

- Large wooden building has been built, with floodlighting and vehicles kept on site.
- Other fields being used, and the site access is unsafe.
- Hackett Lane is a 'rat run' and it is unsafe unless vehicle calming measures introduced.
- Concerns over flooding, particularly downstream if works are undertaken to improve drainage of the site
- Would be incredible if other properties were flooded as a result, and would have a severe economic impact.

4 comments made in support of the application, making the following points:

- Small rural businesses should be encouraged
- Application fits perfectly into the area and its rural character
- Nice to see nature as it should be, and that Hackett lane has stayed so natural.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Saved Local Plan policy E10 (Horse Related Development) states that proposals for horse-related development will be permitted outside of urban areas provided that they meet certain specified criteria, including acceptable impacts on the environment, flooding and drainage, residential amenity, transportation and parking, access to recreational routes and the welfare of horses. The general principles of good design, landscape impact/impact on the character and appearance of the area also apply. It is therefore considered that the proposal is acceptable in principle, and these criteria are assessed in more detail in the following sections.

5.2 Transportation and Parking

The site is accessed off Hackett Lane, which is a fairly narrow country lane running between Morton Way at Thornbury and the A38 at the other end. Ample parking is provided on the existing hardstanding within the site. The existing access is substandard due to the limited visibility that results from the current access fencing arrangement. However a plan setting out the required visibility splays has been provided by the applicant's transport consultant, and following a site meeting with the agent, consultant and the Council's transport engineer it was agreed that the necessary visibility could be provided. A condition will be attached to any planning permission requiring that the visibility splay is implemented in accordance with the agreed plan, and thereafter retained without obstruction. The applicant has agreed to such a condition. In light of that, no objection has been raised on highways grounds.

5.3 Landscape impact and the Character and Appearance of the Area

No landscape scheme or landscape appraisal was submitted with the planning application, and while the Council's Landscape Architect raised no objection in principle to the use or to the riding arena, he did raise significant concerns over the harmful appearance of the present roadside boundary treatments. I share these concerns, as does the Conservation Officer. Hackett Lane is generally characterised by hedgerow boundaries and simple agricultural accesses, and

from street view images found online it is evident that prior to the current development the site was bound by a hedge with a simple metal gateway. Both the stockade fencing and gates at the access and the mix of Heras and post & rail fencing with black fabric backing on the rest of the boundary are incongruous and significantly harmful to the wider landscape character, and the more localised character and appearance of the immediate area, and do not accord with design policy.

5.7 The Landscape Architect requested that as part of any permission there should be a requirement for the reinstatement of a native hedge with a gateway more in keeping with the locality. An appropriate condition has been drafted to require this, and the applicant has agreed to the imposition of this condition. In light of this there is no landscape objection to the application.

5.7 Concerns have also been raised by both the Landscape Architect and objectors about the buildings on site. However the Council's aerial photographs clearly show that the buildings have been in situ for many years and are lawful. While some maintenance and repair works were undertaken several years ago, including re-cladding of the exterior elevations and the roof, the buildings remained materially the same in their design and appearance (albeit with fresher materials) and a planning enforcement investigation at that time concluded that it was not expedient to take action against those repair works. As they were carried out in 2011 they are now immune and lawful.

5.4 Drainage/Flood Risk and Environmental Impact

A flood Risk Assessment (FRA) was submitted in support of the planning application, and both the Lead Local Flood Authority (LLFA) and the Environment Agency (EA) were consulted in this regard. The LLFA were satisfied that the FRA addressed the risk of flooding arising from the development and made no objection to the application as a result. Any issues of pollution of the watercourses would be a matter for the EA, but no objection was raised by them, and I am not aware of any evidence of pollution arising from the development, bearing in mind that it has been operating for several years already. There are therefore no grounds for objection on flooding or pollution grounds.

5.5 In order to prevent light pollution in the open countryside a condition will be attached requiring approval of any external lighting to be used on site. An appropriate condition will also be attached to control the number of horses on site, in order to prevent degradation of the land due to over-intensive use.

5.5 Access to Recreational Routes

Hackett Lane is classified as a Major Recreational Route. As the site accesses onto the lane this acts as a conduit to the wider network of other recreational routes within the area. It is therefore considered that the site does have safe and convenient access to recreational routes, and accords with policy in this regard.

5.5 Residential Amenity

The application is retrospective and the use has been up and running for several years. There have been no complaints or objections from immediate

neighbours, and the nearest residential property is approximately 75m away. Having visited the site, and from the evidence available I am satisfied that there is no evidence of any detrimental impact on residential amenity arising from the use.

5.6 Other matters

In order to ensure the welfare of horses on site it is considered appropriate to control by condition the number of horses kept on the site. As the horses are kept and there is supplemental feeding, based upon the British Horse Society Guidelines for the Keeping of Horses it is considered appropriate to restrict the use to 1 horse per acre. As the site is approximately 5 acres a condition will be attached limiting the number of horses to 5.

5.7 No objection was raised by the Conservation Officer in regard to the impact on the nearby listed Hackett House, and there are no other conservation issues.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **granted**, subject to the conditions below:

Contact Officer: Neil Howat
Tel. No. 01454 863548

CONDITIONS

1. Within 3 months of the date of this decision visibility splays shall be provided at the access to the site in accordance with Cotswold Transport Planning drawing SK01 revision A (dated 29.06.17). For the avoidance of doubt the visibility splays shall extend 43 metres in each direction from the access, measured from a point 2.4 metres back from the edge of the carriageway at the site access to the kerb edge in either direction. The visibility splays shall thereafter be retained at all times without obstruction.

Reason

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

2. Within 2 months of the date of this decision a 1:200 scale detailed landscaping and planting plan, which shall include details of all existing trees and hedgerows to be retained on site and details of proposed planting, shall be submitted to the Local Planning Authority for approval. The planting plan should include the size, type and specification of all planting proposed, times of planting and details of boundary treatments and areas of hard standing.

For the avoidance of doubt the submitted landscaping scheme shall include the provision of a native hedge to the (southern) roadside boundary of the site on either side of the access, together with details of any fencing, gates or other means of enclosure for the (southern) roadside boundary of the site, the positioning of which shall fully accord with provisions of the Access Arrangements plan produced by Cotswold Transport Planning (drawing No. SK01) and the requirements of condition # of this planning permission.

Reason:

To provide appropriate landscape mitigation in accordance with retained policy L1 of the South Gloucestershire Local Plan(saved policies) & Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013.

3. All hard and soft landscaping shall be carried out in full, in accordance with the details agreed under condition 1, within the first planting season following this decision. Any planting which dies, becomes diseased/damaged or which fails to thrive within the first 5 years shall be replaced within the next planting season with plant material of the same species and size as approved under the original planting scheme.

Reason

To ensure compliance with the approved planting plan and the successful establishment of the planting and achieve adequate mitigation for the development is achieved.

4. The number of horses kept at any one time on the site edged in red shall not exceed 5

Reason:

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and to avoid environmental degradation, to accord with saved Policy E10 of the South Gloucestershire Local Plan 2006(saved policies).

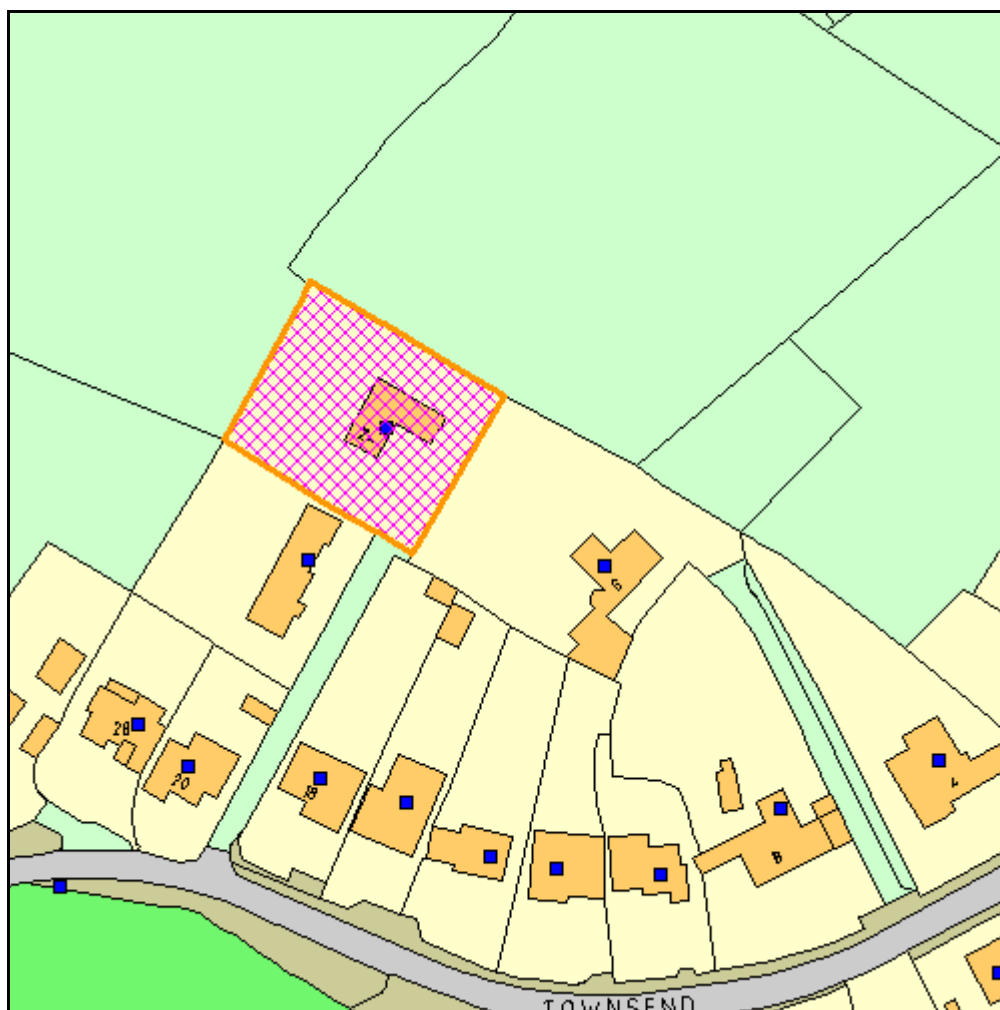
5. There shall be no external illumination without the prior written approval of Local Planning Authority. Details of any proposed external illumination shall be submitted for approval in writing by the Local Planning Authority, and the external illumination shall be implemented in accordance with the approved details.

