



**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. 28/17**

**Date to Members: 14/07/2017**

**Member's Deadline: 20/07/2017 (5.00pm)**

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

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

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

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

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

# CIRCULATED SCHEDULE - 14 July 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK15/1031/F	Approve with Conditions	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	Ladden Brook	Wickwar Parish Council
2	PK16/6410/F	Approve with Conditions	Lansdown View Lodge Road Wick South Gloucestershire BS30 5TU	Boyd Valley	Wick And Abson Parish Council
3	PK17/1644/LB	Approve with Conditions	39B High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Ladden Brook	Wickwar Parish Council
4	PK17/1775/F	Approve with Conditions	Former Police Station 108-110 Broad Street Staple Hill South Gloucestershire BS16 5AQ	Staple Hill	None
5	PK17/1821/F	Approve with Conditions	39 Station Road Yate South Gloucestershire BS37 5DF	Yate North	Yate Town
6	PK17/2365/RVC	Approve with Conditions	Land Off Jenner Boulevard Jenner Boulevard Emersons Green South Gloucestershire	Boyd Valley	Emersons Green Town Council
7	PK17/2466/CLP	Approve with Conditions	98 Cock Road Kingswood South Gloucestershire BS15 9SG	Parkwall	Oldland Parish Council
8	PK17/2502/F	Approve with Conditions	Lavenham Farm Nibley Lane Iron Acton South Gloucestershire BS37 9UR	Frampton Cotterell	Iron Acton Parish Council
9	PK17/2523/CLP	Approve with Conditions	8 Queensholm Close Downend South Gloucestershire BS16 6LD	Downend	Downend And Bromley Heath Parish Council
10	PT16/6001/F	Approve with Conditions	The Square Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GZ	Frenchay And Stoke Park	Stoke Gifford Parish Council
11	PT16/6004/ADV	Approve	The Square Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GZ	Frenchay And Stoke Park	Stoke Gifford Parish Council
12	PT16/6218/F	Approve with Conditions	Land To The West Of The M32, South Of Filton Road Filton Road Winterbourne South Gloucestershire BS16 1QG	Winterbourne	Winterbourne Parish Council
13	PT16/6857/F	Approve with Conditions	29 Kenmore Crescent Filton South Gloucestershire BS7	Filton	Filton Town Council
14	PT17/0458/RVC	Approve with Conditions	Ridge House 29 Boundary Road Coalpit Heath South Gloucestershire BS36 2PU	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT17/2026/CLP	Approve with Conditions	49D Church Road Frampton Cotterell South Gloucestershire BS36 2NJ	Frampton Cotterell	Frampton Cotterell Parish Council
16	PT17/2100/F	Approve with Conditions	Land To The Rear Of 36 Gloucester Road Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
17	PT17/2342/RVC	Approve with Conditions	Park Farm Butt Lane Thornbury South Gloucestershire BS35 1RA	Thornbury North	Thornbury Town Council
18	PT17/2394/F	Approve with Conditions	4 The Valls Bradley Stoke South Gloucestershire BS32 8AW	Bradley Stoke South	Bradley Stoke Town Council
19	PT17/2533/F	Approve with Conditions	Ryecroft 34 Ryecroft Road Frampton Cotterell South Gloucestershire BS36 2HW	Frampton Cotterell	Frampton Cotterell Parish Council

## CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017

<b>App No.:</b>	PK15/1031/F	<b>Applicant:</b>	Lady's Wood (2013) Ltd
<b>Site:</b>	Ladys Wood Shooting School Mapleridge Lane Yate South Gloucestershire BS37 6PW	<b>Date Reg:</b>	16th March 2015
<b>Proposal:</b>	Retention of 4 No. Clay Shooting Towers (Retrospective)	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	373073 185780	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th May 2015



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK15/1031/F**

This application is referred to the Circulated Schedule due to objections raised. The application was previously called to Sites and DC East Committee by Councillor Linda Boon who has expressed concerns over the impact of these additional shooting towers (the noise from shooting at them) on users of the public right of way which bounds the site and the impact on residential properties in close proximity. Following the site inspection the planning application was put on hold, as the decision to issue a Lawful Development Certificate for the use of the site was judicially reviewed. That challenge was dismissed and the decision to issue the certificate upheld.

## 1. **THE PROPOSAL**

- 1.1 This is a full retrospective planning application for the erection of 4 shooting towers at Ladys Wood Shooting School. The towers are used to fire clays which are then shot at from ground positions.
- 1.2 The site appears to have been home to a shooting school since 1982 in some shape or form. A separate application for a Certificate of Lawfulness for the use of the land as a Shooting School has been approved confirming this (PK15/1035/CLE). A High Court challenge to that certificate was dismissed.
- 1.3 The school building is a large building comprising of an elongated rectangular core and two rectangular wings facing into a courtyard area. There are two buildings to the rear which are also used by the school. A long domed shed, which appears to have been in position for many years and a smaller, but newer shed, which has recently been granted planning permission retrospectively. The main school building is an attractive stone building of architectural merit but neither listed, nor locally listed.
- 1.4 Beyond the school buildings is a large woodland area. This is bounded with a public right of way. There is a high shooting tower in a fairly central position in the woodland which benefits from a planning permission and then there are the 4 other shooting towers which are the subject of this planning application. To the south-east of the school buildings is a car park area and a large field.
- 1.5 The site is in the open countryside, outside any settlement boundary.
- 1.6 **Use of the Land for Shooting School**  
The proposed shooting towers do not benefit from a planning permission and are on an area of land which was not included in the original planning permissions. The land was reportedly excluded to be used for shooting seasonal game, however it appears that the Shooting School grew quickly and developed further shooting positions across the site.
- 1.7 The Certificate of Lawfulness application has been assessed separately and has been approved further to evidence from the applicant that the use of the land for the Shooting School has continued for at least ten years up to the submission date of 9 March 2015. Consequently, in the planning context, the entire of the site as outlined in the Certificate of Lawfulness application can be used for shooting, though other controls (for example through environmental protection and health and safety legislation) exist to regulate the use.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement

LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries

LC12 Recreational Routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS24 Green Infrastructure, Sport and Recreation Standards

CS34 Rural Areas

### **2.3 Policies Sites and Places DPD**

PSP2 Landscape

PSP3 Trees and Woodland

PSP28 Rural Economy

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N513/2 – Establishment of shooting school within existing game farm – Approved with Conditions – 29.7.1982
- 3.2 P84/1725 - Establishment of shooting school within existing game farm. (Renewal of temporary consent). – Approved – 18.7.1984
- 3.3 P84/2220 - Erection of outbuilding for uses ancillary to existing game farm & shooting school. – Approved - 17.10.1984
- 3.4 P85/2041 - Erection of tower approximately 37 metres (approximately 121 feet) in height for launching clay pigeons. – Approved – 11.9.1985
- 3.5 PK15/0489/F - Erection of a storage shed. (Retrospective). – Approved – 13.3.2015
- 3.6 PK15/1028/F - Lobby connecting existing reception and gun room (Retrospective) – Approved – 7.5.2015
- 3.7 PK15/1035/CLE - Application for the Certificate of Existing Lawfulness for the use of land and buildings as a shooting school and in breach of condition 2 (operating hours 10am-4pm) and condition 3 (2 people at a time) on planning permissions P84/1725 and P84/2220 – Approved 11 March 2016 (Judicial Review application heard and challenge dismissed).

## 4. CONSULTATION RESPONSES

4.1 Parish/Town Council  
No comments have been received.

4.2 Other Consultees  
Highway Structures – No Comment

Highway Drainage – No Comment

Sustainable Transport Officer requested:- Explanation of the existing operation of the site including the number of people/guns operating at any one time and where they fire from; The existing and proposed parking arrangements; The number of people that could occupy the towers at any one time; The arcs and range of fire from each tower; Assessment of the impact on the adjacent public right of way. – Following assessment of these points and identification of the large car park area, there is no objection to the application.

Environmental Protection - Due to the potential for noise issues associated with the towers being used to facilitate shooting activities; to prevent detriment to the occupiers of residential amenities in the vicinity of the site I would propose the following conditions - The operating hours of the towers should be limited to: Tuesday to Saturday – 09:30hrs to 16:30hrs.

Public Rights of Way - I have not had any specific complaints about shot falling on the bridleway for a while – when it happened a year or more ago, I had a meeting with the management and they adjusted the firing positions. From the plan you sent, it would seem unlikely that shot could find its way onto the bridleway.

I see no harm in addressing the noise issue by restricting shooting to the hours you mention – could we ask that they erect and maintain signage at the ends of the bridleway stating the operating hours?

Ecology - Upon correspondence with Soltys Brewster it was agreed that a formal management plan would benefit the woodland for the long-term and avoid any further unnecessary harm to the ancient woodland site.

It is only due to the long-term benefits of this application, in the form of a detailed management plan to be implemented in perpetuity that it is being recommended for approval.

Further surveys for rare and notable plants and great crested newts are to be completed.

### Other Representations

- 4.3 There has been 1 letter of support:
- Essential part of a shooting school
  - School has been in operation for 30 years, so surprised that complaints now

- No visual impact
- Conditions can address issues of noise and shot fallout
- Cartridges used are restricted to those which make least noise
- Notices already displayed on the bridle path.

There have been two comments neither objecting nor supporting:

- Supports rural businesses such as this
- Noise levels have now increased affecting residential amenity
- Additional towers will have visual impact
- If towers lead to increased shooting then would make life miserable for close neighbours and an annoyance for others
- Concern over lead pollution
- Noise and shot falling on bridleway will produce hazard for horses and riders

There have been 24 objections submitted to this application making the following points:

- There is a bridleway surrounding the site and a number of horses have been badly scared by shooting in the woods.
- The towers will increase shooting and increase the danger to riders.
- Warning signs should be erected on the bridleway about when shooting is taking place.
- The towers will be far from safe for walkers and riders.
- They will create yet more noise from gunshots with neighbours close by.
- Neighbours are disturbed by constant noise and have complained to Environmental Health.
- Object to the expansion of the business.
- The towers cause falling shot over the neighbouring garden, cars and lake.
- There is shot fallout on the public right of way.
- The area is of outstanding natural beauty and attracts walkers from all over the world. The Council may need to consider the value of Cotswold Way tourism.
- Has an Acoustic Survey been undertaken?
- The lease restricts shooting hours from 09:00 – 16:30
- Low noise cartridges were always used before.
- The area will sound more like a war zone than a rural part of South Gloucestershire.
- Too close to public bridleway
- Shooting noise may lead to accidents if a horse takes fright and bolts
- Noise levels have gone up
- Gunshots disturb peace of Lower Woods SSSI
- Unacceptable level of noise disturbance at the reserve
- No evidence to support claim that there is no impact
- Damaging to wildlife, especially nesting birds
- Trees have been cut down
- Perception of danger prevents riders from using the bridleway



- Position of tower will lead to shooting where there was no shooting previously
- Shot falling on nearby homes and cars and into pond
- Questions the noise report accuracy and comprehensiveness
- Breaching guidelines set out by Chartered Institute of Environmental Health
- Granting permission for the towers will greatly intensify the use
- Ground cleared, excavated and trees removed to allow for new towers
- Remaining trees are weakened
- Shot harmful to fish in the lake
- Horses hearing is superior to humans and they would be affected more acutely
- Shattered clays litter the woodland floor
- Deficiencies in the acoustic report

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

It is of critical importance to bear in mind that this application seeks permission for the four shooting towers only, and that a lawful development certificate has been granted for the use of the entire site as a shooting school. As such, this report is restricted to those matter/impacts arising from shooting towers only, and does not address the wider use or impacts of the shooting school, as these do not fall to be considered under this planning application.

- 5.2 Policy LC5 of the South Gloucestershire Local Plan (Adopted) 2006 details the policy considerations for development or improvement of outdoor sports and recreation in the countryside. It advises that proposals should not; have an unacceptable impact on the character and diversity of the landscape, have unacceptable environmental or transportation effects, or unacceptably prejudice residential amenities. It adds that new buildings will be permitted where they are essential for and proportionate to the use of the land for outdoor sport and recreation.
- 5.3 Policy LC12 provides for the safeguarding of recreational routes and includes the advice that development proposals that would unacceptably affect the utility and amenity of existing routes will not be permitted.
- 5.4 Policy L1 requires those attributes of the landscape which make a significant contribution to the character of the landscape are conserved and where possible enhanced. Policies CS9 and CS34 of the Core Strategy Local Plan (2013) reiterate the principles of maintaining attractive and rural landscapes which are significant in the locality.
- 5.5 The National Planning Policy Framework (2012) includes policy aimed at sustaining a prosperous rural economy stating that planning policies should support economic growth in rural areas in order to create jobs and prosperity. It adds that local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. The NPPF reinforces the

importance of good design and the need to enhance the natural environment by preventing new and existing development from contributing to, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

5.6 It is therefore concluded that there are no 'in principle' objections to the development, provided there are no unacceptable impacts arising from the towers as per the policy criteria outline above, and any other material considerations.

5.7 Rural Economic Growth

The development is considered to be a leisure use and a rural business which is in keeping with the character of the countryside. Shooting is an established rural pastime and has been permitted on part of the land for more than 30 years, with the whole site understood to be used for wider seasonal shooting, before being incorporated into the shooting school use and being granted a certificate of lawfulness for this use. The proposal for 4 additional towers will support the viability of this rural business, with the potential to increase jobs and community or visitor use of the facility, and is therefore in accordance with local and national policy in this regard.

5.8 Residential Amenity and Noise Pollution

The grant of the Certificate of Lawfulness for the site as a shooting school means that, irrespective of the towers subject to this application, shooting can take place anywhere within the site without any planning control (though other controls exist through Environmental Protection and Health and Safety legislation). The issue to be considered here is consequently whether the existence of the towers leads to shooting activity that would lead to harm to residential amenity/cause noise pollution that would not otherwise occur.

5.9 Given that the application involves 4 new towers which will contribute to the shooting experience and the longer term sustainability of the enterprise, it is necessary to consider the impact of the towers on the level of shooting and the noise that might arise from this. There have been complaints about noise nuisance and the Council's Environmental Health Team have separately undertaken investigations of alleged statutory nuisance.

5.10 After full consideration of the certificate of lawfulness application, it is considered that the site operated at an intensive level of use for several decades, with the LW Special Load cartridge. It would therefore be unreasonable for the planning authority to attempt to now impose more stringent noise-protection measures without very good justification.

5.11 Officers did originally propose a condition to re-impose a shooting hours condition across the whole site. This was proposed on the basis that the installation of 4 shooting towers appears to be a material intensification of the site. The owners contest that actually the scale of operation is only as intensive as it was in previous years when the School was operating at its peak and that shooting was taking place across the site then. Evidence submitted with the Certificate of Lawfulness application does support the assertion that there has not been a dramatic increase in the scale of the operation over the period that the towers have been present.

- 5.12 The officer has taken legal advice over the reasonableness of such a condition being imposed on the whole site, in light of the grant of a Certificate of Lawfulness which affirms that the use has persisted for ten years in breach of the original condition imposed by the Authority. Legal advice is that it would be challenging to evidence the material intensification and therefore the reasonableness and necessity of a condition which does more than restrict the operation of the new towers. This report therefore recommends a condition to restrict operating hours of the towers, but not the entirety of the site.
- 5.13 The Certificate of Lawfulness application has resulted in grant of a Certificate for shooting outside previously restricted hours of 10.00-16.00. That said, the evidence suggested that at the earliest, shooting commenced at 09.00 and no shots were fired after 16.30. The Environmental Health Officer has requested a condition to control shooting hours at the towers to between 09.30 -16.30. It is considered reasonable in the context of the history and the scale of this addition to the facilities, for the condition to reflect the evidence arising in the Certificate of Lawfulness application, i.e. Tuesday to Saturday 09.00 – 16.30.
- 5.14 The applicants have acknowledged that for a period they allowed clients to use their own cartridges with no restriction. This provoked noise complaints and has resulted in the applicants implementing their own policy to restrict cartridge size. The Policy has been updated in the course of the application process and specifically a professional noise assessment of cartridges, tested at the site in the presence of the Environmental Health Officer. The website detailed the following policy;

***POLITE NOTICE***

*Please note that you are welcome to bring your own cartridges to use during lessons and practice whilst shooting at Lady's Wood. We have a strict **FIBRE WAD ONLY** policy with a maximum load of **28g 7**.*

*Out of respect for our neighbours we restrict the use of certain brands, the following cartridges are not permitted:*

*Gamebore – Black Gold and Dark Storm,*

*Lyavale Express – Power Red 1500, Power Blues, World Cups and English Sporter*

*Eley – Olympic Blues, VIP and First's*

*Hull – Sovereigns*

- 5.15 Given that the installation of the towers makes the site a more attractive proposition for clients and requires specific firing positions which are close to the boundary of a residential property, it is considered reasonable to impose a condition to protect against the use of unreasonably noisy cartridges and an unacceptable level of noise nuisance. After further noise testing of a variety of cartridges in the presence of Environmental Health Officers, a measure has been recorded of the established cartridge used at the site for several decades. It is proposed to condition out the use of cartridges that haven't been proven to

record a crack noise below that level and there are further details below. The applicant has indicated that he would be agreeable to such a condition.

- 5.16 Officers witnessed firing on site during one site visit where cartridges compliant with this policy were in use. The result was a shot which although audible, was not startling and did not appear to be at a level that could be considered a nuisance. Further complaints however, have indicated an inconsistency of cartridge noise and 'crack'.
- 5.17 Three Acoustic Reports have been provided in the course of the application, the first of which identified properties in two positions, against which it had been considered that a reasonable assessment of any possible statutory nuisance might be established. The recording of 71 dB(A) at point 2, which was some 740m from the shooting point posed a particular concern for the Environmental Health Officer and provoked further investigation of the noise from specific cartridges and the potential benefit of screening, or bunding firing positions.
- 5.18 The second report measured the noise of 12 different cartridges, one of which was the standard cartridge which had been used at the site for several decades. The standard cartridge (LW Special Load) recorded an average dB(A) of 87.7 to a measurement some 145m away from the shot and in the line of fire. Seven of the other cartridges used recorded an average dB(A) above the 87.7 recording of the formerly standard cartridge.
- 5.19 The report also presented results from noise testing of cartridges fired in front of a temporary barrier formed of 3no. 2m high, 2m wide close boarded timber panels, arranged to follow the front edge of the shooting stand. The tests showed a varying level of responses depending on the cartridge, ranging from 1 dB(A) to 5 dB(A).
- 5.20 The third report focused on the shooting noise levels specifically at location point 2 with cartridges with an immediate dB lower than the LW Special Load. The highest recorded cartridge was the LW 8 shot which recorded 64.1dB measured over 25 shots. This noise level would be unlikely to be deemed acceptable for a new development, however in this instance we have to take account of the established permitted and lawful use of the land. It is proposed to use 65dB as the marker in establishing a maximum noise level at location point 2 for the benefit of a condition that the Council can then monitor should there be a concern that excessively noisy cartridges are being used.
- 5.21 Such is the risk of noise disturbance, such is the scale of the proposed development in erecting 4 new towers and such is the potential for the further development in gun types and cartridges, that each of these conditions is deemed both reasonable and necessary.
- 5.22 Subject to the proposed conditions, the development of the 4 towers should not have a greater impact upon the surrounding residential amenity than the existing, lawful operation of the site.
- 5.23 It is noted that an objector has commissioned his own acoustic report on the impact of the shooting, which differs from the findings of the reports submitted

by the applicant. However following further consultation the Council's Environmental Protection officer has maintained that he is happy with the soundness of the findings of the Red Twin reports, and three Environmental Health Officers (EHO's) were present throughout at the time of tests 2 and 3. The type of cartridges use for the testing exercise were photographed and the EHO has advised that they have no reason to doubt the integrity and results of the monitoring exercise carried out. Furthermore, the EHO is content that the conditions agreed are adequate to ensure that there will be no harm to amenity by reason of noise resulting from the shooting associated with these towers.

5.24 Design and Impact on the Character of the Landscape

Officers have visited the site and been shown each of the towers through the woodland and have also walked around the public footpath to consider the impact on the public realm.

5.25 Tower A is situated in the woodland to the rear of the school buildings. Despite being a steel frame construction and being the tallest of the four, it appears to be level with the canopy line of the trees and is surrounded by the existing trees such that it is not visible from the public realm. From relatively close proximity on the site, it is visible amongst the trees but could not be considered to undermine, or be detrimental to, the character and landscape of the site. The design is minimalistic and sensitive to the surrounding landscape.

5.26 Towers B-D are smaller structures with timber poles and steel supports and fixings. Again these are sited in the midst of the woodland, without any need for a clearing to be formed. They blend into the woodland comfortably and are not visible from the public realm. Indeed when the vegetation is thick, it is not easy to pick them out as you move around the site. The towers do not have a detrimental impact on the character and landscape of the site and the locality. The towers are of a minimalist and in-keeping design sensitive to the woodland landscape and the development is in accordance with Policy CS1 of the Core Strategy (2013).

5.27 Safeguarding of Recreational Routes

A Public Right of Way runs tight around the Western and Northern boundary of the woodland area. It is a wide bridleway which lends itself to enjoyment by walkers and horseriders and is an attractive environment through woodland and traditional countryside. Although wide enough for vehicles, vehicular access is prevented other than for maintenance or other essential need.

5.28 Concern about noise from gun cartridges has been addressed above and been considered in the context of the 30+ year history as a Shooting School and the grant of a certificate of lawfulness on the land. The Public Rights of Way Officer has suggested that a condition be imposed to require signage on the PROW identifying shooting times for the benefit of users. The Officer was advised that two such signs have been erected and witnessed one such sign at the southern entrance to the footpath where it meets Mapleridge Lane. The sign reads 'Polite Notice Please be aware of shooting noise between 9.00am and 4.30pm'. A condition will be imposed to require the retention of two such signs.