Reason:

To protect the character and appearance of the area and to accord with Policies L1 and E10 respectively of the South Gloucestershire Local Plan 2006(saved policies).

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/2480/F	Applicant:	Mr & Mrs A. JennerN/A
Site:	Greshams 24 Townsend Almondsbury Bristol South Gloucestershire BS32 4EN	Date Reg:	26th June 2017
Proposal:	Erection of single storey rear and two storey side extensions to provide additional living accommodation. erection of front porch.	Parish:	Almondsbury Parish Council
Map Ref:	359675 183968	Ward:	Almondsbury
Application Category:	Householder	Target Date:	18th August 2017



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PT17/2480/F

REASON FOR CIRCULATION

The application is circulated because of the comment of a neighbour.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a part single and part two storey extension to this detached house. The application site relates to a two-storey detached property situated within an established settlement boundary and within the greenbelt as Almondsbury is a washed over village. There would also be internal alterations and it is understood that the roof will be re-tiled but these in themselves do not require planning permission.
- 1.2 A bat report was submitted with the application as the owner was concerned that bats were using the house.

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

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
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 No planning history

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council
No comment received

4.2 Other Consultees

4.3 Sustainable Transport
Adequate parking is retained .

4.4 Archaeology officer
No objection

4.5 Ecology

A Preliminary Bat Scoping Survey Report (February, 2017) and Bat Activity Survey Report (June 2017) by Acorn Ecology Ltd has been submitted in support of this application.

Species protected under the Conservation Regulations 2012 ('European Protected Species) as well

as the Wildlife & Countryside Act 1981 (as amended):-

- Bats - a Preliminary Bat Scoping Survey was undertaken in July 2016. The building on site was deemed suitable for roosting bats. A further survey was carried out (August 2016) and no bats were seen emerging from the building. Bats were recorded foraging and commuting in the area. In November 2016 the client found several (4) bat droppings in the roof void. DNA analysis revealed that they were brown long eared. This confirmed that bats were roosting in the building. Two additional surveys were carried out in May 2017 and no bats were seen emerging or re-entering the building. The survey work confirms that the building is an occasional summer day roost (nonbreeding) by brown long eared bats.

As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful. Judicial reviews have directed that surveys for bats cannot be left to planning Conditions; and that where bats are present, planning authorities should be applying the same 'tests' to which licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

The three 'tests' are:-

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative to the work specification;
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.

The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'.

Regarding the second 'no satisfactory alternative' test, the recommendations made in Section 6 of the Bat Activity Survey Report (June 2017) to propose mitigation measures such as input from a registered consultant to oversee the remedial work (roof removal) will ensure no bats are harmed during proposed work.

Regarding the third 'favourable status' test, it is considered that the recommendations in Section 6 of the Bat Activity Survey Report (June 2017) regarding a roost of low conservation significance is appropriate. Therefore, it is considered that development would not be 'detrimental to the maintenance of the species at a favourable status in their natural range'.

Accordingly there is no ecological objection to this proposal and that the above application be recommended for approval, providing that a condition is attached to secure a method statement for bats as based on the details in the Bat Activity Survey Report (June 2017) by Acorn Ecology Ltd). An informative about bats being present at any time of year and relevant careful dismantling of a building is also attached to the recommendation.

Other Representations

4.3 Local Residents

One letter concerning loss of privacy was received from an adjoining neighbour. Request for the first floor bath room window to be subject to normal conditions about privacy.

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 scale of development in the Green belt (CS5 and NPPF), the resulting appearance and impact on the character of the area (CS1); 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 site is located in a Green Belt but is within a washed over settlement. Paragraph 89 of the NPPF permits extension or alteration to buildings provided that it does not result in disproportionate extensions over and above the size of the original building. The Green Belt SPD suggests that this should be limited to between 30% and 50% and that the appearance of the proposal with regard to its scale and proportion will influence how the form of the proposal is read in relation to disproportionality. In this case the two storey extension replaces a smaller ground floor garage which is considered to be original. As such the proposal adds approximately 334m cubed to the original mass of 690m3, equating to approximately 48%. The two storey extension is limited in height and is in keeping with the original house and the ground floor extension is read against the back drop of the house. This limits the additional volume added to the house and also has the effect of limiting the visual impact on the green belt

and general surroundings. Neither extension to this dwelling is considered to detract from the openness or purposes of the Green Belt. The proposal is therefore considered to add proportionate extension and accords with paragraph 89 of the NPPF which does not harm the Green Belt.

5.4 Design and Visual Amenity

The host property benefits from a good size garden which once the extension is carried out would leave ample residential amenity space. Parking is currently available for three cars on the existing drive and in the replaced garage. As such parking does not affect the retention of sufficient amenity area.

5.5 The extension would be visible from the cul-de-sac and the wider landscape as the property is situated on the edge of the village but is not considered detrimental to visual amenity or the green belt.

5.8 Materials proposed for the extension are Marley Edgemere concrete interlocking slates in smooth grey and a flat Sarnafil finish will be applied to the flat roofs (single storey and dormer roofs). There is no objection to this from a design perspective. Given the above the proposed design, scale, massing and materials are considered appropriate and the scheme can be recommended for approval.

5.9 Residential Amenity

The extension's fenestration and scale are not considered to harm the amenity of either neighbour although a small WC window would have some vision at close quarters to the concerned neighbour. Officers considered that this window may be permitted development. However it is only permitted development if it is non opening below 1.7m and obscure glazed. The applicant wants to be able to open the lower part and as such the agent is accepting of a condition limiting the opening of the lower part to a limited degree. As such a condition is attached as appropriate. Other windows are considered to face away from neighbours or are at such distance as to prevent material harm to privacy.

5.10 In terms of the assessment regarding residential amenity, the extension is not considered to have an adverse impact on the neighbours and is therefore acceptable and can be recommended for approval.

5.11 Transport

The proposal would not affect access. Nor would parking be materially affected and adequate parking for a five bedroom house is provided. There are therefore no transportation objections to the scheme and there is no justification for a condition requiring the parking to be retained.

5.12 Archeology

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

5.13 Ecology

Having been aware of the possibility of bats roosting in the main roofspace of the house the applicant had bats surveys undertaken and found that brown long eared bats have roosting within the building.

Two additional bat activity surveys; which comprised of one emergence and one re-entry, to fully ascertain the type of bat roost present were undertaken. At these emergence survey and re-entry surveys no bats were observed emerging or re-entering the building. However due to the presence of bat droppings, the building is a confirmed summer day roost used on an infrequent basis by brown long eared bats.

Under the proposed development, the main part of the existing building will remain intact and will be renovated. This will involve re-roofing the building. The proposed development will involve demolition of the existing flat-roofed section of the building which comprises a garage, workshop and utility area, and the construction of a new two-storey extension which will connect to the pitched roof of the existing house. The proposed renovation works will result in the removal or disturbance of the summer roost.

Given that the proposed renovation works will result in the removal or disturbance of roosts present additional action is advised by the applicants Ecological Consultant. This is that a Bat Low Impact Class Licence (BLICL) will be required from Natural England to undertake the proposed renovation works lawfully. They advise that it is appropriate to use the BLICL as the roost is of low conservation significance for a relatively common species. This is noted by the Councils Ecologist who must also carry out three tests set out in Regulation 53/56 of the Habitat Regulations 2010 before the application is determined. The three tests are considered above in her consultation response and are considered to be met following the surveys although further detail is required. As such the application can proceed subject to further details being provided by condition.