- 5.29 Objections have also been received about alleged fallout of shot on the public right of way. The Officer has requested clarification of the direction of clays from the towers, the direction of shooting from set positions and the approximate fallout of shot from these positions. A plan ref. AP01-B dated 27.07.15 was received identifying clay direction, shot direction and shot fall area. The applicant has confirmed that this is the result of amendments to ensure that shot fallout does not reach the public right of way. This was as a result of complaints about such instances. These complaints were investigated and dealt with by the Council's Health and Safety team on 2016, and they have confirmed that no subsequent complaints have been received.
- 5.30 A condition will be imposed to protect against shot fall reaching the PROW from shooting associated with the four towers. The condition will require the towers to operate strictly in accordance with the plan referred to above and in the event that there is evidence of shot falling on the PROW, then alterations will have to be made to bring the use back in to compliance with the afore-mentioned plan.
- 5.31 Subject to this condition, the development of the 4 shooting towers should have no impact on the Public Right of Way, and should future issues arise the condition will require that these are addressed and remedied.
- 5.32 Ecology  
The shooting towers are located within the Lady's Wood Site of Nature Conservation Interest (SNCI), which is an ancient woodland, and close to an SSSI (Lower Woods). The site has the potential to support a wide variety of notable flora and fauna, and planning policy seeks to protect these.
- 5.33 Following initial comments by the Council's ecologists, an ecological appraisal was carried out and submitted. Following this and subsequent correspondence with the applicant's ecological consultant, the Council ecologist has withdrawn his objection, on the basis that a formal ecological management plan for woodland, which would be required by condition, would be to the long-term benefit of the woodland. Appropriate conditions have been drafted and would be attached to any permission.
- 5.34 Transportation  
Further to an understanding of the history of the site (via the certificate of lawfulness application) and awareness of the reasonable car park immediately south of the shooting school lodge, there has been no objection from the Council's Sustainable Transport Team.
- 5.35 It has become evident that the site has been staging events for Corporate Days, Charities and Competitions for many years and there has been no evidence of parking concerns. The existing car park facility is not proposed to be altered and appears to be adequate to serve the existing use, complete with the towers which have been in position for several years.

## 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 be approved subject to the following conditions.

**Contact Officer:** Neil Howat  
**Tel. No.** 01454 863548

### CONDITIONS

1. The 4 towers hereby approved by this planning permission shall not be operated outside the hours of 09:00 - 16:30 and shall not operate on any day other than Tuesday to Saturday inclusive.

Reason:

To reflect the established working hours demonstrated for the Certificate of Lawfulness application PK15/1035/CLE and to protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

2. The use of the 4 shooting towers hereby approved shall be strictly in accordance with the clay directions and shot directions identified on the plan AP01-B dated 27.07.15. There shall be no fall out of shot beyond the identified site boundary. In the event that there is evidence of shot fall out on the PROW then a revised plan must be submitted and agreed within 3 months of the shooting school being notified that such evidence has been presented to the Authority.

Reason:

To protect the amenity of neighbouring properties and persons using the adjoining Public Right of Way. The condition is imposed in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006, Policy CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013 and the advice of the National Planning Policy Framework (2012).

3. The Shooting School shall retain a 'Fibre Wad only' shooting policy with cartridges restricted to those which have been demonstrated to produce a lesser, or equal dB(A) output per shot as the LW Special Load cartridge formerly used on the site (87.7 dB(A) as recorded in Acoustic Test Report dated 5 October 2015).

Note: dB(A) is measured as an average over twenty five shots compared to the baseline cartridge (LW Special Load).

Reason:

To protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

4. The shooting noise level at Survey Location 2 shall not exceed 65 dB(A) SNL

For the avoidance of doubt, for any testing required for the purpose of assessing compliance with this condition, the noise levels shall be recorded at Survey Location 2 (as defined in Red Twin Limited letter L0757.1 V1 dated 24/6/2015) in full accordance with the CIEH document Clay Target Shooting: Guidance on the Control of Noise 2003. The Shooting noise level shall be obtained following the method defined in the CIEH guide for a representative sample of 25 No consecutive shots.

Reason:

To protect the amenity of neighbours and users of the recreational route in accordance with Policies LC5 and LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

5. At all times, 2 signs indicating the permitted hours of shooting on the land, shall be displayed on the public right of way; 1) adjacent to the entrance where the PROW meets the entrance to Ladyswood 2) at the north-east 90 degree bend in the PROW where it forms a junction with other tracks.

Reason:

To protect the amenity of users of the recreational route in accordance with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 2006 and the advice of the National Planning Policy Framework (2012).

6. Within five months of the date of decision a Habitat Management Plan (HMP) shall be submitted to the local planning authority for approval (the HMP to be informed by surveys as set out in Informative 2 of this decision). The content of the HMP shall include the following:
- o Description and evaluation of features to be managed;
  - o Ecological trends and constraints on site that might influence management;
  - o Aims and objectives of management;
  - o Appropriate management options for achieving aims and objectives;
  - o Prescriptions for management actions;
  - o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - o Details of the body or organization responsible for implementation of the plan;
  - o Ongoing monitoring and remedial measures.

The HMP shall also include details of the legal and funding mechanisms by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The Habitat Management Plan shall



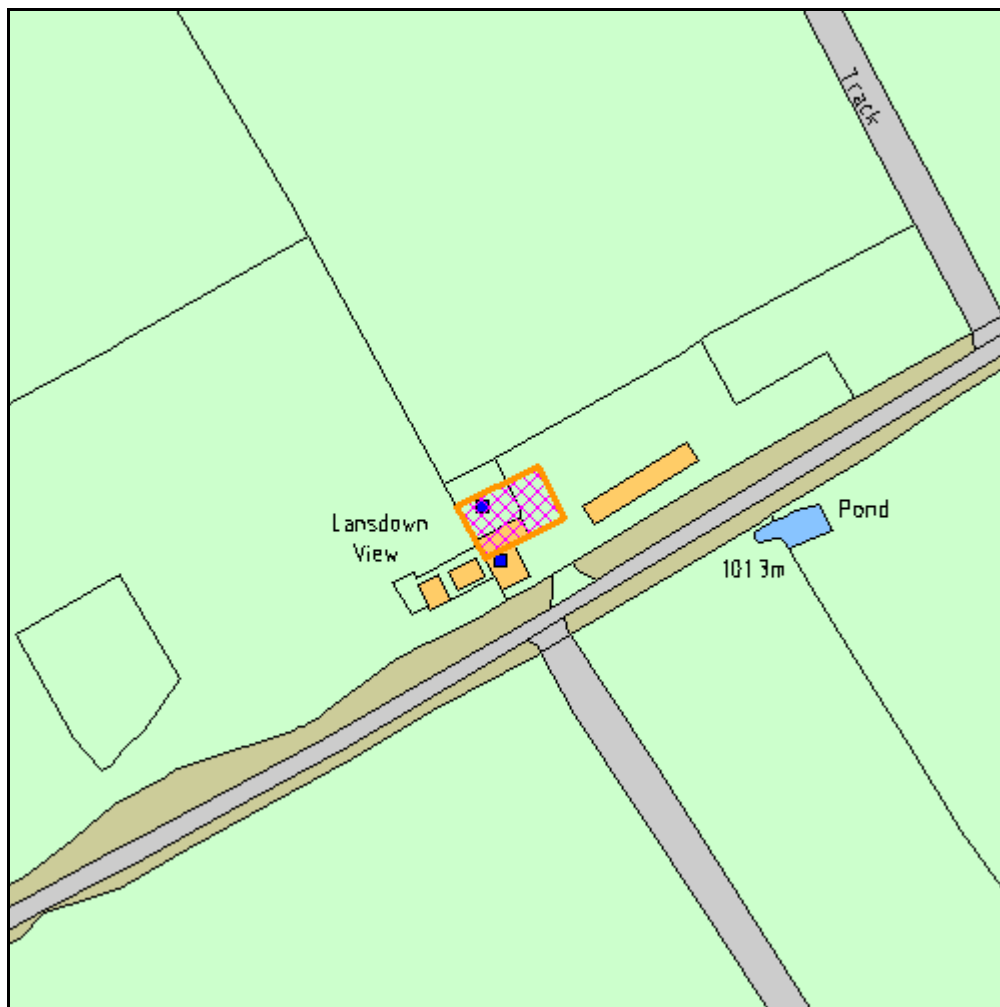
be implemented in accordance with the approved details and strictly adhered to thereafter.

To ensure that the development accords with policies L8 and L9 of the South Gloucestershire Local Plan (saved policies).

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PK16/6410/F	<b>Applicant:</b>	Mrs Ginny Woodruff
<b>Site:</b>	Lansdown View Lodge Road Wick Bristol South Gloucestershire BS30 5TU	<b>Date Reg:</b>	1st February 2017
<b>Proposal:</b>	Demolition of existing dwelling and removal of mobile home. Erection of 1 no. dwelling and associated works	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370062 174701	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th March 2017

---



© South Gloucestershire Council 2007.all rights reserved.  
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
100023410, 2008. **N.T.S.** **PK16/6410/F**

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

The application is submitted to Circulated Schedule as result of the Parish Council Comments which are in conflict with the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of existing buildings to facilitate the erection of one new replacement dwelling. The proposed new dwelling would be single storey in height having a ridge height of 4 metres and would contain two bedrooms, bathroom, en-suite shower room and a kitchen lounge area. The application would also involve the change of use of land from keeping of horses to residential curtilage.
- 1.2 The site lies to the northern side of Lodge Road and comprises a row of single storey buildings close to the western side of the existing access. These are a stable, and a dwelling and static caravan. To the east of the access is a four bay stable with tack facilities and an open area of hard-standing between the buildings. Additional land is owned by the applicant and is used for the keeping of horses. The site is accessed from Lodge Road and the point of access would be unchanged. The site lies in the green belt and in the open countryside.
- 1.3 There is a long and complicated history to the site which is set out in section 3.1 below.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement  
T12 Transportation Development Control  
H3 Residential Development in Countryside  
H4 Development within existing Residential curtilages  
H11 Replacement Dwellings in the Countryside

##### **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  
CS34 Rural Areas

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

PSP19 Wider biodiversity

PSP38 Development within existing residential curtilages and new dwellings

PSP40 Residential development in the countryside

- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD (Adopted)  
Residential Parking standards SPD (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK00/0927/F - Erection of barn for storage purposes in connection with the keeping of horses.  
Refused
- 3.2 CAE/04/0019 - Enforcement Notice for the change of use of a building from agricultural purposes to residential.  
Withdrawn  
NB: After an appeal was received in respect of the above Enforcement Notice, the Notice was withdrawn on the strength of the evidence put forward by the appellant. The subsequent Certificate of Lawfulness application was invited as a result of this action.
- 3.3 PK05/0933/CLE - Certificate of Lawfulness for existing use of building as a dwellinghouse and adjoining land as residential curtilage.  
Granted 2006
- 3.4 CAE 09/0012/1 - Enforcement Notice regarding the stationing of a caravan on the site.  
Notice served 12 March 2009
- 3.5 PK09/0814/CLE - Application for Certificate of Lawfulness for an existing use of land as residential curtilage.  
Refused 8<sup>th</sup> Sept 2009 on the grounds that it was concluded that, objectively and on the balance of probability, and according to the submitted evidence, the site, other than that part granted a Certificate of Existing Lawful Use (PK05/0933/CLE) in 2006, had not been used residentially for the requisite period of 4 years.  
An Appeal (Public Enquiry) APP/P0119/X/10/2140245 was submitted against this decision but was withdrawn before the hearing could be held.
- 3.6 PK10/3450/F - Change of use of land from agricultural to residential curtilage (Retrospective).  
Refused February 2011  
Appeal submitted but subsequently withdrawn

- 3.7 PK11/1930/F Certificate of Lawfulness for an existing use of building as dwellinghouse and residential curtilage and mixed use of land for residential purposes and for the keeping of horses (sui generis).  
Non determination – the Council position was that it would have issued a CLEUD for a reduced site area.  
Appeal granted December 2012.  
The appeal decision has a plan attached that shows two distinct areas – a black hatched area that was granted a certificate of lawful use as a single dwellinghouse and residential curtilage; and a blue area where it was not agreed that a certificate of lawfulness could be granted due to ambiguity in the evidence.
- 3.8 PK14/2845/F Demolition of existing buildings and removal of mobile home to facilitate erection of 1no. detached dwelling and associated works. Refused 24.09.2014
- 3.9 PK15/1644/F Demolition of existing buildings and removal of mobile home to facilitate erection of 1no. detached dwelling and associated works. (Resubmission of PK14/2845/F). refused for the following reason:

The application proposes an extension to the existing residential curtilage which involves a material change of use of land from agricultural to residential (C3). The NPPF sets out the types of development that may be considered acceptable in the Green Belt - the change of use of land is not one of these circumstances. Furthermore, the proposed development by virtue of its height and bulk would have a materially greater impact on the openness of the Green belt than the existing situation and is not of a similar size and scale to the existing dwelling. Accordingly the proposal is inappropriate development in the Green Belt. Paragraph 87 of the NPPF is clear in stating that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. No very special circumstances have been submitted to outweigh the policy presumption against such inappropriate development. The application is therefore contrary to the requirements of the National Planning Policy Framework, Policies H3 and H11 of the South Gloucestershire Local Plan (Adopted) and the South Gloucestershire Green Belt SPD (Adopted).

However the application was subject to an appeal and the Inspector at appeal found that the land surrounding the lawful development certificated land was previously developed and would likely have a lawful equine use where residential use had not been proven by the previous certificate of lawfulness, therefore would be no harm to the openness of the Green Belt and would not be inappropriate. He found that the two storey cottage proposed would be much higher and prominent than the surrounding low level buildings and would be clearly residential in character and would be unacceptably harmful to the rural character and appearance of the area and contrary to the aims of national and development plan policy to safeguard the countryside against unsuitable development. As such the Inspector dismissed the application, finding it acceptable in terms of its effects on the Green Belt but unacceptably harmful to the rural character and appearance of the area.

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

##### 4.1 Wick and Abson Parish Council

Object

- inappropriate development within the greenbelt,
- the proposed property is of an inappropriate size
- challenge the description of the existing dwelling.

##### 4.2 Highway Officers

No parking and turning space is shown within the red edge

##### 4.3 Landscape Officers

No Comment

##### 4.4 Lead Local Flood Authority

No Objection

#### **Other Representations**

##### 4.5 Local Residents

None received

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

##### 5.1 Principle of Development

The application site sits in the Green Belt and in the Open Countryside. In considering this application officers are mindful of the recent appeal decision at the site wherein the Inspector found that the proposal was on previously developed land and was not inappropriate development. He was more concerned with the design of the property and how it affected the rural character and appearance of the area. Policy H11 and PSP40 also allows for replacement dwellings in the open countryside. The site incorporates a building known to be the dwelling and a further static caravan which is sited on the agreed garden area and functions with the dwelling as one residential planning unit. The application site is considered to be broadly in accordance with these policies and the scale of the proposed building will be considered further below.

- 5.2 It is acknowledged that the Council does not have a demonstrable 5 year housing land supply and as such paragraph 49 of the NPPF is engaged. Para 49 states that *'relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites.'* Notwithstanding this, this application does not contribute towards the five year housing land supply as it would replace a dwelling, not result in any additional number of dwellings.

Further given that the site is in Green Belt the provision of additional housing would need to be considered in relation to paragraph 14 of the NPPF where footnote nine states that greenbelt policy restriction would still apply to Green

Belt sites and as such the proposal would need to be considered in respect to Green Belt policy.

5.3 Green Belt

The application site lies outside of the defined settlement boundary and in the Green Belt. Key to the assessment of this case against Green Belt policy is an understanding of the history to the site. Para 3.7 above refers to a Certificate of Lawfulness granted for part of the site as a residential dwelling and residential curtilage. The area of land with an existing lawful residential use is known as the land hatched black. The land associated with this land hatched black, whilst not established through a certificate of lawfulness, is considered to be in use for the purpose of keeping horses as was discussed and noted in the Inspectors decision letter. The land is therefore considered to be previously developed land.

5.4 The application site subject of this current application is not restricted to the area of land hatched black, although the new dwelling is wholly within that land; it includes a further metre of land to the east of the new dwelling. The existing stable/ barn would be removed and area would facilitate another means of access to the new dwelling. This area is not applied for as residential garden as it is not within the red line.

5.5 Being mindful of the explanation above, it is then necessary to consider whether the proposed development is appropriate development in the Green Belt as set out in the NPPF. Para 89 allows for the construction of new dwellings in the Green belt only in limited circumstances. The NPPF does not make any provision for the material change of use of land. The limited circumstances where new buildings can be considered appropriate development are:

1. Buildings for agriculture and forestry
2. Appropriate facilities for outdoor sport and recreation
3. The extension or alteration of an existing building providing it does not result in a disproportionate addition over and above the volume of the original
4. The replacement building providing it is in the same use and not materially larger than the one it replaces
5. Limited infilling in villages
6. Limited infilling or the partial or complete redevelopment of previously developed sites which would not have a greater impact on the openness of the green belt.

5.6 Of the six circumstances listed above, the application can be considered against points four and six as it replaces the existing living accommodation with a new dwelling and it would partially redevelop a brown field site. The site, in addition to the land subject of the Certificate of Lawfulness, includes a modest area to the south (roadside) wherein an existing stable building is to be demolished and to the north-east (within existing parking and yard area). The Planning Inspector found the site to be previously developed land, having been used for the keeping of horses rather than agriculture and used point six to consider the previous application. Whilst this does not automatically mean that all of the site may be redeveloped a judgement about the area of redevelopment is reasonable here. Officers are satisfied that the minimal strip to the north-east would likely have been used as ancillary residential use for

walking around and between the residential buildings previously and it is reasonable to facilitate this function now to circumvent the dwelling. This would have no impact on the openness of the green belt as no building is proposed on it. The land included in the application at the south of the site is that which currently contains a stable. This will be demolished and would open up the front of the site. Looking now at point four the replacement building is in the same use as those removed to facilitate it and an assessment needs to be undertaken to assess whether or not the proposal is materially larger than the buildings being demolished.

5.7 The application therefore includes the change of use of land from the keeping of horses to residential but given that this is previously developed land it is not considered to be inappropriate development in the green belt at the scale proposed. The proposal is therefore acceptable in principle and very special circumstances need not be demonstrated in terms of the principle of the development.

5.8 Impact on the Openness of the Greenbelt

Whilst the proposal is not inappropriate by definition, the proposed development needs to be assessed in relation to the existing built form and whether the new dwelling would have a material impact on the openness of the green belt. At para 79, the NPPF explains that the essential characteristics of the green belt is their openness and permanence.

5.9 Part of the applicant's case relies on the demolition of the existing buildings (stable, dwelling, static caravan in order of distance back from the highway) to result in an acceptable volume increase. Other stables around the site would remain. The Planning Statement submitted with the application gives volume calculations totalling 315m<sup>3</sup> to include 61m<sup>3</sup> of stable and your officer finds these to be broadly correct having established a 316m<sup>3</sup> existing volume over the three structures.

5.10 The new dwelling was initially proposed at 278m<sup>3</sup> but following officer request the roof has been dropped by a metre to 4m high and as such the volume is decreased further to approximately 245m<sup>3</sup> in relation to the officers assessment of 242m<sup>3</sup> of the dwelling and ancillary static caravan.

5.11 Notwithstanding the volume calculations, impact on openness cannot be simply measured by volume increase or reduction. Instead an assessment has to be made to the visual intrusion. Officers now feel the the proposal is a low level shallow pitched roof akin to the barns now being erected further along the road and the removal of the stable building from the west of the existing access will open up the site and overall maintain the openness of the green belt. The site currently has a somewhat ramshackle appearance and the proposal will improve it's appearance by clearing the stable, dwelling and static caravan from the site and replacing it by a natural stone and Breckland Brown tiled bungalow. The Inspector did not raise concern in the previous application about loss of openness, even given the two storey nature of the previous proposal. Further the native hedge proposed would offer some screening of the domestic property. The proposed development with its four metre high roof and volume significantly smaller than the buildings it replaces is therefore



considered to have no materially greater impact on the openness of the Green belt than the existing situation. The application is therefore in accordance with the requirements of the NPPF.

It is considered necessary given the exceptional circumstances of this case to remove permitted development rights in order to that the volume of the dwelling cannot be extended, nor could the proposal be altered to increase its domestic appearance without planning permission being sought.

#### 5.12 Design

The limited scale of the proposal sits comfortably on the plot and would improve the overall appearance of the site. The natural stone has been negotiated and will improve the appearance of the building together with breckland Brown double roman tiles. The roof is shallow such that dormers would not be practical additions to the roof. The building to garden ratio is acceptable for the two bedroomed dwelling and the removal of the stable at the front of the dwelling would open up the appearance of the site. A hedge has been negotiated and will provide a softer frontage to the site and go some way to screening the dwelling from the access point. Full details of this will need to be further agreed by condition as the density of hedge planting is inappropriate and tree sizes and planting details have not been provided.

The Inspector was concerned during the previous application that the two storey cottage proposed at that time would have been unacceptably harmful to the rural character and appearance of the rural area. This application now proposes a single storey dwelling, faced in natural stone and only a metre higher than the buildings to be removed. Given the similar scale of buildings to those buildings used residentially and the further loss of a stable the proposal is not considered to have an adverse impact on the rural character and appearance of the area.

#### 5.13 Transportation Impacts

The block plan shows the provision of two car parking spaces on land outside of the red line of the application site. These are located in the blue lined area denoting that they are within the ownership of the applicant and this emulates the existing scenario of the current residential use as the owners use the hard surfaced area to park domestic vehicles. Lack of parking within a site area could lead to parking on Lodge Road with unacceptable transportation effects. However, consideration is being given to the fact that this is an existing situation and is unlikely to have a severe impact on highway safety. As such no refusal reason is justified.

#### 5.14 Residential Amenity

The proposed dwelling, because of the separation distances involved, is not considered to impact on the existing levels of residential amenity afforded to surrounding dwellings.

#### 5.15 Ecology

There is no ecological objection to the proposal but where appropriate, applications need to demonstrate how they will contribute towards the targets and aims of the South Gloucestershire Biodiversity Action Plan (BAP), as

advised in the Council's planning guidance 'Biodiversity and the Planning process' - for example, by creating new areas of habitat listed within the BAP or managing existing ones sympathetically. Accordingly, ecological gain should be sought within or from the development and the agent has suggested that a bat or bird box be designed into the building (email 12/5/2017). This is considered acceptable subject to further details coming forward by way of a 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 granted subject to the conditions set out below.

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

### **CONDITIONS**

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

Reason

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

2. The development shall proceed in accordance with the plans set out below:  
PL001 Site Location plan  
PL003 Existign stable adn dwelling - elevations and floor plans  
PL005 Existign mobile home received 27 January 2017

2816/1 Rev A elevations, floor plans and materials  
2816/2 Rev B both received 10 July 2017

Reason

For the avoidance of doubt

3. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); 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 protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This is a precommencement condition because later consideration and implementation could facilitate harm to the existing landscaping.

4. Prior to the relevant part of the development samples of the stone and pointing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

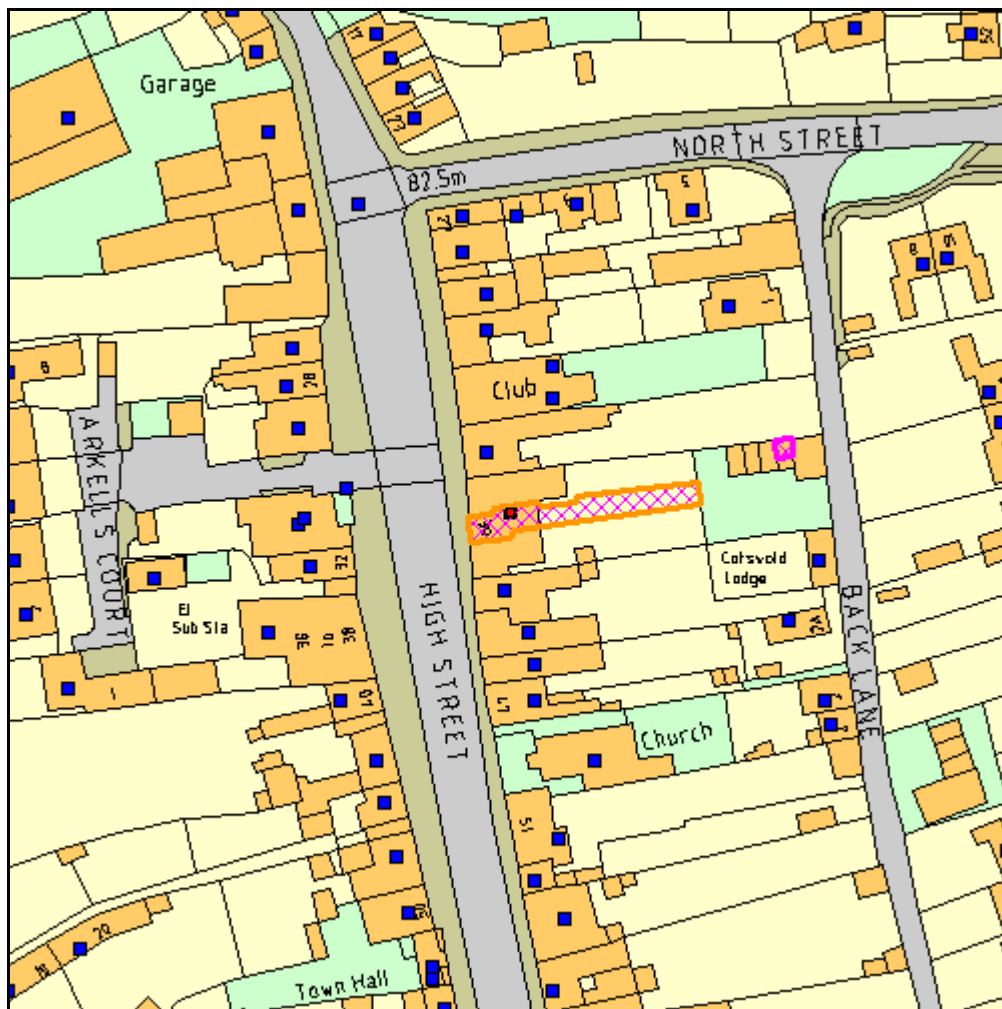
5. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H) or any minor operations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

Permission has been granted on the particular circumstances of the case noting location, scale and form in relation to the extant situation. Alterations and further development would need to be assessed in terms of their impact on the rural character and appearance of the site and would need to be considered in relation to policy CS1 and CS5 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013 and L1 and H11 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

## CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017

<b>App No.:</b>	PK17/1644/LB	<b>Applicant:</b>	Mr Robert Dennis
<b>Site:</b>	39B High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	<b>Date Reg:</b>	27th April 2017
<b>Proposal:</b>	Internal alterations to create bathroom, install conservation rooflights to rear and single storey rear extension	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	372419 188511	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st June 2017



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK17/1644/LB

## **INTRODUCTION**

This application is referred to the Circulated Schedule due to objections to the proposed scheme being received from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent for the following works:
- Construction of a single storey rear extension;
  - Reconfiguration of first floor to convert existing bathroom into a new bedroom and subdivide an existing bedroom to provide access to a new bathroom;
  - Insertion of 1no. conservation rooflight to rear elevation; and
  - Reconfiguration of second floor to provide master bedroom with ensuite and remove modern ceiling with new ceiling and insulation to be set directly below the internal roof structure.
- 1.2 Since the application has been submitted, some minor changes have been made to the external appearance of the rear extension.

### **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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
L13 Listed Buildings

South Gloucestershire Local Plan: Proposed Submission: Policies, Sites and Places Plan June 2016  
PSP17 Heritage Assets and the Historic Environment

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

3.1 None of relevance for this application.

### **4. CONSULTATION RESPONSES**

4.1 Wickwar Parish Council  
No objection

4.2 Other Consultees

Historic England  
No comment.

## **Other Representations**

### 4.3 Local Residents

2no. consultation responses were received from the same neighbouring resident expressing the following summarised objections to the scheme:

- There was no consultation of neighbouring residents and no public notice was erected;
- The rear extension contains a WC;
- The extensions is located right on the property boundary and so will sit against the boundary fence;
- The proposals will impact on drainage;
- The timber cladding will be combustible;
- The amended scheme only seeks to review the design of the windows to the rear extension;

In response to the above points, Officers can confirm that two consultation letters (dated 27<sup>th</sup> April and 26<sup>th</sup> June 2017) were sent to immediate neighbours as part of the initial consultation and then further re-consultation and a public notice was erected as part of the first consultation process.

The provision of a WC within the new rear extension and the issue of proximity of the extension to the property boundary are not considered to be relevant issues for this application, as the scope of consideration for this application is confined to the impact of the development on the heritage significance of this listed building.

Issues of ownership, boundary disputes or party walls are therefore also of no relevance for this application. Matters of drainage is a building regulations issue and the two last points raised are not considered of material relevance.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990.

5.2 Number 39 High Street has been subject to a scheme of subdivision (to form numbers 39A and 39B) which resulted in a significant loss of historic fabric. Internally therefore little remains in terms of fixtures and fittings and so the heritage significance of this listed building can be considered to derive mainly from its architectural and aesthetic appearance, although the surviving fabric still makes an important contribution.

5.3 Internally the proposed reconfiguration would see modern partitions removed and replaced and the proposed layout would be respectful to the historic cellular plan form. The only concern internally is confirmation of the specification of insulation and new ceiling. Details were requested but this matter can be addressed by condition. Overall though there would be no loss of

fabric that could be considered to be of historic significance nor would the works compromise the building's internal character.

- 5.4 Externally the single storey extension is considered acceptable in terms of design and materials with the overall impact on the character and appearance of the listed building being limited due its limited scale.

## 6. **CONCLUSION**

- 6.1 The recommendation to **grant** Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

## 7. **RECOMMENDATION**

- 7.1 Listed building consent is to be GRANTED subject to the following conditions:

**Contact Officer: Robert Nicholson**  
**Tel. No.**

### **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development, the detailed design of the following items shall be submitted and approved in writing by the local planning authority.
  - a. Any new vents or flues
  - b. Rooflights
  - c. The new raised ceiling to second floor.

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

Reason:

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement condition is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The application has been approved on the basis of the list of the following submitted documents.

Existing floor plans and elevations  
General Section

Site location plan

Proposed floor plans and elevations (as amended and received on 19th June 2016).

The development shall proceed exactly in accordance with the above approved documents.

Reason:

To ensure that the development is carried out in accordance with the approved plans in order to comply with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).



**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PK17/1775/F	<b>Applicant:</b>	-Griffon Homes (Beloe) Ltd
<b>Site:</b>	Former Police Station 108-110 Broad Street Staple Hill Bristol South Gloucestershire BS16 5AQ	<b>Date Reg:</b>	18th May 2017
<b>Proposal:</b>	Installation of replacement windows into existing openings	<b>Parish:</b>	None
<b>Map Ref:</b>	365386 175834	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th July 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK17/1775/F

## **INTRODUCTION**

This application appears on the Circulated Schedule, as a result of a consultation response received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent for the installation of replacement windows into existing openings.
- 1.2 The site is the former Police Station at 108-110 Broad Street Staple Hill. Planning permission reference PK13/2851/F was granted for the demolition of existing Police Authority buildings and the erection of a building to form 43no. Later Living Apartments, including car parking, landscaping and associated works as well as the conversion of the existing Police Station House to form 5no. apartments. This application is solely for the installation of replacement windows into existing openings. The building is locally listed.

### **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  
CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)  
L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality.

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

- 3.1 PK13/2851/F - Demolition of existing Police Authority buildings and erection of building to form 43no. Later Living Apartments including car parking, landscaping and associated works. Conversion of existing Police Station House to form 5no. apartments. Approved 31/10/14
- 3.2 PK15/1476/NMA - Non material amendment to PK13/2851/F to make all plans accompanying this application a condition of the permission. Approved 7/5/15
- 3.3 PK15/2762/RVC Variation of condition listing approved plans (added by PK15/1476/NMA) to substitute approved drawings with those received by the Council on 24th June 2015. Approved 4/9/15
- 3.4 PK17/2503/RVC - Variation of condition 12 attached to planning permission PK15/2762/RVC to include drawing no's. A201 and BR109 in relation to outside amendments to layout and parking to rear of former police station only. Currently under consideration.

## 4. CONSULTATION RESPONSES

### 4.1 Parish/Town Council No Parish

### 4.2 Other Consultees

#### Conservation Officer

There were some initial observations on the detailed design aspects of the proposed windows in terms of sashes, frames, beadings, spacers and spiral balances. Further revised plans were subsequently received seeking to address these details. The updated window drawings are considered acceptable.

### Other Representations

### 4.3 Local Residents

One letter of objection has been received, as follows:

*'The windows must be sympathetic to those which would have been present at the time the building was built and to those in the area. NOT sufficient to say this can go ahead because there were no windows when the building was purchased.'*

*'Too many compromises are taking place with this building already so retaining the character of the area is paramount to the integrity of the area'*

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle of the conversion of the buildings to residential use has been established through the granting of previous consents, as highlighted above. The main issue for consideration is considered to be the design and visual amenity of the building and in context with its locality and locally listed status.

### 5.2 Design/Locally Listed Considerations

The comments above are noted, however the Council's Conservation Officer has been involved in ongoing negotiations and improvements to the detail of the proposed windows. Observations were initially raised with regards to specific details of various specific design elements of the proposals, additional and revised plans have been received, and these are considered acceptable. It is not considered that there are any other issues associated with the proposals and they are considered acceptable to the context of the building and surrounding area.

## 6. CONCLUSION

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

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

## **7. RECOMMENDATION**

7.1 That planning permission is granted.

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

## **CONDITIONS**

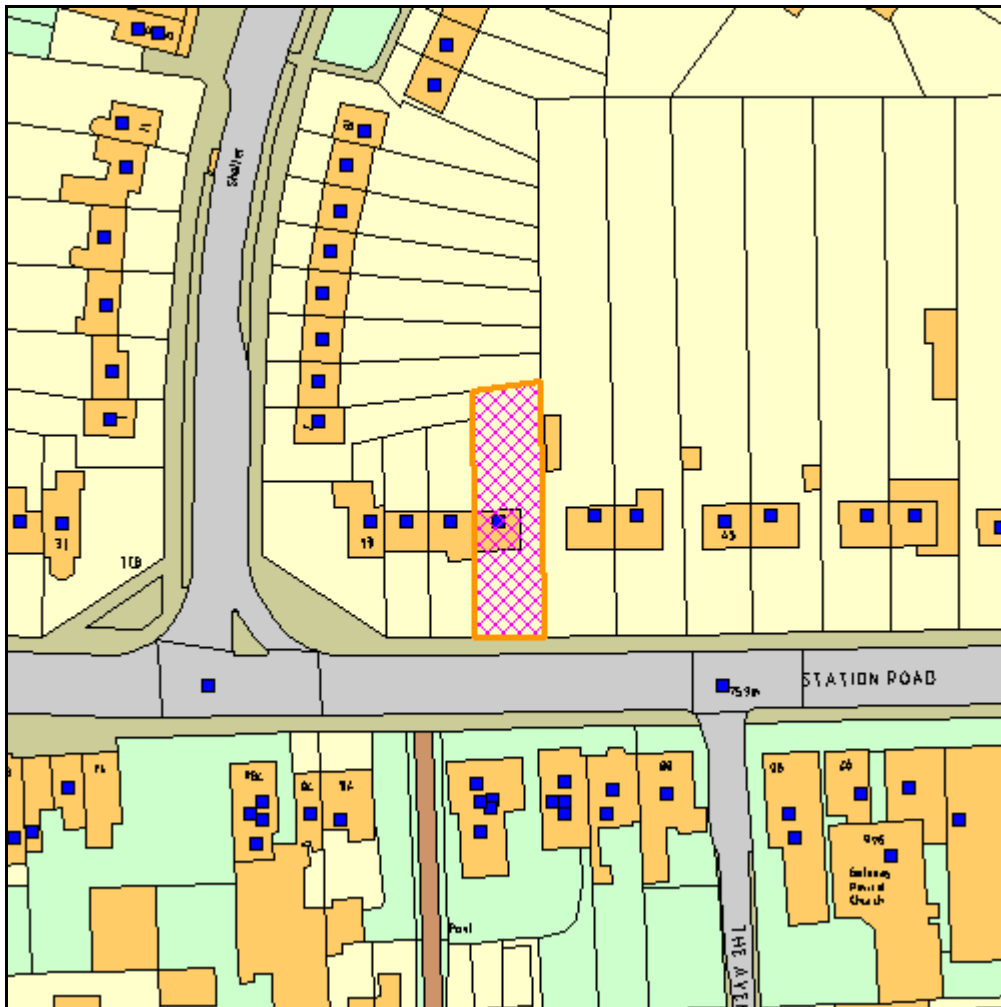
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PK17/1821/F	<b>Applicant:</b>	Miss Kelli Hunt
<b>Site:</b>	39 Station Road Yate Bristol South Gloucestershire BS37 5DF	<b>Date Reg:</b>	18th May 2017
<b>Proposal:</b>	Erection of two storey side extension to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370669 182532	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th July 2017



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK17/1821/F

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

The application has been subject to a representation contrary to the findings of this report and under the current scheme of delegation it is required to be taken forward under circulated schedule as a result.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to erect a two storey side extension in order to provide additional living accommodation.
- 1.2 The subject property is a two storey late-20th century end terrace property with rendered elevations and a gabled roof.
- 1.3 The proposal would extend beyond the side elevation and would form a front facing gable which projects slightly to the front.
- 1.4 The proposed floor plan has been amended since the initial submission. This no longer includes a stair case and would act much more like an extension than an annexe or independent housing unit.
- 1.5 The application is for a very similar proposal to that permitted under the application PK08/1552/F which has lapsed due to the passage of time and lack of implementation.
- 1.6 The subject property is situated in the built up residential area of Yate.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

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

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

H4 Development within Existing Residential Curtilages  
T12 Transportation

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

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

#### 2.3 Supplementary Planning Guidance

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

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

- 3.1 PK08/1552/F – Approval – 17/07/2008 – Erection of two storey side extension to form additional living accommodation. Erection of front canopy.
- 3.2 P97/2204 – Approval – 12/11/1997 – Formation of new vehicular access (retrospective application).

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection – consider the proposal to be a new dwelling rather than an extension, overdevelopment, visual appearance, highway safety, traffic generation and loss of trees on site.

#### 4.2 Other Consultees

##### Transport Officer

Requested additional information identifying the required level of parking. This is discussed in the transport section of the report.

#### **Other Representations**

#### 4.3 Local Residents

None Received

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

#### 5.1 Principle of Development

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

#### 5.2 Design and Visual Amenity

The proposal consists of the erection of a two storey side and front extension to form additional living accommodation. It should first be noted that permission was granted in 2008 for a proposal that was almost identical in appearance to that under consideration within this application. Whilst a proportion of the policy has been superseded by new policies, the basis of design policy has remained the same and the proposal would have been assessed on very similar considerations. The subject property is the end terrace and the proposed extension would have a similar appearance to other

side extensions nearby including at no.51. In addition the other end of the terrace is oriented perpendicular to the host dwelling and has a similar forward facing gable. The Town council have objected to the design of the proposal due to concern over the 'visual appearance', however have not specifically identified where the issue lies. Nevertheless given the above consideration the proposal is considered to have an acceptable standard of design and there is no objection to the visual appearance of the proposal.

- 5.3 The Town council have also suggested the proposal would represent overdevelopment of the site. The proposal will utilise the majority of the width of the site, however a two storey side extension would be considered acceptable in principle subject to it having an acceptable impact with regard to design, transport and residential amenity. The proposal is not unusually large, is in proportion with the existing dwelling and will be the only addition to the dwelling excepting the small detached outbuilding. On this basis the proposal is not considered to be overdevelopment of the site and is proportionate to the existing dwelling and its context.
- 5.4 The council have also suggested the proposal would result in the loss of trees. There is a large tree to the front of the site against the boundary with the pavement, however the development would not require its loss and there is no suggestion that that is the case. Consequently it is unreasonable to consider the loss of the tree under this planning application. Furthermore there is no TPO on this tree and consequently no planning permission is required for its loss.
- 5.5 The proposal will utilise materials of a similar appearance to those in the existing dwelling. There is no objection with regard to materials.
- 5.6 Overall, it is considered that the proposed extension 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 H4 and conforms to the criteria in the adopted Local Plan.
- 5.7 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not prejudice the residential amenity (through overbearing, loss of light and loss of privacy) of neighbouring occupiers as well as the private amenity space of the host dwelling.
- 5.8 The Town Council have objected to the proposal as they consider the proposal to be a new dwelling and not an extension as suggested. The application is for a side extension and consequently the Local Planning Authority are assessing it as such. In consideration of the Town Council's objection, it should be noted that the floor plan for the proposal has been altered and no longer includes an additional set of stairs or independent access to the front of the property. On this basis the proposal would not behave as an annexe or as independent living accommodation as it does not have access to the first floor without using the existing staircase and would not have access to the ground floor without



- passing through the front door. With regard to this, the proposal is considered acceptable and would not be capable of forming a new independent residential unit. The application therefore demonstrates the proposal would function as an extension and not as an annexe or new residential unit. Furthermore, were the structure to be used as an independent dwelling in the future as suggested by the Town Council, a new planning application would have to be lodged and assessment of the proposal as a new dwelling would take place at that point.
- 5.9 The host dwelling forms the end terrace of a row of properties. The proposal will be situated to the side of the host dwelling and would only project small amount from the front elevation and consequently will not impact the other properties in the terrace. There is no objection in this regard. The neighbouring property to the east has no windows in its upper side elevation and as a result the proposal is considered to have an acceptable impact on the amenity of this dwelling. Furthermore properties to the front are separated by the long driveway and Station Road and are not thought to be affected by the proposal.
- 5.10 The proposal will occupy a small amount of additional floor space, however the host dwelling has a large rear garden and sufficient private amenity space will remain following development and there is no objection in this regard.
- 5.11 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.12 Sustainable Transport and Parking Provision  
The proposal will include 2 additional bedrooms and it is believed that the ground floor addition will provide a bed space for an elderly individual. The transport officer had requested that a new site plan is submitted identifying the required level of parking provision, however following the site inspection it was evident that there was more than sufficient parking and manoeuvring space without the requirement to carry out any works. This is provided at the front of the property, and would cater for at least 3 off street spaces. Having seen photographic evidence of the current arrangement the Transportation officer no longer holds any objection to the proposal. Therefore the proposal would not have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