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.

As there is always the possibility of bats being present at any time of the year, care should be taken when stripping tiles or dismantling stonework. Tiles should

be lifted carefully and vertically. All stonework should be removed gently. If bats are found, work must stop immediately and advice sought from a suitably qualified/experienced ecological consultant. All contractors carrying out the work should be made aware of this advice.

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. Within one month of the installation of the first floor window facing southwest in the original house, and at all times thereafter, that proposed window shall be glazed with obscure glass to level 3 standard or above with any unrestricted opening part of the window being above 1.7m above the floor of the room in which it is installed. If an opening part of the window is desired below 1.7m it shall be openable such that it can be hinged open no more than 10cm from its closed position.' The window shall thereafter be maintained as such.

Reason

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

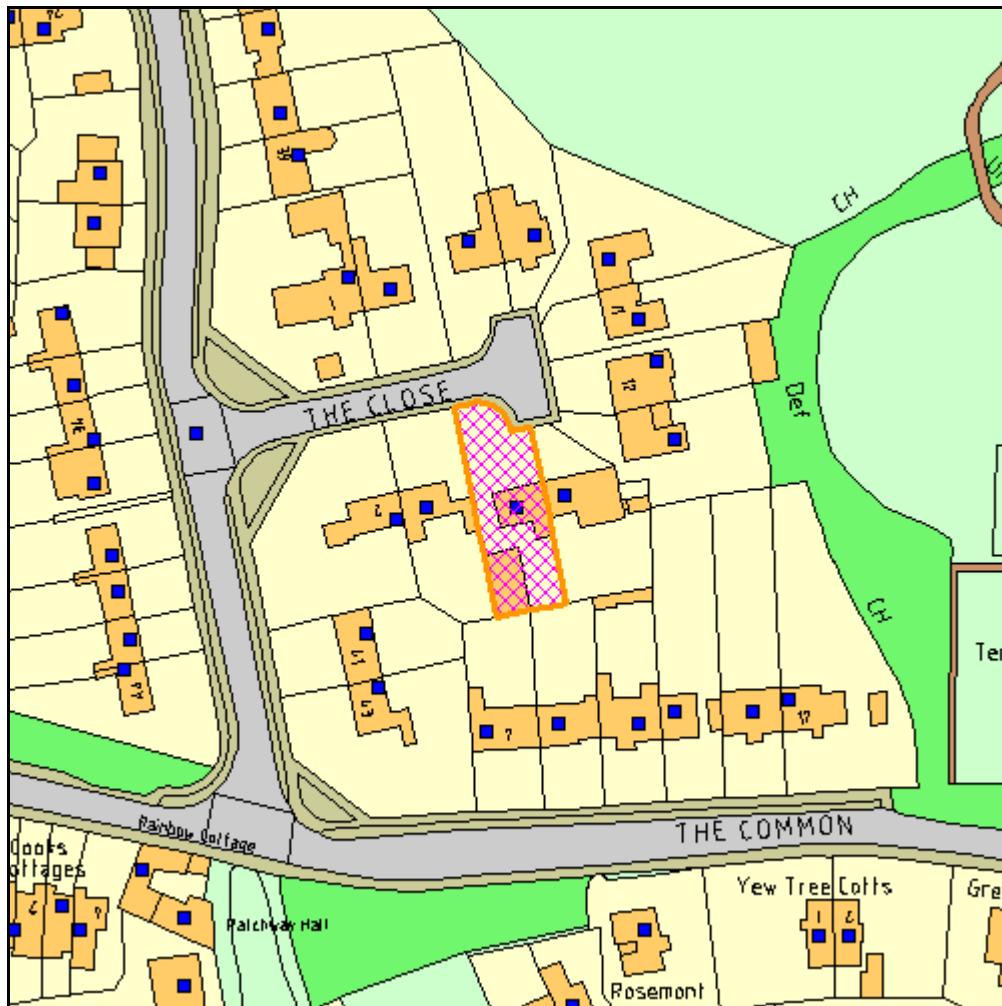
3. No development shall take place until a method statement for bats, based on the details in the Bat Activity Survey Report (June 2017) by Acorn Ecology Ltd), has been submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved details.

Reason

To ensure the works are carried out in an appropriate manner in the interests of the health of the bats using the site 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. 32/17 – 11 AUGUST 2017

App No.:	PT17/2496/CLP	Applicant:	Mrs Michelle Bourton
Site:	6 The Close Patchway Bristol South Gloucestershire BS34 6BB	Date Reg:	3rd July 2017
Proposal:	Application for a certificate of lawfulness for proposed use for existing garage as residential annexe ancillary to main dwelling.	Parish:	Stoke Lodge And The Common
Map Ref:	361087 182476	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:		Target Date:	21st August 2017



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 100023410, 2008. **N.T.S.** **PT17/2496/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This 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 the proposed change of use of the garage space to ancillary accommodation would be permitted development.
- 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)
- 2.2 The submission is not a full planning application this 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 PT05/0572/F – Approval – 15/04/2005 – Erection of detached rear garage. (Amendments to previously approved scheme under planning permission PT01/2927/F)
- 3.2 PT01/2927/F – Approval – 16/11/2001 – Demolition of existing outbuilding. Erection of two storey side extension and detached rear garage.
- 3.3 P99/2557 – Approval – 17/11/1999 – change of use of dwelling to 2no residential flats. Erection of first floor side extension and detached garage.

4. CONSULTATION RESPONSES

- 4.1 Stoke Lodge and the Common Parish Council
No Objection
- 4.2 Other Consultees
Transport Officer
Objection – suggests parking should be in line with the residential parking standards. This application is for a certificate of lawfulness to indicate whether on the balance of probabilities the proposal is lawful development. Accordingly

policy is not under consideration, only the works proposed and therefore this comment is not relevant to the assessment of this application.

Other Representations

4.3 Local Residents
None 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 proposals would constitute development according to Section 55 of the Town and Country Planning Act 1990. Some work is not seen to comprise development and these are identified under Section 55(2) of the aforementioned act. Within this it is stipulated that permission would not be required for *“building operations which do not materially affect the external appearance of a building. The term ‘materially affect’ has no statutory definition, but is linked to the significance of the change which is made to a building’s external appearance”* Whilst ‘materially affect’ has no statutory definition case law establishes what may be considered to be a material impact. *Burroughs Day v Bristol City Council [1996]* shows that whilst the exterior of the building may be affected this does not necessarily constitute a ‘material affect’ on the external appearance of the building. In this case it was found the works did not amount to development within the meaning of section 55(2)(a)(ii) of the 1990 Act. In assessing this impact the following should be taken into account:

“What must be affected is “the external appearance”, and not the exterior of the building. The alteration must be one which affects the way in which the exterior of the building is or can be seen by an observer outside the building”...; and; The external appearance must be “materially” affected, and this depends in part on the degree of visibility.”...Furthermore “The effect on the external appearance must be judged for its materiality in relation to the building as a whole, and not by reference to a part of the building taken in isolation”

5.3 The proposal consists of minor alterations to the garage structure in order to provide additional living accommodation. Earlier permissions for the garage had restricted the rights of the property to prevent the garage from being converted, however the scheme that was built out had no such restriction. The only change externally is the replacement of the garage door with a French

door/window. This is not considered to have a material impact on the external appearance of the property and is therefore not considered to require planning permission. The garage will retain the same basic form, external materials and general appearance and therefore according to Section 55(2) of the Town and Country Planning Act 1990, would be permitted development.

6. **RECOMMENDATION**

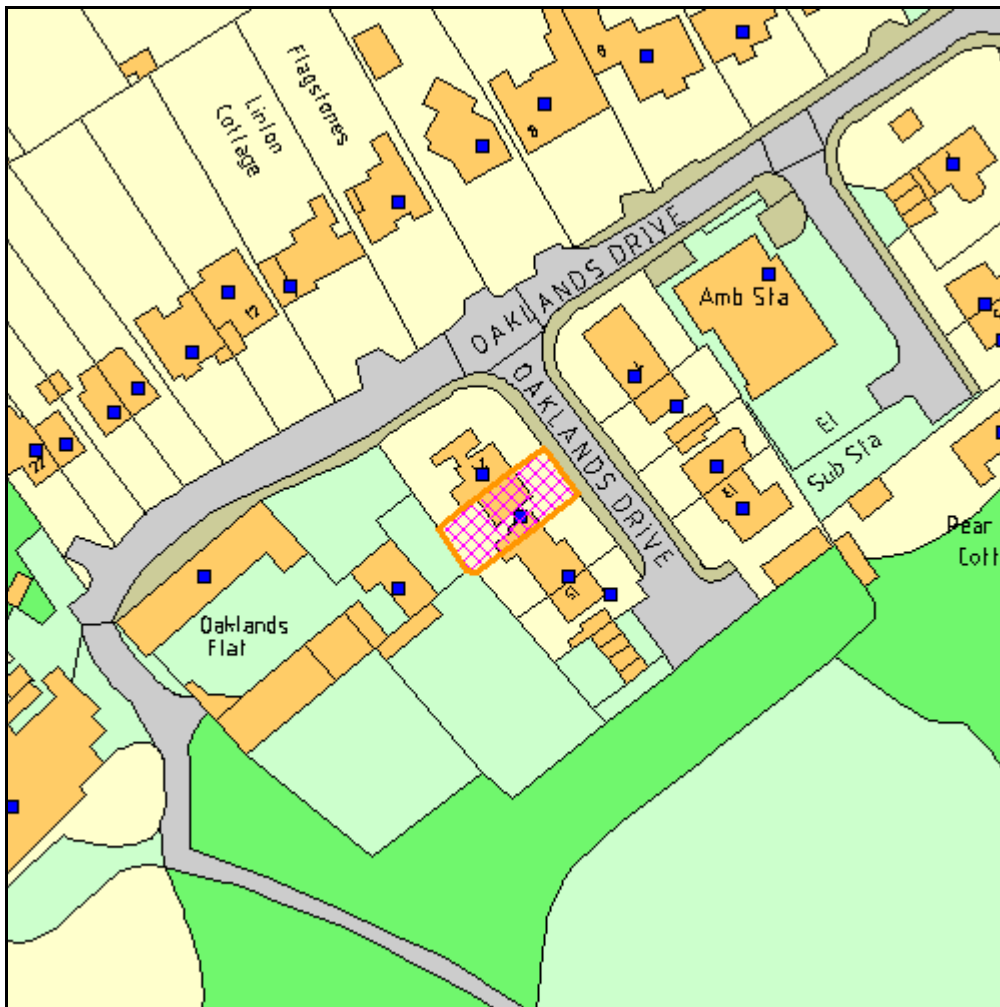
- 6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed garage conversion would be allowed as it is considered, on the balance of probabilities, to fall within the permitted rights afforded to householders under the provisions of Section 55(2) of the Town and Country Planning Act 1990 (as amended).

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/2563/F	Applicant:	Mr Stephen Drewitt
Site:	19 Oaklands Drive Almondsbury Bristol South Gloucestershire BS32 4AB	Date Reg:	5th July 2017
Proposal:	Sub-division of 1no. dwelling into 2no. separate dwellings and installation of rear balcony with associated works.	Parish:	Almondsbury Parish Council
Map Ref:	360468 183681	Ward:	Almondsbury
Application Category:	Minor	Target Date:	24th August 2017



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CIRCUCLATED SCHEDULE

The application appears on the Circulated Schedule following comments from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the sub-division of 1no. dwelling into 2no. separate dwellings and installation of rear balcony with associated works. The application site relates to 19. Oaklands Drive, Almondsbury. The site is within the established settlement boundary and within the Bristol/Bath Green Belt.
- 1.2 The smaller dwelling would have two-bedrooms and the larger would have three-bedrooms. Other than the introduction of a rear balcony at first floor level and a full height window/door to accommodate access onto this, all other exterior features would remain unchanged.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

H4	Residential Development within Existing Residential Curtilages
H5	Residential conversions, houses in multiple occupation and re-use of buildings for residential purposes
T7	Cycle parking
T12	Transportation Development Control Policy for New Development

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

PSP1	Local Distinctiveness
PSP7	Green Belt
PSP8	Residential Amenity
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages

- 2.4 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standard SPD (Adopted) 2013
Waste Collection: Guidance for New Developments (Adopted) January 2015
Development in the Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/2918/F Approved 22.9.14
Demolition of existing garage to facilitate the erection of a two storey side extension to provide additional living accommodation. Extension of existing drop kerb to provide additional parking area.

Related planning permissions:

- 3.2 **17 Oaklands Drive**
PT17/0842/F Approved 28.4.17
Demolition of existing garage. Erection of 1 no. semi detached dwelling with rear balcony and new access, parking associated works

PT16/6856/F Approved 9.2.17
Demolition of existing garage. Erection of two storey side extension to form additional living accommodation.

21 Oaklands Drive

PT14/2279/F Approved 29.7.14
Demolition of existing garage and utility room to facilitate the erection of a two storey side extension to provide additional living accommodation.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment

- 4.2 Other Consultees

Sustainable Transport

Proposal to convert a five bed house into two separate dwellings: one two-bed and one three-bed. No extension of the footprint is proposed. Plans are requested to accurately show the measurements of the proposed parking and any alterations to the vehicular access off Oakland Drive.

Updated comments:

Plans show one space being allocated to the two bed and two spaces to the three bed dwelling. This meets adopted standards

Drainage comment

No objection

Highway structures

No objection subject to informatives attached to the decision notice

Other Representations

4.3 Local Residents

Three letters have been received by the Council. One letter has specifically stated it is not an objection but requests that a condition be attached regarding the obscure glass to the side of the proposed balcony.

The points made in the other two letters are summarised as:

- Do not object to the extension but the sub-division would be unsuitable for the area. Precedent has already been set with the adjoining premises but I was not given opportunity to comment on that application
- Noise levels given proximity of M5, the football stadium, floodlights, police unit and barking dogs
- Inadequate parking provision – more inhabitants means more requirement for parking – available parking space is not large enough with the potential for overhanding the pavement
- Three road traffic collisions in the last 18 months
- Planning permission was given to extend 19 Oaklands Drive for the young growing family. But it was then rented out to additional tenants. By dividing this property this will make the recently erected addition too small for 5 people which suggests they will be selling up leaving us with more homes within the cul-de-sac of 8 houses
- Adjoining property of 17 Oaklands Drive has been extended in the same way by the same owners with the intention of single rooms being let out upon completion. This will cause more trouble with parking

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. The location of the site within the Bristol/Bath Green Belt is acknowledged but this is to be assessed as conversion of an existing extension to residential curtilage and is therefore acceptable in Green Belt terms. Of other relevance is the impact on the character of the area and the host dwelling (CS1), impact on the residential amenity of the proposed flats and that of neighbouring dwellings (H4) and the impact on highway safety and parking (T12).

5.2 *Five year land supply*

The NPPF at paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. It goes on to state that if a local planning authority cannot demonstrate a five year supply of deliverable sites then the supply of housing should not be considered up-to-date. It is acknowledged that South Gloucestershire Council does not have a five year land supply of housing and therefore Policy CS5 which deals with the location of development must be regarded as being out of date. The NPPF at paragraph 14 states that where this is the case, then the local planning authority must approve development proposals that accord with the development plans unless :

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole

- 5.3 In such a scheme a balancing exercise of weighing up the pros and cons of development is undertaken whereby appropriate weighting must be given to all relevant policies. On the one hand it has been shown that CS5 and H5 are out of date only and therefore only limited weight can be given to these policies. Conversely, given the current lack of housing supply, the more recent NPPF guidance must be heeded and greater weight must be awarded to the benefit the introduction of one new dwelling would have to the housing shortfall.
- 5.4 Although Policy H5 is out of date it is useful to consider the proposal using its criteria as follows:
- 5.5 **Character of the surrounding area and design changes:**
It is noted that a previous permission PT14/2918/F allowed the erection of the two-storey side extension to this property and planning permission PT17/0842/F allowed a two-storey side extension to the attached neighbour. In visual terms from the front the two create a balanced terrace. In this application, no additional external alterations are proposed other than the introduction of a first floor rear balcony to this element which is to become the two-bed house and the associated full height doors to access it. The balcony would measure 3.4 metres by 1.7 metres and have obscure glazing around all three sides. A condition would ensure this remains the case. In terms of changes to the appearance of the property it is considered that the character of the surrounding area would not be prejudiced.
- 5.6 **Amenities of nearby occupiers and provision of amenity space:**
Concern has been expressed by local residents regarding the appropriateness of the proposed sub-division. However, it must be noted that the next door property has already benefitted from a similar extension and also been converted into two similar sized dwellings as proposed here. Given this situation there can be no objection to the proposed scheme to the attached building.
- 5.7 Comments have indicated that noise levels from the M5 and other nearby sources would make the introduction of a new dwelling inappropriate here. However, the area is an established residential part of Almondsbury and the existing noise levels/situation would be clear to anyone interested in living in this street. It is not considered that the existing situation would be prejudicial to the side-extension being converted into a new dwelling.
- 5.8 Emerging policy PSP43 suggests the amount of amenity space depending on the number of bedrooms. A two-bed house should have 50 square metres of private amenity space and a three-bed house should have 60 square metres. Submitted plans indicate that the level of amenity space would be lower for both properties. It is acknowledged that the PSP has not yet been fully adopted and so holds less weight at the moment. It is also recognised that application PT17/0842/F created two properties of a similar size with similar

proportioned gardens as those proposed here. On that basis there can be no objection to the amount of amenity space for future occupants of this scheme.