## 6. CONCLUSION

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

January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

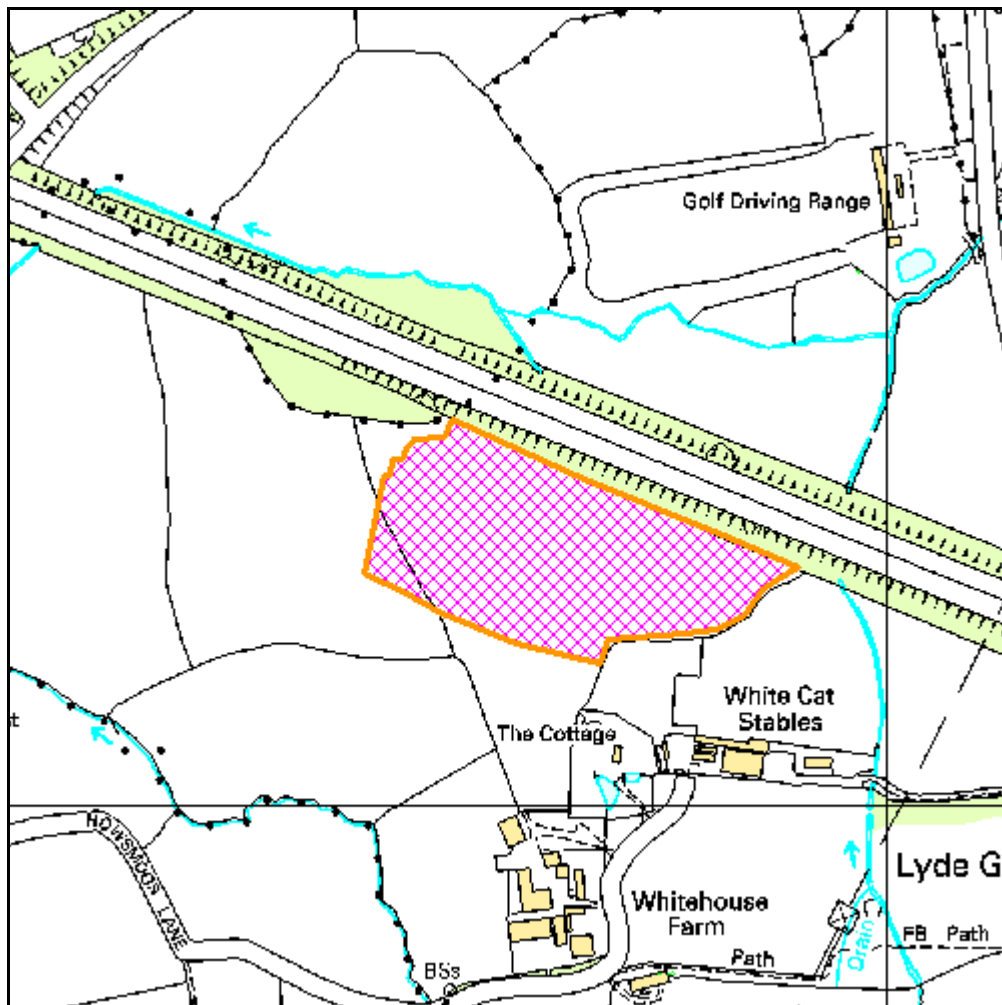
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017

<b>App No.:</b>	PK17/2365/RVC	<b>Applicant:</b>	Stoford Properties Ltd
<b>Site:</b>	Land Off Jenner Boulevard Jenner Boulevard Emersons Green South Gloucestershire BS16 7HX	<b>Date Reg:</b>	1st June 2017
<b>Proposal:</b>	Variation of condition 14 attached to PK16/1047/RM (added by non-material amendment PK17/0389/NMA) to substitute approved drawings with those received by the council on 17th May 2017.	<b>Parish:</b>	Emersons Green Town Council
<b>Map Ref:</b>	367361 178242	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Major	<b>Target Date:</b>	16th August 2017



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PK17/2365/RVC

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

This application is being re-circulated to members because an additional condition is recommended (condition 15) following the submission of granite surface materials to the Local Planning Authority. Condition 15 is required to ensure that the development is carried out in accordance with the materials submitted.

### **1. THE PROPOSAL**

- 1.1 This application seeks a variation of condition 14 of planning permission PK16/1047/RM to substitute approved drawings with amended drawings (minor material amendment). The changes include the enclosure of a customer car parking area with a 2.4 metre high paladin fence and alterations to the layout of the customer parking area. Condition 14, which lists the approved plans, was added to the consent by virtue of a non-material amendment.
- 1.2 The application site is approximately 3.75 hectares in area and is located at the northern end of the Lyde Green development site within a safeguarded employment area. The previously approved scheme was for a large storage and distribution warehouse (Use Class B8) set behind a landscape screen. The development is nearing completion. The M4 motorway is located immediately adjoining the northern (rear) boundary and elevated above the site; undeveloped employment land abuts the east and west boundaries; residential parcels 12 and 16 are located to the south (front) of the site on the opposite side of the spine road. Parcel 12 has been built out; no details have been received in respect of parcel 16.

### **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  
CS2 Green Infrastructure  
CS4a Presumption in Favour of Sustainable Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS29 Communities of the East Fringe of Bristol Urban Area

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

L1 Landscape Protection and Enhancement  
L9 Species Protection  
L11 Archaeology  
L13 Listed Buildings  
T7 Cycle Parking  
T8 Parking Standards  
T9 Car Parking Standards for People with Disabilities  
T12 Transportation Development Control Policy for New Development

M2 Site 5 Major Mixed use Development at Emerson's Green East  
EP2 Flood Risk and Development  
E3 Proposals for Employment Development within the Urban Area and Defined Settlement Boundaries

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The Waste Collection: Guidance for New Developers SPD (adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK04/1965/O - Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m<sup>2</sup> of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m<sup>2</sup> of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.  
Approved 14th June 2013.
- 3.2 Development Control East Committee on 15th February 2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- 3.3 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- 3.4 PK14/0727/RM - Construction of roads 4 and 5 (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O), approval, 11/09/14.
- 3.5 PK14/2705/RVC, Variation of Condition 17 attached to approved application PK04/1965/O to increase the volume of Class B employment floorspace occupied prior to the construction of a 'tiger-tail' diverge at Junction 1 of the M32, from 3,000sqm to 15,000sqm, approval, 24/10/14.
- 3.6 PK14/4110/F (Parcel 12), Erection of 99 dwellings with garaging, parking, landscaping and associated works. (Reserved Matters to be read in conjunction with outline planning permission PK04/1965/O, approval, 31/03/15.
- 3.7 PK15/1404/RM (ALD Office Building), Erection of a three storey office building with appearance, landscaping, layout, scale and associated development including road infrastructure. (Approval of reserved matters to be read in

conjunction with Outline planning permission PK04/1965/O), approval, 17/07/15.

- 3.8 PK15/4232/RVC, variation of condition relating to trigger for construction of Tiger Tail on M32 attached to approved outline application, approval, 09/05/16.
- 3.9 PK16/1047/RM, Erection of a parcel delivery distribution facility (Use Class B8) providing 6,642sqm of floor space with details of appearance, landscaping, layout and scale with associated development. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O). Approved on 09/06/16

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

- 4.1 Emersons Green Town Council  
No objection
- 4.2 Transportation DC Officer  
No comment or objection from a highway perspective
- 4.3 Environmental Protection Officer  
No adverse comments

#### **Other Representations**

- 4.3 Local Residents  
The following objection has been received from a local resident.

*"No working weekends! I have had enough of being woken up by the workman already. We objected to this being built but there were not enough people living there at the time to have a voice hopefully the people will be heard this time. Don't look forward to lorries coming & going at all hours of the day & night & random alarms going off at ungodly hours. Considerate contractors, I don't think so!"*

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

- 5.1 Principle of Development  
The proposal is to amend condition 14 to allow a minor material amendment to be made to the previously approved scheme. The amendment sought primarily relates to the layout and enclosure of a customer parking area. Section 73 of the Town and Country Planning Act relates to the determination of applications to develop land without compliance with conditions previously attached. Paragraph 2 sets out that when dealing with such applications, a Local Planning Authority can consider only the question of the conditions subject to which planning permission should be granted. It can either approve planning permission subject to varied conditions, or, if it considers that the original conditions should apply, refuse planning permission.

5.2 Accordingly, the principle of the development is not an issue to be considered under this application. Given the amendments proposed, the main issue to consider is the impact on the agreed landscaping scheme and visual amenity.

5.3 Landscaping/Visual Amenity

Alterations to the parking layout, including the relocation of bicycle shelters, has resulted in the loss of a strip of landscaping consisting of three Sorbis aria trees to the south of the customer parking area. The Local Planning Authority has requested that they be reinstated adjacent to the disabled parking area to soften views in the interests of visual amenity. The applicant has acceded to this request and submitted revised plans accordingly. The proposed fence to enclose the customer parking area bisects a narrow strip of woodland planting. Therefore, to provide a more effective screen, the strip has been supplemented with additional woodland planting. An electrical substation has been relocated from the rear of the customer parking area to a far more prominent location adjacent to the spine road at the front of the site. Although this would have a greater visual amenity impact than the approved scheme, the Planning Officer considers that the substation at 2.8m wide, 2.8 metres long and 2.25 metres high and a volume of 17.64m<sup>3</sup> is 'permitted development' and is outside of the remit of planning control.

5.4 The plans indicate that the finished floor level of the building, and consequently the apex, eaves and door heights of the building are 20cm higher than the approved scheme. It is not considered that this change would have a material impact in respect of visual amenity or residential amenity.

5.5 The objection from a local resident is noted; however, it is not considered that the minor amendment proposed would have a materially greater impact in respect of noise/disturbance or traffic than the previously approved scheme. The Council's Transportation Officer has raised no objections to the proposal. It is not considered that there would be a material change in respect of ecology or drainage/flooding.

5.6 Review of Conditions

Consideration has been given to the conditions from the previously approved scheme. Conditions 4 (sample of materials), 5 (lighting details), 8 (compensatory flood storage), 10 (sandstone samples) and 12 (noise details) require re-wording as the conditions have either been discharged or partially discharged. Condition 11, which required several plans to be updated is no longer required and will not therefore, be copied over to the new consent. A new condition (14) is required to ensure that the development is carried out in accordance with granite surface materials submitted. Condition 15, which lists the approved plans will be updated to reflect the latest plans submitted.

## 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 The variation of condition application is GRANTED subject to the following conditions.

**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

### **CONDITIONS**

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

#### Reason

In the interests of the amenities of the area and highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006; and Policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

2. The bin storage shown on the drawings hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

#### Reason

In the interests of the amenities of the area and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013

3. The development shall be carried out in accordance with the approved Occupier Travel Plan prepared by Key Transport Consultants and dated February 2016 received by the Council on 7th March 2016.

#### Reason

In order to promote more sustainable methods of travel to accord with policy T8, T12 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS8 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The development shall be carried out in accordance with the external material samples approved by the Local Planning Authority on 31st March 2017.

#### Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.



5. The development shall be carried out in accordance with the external lighting details approved by the Local Planning Authority on 12th June 2017.

Reason

To ensure an adequate lighting design in the interests of the amenities of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

6. A landscape bund and an acoustic fence with a minimum density of 10kgm<sup>2</sup> that is continuous to ground level with no significant gaps in the construction shall be provided at the site in accordance with the drawings "Landscape Masterplan no. 508P20C" and "Site Sections no. P0003B" in the first planting season following commencement of the development and retained at all times thereafter. For the avoidance of doubt, if the commencement of the development is within a planting season, then this is the trigger for carrying out the landscape works.

All other hard and soft landscape works shall be carried out in accordance with the approved details within the first planting season prior to the first occupation of the building or in accordance with a programme to be agreed in writing by the Local Planning Authority.

Reason

To provide adequate noise mitigation from operational noise generated by the use and in the interests of the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Reason

In the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. The development approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated November 2015 by Wardell Armstrong (and updated information i.e. Drawing no. 12-5187-001 Rev. T3) and the following mitigation measures detailed within the FRA:

1. Provision of compensatory flood storage on and in the vicinity of the site to a 1% Annual Exceedance Probability (AEP).
2. Finished floor levels are set no lower than building 50.800mAOD (as per Drawing no. 12-5187-001 Rev. T2) and service yard 49.836m above Ordnance Datum (AOD).

Reason

To ensure that the development is safe from the risk of flooding and does not increase the risk of flooding elsewhere and to accord with policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

8. The development shall be carried out in accordance with the compensatory flood storage scheme approved by the Local Planning Authority on 4th November 2016.

Reason

To ensure that the development is safe from the risk of flooding and does not increase the risk of flooding elsewhere and to accord with policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

9. Glazed curtain walling shall be installed using a secure glazing retention system. The method of retaining the glass shall include one or more of the following:

Security glazing tape

Dedicated security sealant or gasket

A secure mechanical fixing system

Reason

In the interests of crime prevention and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

10. The development shall be carried out in accordance with the approved sandstone pier sample panel approved by the Local Planning Authority on 31st March 2017.

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

11. The development shall be carried out in accordance with the Noise Impact Assessment approved by the Local Planning Authority on 23rd June 2017.

Reason

To ensure that neighbouring residential occupiers are not adversely affected by noise and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

13. No vehicle with a reversing alarm rated at a level greater than SWL 102 db shall operate at any time at the site.

Reason

To ensure that neighbouring residential occupiers are not adversely affected by noise and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

Site sections, P0003 D

Site layout external finishes, P0010 C

Planting masterplan, P20 E

Received on 14th June 2017

External works, 12-5187-001 C

Location plan, P0001 B  
Site plan cycle shelter plans, P0008 B  
Site layout fence layout, P0009 A  
Masterplan context plan, P0012 A  
Received on 17th May 2017

Feature acoustic fence details, 14030\_P00013  
Additional landscape details, 508 P 21  
Received on 25th May 2016

External lighting layout, 1000 P1  
Received 04/05/16

Elevations and sections, 14030 P0006  
Building layout, 14030 P0004  
Roof layout, 14030 P0007  
Main office layout, 14030 P0005  
Received 07/03/16

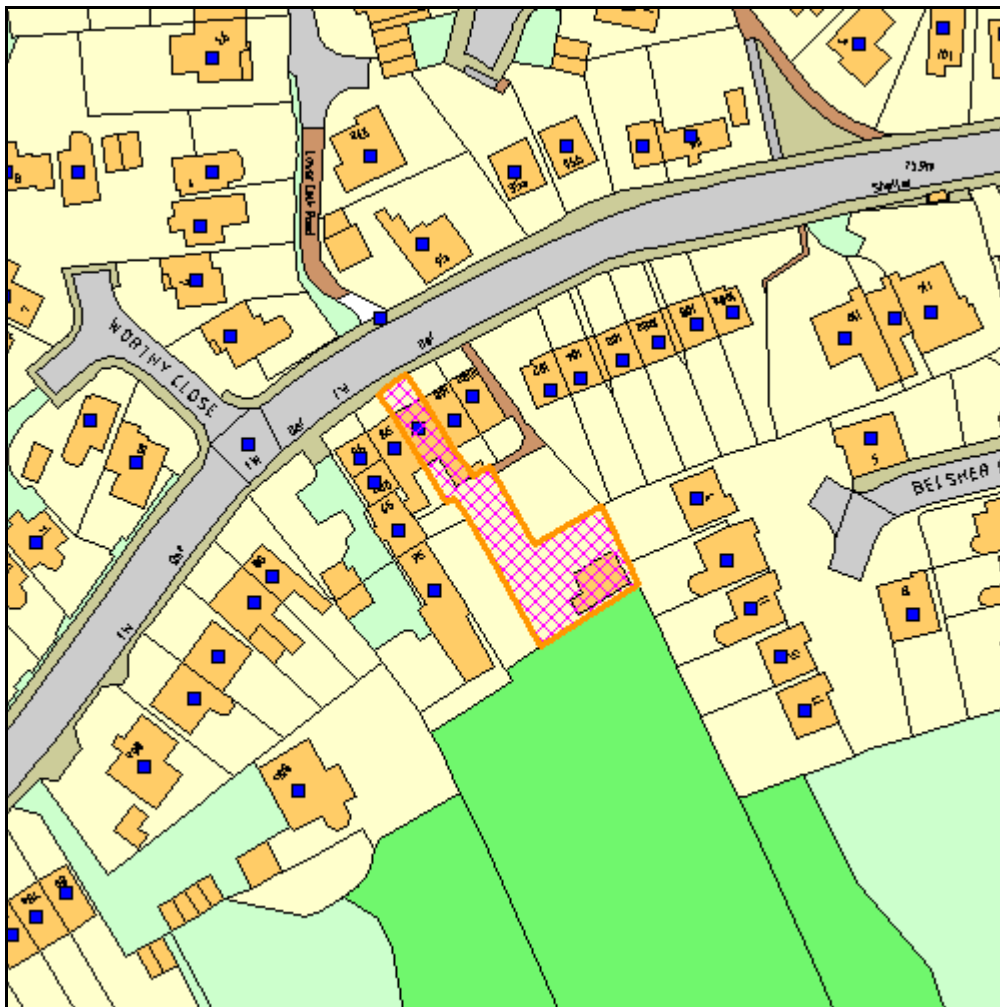
Reason  
For the avoidance of doubt.

15. The semi-circular paved seating area to the southern edge of the application site shall be constructed in accordance with the samples of Hardscape Yellow Grey Granite (in a flamed finish) and Marshall 100x100x100 Cropped Granite setts as specified in the letter from Charles Potterton received by the Local Planning Authority on 30th June 2017 prior to the first occupation of the building.

Reason  
To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PK17/2466/CLP	<b>Applicant:</b>	Mr David Southwell
<b>Site:</b>	98 Cock Road Kingswood Bristol South Gloucestershire BS15 9SG	<b>Date Reg:</b>	15th June 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for a proposed loft conversion and front porch.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365992 172965	<b>Ward:</b>	Parkwall
<b>Application Category:</b>		<b>Target Date:</b>	21st July 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK17/2466/CLP

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

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

### **1. THE PROPOSAL**

- 1.1 The application seeks a formal decision as to whether or not the proposed development for the installation of a rear dormer and front porch at 98 Cock Road, Kingswood would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

- 2.1 This is not an application for planning permission. Thus it cannot be determined through the consideration of policies contained within the Development Plan; the determination of this application must be undertaken as an evidential test against the regulations listed below.
- 2.2 National Guidance  
The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

- 3.1 There is no relevant planning history recorded for this property.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection.
- 4.2 Planning Enforcement  
No comments received.

#### **Other Representations**

- 4.3 Local Residents  
No comments received.

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

- 5.1 The following evidence was submitted to the Local Planning Authority on 15 June 2017:  
  
Existing Ground Floor Plan – PD-0

Existing First Floor Plan – PD-02  
Existing Second Floor Plan – PD-03  
Existing Front Elevation – PD-04  
Existing Right Elevation – PD-05  
Existing Rear Elevation – PD-06  
Existing Section A-A – PD-07  
Existing Ground Floor Plan – PD-08  
Proposed First Floor Plan – PD-09  
Proposed Second Floor Plan – PD-10  
Proposed Front Elevation – PD-11  
Proposed Right Elevation – PD-12  
Proposed Rear Elevation – PD-13  
Proposed Section A-A – PD14

Received 26 May 2017  
Site Location and Block Plan - SPL00  
Split Plans

## 6. ANALYSIS OF PROPOSAL

6.1 This application seeks a Certificate of Lawfulness for the proposed installation of a rear dormer and a front porch to facilitate a loft conversion at a property in Kingswood.

### 6.2 Principle of Development

An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.

6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

### 6.4 Assessment of Evidence: Dormer windows

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

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

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

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

- (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 plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.

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

The alterations to the roofline are at the rear of the dwellinghouse.

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

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case'**

The dwellinghouse is a terraced property, the resulting roof space will measure 31 cubic metres. This would not exceed the allowable cubic content of 40 cubic metres.

- (e) It would consist of or include –**

**(i) the construction or provision of a veranda, balcony or raised platform, or**

**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposed development contains two Juliette balconies. These are not classed as balconies for the purpose of permitted development. It is therefore not considered that the proposal does not consist of or include any of e (i) or e (ii).

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

The dwellinghouse is not located 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 proposed dormer extensions will be constructed from materials to match those used on the existing dwelling.

- (b) the enlargement must be constructed so that –**

**(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –**

**(aa) the eaves of the original roof are maintained or reinstated' and**

**(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres**

- from the eaves, measured along the roof slope from the outside edge or the eaves; and
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

The proposed development would not alter the eaves of the roof. The enlargement would be located approximately 40cm from the eaves. The proposed development joins the original rear roof of the property.

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

The dormer window would be located on the rear elevation of the dwellinghouse.

6.5 Assessment of Evidence: Dormer windows

Schedule 2 Part 1 Class D allows for the erection of a porch to the front of a dwelling, subject to meeting the following criteria:

**D. The erection or construction of a porch outside any external door of a dwellinghouse:**

**D.1 Development is not permitted by Class D 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) **the ground area (measured externally) would exceed 3 square metres;**

The floor area of the proposal (measured externally) would be less than 3 square metres.

- (c) **any part of the structure would be more than 3 metres above ground level; or**

The porch would not be more than 3 metres above ground level

- (d) **any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway**

The proposal would be more than 2 metres from the boundary with the highway.