- 5.9 The introduction of a first floor balcony for this existing addition would create changes for the immediate neighbours on either side. It is considered that although there would be some degree of overlooking, this is unlikely to be much greater than the existing situation and the obscure screens to be attached on all sides of the balcony will assist in ensuring privacy levels for neighbours remain acceptable.
- 5.10 To the rear are outbuildings associated Almondsbury Squash Club and Oaklands. Closest buildings have no openings in the opposing elevation. There would therefore be no negative impact on the amenity of the host property or these neighbours following the conversion of the side extension into a separate dwelling.

5.11 **Acceptable level of off-street parking:**

Plans were requested during the course of the application to accurately show the proposed parking provision. Officers are satisfied that there would be one parking space for the two bed property and two spaces for the three bed property. Comments from local residents are noted but parking provision is calculated on the basis of the number of bedrooms within a dwelling. On a numerical basis the parking conforms to the adopted levels and therefore an objection for a reason of insufficient parking could not be substantiated. The issue of whether the property is to be sold on is not something that can be taken into account in the assessment of a planning application.

A comment has stated there have been 3 traffic collisions in the last 18 months at Oaklands Drive. Officers have checked the records and confirm that no personal injury accidents have been reported here in the last 5 years. It is therefore assumed that these were small incidents which could happen in any residential street. Given above, vehicle accidents cannot be a refusal reason for this application.

5.12 **Other matters:**

One comment has stated the neighbour was not given the opportunity to comment on an earlier application on a neighbouring site. The case officer has checked the records which state that a notification card was posted to that address on 8.3.17. The LPA is aware that there has been a recent problem with the delivery of mail but it is not believed the issue extended back to March of this year. Under the adopted Statement of Community involvement South Gloucestershire Council acknowledges the importance of informing neighbours of planning applications and how we do this is set out in that document. As such an investigation has begun regarding the problem of mail delivery in order to ensure this matter does not reoccur in the future.

Concern has been expressed that the development would result in the property being occupied by a larger number of people. The definition of Houses in multiple occupation is a property that is shared by three or more tenants who are not living together as a family and who share basic amenities such as kitchen, bathroom or toilet facilities but who have separate bedrooms.

Legislation issued in 2010 made it possible for properties to become houses in multiple occupation for up to six persons without the need for full planning permission. If local residents feel this situation is being exploited then the proper authorities such as Enforcement Officers should be contacted.

5.13 **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.

5.14 **Planning Balance**

The proposal is for the conversion of an existing two storey side extension into a new two-be dwelling. The small amount of residential amenity provision for both dwellings is noted. This would attract weight against the scheme but the PSP has not yet been fully adopted and a similar conversion has taken place to the adjacent property. In favour of the scheme is the contribution one more dwelling would bring to the shortfall in five year housing supply and also an appropriate amount of parking can be achieved to the front of the dwellings. For the above reasons the proposal can be supported.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

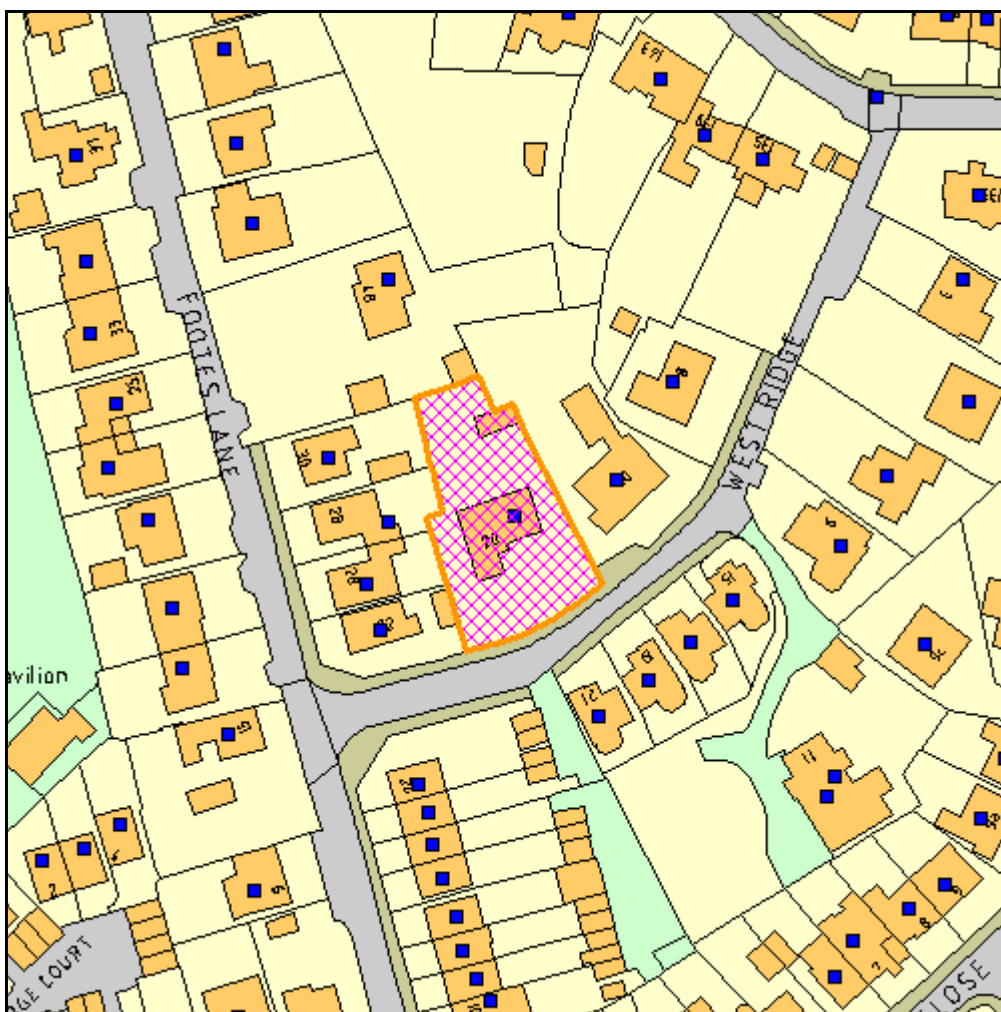
2. The glazing on the three sides of the proposed rear balcony shall at all times be of obscured glass to a level 3 standard or above.

Reason

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

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/2589/CLP	Applicant:	Mr Stephen Mayers
Site:	Hillview House 20A West Ridge Frampton Cotterell South Gloucestershire BS36 2JA	Date Reg:	5th July 2017
Proposal:	Application for a certificate of lawfulness for a proposed garage conversion.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366998 181243	Ward:	Frampton Cotterell
Application Category:		Target Date:	22nd August 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 the proposed conversion of an existing integral garage to provide living accommodation to Hillview House, 20A West Ridge, Frampton Cotterell.
- 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.
- 1.3 The existing dwellinghouse has one garage internal to the dwelling. The internal garage is proposed to be converted to form additional living accommodation. To achieve this, the original garage door will be infilled with a new matching brick wall with a window inserted within.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

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 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Proposed Floor Plans and Elevations

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 in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO 2015.

6.3 The proposed development consists of an integral garage conversion into an additional bedroom.

6.4 Under Section 55(2) of the Town and Country Planning Act 1990, the conversion of the integral garage to form an additional bedroom would not amount to 'development' because there are no conditions on the original, or subsequent permissions for the property requiring that the garage be retained, and the material change of use before and after falls within the same primary use class (C3 Dwellinghouses) of the building.

6.5 To facilitate the conversion, the building works proposed would remove the existing garage door and replace it with a wall and window. This alteration amounts to 'development' set out in Section 55(2) of the Town and Country Planning Act 1990 because the building operations will materially affect the external appearance of the building. However, such alterations are normally permitted development by reason of Part 1 Class A of the GDPO 2015. In Enfield 06/06/2000 DCS No 058-330-712, involving the change of use of an integral garage to a study, the inspector distinguished between the change of use and the building works. He found that the change of use would not materially affect the character and use of the dwellinghouse as such and was therefore not development. He found that the replacement of the garage door with a window and wall would materially affect the external appearance of the building but would be permitted development.

6.7 Following the decision in Enfield 06/06/2000 DCS No 058-330-712, the replacement wall would therefore fall within *Schedule 2, Part 1, Class A*, of The Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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 replacement wall 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 proposal does not change the height of the existing garage eaves.

- (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 replacement wall forms part of the principal elevation of the original dwellinghouse, but it does not extend beyond the wall because it is replacing an existing garage door.

- (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 replacement wall would not form part of the rear elevation and is a maximum height of 2.0 metres.

- (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 replacement wall would be single storey and does not form part of the rear elevation.

- (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 replacement wall would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the proposal does not change the height of the existing garage eaves.

- (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 form part of a side wall of the property.

- (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 replacement wall will be constructed to match the existing dwelling.

- (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**

The proposal does not include the installation of any upper floor windows.

- (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.**

The proposal is single storey.

7. RECOMMENDATION

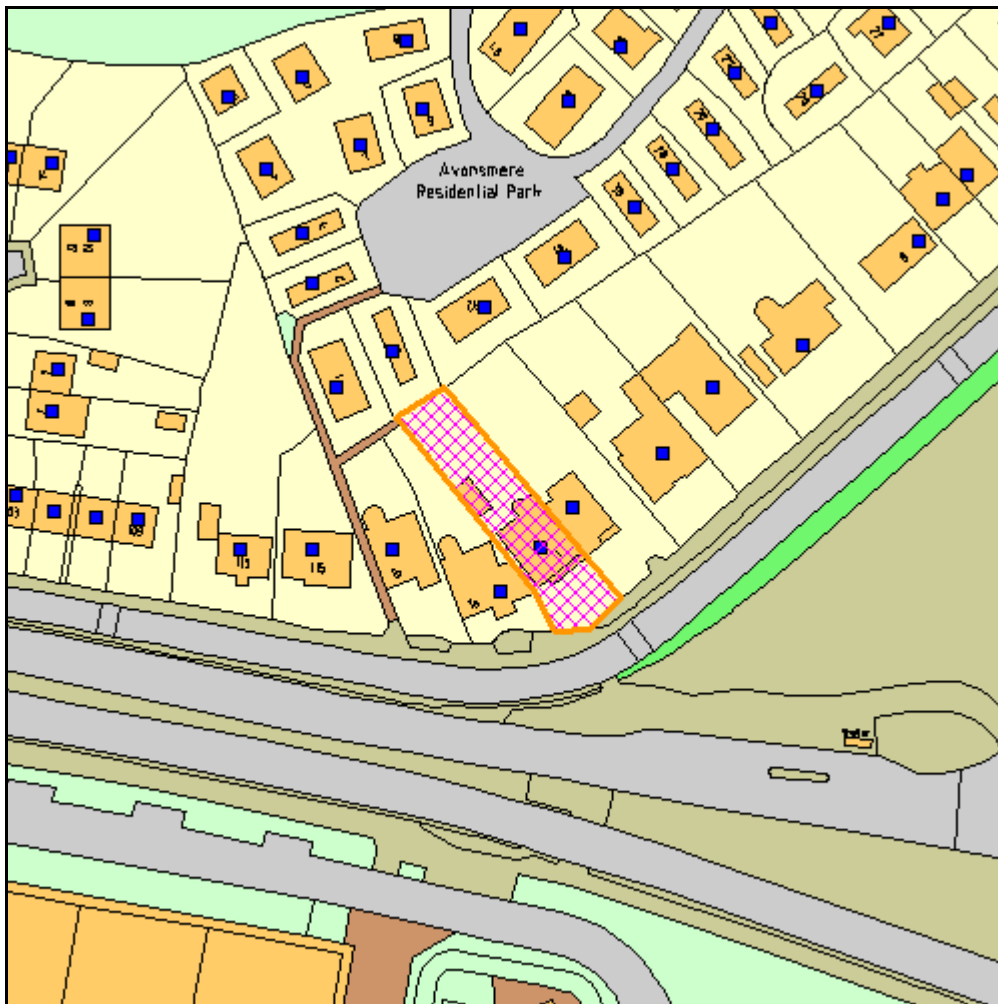
7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/2710/F	Applicant:	Mr J Gay
Site:	Springfield 1 New Road Stoke Gifford South Gloucestershire BS34 8QW	Date Reg:	3rd July 2017
Proposal:	Change of use of residential institution (Use Class C2) into a 7 no. bedroom HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) order 1987 (as amended) and erection of cycle storage and bin store	Parish:	Filton Town Council
Map Ref:	361326 178890	Ward:	Filton
Application Category:	Minor	Target Date:	8th August 2017



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PT17/2710/F

REASON FOR REPORT APPEARING ON CIRCULATED SCHEDULE

This application is due to appear on the Circulated Schedule, due to the receipt of an objection from a local resident and Filton Parish Council contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the change of use of residential institution (Use Class C2) into a 7no. bedroom HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and erection of cycle storage and bin store.
- 1.2 The application site is situated on the north side of New Road. The property is a semi-detached, two storey house that has been previously extended at the side to two storey level. The application site is located within the existing urban area of the North Fringe of Bristol, in Stoke Gifford. The application site is located within a residential area. In the wider surrounding area there are a range of uses including retail parks, light industrial units, offices, hotels, higher education institutions and leisure facilities.
- 1.3 The proposal involves the change of use of the existing shared care home (Class C2) into a House of Multiple Occupation within 7no. occupants (Sui Generis). There is existing off-street parking at the front of the property and a rear garden area. The existing property layout already has six bedrooms. The staff room that are no longer required will be used as an additional bedroom. The proposed floor layout is not substantially different to the existing. No external alterations are required.
- 1.4 During the course of the application, revised plans in relation to the proposed parking arrangement, bin and bicycle storage and access have been submitted to overcome Officer's concerns. The application will be assessed based on the submitted revised plans.

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
- CS17 Housing Diversity
- CS25 Communities of the North Fringe

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- T7 Cycle Parking
- T12 Transportation Development Control
- H5 Houses in Multiple Occupation

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

- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP39 Houses in Multiple Occupation

2.3 Supplementary Planning Guidance

- Residential Parking Standard SPD (Adopted) December 2013
- Waste Collection SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/2330/F Change of use of residential dwelling (Class C3) to shared care home (Class C2). Erection of two storey side extension to provide additional bedrooms with en-suite facilities, kitchen/dining area and staff room
Approved 27.09.04
- 3.2 PT05/0230/F Erection of first floor rear extension to form staff shower room
Approved 14.02.05

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
Objections in relation to parking, not in keeping with the area, over-intensive, loss of residential care home and issues with bin collection.
- 4.2 Community Enterprise
No comment received.
- 4.3 Sustainable Transport
No objection. The proposed HMO has an appropriate level of off-street parking considering its sustainable location. Cycle parking is in accordance with our standards as such there is no transportation objection to this proposal.

Other Representations

4.4 Local Residents

One comment of objection received from a local resident:

- Received notification letter late;
- Property backs on to Avonsmere Residential Park for over 55s, which is peaceful and quiet;
- Change to HMO is great concern with the amount of people sharing one property;

- Noise;
- Small walkway at rear of New Road was previously blocked off when 1a and 1b were erected due to anti-social behaviour;
- Walkway re-opened end of last year which means people can walk past day and night.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H5 of the Local Plan specifically addresses HMOs and is therefore the starting point for determining this application. This policy is supportive of HMOs subject to an assessment of the impact on the character of the area, residential amenity, and off-street parking.

5.2 As part of the forthcoming Policies, Sites and Places Plan this policy is due to be replaced by PSP39. At its current stage of production, the policy holds limited weight. In addition to the criteria listed in H5, this policy would also require an assessment of waste storage and servicing

5.3 Parking provision and highway safety should be assessed against policy T12 and the Residential Parking Standard SPD. In addition to the above, consideration must also be given to the provision of adequate bicycle storage to encourage sustainable and non-car based modes of transport in urban locations.

5.4 Residential Amenity and the Impact on the Locality

Parking provision should be assessed against policy T12 (with regard to highway safety) and the Residential Parking Standard SPD (with regard to the number of spaces provided). In addition to the above, consideration must also be given to the provision of adequate bicycle storage to encourage sustainable and non-car based modes of transport.

5.5 The application site is located in an urban, residential street that is parallel to the A4174. There is a pedestrian crossing immediately adjacent to the property, which allows pedestrian access to the retail park, MOD Abbey Wood and university in the immediate vicinity.

5.6 A concern has been raised by a local resident about the re-opening of a walkway at the rear of New Road and the potential noise from so many occupants of the proposed HMO property. The walkway was closed due to previous anti-social behaviour 6 years ago and re-opened the end of last year. However, the walkway access does not require planning permission as such and does not form any part of the application. The appropriate route to deal with such concerns would be via the Police or Council's ASBO team. Secondly, the application site has planning permission as a residential care home. It is not considered that the proposed change of use will considerably change the nature of the use of the house or the character of the area. The property will still be used for residential accommodation but by young adults, potentially attending the local universities/colleges.