## **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 rear dormer and front porch falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

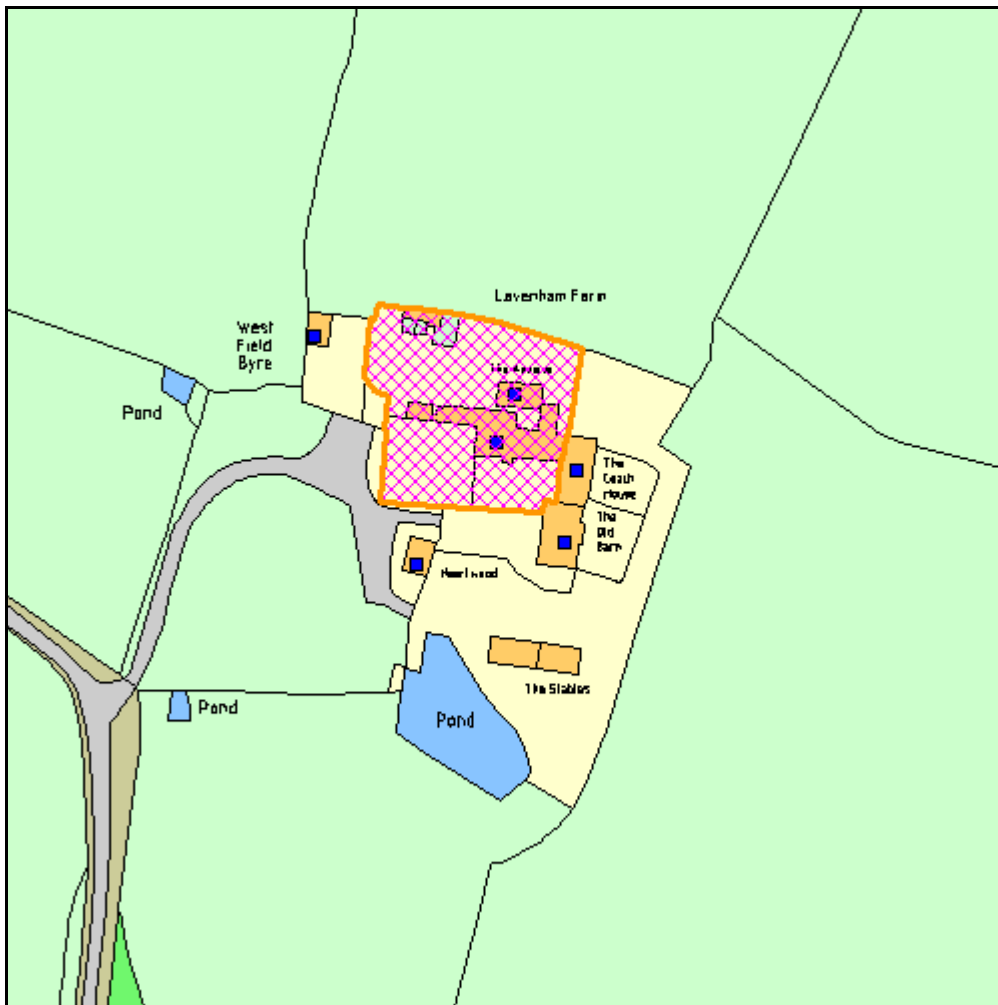
**Contact Officer: Owen Hoare**  
**Tel. No. 01454 864245**

## **CONDITIONS**

1. Evidence has been provided to demonstrate that on the balance of probabilities the proposed rear dormer and front porch falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class B and Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PK17/2502/F	<b>Applicant:</b>	Mr Chris Ross
<b>Site:</b>	Lavenham Farm Nibley Lane Iron Acton Bristol South Gloucestershire BS37 9UR	<b>Date Reg:</b>	15th June 2017
<b>Proposal:</b>	Erection of single storey side extension to provide additional living accommodation.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	368696 183130	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th July 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. **N.T.S.** **PK17/2502/F**

## **1. THE PROPOSAL**

- 1.1 The application is for the erection of a single storey side extension to form additional living accommodation at Lavenham Farm Nibley Lane Iron Acton Bristol South Gloucestershire BS37 9UR.
- 1.2 The property site relates to the farmhouse which is set back from the highway. It is located within the Bristol/Bath green belt.

## **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 (inc. Green Belt)

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.

Development in the Green Belt (Adopted) 2007.

## **3. RELEVANT PLANNING HISTORY**

- 3.1. PT15/4637/F  
Approve with Conditions (11.02.2016)  
Conversion of existing holiday let to form 1no. self-contained dwelling.
- 3.2. PK13/0206/F  
Approve with Conditions (08.03.2013)  
Conversion of summerhouse to form 1no. holiday let.
- 3.3. PK11/1035/F  
Approve with Conditions (06.06.2011)  
Erection of summer house and garden store.

- 3.4. PK06/0769/F  
Approve with Conditions (14.07.2006)  
Conversion of 4no. barns to 4no. dwellings, conversion of outbuilding to ancillary office. Conversion of outbuilding to 2 bedroomed annexe with erection of glazed walkway plus associated works.

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

- 4.1 Iron Acton Parish Council  
“Object - In the Green Belt Area - Access issues would potentially increase the use of a shared access of a single track country lane - Drainage and associated matters”.

4.2 Other Consultees

The Archaeology Officer Natural & Built Environment Team  
“None received”.

#### **Other Representations**

- 4.3 Local Residents  
None received.

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

- 5.1 Principle of Development  
Paragraph 89 within the NPPF allows for the extensions or alterations to buildings within the Green Belt, provided this does not result in disproportionate additions over and above the size of the original building. Development which is judged to be disproportionate with regard to the original building will be viewed as inappropriate development, harmful to the green belt and will not be permitted. Policy CS5 of the adopted Core Strategy is supportive of the NPPF and relevant plan policies in the protection of the Green Belt.

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

- 5.2 Green Belt  
Development which is disproportionate over and above the size of the original dwellinghouse will not be permitted. Accordingly, only limited additions will be permitted. The Development in the Green Belt SPD sets the disproportionate development test for an application of this type. This test includes an assessment of the volume increase of the original dwelling.

- 5.3 An addition to the property resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable. An increase in excess of 30% but less than 50% of the original dwelling is less likely to be considered acceptable; and an increase of 50% or more of the original dwelling would be likely to be considered in excess of any reasonable definition of 'limited extension'.
- 5.4 The proposed single storey extension; including the previous extension, would result in an increase in volume of roughly 190 cubic metres. This is a volume increase of less than 30% of the original dwelling.
- 5.5 The proposal would not significantly increase the size of the original building. Thus, the proposal satisfies the NPPF's and the Council's Green Belt guidance.
- 5.6 Design and Visual Amenity  
The proposed single storey extension is not out of keeping with the character of the main dwelling house, landscape and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling; the site; and its surroundings.
- 5.7 The elevations would be stone; the windows and doors would be white UPVC; and the roof tiles would be clay. These materials would match those present on the original dwellinghouse. The proposal is therefore considered to be of an appropriate standard in design.
- 5.8 It is considered that the proposed extension 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 H4 of the adopted Local Plan (2006) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.10 The proposed development is described as the erection of a single storey side extension to a detached farmhouse. However, the development consists mostly of the alteration of an existing single storey extension. The proposal would be 4.9 metres deep, 18 metres wide and have a maximum height of 4.1 metres. The existing extension to be altered is 3.3 metres deep, 16.5 metres wide and 3.4 metres high. The proposal therefore represents a small increase on the existing extension.
- 5.11 When considering the existing boundary, combined with the siting and scale of the proposed development. The proposal would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the development is not considered to be detrimental to residential amenity and is deemed to comply with saved Policy H4 of the Local Plan (2006).

#### 5.12 Highways

The Case Officer is mindful of the objection comment received from the Parish Council. However, the increase in volume of traffic from an extension of this scale is negligible. Therefore, there are no objections on highways grounds.

#### 5.13 Drainage

It is not considered that this alteration to the existing property will give rise to any material drainage issues that will not be appropriately addressed through the Building Regulations procedure.

### 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.**

### CONDITIONS

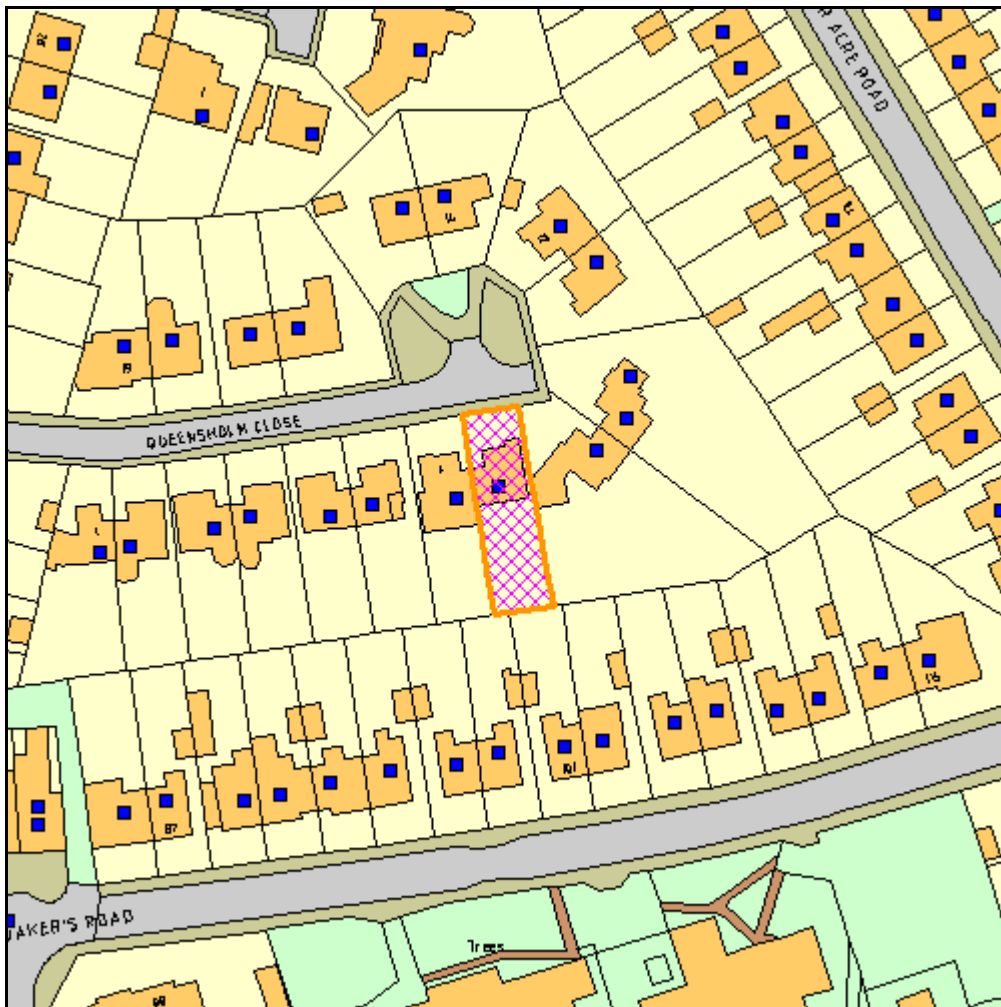
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PK17/2523/CLP	<b>Applicant:</b>	Mrs Julie Heaton
<b>Site:</b>	8 Queensholm Close Downend Bristol South Gloucestershire BS16 6LD	<b>Date Reg:</b>	15th June 2017
<b>Proposal:</b>	The erection of a proposed single storey rear extension.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365259 178014	<b>Ward:</b>	Downend
<b>Application Category:</b>		<b>Target Date:</b>	21st July 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PK17/2523/CLP

## **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 single storey rear extension to 8 Queensholm Close, Downend 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 (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 **PK02/0809/F**

Erection of two storey side and single storey front and rear extension

Approved: 03.05.2002

### **4. CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council  
No objection

#### **Other Representations**

- 4.2 Local Residents  
One comment of objection has been submitted by a local resident. The main concerns raised are outlined below:

- Concerned about proximity of wall to neighbouring boundary.
- 200mm is unlikely to be a sufficient distance for foundations to be dug without: affecting boundary fence or encroaching on neighbouring garden.



## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing and Proposed Plans (Drawing no. 01)  
(Received by Local Authority 30<sup>th</sup> May 2017)

## 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). It should be noted that there is no restriction on permitted development rights at the subject property. As such permitted development rights are intact and exercisable.

- 6.3 The proposed development consists of a single storey extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, 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 rear extension would not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

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

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

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

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

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

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

Not applicable.

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

The extension would be single storey.

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

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

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

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

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

The proposal does 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;**

Submitted plans indicate that the proposed extension would be finished in render to match existing, with the roof finished in concrete roof tiles. These materials are considered to be similar in appearance to those used in the construction of the exterior of the existing dwellinghouse. As such, the proposal meets this criterion.

- (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.

#### 6.4 Objection comments

With regard to the impacts of the proposed development on a boundary fence, this is considered to be a civil matter which is not to be assessed as part of this Certificate of Lawfulness application. With regard to the encroachment of the extension on to the neighbouring garden, the relevant part of the GPDO (2015) (Schedule 2, Part 1) relates to development within the curtilage of a dwellinghouse. If any of the proposed development encroached on to the neighbouring garden, it would not be entirely contained within the curtilage of a dwellinghouse, and would not be lawful. Judging from the submitted plans, officers are satisfied that the entirety of the proposed extension would be contained within the curtilage of the dwellinghouse. As such, the proposed development is not unlawful on the basis of encroachment.

## 7. **RECOMMENDATION**

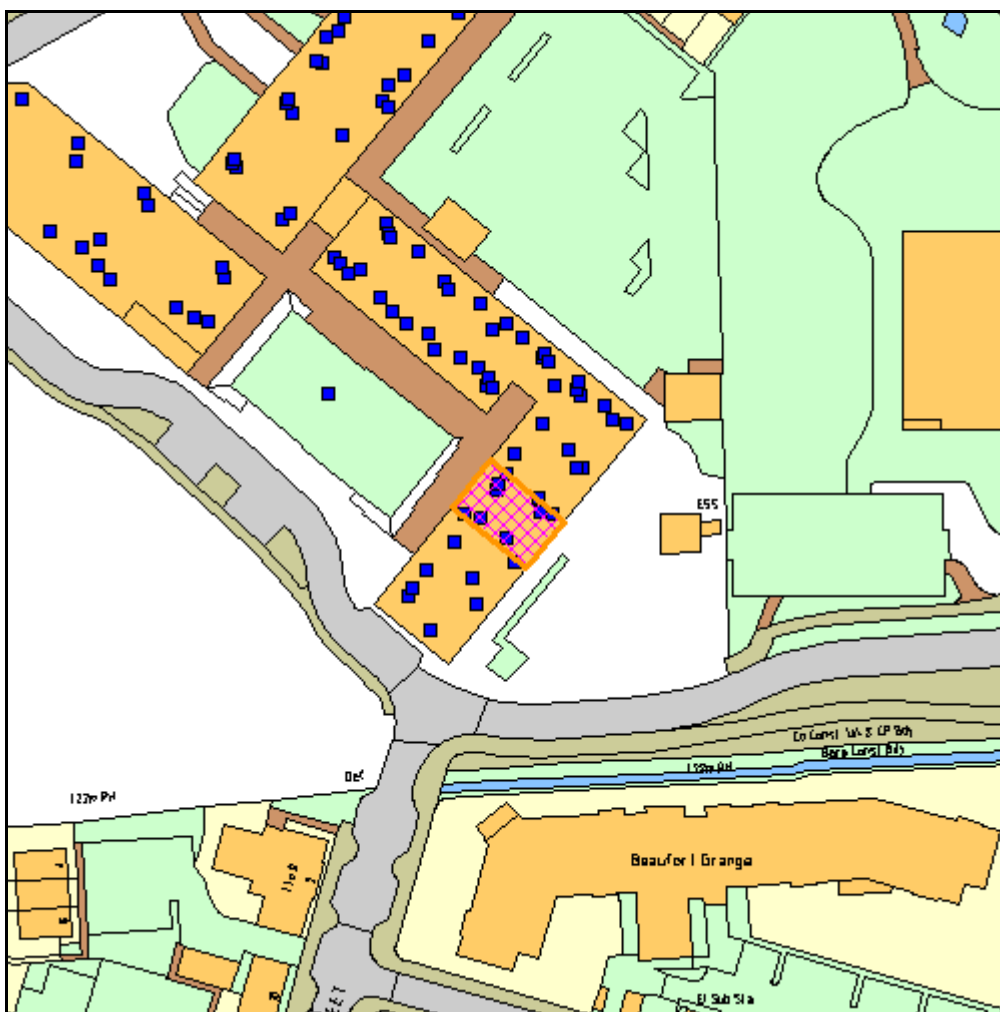
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the reasons listed below:

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed erection of a single storey rear extension would fall 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.

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PT16/6001/F	<b>Applicant:</b>	Notemachine UK Ltd
<b>Site:</b>	The Square Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GZ	<b>Date Reg:</b>	28th October 2016
<b>Proposal:</b>	Installation of ATM machine and associated works(Retrospective)	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361262 177742	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st December 2016



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/6001/F

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

The application has been subject to comments contrary to the recommendation of this report. As such it is required to be taken forward under the circulated schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The proposal seeks retrospective permission to install an ATM to the front elevation of a unit within The Square, Long Down Avenue, Stoke Gifford.
- 1.2 The subject property is a modern purpose built retail store within a mixed use development. The property has glazed front elevations and the ATM is set in this glass to the front of the store. The proposal has internally illuminated housing under consideration as an Advertisement consent.
- 1.3 The site is level and within a pedestrianised area. Adjacent to the property are Barnados and Hao Wei Chinese Restaurant and Takeaway. A number of the other retail and business units are currently vacant.
- 1.4 The site is located within the built up residential and commercial area of Stoke Gifford.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

RT1 Development in Town Centres  
RT5 Out of Centre and Edge of Centre Retail  
RT8 Small Scale Retail Uses within Urban Areas  
T12 Transportation

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity  
PSP31 Town Centre Uses  
PSP32 Local Centres  
PSP33 Shopping Frontages

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Shopfronts and Advertisements SPD (adopted) April 2012

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

- 3.1 PT16/4034/RVC – Approval – 05/10/2016 – Variation of condition 6 attached to Planning Application PT12/0684/RM to change the approved opening hours for a restaurant and take-away (Class A3/A5) from the previously approved 0900hrs to 1800hrs to 0900hrs to 2300hrs every day.
- 3.2 There are a significant number of other applications relating to the proposal site which are available to view online by searching the above reference number at the following address:  
<http://www.southglos.gov.uk/environment-and-planning/search-planning-applications/>

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Objection unless the additional security features suggested by the Avon and Somerset Constabulary are included.

- 4.2 Other Consultees  
Highway Structures  
No Comment

Avon and Somerset Constabulary

The proposal is not acceptable in its current form. The officer suggests a number of additional security features including CCTV covering the ATM, a gas suppression unit, explosion absorbing modules, bollards preventing vehicular access from Long Down Avenue, finally that that a Structural Engineer produce a report on the likely consequences of a gas attack and risk to residents.

Transport Officer  
No Comments

Lead Local Flood Authority  
No Objection

#### **Other Representations**

- 4.3 Local Residents  
No Comments Received

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

- 5.1 Principle of Development  
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character, distinctiveness and amenity of both the site and its context; have an appropriate density; take account of personal safety, security and crime prevention; and its overall layout is well integrated with the existing development.

5.2 Design and Visual Amenity

The proposal consists of the installation of an ATM to the front of Unit 12, The Square, Long Down Avenue. The application is retrospective meaning the ATM machine is already in place. The ATM is not of an unusual appearance and given the machine is set in the glass to the front of a retail store it is considered to be an acceptable location for such development.

5.3 Overall, it is considered that the proposed alteration would not cause harm the character or appearance of the area or host property and as such is considered acceptable in terms of visual amenity.

5.4 Crime Prevention and Public Safety

According to paragraph 58 and 69 of the NPPF (2012) decisions should aim to ensure that developments create a safe and accessible environment where crime and disorder, and the fear of crime, do not undermine quality of life and that crime and disorder and the fear of crime is considered at the design stage. Policy CS1 is in line with this requirement and design of new development should assist to prevent and tackle crime and the fear of crime. Accordingly, it has been viewed as necessary to assess the security of the machine.

5.5 Since 2013 there has been a spate of gas explosion attacks on ATM machines in the area. These have led to significant damage to properties and have the potential to have a significant impact on public safety and could lead to serious personal injuries or death. The proposal location is within a mixed use development and there is residential accommodation above. On this basis there is potential risk to the safety of the dwellings and the host property. Comments have been requested and provided by a Crime Prevention Design Advisor from the Avon and Somerset Constabulary. These comments do not object in principle but suggests the implementation of other measures and additional security features that include:

- CCTV covering the ATM;
- gas suppression unit;
- explosion absorbing modules;
- bollards preventing vehicular access from Long Down Avenue;
- Finally that that a Structural Engineer produce a report on the likely consequences of a gas attack and risk to residents.

5.6 The comments refer to the situation of the property and that there is currently no CCTV serving the unit that would provide footage of any evidential value. Given this consideration it is seen as reasonable to require the installation of additional CCTV that would serve the specific unit and cover the ATM machine. Revised plans have been submitted and these have provided the location for the proposed CCTV. As the ATM is already in place it is not possible to make this condition pre-commencement but it should be implemented as soon as reasonably possible. A time limit of 6 months will be attached to the decision by condition requiring the provision of the CCTV within that time limit.

5.7 Furthermore the advisors response indicates that there is no physical barriers preventing the parking of a vehicle to the front of the unit that would



facilitate the potential attackers and security bollards should be installed. With this in mind officers have sought revised plans showing the location of the proposed bollards, this will prevent vehicles from getting close to the ATM machine. In addition it is not unusual to see bollards in such a location and are considered to have an acceptable impact visually. Again these features will be required to be provided within 6 months of the date of decision.