- 5.7 The proposal would involve a change of use from a residential institution (Use Class C2) into a 7no. bedroom HMO (Sui Generis). The only external changes proposed is to the front driveway area, where bins and bike lockers will be situated to serve the proposed number of occupants. There will be one additional bedroom and three additional en suite bathrooms on the first floor. The ground floor would have a large living space, with a kitchen, separate lounge, utility room, conservatory and store. The rear of the property will provide adequate amenity space for the dwelling.
- 5.8 It is considered that the proposed change of use would not be significantly different to the existing use. Overall, it is considered that the property could be occupied as a 7no. bedroom HMO without significant alterations, prejudicial harm to the residential amenities of nearby occupiers or a significant impact on the character of the area.
- 5.9 Transport and Parking
Policy H5 states that an 'acceptable' level of off-street parking should be provided. The Council's adopted Residential Parking Standard SPD provides detail on expected parking provision, however there is no specific policy or guidance in respect of HMOs. The SPD requires properties with 5+ bedrooms to provide a minimum of 3 off-street parking spaces. Further guidance is forthcoming in the emerging Policies, Sites and Places Plan Policy PSP16 which requires the provision of 0.5 parking spaces per bedroom in a HMO. As the PSP is still undergoing public examination, Policy 16 currently holds little weight.
- 5.10 Taking the 0.5 spaces as a guide for the level of parking required on site, this would result in a requirement of 4no. parking spaces. At present, the application site provides 3no. parking spaces, which complies with current adopted policy.
- 5.11 The proposed layout of the front driveway for vehicles (including cars and bicycles) and bins has been revised during the course of the application. The agent has submitted a revised plan following Officer's concerns that there is no external thoroughfare along the side of the property for occupants to access or store bicycles without going through the house. This would be unpractical and would render any bike stores in the rear garden redundant. It has been negotiated that if the parking arrangement is altered alongside the front of the dwelling, the access widened, with bin and bicycle stores along the eastern boundary this would provide a suitable arrangement that the Transportation Officer would support.
- 5.12 Overall, the proposed level of parking for vehicles and access arrangements is considered to comply with adopted standards and there would be no highway safety concerns about the proposed development.
- 5.13 Other Matters
There is currently an issue with some South Gloucestershire residents experiencing a significant delay in receiving consultation letters. The Officer has acknowledged the local objectors comments of objection and the postal delay. This issue is being investigated by the relevant teams within the Council

and it is hoped to be resolved shortly. Following the receipt of this objection, the Officer delayed putting the application on Circulated Schedule for one week in case there were any further consultation replies from neighbours. None have been received.

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 plan (17043 Rev B), received by the Council on 2nd August 2017.

Reason

For the avoidance of doubt.

3. The House in Multiple Occupation (Sui Generis) hereby approved shall not contain more than 7no. bedrooms at any one time.

Reason

Greater levels of occupancy would require further consideration against policies CS5, CS8 and CS25 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) to ensure appropriate levels of off-street parking and amenity of occupants.

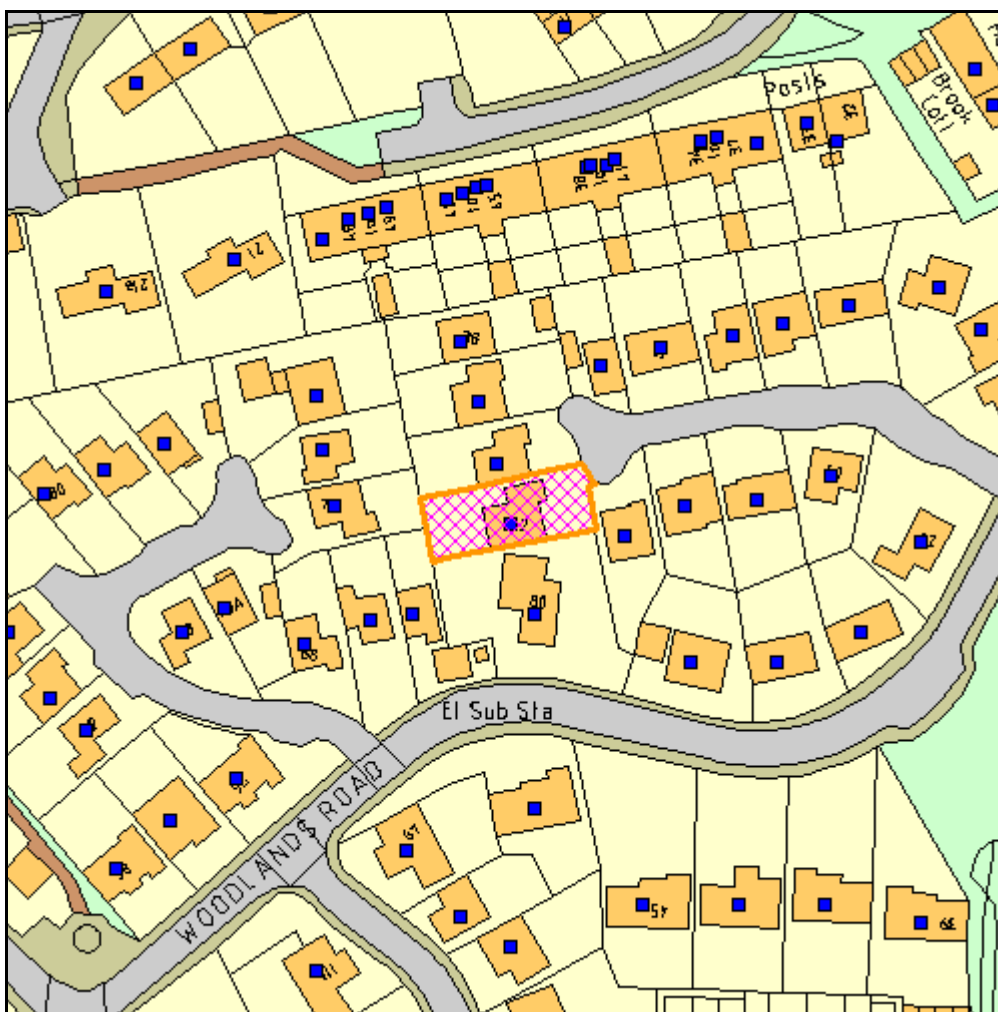
4. The off-street parking facilities (for all vehicles, including cycles) and bin store as shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking waste storage facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies CS1 and 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. 32/17 – 11 AUGUST 2017

App No.:	PT17/2961/CLP	Applicant:	Mr And Mrs Cope
Site:	42 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LS	Date Reg:	11th July 2017
Proposal:	Application for a certificate of lawfulness for the proposed installation of bi fold doors.	Parish:	Charfield Parish Council
Map Ref:	372433 191836	Ward:	Charfield
Application Category:		Target Date:	31st August 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 the proposed installation of bi fold doors at 42 Woodlands Road Charfield 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. Town and Country Planning Act 1990 (as amended) sections 55 and 192.

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. P98/1977
Approve Full Planning (04.08.1998)
Erection of two storey side extension
- 3.2. P88/1680
Approve Full Planning (16.02.1989)

4. CONSULTATION RESPONSES

- 4.1. Charfield Parish Council
None Received.

Other Representations

- 4.2. Local Residents
“Not a problem. Looks very good”.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Existing and Proposed Floor Plan and Elevations.

Drawing Number 1322/20
Received by the Council on 26th June 2017

Site and Location Plans
Drawing Number 1322/05
Received by the Council on 26th June 2017

6. ANALYSIS OF PROPOSAL

6.1. Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that 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 is considered “development” under the Town and Country Planning Act 1990 (as amended) section 55. If the proposal is not considered “development”; then under Section 192 of Town and Country Planning Act 1990 (as amended), a certificate of lawfulness cannot be issued.

6.3. The proposal is the installation of bi fold doors. This is considered “development” subject to the assessment below:

55 Meaning of “development” and “new development”.

(1) Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

[F1(1A) For the purposes of this Act “building operations” includes—

- (a) demolition of buildings;
- (b) rebuilding;
- (c) structural alterations of or additions to buildings; and
- (d) other operations normally undertaken by a person carrying on business as a builder.]

- (2) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—
- (a) the carrying out for the maintenance, improvement or other alteration of any building or works which—
 - (i) affect only the interior of the building, or
 - (ii) do not materially affect the external appearance of the building

6.4 Whilst 'materially affect' has no statutory definition; case law establishes what may be considered to be a material impact. *Burroughs Day v Bristol City Council* [1996] shows that whilst the exterior of the building may be affected this does not necessarily constitute a 'material affect' on the external appearance of the building. In this case it was found the works did not amount to development within the meaning of section 55(2)(a)(ii) of the 1990 Act. In assessing this impact the following should be taken into account:

"What must be affected is "the external appearance", and not the exterior of the building. The alteration must be one which affects the way in which the exterior of the building is or can be seen by an observer outside the building". Also, "the external appearance must be 'materially' affected, and this depends in part on the degree of visibility". Furthermore, "the effect on the external appearance must be judged for its materiality in relation to the building as a whole, and not by reference to a part of the building taken in isolation".

6.5 The Case Officer has assessed the proposed installation of bi fold doors; and on balance of probabilities; when considering the visibility of the proposal; combined with the "material affect" of the proposed replacement of widows with bi-fold doors. The proposal is not considered "development" under Section 55 of the Town and Country Planning Act 1990 (as amended).

7. RECOMMENDATION

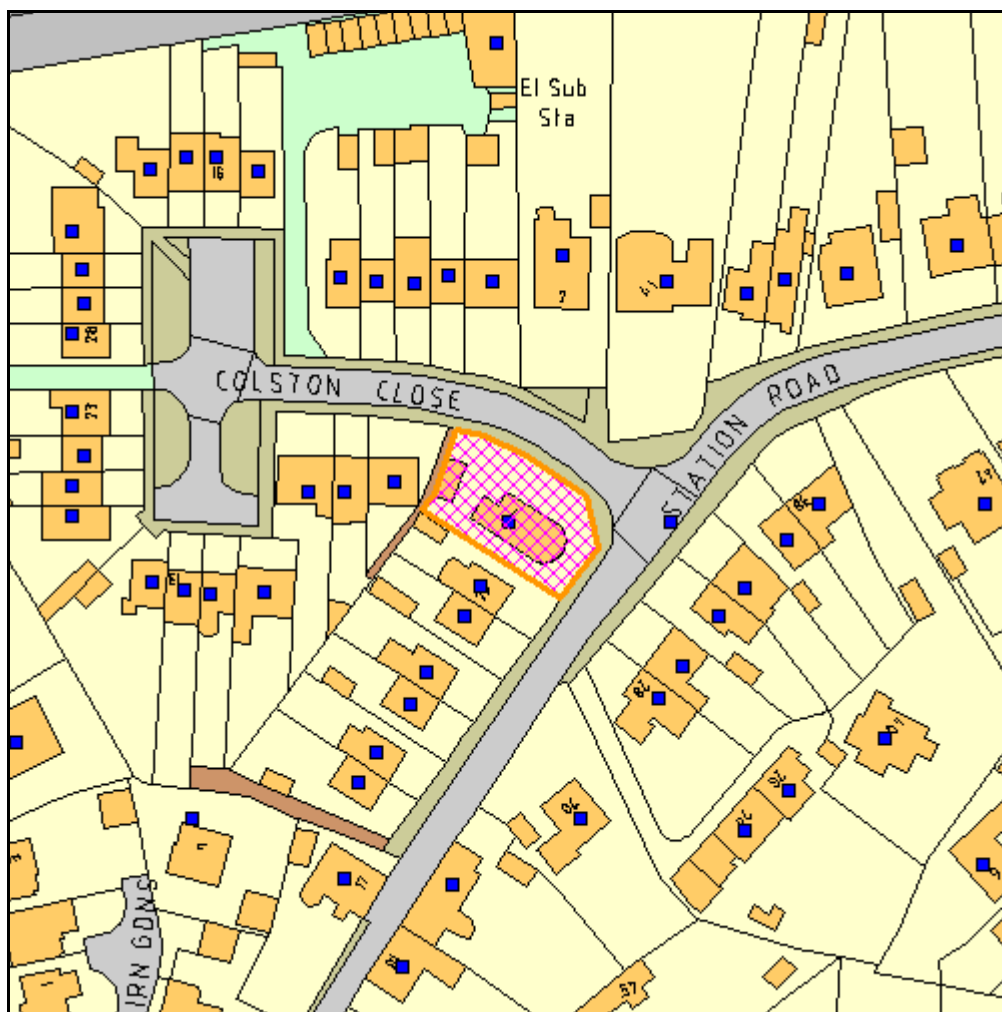
7.1. That a Certificate of Lawfulness for the Proposed Development is **granted** for the reasons listed below:

7.2. Evidence has been provided to demonstrate that on the balance of probabilities the installation of bi fold doors does not constitute development as described in Town and Country Planning Act 1990 (as amended) section 55(2)(a)(ii). As such a Certificate of Lawfulness for Proposed Development can be issued.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/2984/CLP	Applicant:	Mr And Mrs Stuart Anderson
Site:	1 Colston Close Winterbourne Down Bristol South Gloucestershire BS36 1EW	Date Reg:	11th July 2017
Proposal:	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	Parish:	Winterbourne Parish Council
Map Ref:	365224 179809	Ward:	Winterbourne
Application Category:		Target Date:	4th 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. Additionally, the applicant is married to an employee of the council.

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension at 1 Colston Chase Winterbourne Down 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 A.

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 | PT03/1180/F
Erection of side conservatory. | Approval | 05.06.2003 |
|-----|---|----------|------------|

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection.

Other Representations

- 4.2 Local Residents
No comment received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Proposed Floor Plans
Layout and Details

Plans received by the Council 27th June 2017
EXISTING ELEVATIONS AND FLOOR PLANS DWG/02

Received 3rd August 2017
Email Re: Materials

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 development consists of a single storey side extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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 side 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 side extension would not exceed 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 extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse. The development therefore meets this criteria.

- (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 dwelling house 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 extension would be within 2 metres of a boundary, however the eaves would not exceed 3 metres.

- (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 extension would extend beyond a wall forming a side elevation of the original dwellinghouse. However the extension would not exceed 4 metres in height, would not have more than a single storey, and would not have a width greater than half the width 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 submitted information indicates that the proposal will be finished in materials similar to those used in the exterior finish of 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.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey side extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CIRCULATED SCHEDULE NO. 32/17 – 11 AUGUST 2017

App No.:	PT17/3128/F	Applicant:	Mr And Mrs Pullen
Site:	13 Gillingstool Thornbury Bristol South Gloucestershire BS35 2EQ	Date Reg:	12th July 2017
Proposal:	Erection of two storey side extension, single storey rear extension and alterations to roof to facilitate loft conversion to form additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	364050 189975	Ward:	Thornbury North
Application Category:	Householder	Target Date:	29th August 2017



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule for determination due to a comment of objection received from the Town Council.

1. THE PROPOSAL

- 1.1 Planning permission is sought to extend this detached 1960s dwelling in three ways. A two storey side extension is proposed; it is proposed to raise the ridge line and construct a box style dormer window; and a flat roof single storey extension is proposed along the rear elevation. This would take the property from a 3 bed dwelling to a four bed dwelling. Three off street parking spaces are shown as retained.
- 1.2 The property is located within the settlement of Thornbury. It is somewhat set back from Gillingstool Road, is located opposite the primary school. There are similar residential dwellings along Gillingstool Road and Sibland Road. To the east is a footpath to open space.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Residential development

T12 Transportation

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

PSP1 Local Distinctiveness

PSP16 Parking Standards

PSP38 Development within residential curtilages

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Objection: design and size of dormer window is not in keeping with the area
- 4.2 Transportation Officer
No objection, sufficient parking spaces will remain to meet the minimum requirements of the SPD.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
In principle extensions to existing dwellings are permitted and supported by the development plan. The main issues under consideration are the impact of the extensions in terms of design, and the impact to those living nearby in terms of privacy. Whether sufficient off street parking has been provided for the enlarged dwelling is also a consideration.
- 5.2 Design
The existing dwelling has similarities to some of the other 1960s style dwellings along Gillingstool and Siblands Road. However these tend to be mainly semi-detached. Furthermore overtime there is considerable evidence that the surrounding housing has undergone alteration and extension such that there is no overriding dominant style.
- 5.3 This dwelling is detached and set well back in the street scene from the road, and is at a somewhat lower level to the road, and the properties rising up Gillingstool. The 2 storey side extension will be the most prominent part of this proposal in terms of what will be readily visible from the public domain. It respects the proportions of the original and will be in materials to match. It is proposed to raise the existing ridge line by approximately 80cm to accommodate a rear box dormer and loft conversion. From the front elevation it is not considered the impact of the raised ridge will be significant – especially as the property is slightly lower than the nearest pair of semis at present. The alterations to the rear elevation utilising a single storey flat roof/lantern roof and the box dormer themselves are less successful. The box dormer in particular will be somewhat bulky. It is noted that given the existing roof pitch options are somewhat limited if a loft conversion is to be achieved – and it is accepted that it is better to retain the front elevation with roof plane intact and free from rooflights. The rear dormer will be visible from adjacent public land, but will be screened by existing mature vegetation. Otherwise it will not be readily apparent. Furthermore, it is noted that some properties in Sibland Road have such rear box dormers (albeit not of this scale); and it is a style that, had not the roof ridge been raised, could be undertaken under permitted development rights. When taking this into account the proposals are considered to be of an acceptable design.

5.4 Residential Amenity

The proposal will be a notable enlargement of the existing property and will result in additional windows, with some at second floor level. These are the most likely to have an impact on those living in the immediate area. Four new windows at this level are proposed, two would serve a bathroom and landing area; two would serve a bedroom. These latter two would be at the eastern end of the development situating them the furthest away from the built form in Siblands Road. They would be located approximately 12 metres from the rear boundary of the site, whereupon the site adjoins the rear garden of houses in Sibrand Road. There would be increased overlooking to this portion of the garden area (which is less likely to have sitting out areas which would be closer to the house), but this relationship is not considered unacceptable in such residential settlements. The other windows in the side and single storey extensions are considered acceptable.

5.5 In terms of physical impact the dwelling is detached and the site has sufficient room to accommodate this extension it would not result in an unacceptable impact to dwellings in the vicinity as they are located sufficiently far enough away. Sufficient private amenity space would be retained to serve the existing property.

5.6 Transportation

Three off street spaces would be retained, which meets the minimum parking standard. The access arrangements are unchanged. There is no objection on this basis.

5.7 Drainage

It is considered matters of drainage will be adequately covered by Building Regulations. The area is not at high risk from flooding.

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 in accordance with the condition set out on the decision notice.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

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).