- 5.8 The constabulary's advisor suggests other equipment including blast absorbing modules and a gas suppression unit. Whilst these may prevent injury, loss of money and damage in the event of an attack it would not prevent an attack in itself. Nevertheless, the property is part of a mixed use scheme and there is residential accommodation above the ATM machine. Were an attack to happen with no suppression measures in place there would be a greater risk to resident's safety and health, thereby increasing the risk to life as a result of crime, and the fear of crime in the locality. Having considered these recommended features, in order to accord with policy CS1, the installation of a gas suppression unit is required. On this basis it is considered necessary and reasonable in all other respects to include such provisions and a condition will be attached to that affect. Such a condition has also been considered to pass the tests attached to paragraph 204 of the NPPF. The agent has suggested that other similar retrospective proposals have not had such a requirement attached, having reviewed these decisions, these have been located at petrol filling stations where there is no nearby residential property and are by nature well surveilled and in operation for much longer periods of the day and night, meaning risk of an attack is reduced and potential risk to the public is also less severe than in the proposal location.
- 5.9 Lastly the officer has recommended that a Structural Engineer carries out a report on the consequences in terms of health and safety in the case of a potential gas attack. This has not been considered to reduce the risk of attack or reduce the damage and potential risk to public health were an attack to happen and on this basis is not considered reasonable, principally as it would not reduce the risk or fear of crime.
- 5.10 Whilst the design of the proposal may be acceptable in terms of visual amenity the security impact of the proposal has also been considered. In this case as it stands there are insufficient security measures for the development and conditions are recommended. Subject to the appendage of the aforementioned conditions it is judged that the proposal has an acceptable standard of design and is considered to be accord with policy CS1 and conforms to the criteria identified in the adopted Local Plan and the NPPF (2012).
- 5.11 Residential Amenity  
The subject property is located below some residential accommodation within a mixed use development. As a result the proposal could potentially affect these properties residential amenity. No objections have been received on the proposal with regard to amenity and given the context of the site an ATM is not seen as unusual for such a location. Additionally the proposal is located on a shop front that is slightly recessed from the front elevation of the building as a whole. Given this the proposal is not going to result in an unacceptable level of

light or noise pollution and is considered acceptable with regard to amenity considerations.

#### 5.12 Sustainable Transport and Parking Provision

Currently the property has an area of hardstanding to the rear of the property for deliveries. The proposal will be located on the pedestrianised area and away from the public highway. As a result the proposal is not seen to have any negative impact on highway safety. The proposal will not impact on the existing arrangement, consequently there are no adverse highway concerns to address. The council has no objection to the proposal in relation to highway safety or parking provision.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

1. The ATM hereby approved shall be fitted with gas attack protection measures. Within three months of the date of this permission, details of the gas attack protection measures shall be submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall then be implemented in full within three months of the date the above details are agreed and thereafter retained and maintained.

#### Reason

In the interests of crime prevention and public safety and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework March 2012.

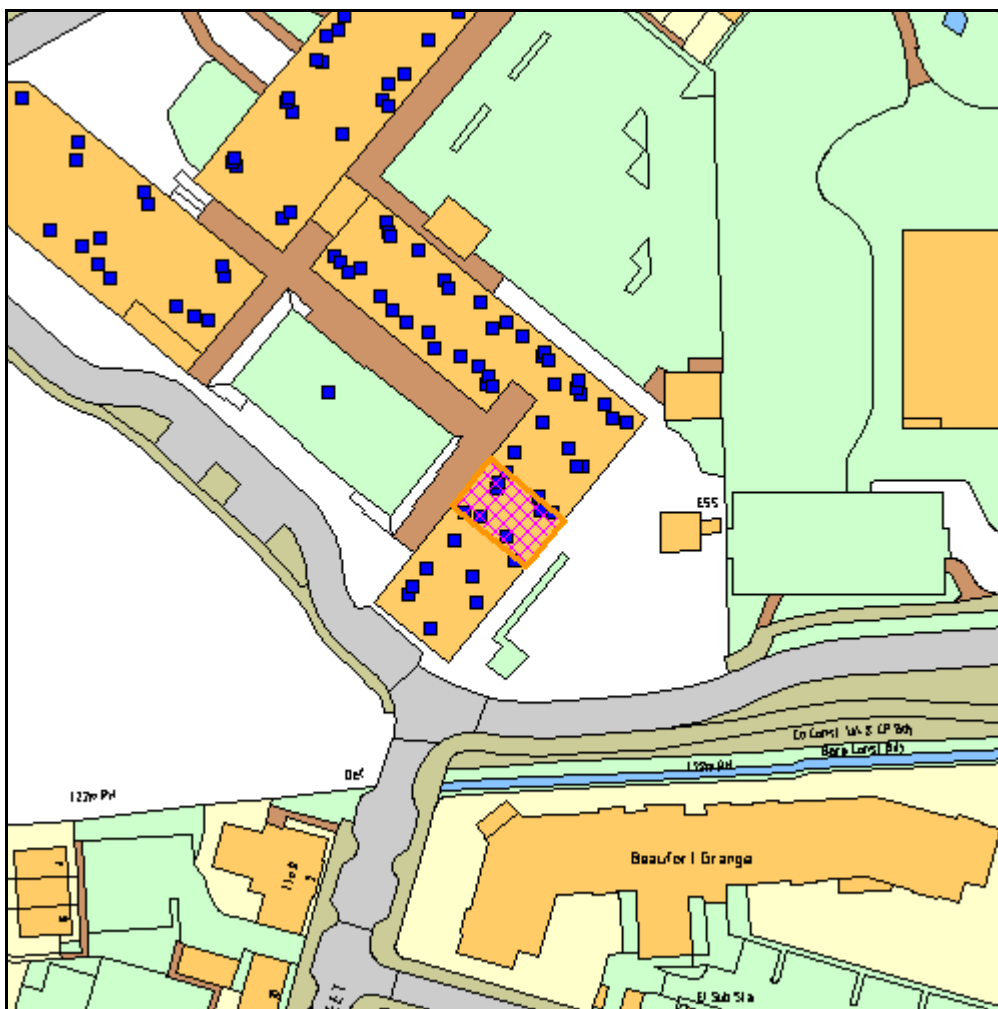
2. The ATM hereby approved shall be protected by the security bollards and CCTV indicated on the plans received by the Local Planning Authority on 9th June 2017 and hereby approved. The approved works shall be implemented in full within 6 months of the date of this decision and thereafter retained and maintained.

Reason

In the interests of crime prevention and public safety and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and the provisions of the National Planning Policy Framework March 2012.

## CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017

<b>App No.:</b>	PT16/6004/ADV	<b>Applicant:</b>	Notemachine UK Ltd
<b>Site:</b>	The Square Long Down Avenue Stoke Gifford South Gloucestershire BS16 1GZ	<b>Date Reg:</b>	28th October 2016
<b>Proposal:</b>	Retention of 1 no. internally illuminated fascia sign for ATM machine	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	361262 177742	<b>Ward:</b>	Frenchay And Stoke Park
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st December 2016



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT16/6004/ADV

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

The application has been subject to a representation contrary to the findings of this report. Accordingly the application is required to be referred to circulated schedule under the current scheme of delegation.

### **1. THE PROPOSAL**

- 1.1 The application seeks advertisement consent for the display of 1 no. internally illuminated fascia sign for an ATM machine.
- 1.2 The application site relates to a unit within The Square, Long Down Avenue. This site is part of a mixed use development comprised of business units and residential accommodation. Currently the development is partially unoccupied.
- 1.3 A full application has been lodged for the provision of the ATM itself. The following report will only consider the impact of the associated signage.

### **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  
CS14 Town Centres and Retail

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

RT5 Proposals for Out of Centre Retail Development  
T12 Transportation

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

PSP1	Local Distinctiveness
PSP8	Residential Amenity
PSP31	Town Centre Uses
PSP32	Local Centres
PSP33	Shopping Frontages

#### 2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006  
Shopfronts and Advertisements SPD (adopted) April 2012

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

- 3.1 PT16/4034/RVC – Approval – 05/10/2016 – Variation of condition 6 attached to Planning Application PT12/0684/RM to change the approved opening hours for a restaurant and take-away (Class A3/A5) from the previously approved 0900hrs to 1800hrs to 0900hrs to 2300hrs every day.

- 3.2 There are a significant number of other applications relating to the proposal site which are available to view online by searching the above reference number at the following address:  
<http://www.southglos.gov.uk/environment-and-planning/search-planning-applications/>

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

- 4.1 Stoke Gifford Parish Council  
Objection unless the additional security features suggested by the Avon and Somerset Constabulary are included.

4.2 Other Consultees

Transportation Officer  
No Comment

#### **Other Representations**

- 4.3 Local Residents  
None Received

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

- 5.1 Principle of Development  
The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and street scene. They should be subject to control only in the interest of amenity and public safety; whilst taking into account the cumulative impact advertisements may have. Consequently advertisements will be assessed with regard to visual amenity, cumulative impact and public safety. The site is situated within an established retail area and is part of a larger unit.
- 5.2 Visual Amenity  
The application relates to the display of 1no. internally illuminated fascia sign in association with an ATM machine. This application is retrospective and the machine is already in place. The location of the signage is not seen as unusual nor would it result in a cluttered appearance.
- 5.3 The design, size and scale of the sign is not considered inappropriate for the size of the building and the streetscene. Accordingly, the proposed signage is not considered to have a negative impact on the character of the area and would not cumulatively create an unacceptably cluttered appearance. Overall the sign is considered acceptable.
- 5.4 Public Safety  
The advertisements are not considered to have an impact on the safety of the pedestrians using the pedestrian walkway alongside it and would not be detrimental to the safety of motorists as the signage is located away from the highway on a pedestrian thoroughfare. That said the proposal is for ATM signage and the Parish council have objected as there have been a number of

gas attacks on machines in the area. Comments from the Avon and Somerset Police on the full application have suggested a number of additional security features. Whilst this is considered reasonable with regard to the full application this application is for advertisement consent and not the machine itself and this consideration is given limited weight in the determination of the advertisement consent. This topic will be discussed in detail under the full application ref. PT16/6001/F.

#### 5.5 Residential Amenity

The proposal will be located within a mixed use development and will be located below a residential unit. Whilst this dwelling will be close to the machine, the level of illumination is not considered to have an unacceptable impact on the amenity of the property and the location for the signage is slightly recessed from any openings that could be impacted. As a result the proposed signage is not considered to have an unacceptable impact on the amenity of the residential property.

### 6. CONCLUSION

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

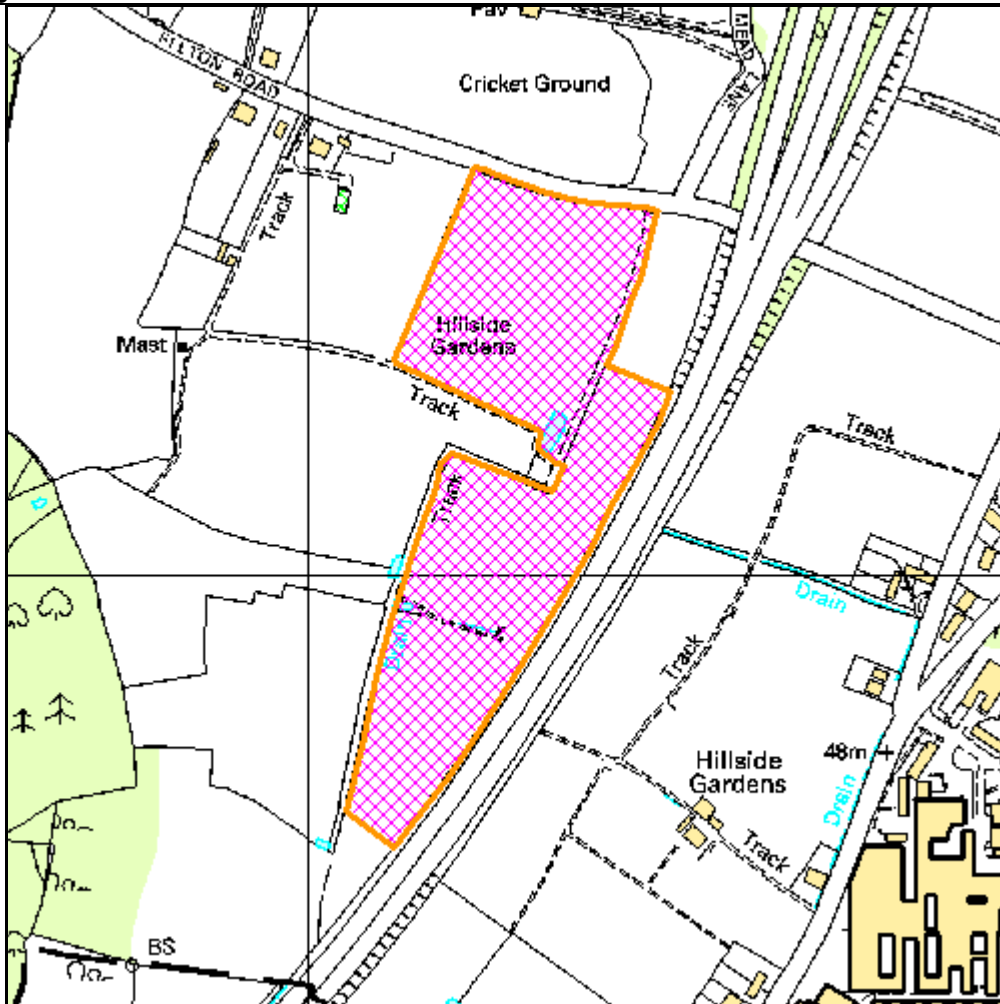
### 7. RECOMMENDATION

7.1 It is recommended that the advertisement consent be **GRANTED** subject to the conditions attached to the decision notice.

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

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PT16/6218/F	<b>Applicant:</b>	University Of The West Of England University of the West of England
<b>Site:</b>	Land To The West Of The M32, South Of Filton Road Filton Road Winterbourne South Gloucestershire BS16 1QG	<b>Date Reg:</b>	18th November 2016
<b>Proposal:</b>	Change of use of land from agricultural to form 2no. all weather sports pitches with floodlighting, grass pitch, training pitch, ponds, landscaping bund, parking and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	362756 178559	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Major	<b>Target Date:</b>	15th February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/6218/F



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

This application has been referred to the Circulated Schedule following the receipt of objections from 3no. local residents; the concerns raised being contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is 6.43ha in area and comprises two large agricultural fields, laid to pasture, that lie to the west of the M32 and south of Filton Road, within the open countryside and Bristol/Bath Green Belt. The site is not subject to any other designations such as SSSI, Flood Zone, Conservation Area, AONB and neither are there any listed buildings nearby. The site is located approximately 250 metres south-west of Junction 1 of the M32, and it is accessed off Filton Road opposite Frenchay Cricket Club, which lies to the north. The site has an extant planning permission PT14/2400/F for the 'change of use of agricultural land to 2no. sports playing pitches (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated works'. The pitches were granted permission in December 2014 after the Council determined that there were 'very special circumstances' that outweighed the harm to the Green Belt by reason of inappropriateness and any other harm
- 1.2 A single-storey building, to provide 4no. 14-person changing rooms for players with shower and toilet facilities, as well as a kitchen and officials changing area, was subsequently approved on the North-Eastern part of the site under application PT15/1377/F.
- 1.3 Much of the surrounding area is used for sporting activities e.g. Frenchay Cricket Club, Bristol Golf Centre and what is to be the new Dings RFC ground on the opposite side of the M32, which was approved (see PT15/0493/F) in April 2016 and is currently under construction. There is sporadic residential development along Filton Road. Construction is currently underway by Taylor Wimpey for 550 houses to the south of the existing Business Park to the south-west of the site.
- 1.4 Frenchay campus lies to the west of the site and can be accessed via the PROW running through Sim's Hill. A PROW runs along the eastern boundary of the northern field, crossing over to the west and running south on the outside of the boundary of the southern field. There are two existing ponds within the site, one in the south-eastern part of the northern field, and one in the southern field; it is proposed to infill these ponds.
- 1.5 Following a re-assessment of the needs for sports facilities close to the UWE campus, and the constraints of the site, which lies adjacent to the M32 and within the open Green Belt land; it is now proposed to develop the site to provide two all-weather sports pitches with floodlighting, a third football/rugby grass pitch, a training pitch, ecological mitigation ponds, landscape bund, parking and ancillary works. The sports pavilion and parking area granted under PT15/1377/F would remain the same as previously approved.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework 2012  
Technical Guidance to the National Planning Policy Framework 2012  
National Planning Practice Guidance 2014

### 2.2 Development Plans

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

L1 Landscape Protection and Enhancement  
L9 Species Protection  
L11 Archaeology  
L13 Listed Buildings  
L16 Protecting the Best Agricultural Land  
EP2 Flood Risk and Development  
T7 Cycle Parking  
T8 Parking Standards  
T12 Transportation Development Control Policy For New Development  
E11 Tourism  
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries  
LC12 Recreational Routes

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

CS1 High Quality Design  
CS2 Green Infrastructure  
CS3 Renewable and Low Carbon Energy  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS7 Strategic Transport Infrastructure  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS23 Community Infrastructure and Cultural Activity  
CS24 Green Infrastructure, Sport and Recreation Standards  
CS25 Communities of the North Fringe of Bristol Urban Area  
CS27 East of Harry Stoke New Neighbourhood  
CS28 The University of the West of England  
CS34 Rural Areas

### 2.3 Supplementary Planning Guidance

Development in Green Belt SPD (Adopted) 2007  
South Gloucestershire Design Checklist (Adopted) 2007

### 2.4 Emerging Plan

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

PSP1 - Local Distinctiveness  
PSP2 - Landscape  
PSP7 - Development in the Green Belt  
PSP11 - Transport Impact Management

- PSP16 - Parking Standards
- PSP17 - Heritage Assets
- PSP19 - Wider Biodiversity
- PSP21 - Environmental Pollution and Impacts

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

- 3.1 PT14/2400/F - Change of use of agricultural land to 2no. sports playing pitches (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and associated works.  
Approved December 2014.
- 3.2 PT15/1377/F - Erection of single-storey building to form changing rooms, ancillary facilities and associated works.  
Approved 1<sup>st</sup> June 2015

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection

- 4.2 Other Consultees

Wessex Water  
No comment

Highway Structures

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

Or

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

Avon Fire and Rescue  
No response

Police Community Safety Officer  
No response

Arts and Development Officer  
No comment

Lead Local Flood Authority

No objection subject to a SUDS Drainage Scheme.

Sustainability Officer

No response

PROW

No objection

South Gloucestershire Ramblers Association

No response

Open Spaces Society

No response

Sport England

Sport England raises no objection to this application which is considered to meet exception E5 of our adopted Playing Fields Policy. We would encourage planning conditions relating to community use and design compliance of the artificial grass pitches (AGPs) and creation of the grass playing pitch.

The Environment Agency

No response

Historic Environment (Archaeology)

There is no in principle archaeology objection to this application. However, there is archaeological sensitivity to this site and therefore a condition for a programme of archaeological work needs to be applied to any consent granted. This will entail a level of evaluation, followed by any further mitigation to record archaeology. Standard condition HC11 will be sufficient.

Environmental Protection

No objection

Tree Officer

No objection subject to a condition to secure Tree Protection in accordance with submitted plans.

Ecology Officer

No objection subject to conditions to secure an Ecological Management and Enhancement Plan and 'lighting design strategy for biodiversity'.

Transportation D.C. Officer

No objection

Landscape Officer

The approved scheme should be implemented, providing 2 grass pitches. The proposal is considered unacceptable, resulting in significant landscape and visual impact within this open valley & Green Belt location.

Lighting Engineer

No objection.

## Highways England

No response. (Pre application advice was however given).

## **Other Representations**

Those local residents nearest the site were consulted. In addition a site notice was posted outside the site on Filton Road and the application advertised in the local press.

### 4.3 Local Residents

1no. response was received supporting the application. The response stated that:

- The scheme will create a much needed sports facility for the benefit of students, UWE's staff and the local community to carry out exercise.

3no. e-mails/letters of objection were received; the concerns raised are summarised as follows:

- Impact of floodlighting.
- Inadequate parking provision.
- Inadequate drainage; Filton Road already floods.
- Loss of pond will increase the risk of flooding.
- Light pollution to 11.00p.m.
- Will generate late night traffic and disturbance.

### Frenchay Cricket Club

Whilst not objecting to the principle of the proposal, Frenchay C.C. commented on the following matters:

- There is an ongoing issue concerning the inadequacy of the highway drainage at the Filton Road/Common Mead Lane junction just outside the site access. After a prolonged 'wet spell', further rain on saturated ground can and does cause flooding at the junction, which has at times extended along the surfaced length of Common Mead Lane. It is anticipated that the relevant Authority will confirm that the drainage for the 'All Weather Pitches' proposed, will not exacerbate the current problem.
- Purely as a matter of fact, the Planning Permission granted in 2014 for the construction of 4no. Tennis Courts including Floodlights at the Cricket Ground (PT14/0601/F), includes a Condition requiring that the Floodlights are switched off no later than 10.00p.m. each evening.

The application was also advertised as a departure from Development Plan Policy; no responses were received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

- 5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to the policies therein.
- 5.4 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 Policy CS25 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 sets out the plan for development of communities of the North Fringe of the Bristol Urban Area. Figure 5 of this policy puts the application site within an area set aside for ‘Significant Green Infrastructure in the Green Belt and in the New Neighbourhood’. Policy CS27 of the Local Plan: Core Strategy sets out the development plan for East of Harry Stoke New neighbourhood. Para. 12.23 of the policy subtext states that, ‘The area south of the ring road will remain as Green Belt as it is not considered suitable for residential development due to highway access constraints and the visual amenity and character of the area. However, given existing sports facilities in the area, it has been identified as providing a potential opportunity to consolidate the outdoor sports pitch requirement from the new neighbourhood, possibly as part of a larger strategic facility for the wider area.’ The current proposal for the Harry Stoke New Neighbourhood provides all outdoor sports provision on-site. Policy CS25 and CS27 therefore effectively ‘safeguard’ the area south of the ring road, where the application site is located, for public open space and Green Infrastructure.
- 5.6 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are ‘severe’.
- 5.7 Saved Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006, states that proposals for the development, expansion or improvement of outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to the following criteria being met:
- A. Proposals for facilities which are likely to be major travel generators are located on sites which are highly accessible by public transport, on foot and by bicycle; and
  - B. Development would not itself, or when considered with other recent or proposed sports and recreation developments in the immediate locality,

- have an unacceptable effect on the character and diversity of the landscape; and
- C. Development would not have unacceptable environmental or transportation effects; and
  - D. Development would not unacceptably prejudice residential amenities; and
  - E. Development would not give rise to unacceptable levels of on street parking to the detriment of the surrounding area and highway safety; and
  - F. Any external lighting or advertisements would not result in the unacceptable loss of amenity, nor constitute a road safety hazard.
- 5.8 The acceptance in principle of the use of the site for sports pitches has already been established by the grant of application PT14/2400/F together with a pavilion and associated parking under PT15/1377/F and it is material that this would be a fall-back position should this current application be refused.
- 5.9 The NPPF sets out the government's national planning policies for England. Central to this guidance is the clear direction that there should be a presumption in favour of sustainable development. Paragraph 14 makes it clear that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means:
- Approving development proposals that accord with the development plan without delay; and
  - Where the development plan is absent, silent or relevant policies are out-of-date, granting permission 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; or
    - Specific policies in this framework indicate development should be restricted.

The analysis of the current proposal in relation to the above criteria is considered below.

#### Impact on the Openness of the Green Belt and Landscape Issues

- 5.10 National Planning Policy Framework clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt serves the following five purposes:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns, and;
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- 5.11 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87).
- 5.12 Para. 89 of the NPPF states that planning authorities should regard the construction of new buildings as inappropriate in the Green Belt but lists exceptions which include *“provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”*. However, this proposal does not relate to the construction of new buildings, the pavilion having already been approved under PT15/1377/F.
- 5.13 Para. 90 states that other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt and these include:
- Engineering operations

It is established through Case Law that changes of use of land are inappropriate development in the Green Belt requiring very special circumstances to overcome the harm by reason of inappropriateness and any other harm. It was previously established under PT14/2400/F that the applicant had demonstrated the very special circumstances to allow the two grassed pitches in the Green Belt. For the current proposal it again falls upon the applicant to demonstrate the very special circumstances that overcome the harm by reason of inappropriateness and any other harm.

- Need
- 5.14 UWE have undertaken a comprehensive review of the sports provision on Frenchay Campus and identified a need to provide additional facilities such as all-weather sports pitches, which can carry more games, and as much outdoor playing space as possible on their existing land holdings.
- 5.15 The research undertaken has found that many prospective students, when considering their University location, have chosen not to come to UWE due to lack of facilities for training and other sports activities in proximity to the main campus which currently only has one outdoor all-weather pitch.
- 5.16 The facility is needed to provide UWE with a high quality training facility that will allow the playing of sports in all weathers. The University is currently hiring or renting pitches across the city for their use, meaning that a lack of availability occurs, tenancy agreements are cut short unexpectedly, they have a lack of control over pitch management and quality meaning the standard is poor, and students must travel much further away from the main campus, usually by car, to play matches and for training purposes; this is clearly not a sustainable situation.
- 5.17 In 2008, the University acquired approximately 28ha of land, immediately adjoining its Frenchay Campus, with the aim of consolidating activities from other campuses onto the one enlarged site and re-modelling where possible to provide an improved environment for the students and visitors, to become ‘an



*internationally acknowledged centre of knowledge exchange, drawing upon its excellent teaching, scholarship, and research in order to prepare students for the various needs and challenges of work and society’.*

- 5.18 In the period up to 2027 the UWE Frenchay Campus will be further developed for academic and research purposes, including the provision of student housing, as a focal point for the wider community, exhibition and conference, sporting and cultural facilities. Significant redevelopment has already occurred.

#### The Proposal

- 5.19 To meet the deficit in provision identified above, it is now proposed to amend the previously permitted scheme for grass pitches to two all-weather pitches (one football and one rugby) with associated floodlighting. Grass pitches, when in use for an excessive amount of time, become unplayable due to their condition, and furthermore cannot be played on in times of inclement weather.
- 5.20 The all-weather pitches in contrast, can be utilised in all different types of weather and have the ability to endure more training sessions and playing time. As the pitches can be utilised all-year round, floodlighting is proposed to be provided and used up to and until 11.00p.m. at night. LED lighting would be used on 12 x 15m high columns.
- 5.21 A third full sized grass pitch and a smaller training pitch in the south, would be provided to ensure the maximum amount of play is available for the university teams and for the wider community for either training or match purposes.
- 5.22 Re-arranging the previous site layout with adequate facilities for parking would involve the filling in of the two ponds on the site. In order to mitigate this, two new ponds would be provided. The sports pavilion granted under PT15/1377/F would remain as previously approved and does not form part of the current application.
- 5.23 A screening and ecological bund, has been incorporated into the proposals, which would wrap around the south-eastern boundary of the site, to act as a noise and landscape buffer from the motorway. This would be approximately 7m at its highest point, which would then slope gently downwards towards the pitches. The bund would require 65,000 cu.m. of fill material to be imported into the site for its construction and it is estimated that it would take a year to complete. Once finished, the bund would be planted to soften the landform and act as a screen to the development and provide new habitats.
- 5.24 Car parking would be provided in the form of 38 spaces and 3 disabled spaces, to the north of the pavilion, which would be tarmacked. Four minibus spaces would be provided to the south of the pavilion and 26 overflow car parking spaces would also be provided, which would be made from ‘grasscrete’ or similar material.
- 5.25 It is envisaged that the university teams would predominantly utilise the sports pitches on Wednesdays, which is the main sports day for the university. Some more limited usage would occur on other weekday evenings for matches and training, UWE’s use would be limited to term time (Sept - May). During the

summer months and on weekends when students are unavailable it is proposed that the wider community would be provided with the opportunity to utilise the pitches.

#### Analysis of Very Special Circumstances

- 5.26 The applicant has identified a clear and pressing need for enhanced sports facilities closer to the UWE campus. UWE's aim to consolidate the campuses across the city into a single entity at Frenchay would have significant benefits in terms of sustainability and provision of additional sporting facilities for wider community use. The process of consolidating the university on one campus has involved the redevelopment of other sites to unlock funds to meet the Universities aim to become a top educational facility.
- 5.27 The closure and redevelopment of the St Mathias Campus in Fishponds involved the loss of two grass pitches resulting in an objection from Sport England. To compensate, UWE secured permission for two grass pitches at Hillside Gardens i.e. the current application site (see PT14/2400/F) and subsequently for the erection of changing rooms (PT15/1377/F). It was considered for PT14/2400/F that the applicant had adequately demonstrated the very special circumstances needed to permit the otherwise inappropriate development in the Green Belt. It was accepted that there was no suitable alternative site for the pitches outside the Green Belt and officers consider that the same reasoning applies here. Whilst the current proposal now includes all-weather pitches, floodlighting, a screen bund and additional car parking, these are all considered to be appropriate facilities associated with the sporting activities proposed; similar such facilities were approved in the Green Belt at the nearby new Dings Rugby Football Ground. It is therefore considered that there are very special circumstances that outweigh the harm to the Green Belt by reason of inappropriateness and the principle of development in Green Belt terms is therefore acceptable.

#### Design and Landscape Issues

- 5.28 The Council's Landscape Architect gave pre-application advice in which she raised concerns about the flood-lighting/fencing issue and the inclusion of the third most southerly pitch. It was considered by the officer that due to the topography of the site, the amount of cut and fill required to accommodate the pitches would lead to a dramatic visual change to the hillside. There were further concerns about the lack of landscaping and the likely impact of ball-stop fencing adjacent to the motorway. For the current proposal, the officer has reiterated her original conclusions that the previously approved scheme should be implemented, providing 2 grass pitches only and the proposal to amend the pitches to all weather with floodlighting plus a 3rd grass pitch on the southerly field is considered unacceptable, resulting in significant adverse landscape and visual impact within this open valley & Green Belt location.
- 5.29 Your case officer however, whilst accepting that the proposal would inevitably result in some harm to the landscape, considers that the proposal should be considered in the context of other material considerations.
- 5.30 The area cannot be considered to be of high quality landscape character, being surrounded by existing development. The elevated M32 motorway and its

junction with the M4 is a dominating feature that has significantly compromised the visual amenity of the landscape. The Avon Ring Road lies to the north, bounded by the existing Golf Centre and Frenchay Cricket Club. The latter includes floodlit tennis courts (see PT14/0601/F) and the former very high ball stop netting; planning permission PT14/3137/F was recently granted to increase the height of the netting to between 25m and 30m.

- 5.31 Within the officer report for PT14/0601/F it was accepted that due to the existing lighting in the adjacent Bristol Golf Centre car park, the Ring Road and M32, the lighting for the then proposed tennis courts would not have a significant impact on the landscape character of the area. Furthermore, the recently approved Dings ground, which incorporates floodlighting and netting on the opposite side of the M32 to the application site, was also considered acceptable. All of these developments lie within the Green Belt. To the west the existing UWE Campus dominates the skyline whilst new housing estates are being built to the north, East of Harry Stoke and to the south-west of the application site, south of the Business Park.
- 5.32 The proposed floodlighting has been designed such that the overspill and lux levels would be kept to a minimum. A landscape bund is now proposed as opposed to ball-stop fencing next to the M32. The bund would wrap around the proposed southerly pitches to screen them from view from motorists. Due to the topography of the site; the fact that the pitches would be cut into the lower level of the site; and the presence of the nearby elevated M32 bridge to the east; combined with the provision of the landscaping bund; the proposed floodlighting would largely be screened from view (see long sections drawing P/1603/17A). An appropriate landscaping condition would ensure adequate planting to further enhance the screening of the site. Such bunds as that proposed are commonplace adjacent to motorways and is considered to be a more appropriate landscape form than a fence or ball-stop netting.
- 5.33 Whilst the scheme as now proposed would introduce elements that would intensify the use of the site, these elements are appropriate sporting facilities, the like of which have been considered acceptable nearby. The location is identified in Core Strategy Policy CS27 as being earmarked to meet sports provision. The supporting text to CS27 at para. 12.23 states:

*The area south of the Ring Road will remain as Green belt as it is not considered suitable for residential development due to highway access constraints and the visual amenity and character of the area. However, given the existing sports facilities in the area, it has been identified as providing a potential opportunity to consolidate the outdoor sports pitch requirement from the new neighbourhood, possibly as part of a larger strategic facility for the wider area.*

- 5.34 Having considered the proposal in the context of the above, your case officer considers that the scheme is acceptable in landscape terms.

#### Transportation Issues

- 5.35 The scheme has been designed in conjunction with pre-application advice given to the applicant by Highways England who it is noted have not raised any

- objections to this proposal. A Transport Statement has been submitted in support of the application, to ascertain the impact on the local highways network for both the use of the site for UWE and the community aspect of the proposals, the proposed construction of the landscape bund, and ensuring adequate parking would be available on site. Tracking diagrams have been submitted to confirm that a minibus can manoeuvre around the site safely.
- 5.36 It is estimated that approximately 65,000 cu.m. of fill would be required for the construction of the landscape bund and this is estimated would take approximately a year to complete. Utilising lorries of 8 cu.m. this would equate to 8,125 lorry movements.
- 5.37 The material is likely to be transported from a limited number of sources with hopes of fill material from the Harry Stoke development being utilised. When assuming a 5.5 day week (Mon – Fri and Sat mornings) it is expected that there would be around 30 lorry movements per day. When assuming an eight hour day, it is expected that there would be an average of 4 lorry movements per hour.
- 5.38 Temporary signage and wheel wash facilities would be installed during the construction period, whilst a construction Traffic Management Plan would be submitted; both could be secured by condition. The access point and right of way for vehicles would be retained during the construction of the bund. A temporary diversion order to the PROW would be put in place to ensure a route remains in place during the duration of the works.
- 5.39 Access to the site is provided via pedestrian walkways along Filton Road or via the Public Footpath which runs through Sim's Hill. This allows a more direct access route into the site and will encourage an extra number of players to walk to the pitches. Furthermore, it is proposed that a shuttle bus service would run between the main campus and the pitches to take equipment and some players and coaches between the two. It is likely therefore that the majority of students coming from Frenchay campus would either walk or be transported via this method.
- 5.40 The Council's Transportation Officer has noted that a similar development for 2 pitches was previously approved, which excluded the now proposed training area. The applicants have provided information which indicates that the current proposal will attract approximately 10 additional trips to the site, over and above those if the previously permitted proposal were to be fully implemented. Officers do not believe that these changes would have a significantly different travel demand pattern to those which could already take place here, if the approved scheme was implemented. The scheme provides 38 general, 3 disabled, 4 mini-bus and 26 overspill parking spaces and 10 cycle parking spaces; all of which is considered to be adequate parking provision for the proposed use.
- 5.41 It is again proposed to upgrade the existing site access in the same manner as was previously proposed. As this was previously fully approved and the latest proposals do not intensify its use greatly, officers have no objection to this aspect of the current proposal.

- 5.42 Having regard to the above and subject to a raft of conditions to secure the access, parking and highway safety measures outlined above, there are no transportation objections to the scheme as now proposed.

#### Impact on Residential Amenity

- 5.43 The nearest residential dwellings to the site lie approximately 100m or more to the west along Filton Road. Some concerns have been raised by local residents about increased noise and disturbance, and the effect of the flood lights as late as 11.00p.m. Given the distance to these properties and the likely levels of use, background noise and the way the site would be accessed, officers consider that there would be no undue loss of residential amenity. There is potential for a heightened level of disturbance during the construction phase, but this would be on a temporary basis only and the hours of construction could be conditioned to protect residential amenity.
- 5.44 Furthermore, the hours of use of the pitches could be conditioned as could the time the floodlights could be left on (see environmental section below). Subject to the aforementioned conditions officers are satisfied that the proposal would not adversely affect residential amenity to the extent that a refusal reason on this issue could be substantiated.

#### Sport England Requirements

- 5.45 Sport England raises no objection to the proposal as it is considered to meet their exception E5 as the proposed development is for an outdoor sports facility, the provision of which would be of sufficient benefit to the development of sport. Sport England have requested four conditions; the first relates to the two Artificial Grass Pitches and ancillary works including drainage being constructed in accordance with the submitted plans. The plans would be conditioned in any event and drainage would be covered by a SUDS condition.
- 5.46 The second condition requested seeks an assessment of ground conditions to ensure that drainage would be satisfactory but again this would be covered by the SUDS condition.
- 5.47 Sport England request two further conditions, to be applied relating to community use of the pitches and laying out of the pitches in accordance with guidance note "Natural Turf for Sport" (Sport England, 2011). The latter condition is not considered to pass the tests set out in the NPPG as it is not considered "necessary" in order to grant permission. It will however be attached to any decision notice as an informative. The other condition for a management programme for community use of the pitches is considered to be in accordance with the NPPG tests and in accordance with the council's Core Strategy and so can be imposed.

#### Agricultural Land Classification/Soil Handling

- 5.48 The Agricultural Land Classification of farmland determines the versatility and suitability for growing crops. The top three grades, Grade 1, 2 and 3a, are referred to as 'Best and Most Versatile' land. A "Soil Handling and Mitigation" report was previously submitted by the applicant which identified the application site as being grade 1 – excellent quality. Policy CS9 of the Core Strategy states at criterion (9) that new development will be expected to: "maximise

opportunities for local food cultivation by (a) avoiding the best and most versatile agricultural land and; (b) safeguarding allotment sites”. In this instance the applicant has provided very special circumstances that demonstrate the 2no. sports pitches have to be provided on the application site. As such, whilst the Council seeks to avoid the loss of high quality agricultural land through Policy CS9 in this case the loss of the grade 1 land could be unavoidable. The applicant’s Soil Handling and Mitigation report provides essentially a best practice guide to how excavation works can take place on the site that will retain the grade 1 land classification. A condition is again suggested to ensure works are carried out in accordance with the report to give the land the best possible chance of retaining its classification.

5.49 Environmental and Drainage Issues

Following the submission of an Acoustic Report by ION Acoustics dated 13 Feb. 2017, the Council’s Environmental Health Officer (EHO) is satisfied that the use of the pitches 7 days a week up until 11.00pm at night would not result in excessive noise disturbance for local residents and as such has raised no objection to the proposal. Similarly the Council’s drainage engineer raises no objection subject to a condition requiring a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. Officers concur with this approach and so an appropriately worded condition will be attached to the decision notice.

5.50 A good deal of consultation has taken place between the applicant and the Council’s lighting engineer to ensure that the flood lighting will have no adverse impact for drivers using the motorway or in terms of light spillage for local residents. The lights would be state of the art lights designed specifically for their purpose. Following the submission of further details and revised plans, the lighting engineer is now satisfied that the proposed lighting design would fulfil the recommendations provided by the document ‘Guidance Notes for the Reduction of Obtrusive Light GN01:2011’ and as such raises no objection.

5.51 The hours of use of the pitches and hours of use of the floodlights could be conditioned. The applicant proposes to use the floodlights up until 11.00pm which would be consistent with the recently approved floodlights at Dings RFC.

5.52 Subject to conditions to control the matters outlined above, there are no objections on environmental or drainage grounds.

Ecology

5.53 An Ecological Appraisal has been submitted in support of the proposed application by Abricon (November, 2016). The findings are detailed below:

Habitats:

- Semi-improved grassland – species-poor and cut for silage;
- Hedgerows (species-rich and –poor);
- Ponds – two ponds are present within the field;
- Hardstanding;
- Fences.

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

- Bats – the site provides foraging opportunities for bats and is linked to the wider area via boundary hedgerows. Seven species were recorded during transects and static detector surveys, with the majority of activity occurring in the southern field. The tree within the hedgerow offers no roost potential;
- Hazel dormouse – no records of dormice were identified within 1km of the site, although hedgerows are present that connect to woodland in the wider area. Mitigation is proposed to protect dormice from harm during construction should any hedgerows other than Hedge A and E (which have no potential for dormice).
- Great crested newt (GCN) – one pond approximately 10m west of the southern field. There are two ponds on site, but both returned negative eDNA results. Therefore, GCN are not considered to be present. Mitigation during construction and compensation for the loss of potential GCN habitat has been proposed.

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

- Nesting birds – birds species may nest and forage within the hedgerows and grassland.
- Reptiles – the site offers suboptimal habitat for reptiles, although some suitable habitat may be found around the more northerly pond.

Badger Act 1992:

- No evidence of badger was identified during the survey although it is possible that they may use the site on occasion.

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

- The site has high potential to support hedgehogs as there is good foraging habitat present.

- 5.54 There is no ecological objection to this application. The ecological report recommended various mitigation, enhancement and compensation measures to prevent biodiversity loss, and enable biodiversity gain, through the proposed development; these matters can be secured by condition.

#### Summary and Conclusions

- 5.55 The site is located within the Green Belt and the proposed development represents inappropriate development within the Green Belt and is therefore by definition, harmful to the openness of the Green Belt, a matter which affords substantial weight as advised in the NPPF.
- 5.56 Paragraph 88 of the National Planning Policy Framework establishes 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. Accordingly, the test for finding very special circumstances for allowing inappropriate development in the Green Belt has a high threshold.

- 5.57 A case for very special circumstances has been submitted in support of the proposal and from careful consideration of the pros and cons officers attribute significant weight to the case put forward in respect of need and the significant benefits in terms of sustainability and provision of additional sporting facilities for wider community use.
- 5.58 Furthermore the NPPF at para. 81 states that local planning authorities should plan positively to enhance the beneficial uses of the green belt, such as inter alia looking for opportunities to provide access and to provide opportunities for outdoor sport and recreation.
- 5.59 Whilst it is acknowledged that the proposal would have some adverse impact on the landscape, your officer considers that having considered this issue in the context of the existing permissions on this and nearby sites, the character of the location and presence of other developments, that any harm would not be substantial and would be clearly outweighed by the positive aspects of the scheme.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant 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.
- 6.3 In accordance with the Town and Country Planning (Consultation) (England) Direction 2009 Circular 02/2009 it has been assessed that this application does not need to be referred to the Secretary of State. This is because the Green Belt development under consideration, whilst representing a Departure, does not consist of or include-
- a) The provision of a building or buildings where the floor space to be created by the development is 1,000 square metres or more; or
  - b) Any other development which, by reason of its scale or nature or location, would have a significant impact on the openness of the Green Belt.
- 6.4 No buildings are proposed and the proposal would not have a significant impact on the openness of the Green Belt due to the lack of any built form being proposed and the levelling of the land and provision of a screen bund, all weather pitches and floodlights, and grasscrete car parking area only having a minimal impact on openness.



## 7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed 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. The development hereby approved shall be carried out in accordance with the following plans:

Site Location Plan Drawing No. P/1603/18 received 11th November 2016  
Masterplan - Option 2 Drawing No. P/1603/11 Rev B received 14th Feb. 2017  
3G Pitches Drawing No. P/1603/12 Rev B received 14th Feb. 2017  
3G Drainage Drawing No. P/1603/13 Rev A received 11th November 2016  
Pitch Elevations Drawing No. P/1603/16 Rev A received 11th November 2016  
Long Sections Drawing No. P/1603/17 Rev A received 08th May 2017  
Tree Protection Plan No. D14 254 P3 1 of 2 received 5th December 2016  
Tree Protection Plan No. D14 254 P3 2 of 2 received 5th December 2016  
External Floodlighting Drawing No. UKS14007/7 received 08th May 2017  
HL250D15 Mast Drawing No. HL250D15/NOBOX received 11th November 2016  
Drainage Strategy Drawing No. HIL-HYD-XX-XX-DR-C-2200 received 11th November 2016  
Vehicle Swept Paths Drawing No. 0773-001 received 14th Feb. 2017  
Horizontal & Vertical Illuminance Levels UKS14007/6/INSTALL received 08th May 2017

Reason

For the avoidance of doubt.

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, Policy L11 of The South Gloucestershire Local Plan (Adopted) Jan 2006 and the National Planning Policy Framework. This is a prior commencement condition to ensure that archaeological remains, if present, are not destroyed without appropriate recording or preservation.

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the following details should be submitted:
- o A clearly updated and labelled drainage layout plan showing the pipe networks and any attenuation features.
  - o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of the pavilion or off site in 1 in 100 year plus 30% climate change storm event.
  - o A plan showing the cross sections and design of the two (2) new ponds and any components (to include an all-around access track for maintenance).
  - o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
  - o The plan should also show any pipe node numbers referred to within the drainage calculations.
  - o A manhole / inspection chamber schedule to include cover and invert levels.
  - o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as attenuation features and flow control devices where applicable.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy EP2 of The South Gloucestershire Local Plan Adopted Jan. 2006 and National Planning Policy Framework 2012. This is a prior to commencement condition to ensure that development does not begin before it is confirmed that the site can be adequately drained.

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

Reason

To conserve and enhance the natural environment and in the interests of visual amenity to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013. This is a prior commencement condition to ensure that the site can be appropriately landscaped and that areas of proposed landscaping are not sterilised or existing trees would be damaged.

6. Prior to the first use of the 2no. sports pitches hereby approved a community use management programme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include details of hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved programme shall be implemented upon the start of use of the development and shall be complied with for the duration of the use of the development.

Reason

To enhance community infrastructure and promote sustainable communities and to accord with Policies CS23 and CS24 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

7. Prior to the commencement of the development hereby approved; an Ecological Management and Enhancement Plan shall be submitted to the LPA for approval in writing. The Ecological Management and Enhancement Plan must be formed from the basis of the mitigation and enhancement recommendations made in the Ecology Surveys report (Abricon, November 2016). Details of long-term management and monitoring, and the person responsible for this must also be included. Development shall be carried out in accordance with the approved details.

Reason

To conserve and enhance the natural environment to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L9 of The South Gloucestershire Local Plan (Adopted) Jan. 2006. This is a prior to commencement condition to ensure that protected species or their habitat would be protected and preserved/enhanced respectively.

8. Prior to the first use of the facilities hereby approved, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall:
  - a. identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - b. show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority

Reason

In the interests of protected species to accord with Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L9 of The South Gloucestershire Local Plan (Adopted) Jan. 2006.

9. There shall be no use of the sports pitches and associated flood lights hereby approved outside the hours of 07.00hrs - 23.00hrs.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with saved Policy LC5 of The South Gloucestershire Local Plan (Adopted) Jan. 2006 and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

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

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with saved Policy LC5 of The South Gloucestershire Local Plan (Adopted) Jan. 2006 and Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

11. The development hereby approved, shall be carried out in strict accordance with the 'Soil Handling and Mitigation' report received by the council on the 3rd November 2014.

Reason

To maximise the opportunity for future local food cultivation by avoiding the loss of the best and most versatile agricultural land (grade1) and to accord with Policy CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) Dec. 2013

12. Prior to the commencement of the development a site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing by the Local Planning Authority.

The CEMP shall address the following matters:

- o Measures to reduce the impacts of dust emissions on neighbouring properties incorporating best practice measures contained in "Table 23" of the approved Air Quality Assessment.
- o Procedures for maintaining good public relations including complaint management and public consultation;
- o Means of reducing the effect of noise, vibration, and site lighting on residential neighbours;
- o The use of a 'Considerate Contractors' or similar regime for the site induction of the workforce highlighting pollution prevention and awareness;
- o Measures to control the tracking of mud off-site from vehicles;
- o Temporary signage

The development shall be carried out in accordance with the agreed CEMP.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy LC5 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy); and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is a pre-commencement condition to protect the amenity of neighbouring occupiers.

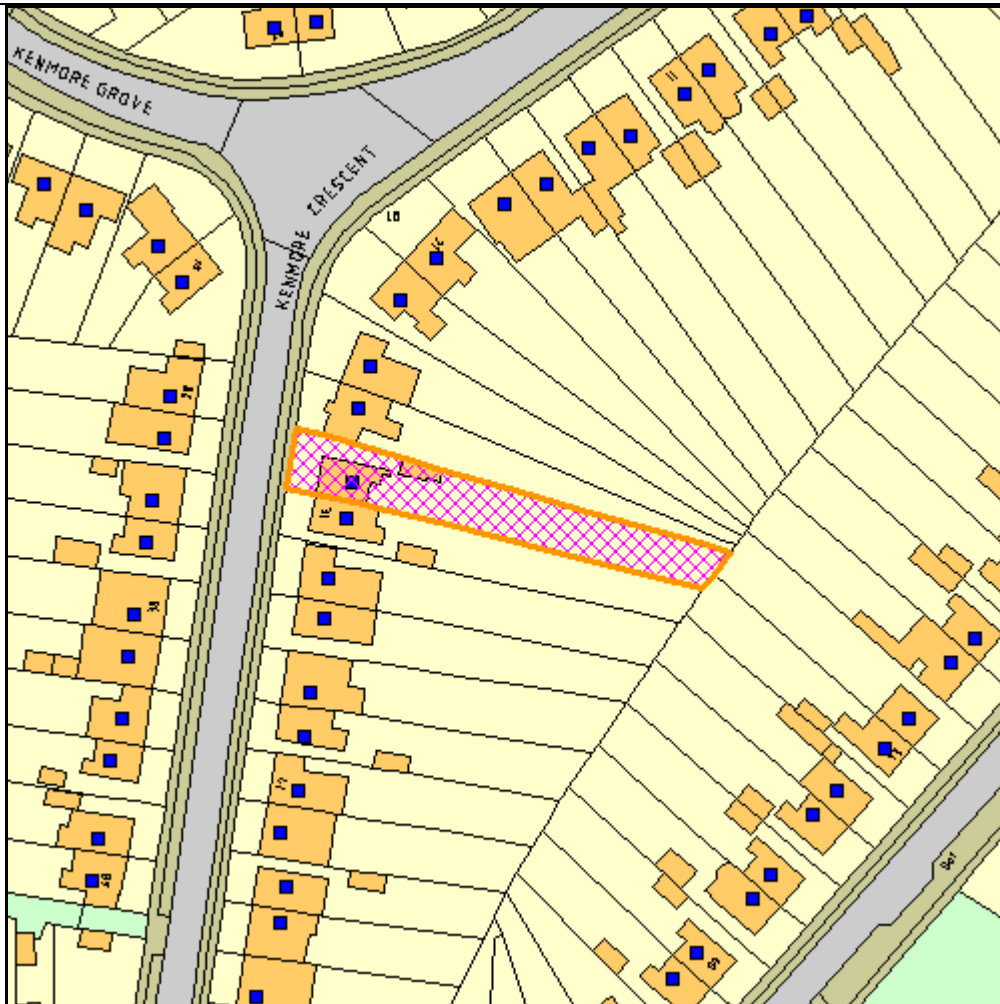
13. All access and parking facilities (including cycle parking) shall be provided in accordance with the approved plans and prior to the first use of the sports pitches hereby approved.

Reason

In the interests of highway safety and to accord with saved Policies T12 and T7 of the South Gloucestershire Local Plan (Adopted) Jan. 2006.

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PT16/6857/F	<b>Applicant:</b>	Mr Colin Malcolm
<b>Site:</b>	29 Kenmore Crescent Filton Bristol South Gloucestershire BS7 0TJ	<b>Date Reg:</b>	22nd December 2016
<b>Proposal:</b>	Erection of a two storey side extension and single storey rear extension to provide additional living accommodation. Erection of rear dormer including balcony to facilitate loft conversion. Erection of front porch. Demolition and erection of 1no. detached garage. (Amendment to previously approved scheme PT16/1240/F).	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359380 178357	<b>Ward:</b>	Filton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	13th February 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT16/6857/F

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

The application is referred to the Circulated Schedule as representations have been received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission to install a rear dormer (with balcony), erect a double storey side extension, single storey rear extension and front porch, and replace a detached garage.
- 1.2 The application relates to a semi-detached double storey dwelling situated within an established residential area of Filton.
- 1.3 The application seeks an amendment to a previously approved application ref. PT16/1240/F in order to amend the design of the approved rear dormer.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

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

#### South Gloucestershire Local Plan (SGLP) Adopted 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
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages

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

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

- 3.1 PT16/1240/F

Erection of a two storey side extension, single storey rear extension to provide additional living accommodation. Erection of rear dormer including balcony to facilitate loft conversion. Erection of front porch. Demolition and erection of 1no. detached garage. – approved with conditions.

20.05.2016

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

##### **4.1 Filton Parish Council**

No objection subject to further clarification on parking situation.

##### **4.2 Other Consultees**

###### **Sustainable Transport**

Objection on grounds of unsatisfactory parking arrangements.

#### **Other Representations**

##### **4.3 Local Residents**

One letter of objection has been received from a local resident; comments are summarised as follows:

- Aesthetically unattractive
- Limit natural light to 27 Kenmore Crescent

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

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

The application seeks an amendment to a previously approved development ref. PT16/1240/F and as such the principle of the proposed development has been established. The key considerations are the impact of the amendment on residential amenity, highway safety and design.

##### **5.2 Residential Amenity**

The amended proposal seeks to alter the design of the rear dormer to facilitate a larger loft conversion to that previously approved. The extension would as a result of the design amendment have a greater height, width and depth to match the existing ridgeline and bringing it flush with the side and rear elevations.

5.3 Concern has been raised that the amended dormer design would result in loss of light to neighbour 27 Kenmore Crescent. Although the proposal would have greater impact on existing light levels when compared to the extant consent, given the neighbour's openings in the rear and side are either non-habitable or secondary, the dormer is not considered to cause a significant issue in amenity terms. Furthermore although alterations have also been proposed to the fenestration, the proposal does not raise any concern in terms of mutual privacy. Therefore, subject to a construction working hour condition as previously imposed, there are no objections to the amendment on grounds of residential amenity.



#### 5.4 Design

Although the dormer is no longer contained to the rear roofslope, a flush side elevation is not an undesirable design approach and a slight pitch in the roof still suggests a box dormer rather than a third storey when viewed from the front. The comments in relation to the aesthetics of the proposed design area noted. When applying the design policy to an individual householder a balance needs to be sought between the individual need, and requirements of the householder to reasonably extend their property with the likely impact on the wider public. Consideration can be given to the fact that large rear box dormers can be constructed on many dwellings under permitted development rights. Indeed there is evidence of such box dormers in the vicinity, including one at the adjoining premises. The impact of the proposal is tempered by the fact that the loft extension will be on the rear elevation and not prominent in the more public street scene. The length of the rear gardens also mean that the proposal is unlikely to impinge on nearby residents to a significant degree.

The materials detailed match the existing house and it is concluded that the revised design is acceptable.

#### 5.5 Highway Safety

The proposal shows 2 off street parking spaces to the front of the property, and 4 bedrooms which on the face of it would meet the requirements of the SPD. There is however a storage area also shown which potentially could be used as a bedroom which is perhaps why the Highway Officer has indicated some concern. However this layout is not materially different to the previously approved scheme, and as such it is not considered there is a reasonable basis to object to the proposal on the basis of parking provision.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

7.1 That the application is APPROVED subject to the conditions below:

**Contact Officer: Helen Braine**  
**Tel. No. 01454 863133**

#### CONDITIONS

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

Reason

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

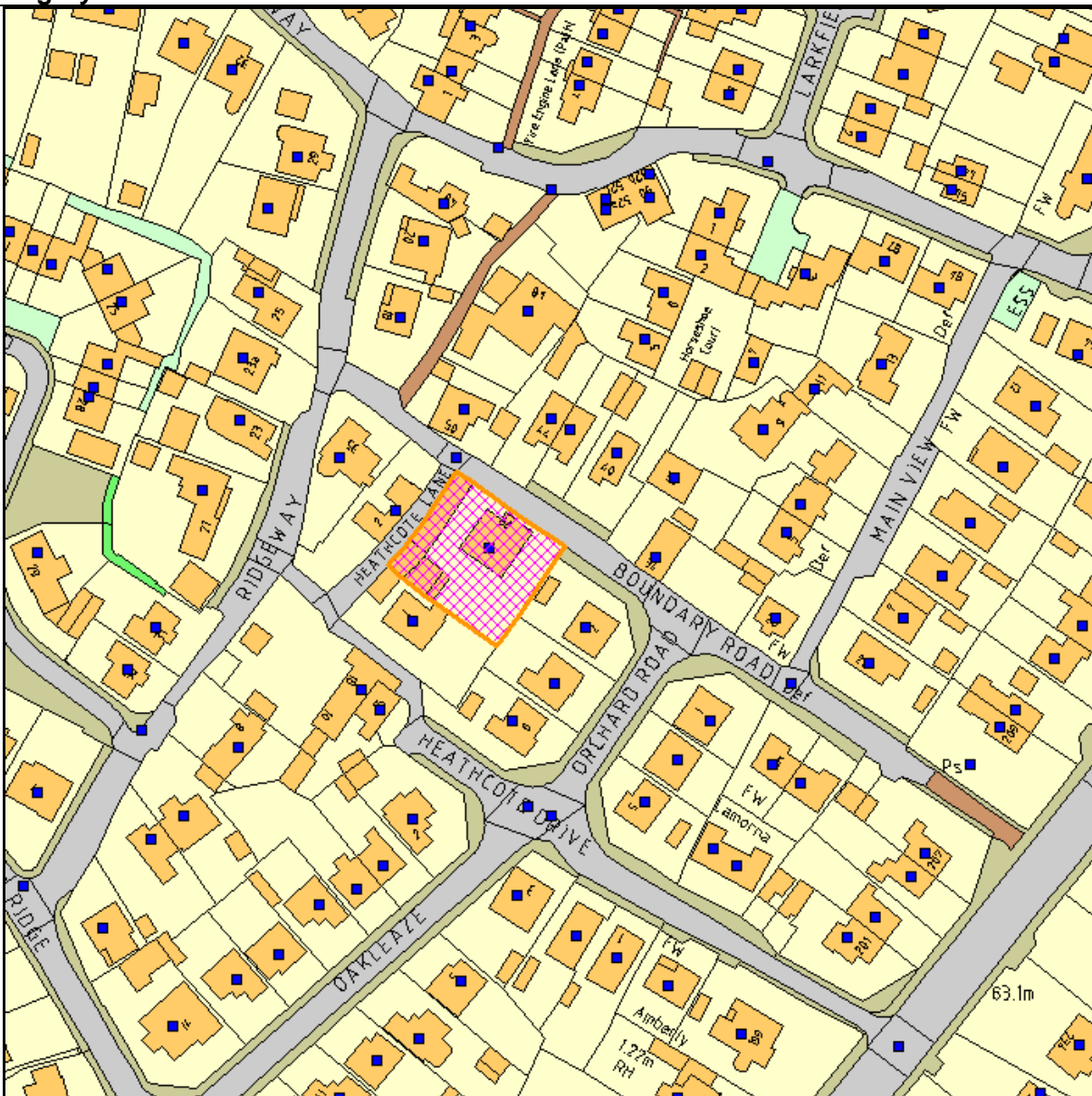
2. The hours of working on site during the period of construction shall be restricted to 7:30 to 18:00 Monday to Friday and 8:00 to 13:00 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PT17/0458/RVC	<b>Applicant:</b>	Mr Kurt Bierer
<b>Site:</b>	Ridge House 29 Boundary Road Coalpit Heath South Gloucestershire BS36 2PU	<b>Date Reg:</b>	10th February 2017
<b>Proposal:</b>	Variation of condition 5 to allow installation of velux window to south east roof slope and variation of condition 8 to change plans attached to PT14/3686/F to alter roof of single storey building from mono-pitched to pitched roof, to retain existing garage. (Retrospective)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367570 181148	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th April 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

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

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

### **1. THE PROPOSAL**

1.1 The application site relates to the garden of No. 29 Boundary Road, Coalpit Heath, located within the established settlement boundary of Coalpit Heath. The site holds a corner position of the junction between Boundary Road and a small single track lane, Heathcote Lane. The site comprises a stone built Victorian type detached villa and is side onto the main highway, Boundary Road. A series of single storey and two-storey structures running across the northwestern boundary adjacent to Heathcote Lane and connected to a single storey structure running across the southwestern boundary, adjacent to the neighbour at No. 1 Heathcote Lane, now form a new dwelling granted permission under PT14/3686/F.

1.2 That application was determined by the Development Control (West) Committee where the impact on residential amenity of closest neighbours was scrutinised. The application was approved subject to conditions. In particular condition 5 which stated :

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

#### *Reason*

*To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).*

1.3 Since that approval changes have been made under a non-material application PT16/4363/NMA to alter fenestrations patterns and a non-material application PT17/0453/NMA to condition all the approved plans. Both of these applications were considered acceptable.

1.4 This current application relates to PT14/3686/F to :

- a. Vary condition 5 to allow for the installation of velux window in the south east roof slope and
- b. Variation of a condition 8 to change the plans to alter the roof of a single storey building from mono-pitched to pitched roof and to retain the existing garage.

The application is retrospective.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

## 2.2 Development Plans

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

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

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

- T12 Transportation Development Control Policy for New Development

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

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP8 Residential Amenity
- PSP16 Parking Standards

## 2.4 Supplementary Planning Guidance South Gloucestershire Design Checklist

## 3. RELEVANT PLANNING HISTORY

- 3.1 PT17/0453/NMA No objection 20.6.17  
Non material amendment to PT14/3686/F to add a condition listing the approved plans.
- 3.2 PT16/4363/NMA No objection 24.8.16  
Non material amendment to PT14/3686/F to replace window in north east elevation with a door, removal of window in south east elevation, replacement single dormer window to bedroom 2 and replacement of two windows in kitchen with one.
- 3.3 PT14/3686/F Approved 16.2.15  
Part demolition and conversion of existing outbuildings to form 1no. detached dwelling with access and associated works. Erection of detached double garage to existing dwelling.
- 3.4 PT11/2774/EXT Approved 21.10.11  
Part demolition and alteration to existing outhouse to form 1 no. detached dwelling, garage and access. Erection of new detached double garage and access to existing dwelling. (Consent to extend time limit implementation for PT08/2166/F)
- 3.5 PT08/2166/F Approved 12.9.08  
Part demolition and alteration to existing outhouse to form 1 no. detached dwelling, garage and access. Erection of new detached double garage and access to existing dwelling.

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

- 4.1 Frampton Cotterell Parish Council  
Objection: loss of amenity for neighbouring households and does not comply with SGC planning policy
- 4.2 Highway Authority  
No Objection

#### **Other Representations**

- 4.3 Local Residents  
None received

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

- 5.1 The application seeks approval for the variation of condition 5 to allow installation of a velux window to south east roof slope and variation of condition 8 to change plans attached to PT14/3686/F to alter the roof of a single storey building from mono-pitched to pitched roof and to retain existing garage.
- 5.2 Principle of Development  
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 conditions, 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 assess whether the relevant condition, or any variations 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 – 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 Being mindful of the reason for attaching the conditions in the first place, when assessing this application your officer will consider whether the minor design alterations would undermine the objectives of the policies listed in the reason for the condition.
- 5.5 Analysis of the proposal  
Planning Permission PT14/3686/F approved the redevelopment of the site as described in section 3 of the report. On this basis, the principle of the development on this site is established. The matter for consideration under this application relates solely to the scope of conditions 5 and 8 of planning

permission of PT14/3686/F and the reasons for the conditions. This is addressed below.

5.6 Variation of condition 5

Condition 5 was introduced to ensure that no windows for rooms in the south east elevation of the newly created dwelling would have a negative impact on the neighbouring dwelling at 1 Heathcote Lane. It is now proposed that a velux window be introduced above the stairwell to allow more light into this part of the dwelling.

5.7 Comments made by the Parish Council are noted but in terms of impact on the neighbours the window would be positioned even further away from the neighbours than an existing velux window which was part of the approved plans granted permission under PT14/3686/F. Given this situation it is considered acceptable as it would not have an adverse impact on amenity of neighbours over and above the existing situation. Furthermore it is also acceptable in design terms.

5.8 Variation of condition 8

Condition 8 was added to the original permission to condition all plans. Where plans are conditioned it follows that a variation of that condition would allow for changes to the plans and therefore changes to the design of the scheme. The originally approved development sought to convert outbuildings to a residential dwelling and also included the demolition of a detached historic garage/outbuilding on adjacent to the road. These revised plans indicate that the garage would be retained and repaired to a high standard. Given that it is an existing single storey structure, with an established use as a garage/store, there can be no objection in terms of impact on amenity of close neighbours or impact on the character of the area by its retention. It is therefore acceptable in these terms. No alterations to the access are proposed and as such there are no highway objections to the garage remaining. It is noted that there would be less amenity space for the new residents but it is furthermore acknowledged that if this older structure was removed then it is likely that a planning application for outside storage could be made and it is likely that the construction materials used would be inferior to the existing stone/brick garage which forms part of the historic fabric of this area. In visual terms it is preferable to retain this building.

5.9 The revised plans also show that an existing single storey structure, part of the conversion of outbuildings would have a dual pitched roof instead of a single pitched roof. In effect this would lessen any impact on closest neighbours along the adjacent lane as the roof slope would be pitched further away from them than the original situation. Furthermore, in design terms the dual pitch would be more in-keeping with the rest of the converted building and is therefore acceptable in these terms.

5.10 The above has shown that the proposed variation of conditions 5 and 8 are acceptable.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to **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 **APPROVED** subject conditions set out below.

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

### CONDITIONS

1. Development is to be carried out in accordance with the following approved drawings unless otherwise agreed in writing:  
As received by the Council on 2.10.14:  
Site location plan  
Site block plan - BPE 1  
Proposed block plan - BPP 1  
Existing floor plans and elevations - SEPT 14 E 1  
  
As received by the Council on 10.11.14:  
Boundary junction and existing overlay proposed - 1NL NOV 14 P 2 B REV B  
Angle of view from bed room - 1 NL OCT 14 P 3 B REV B  
  
As received by the Council on 21.6.16:  
Proposed floor plans and elevations - 29BR.MAY16.P.1.F REV F  
  
Reason  
For the avoidance of doubt and to ensure a satisfactory standard of external appearance and to accord with and Policy CS1 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (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 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (29BR NOV 14 P 1 E) shall be provided before the building is first occupied, and thereafter retained for that purpose

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

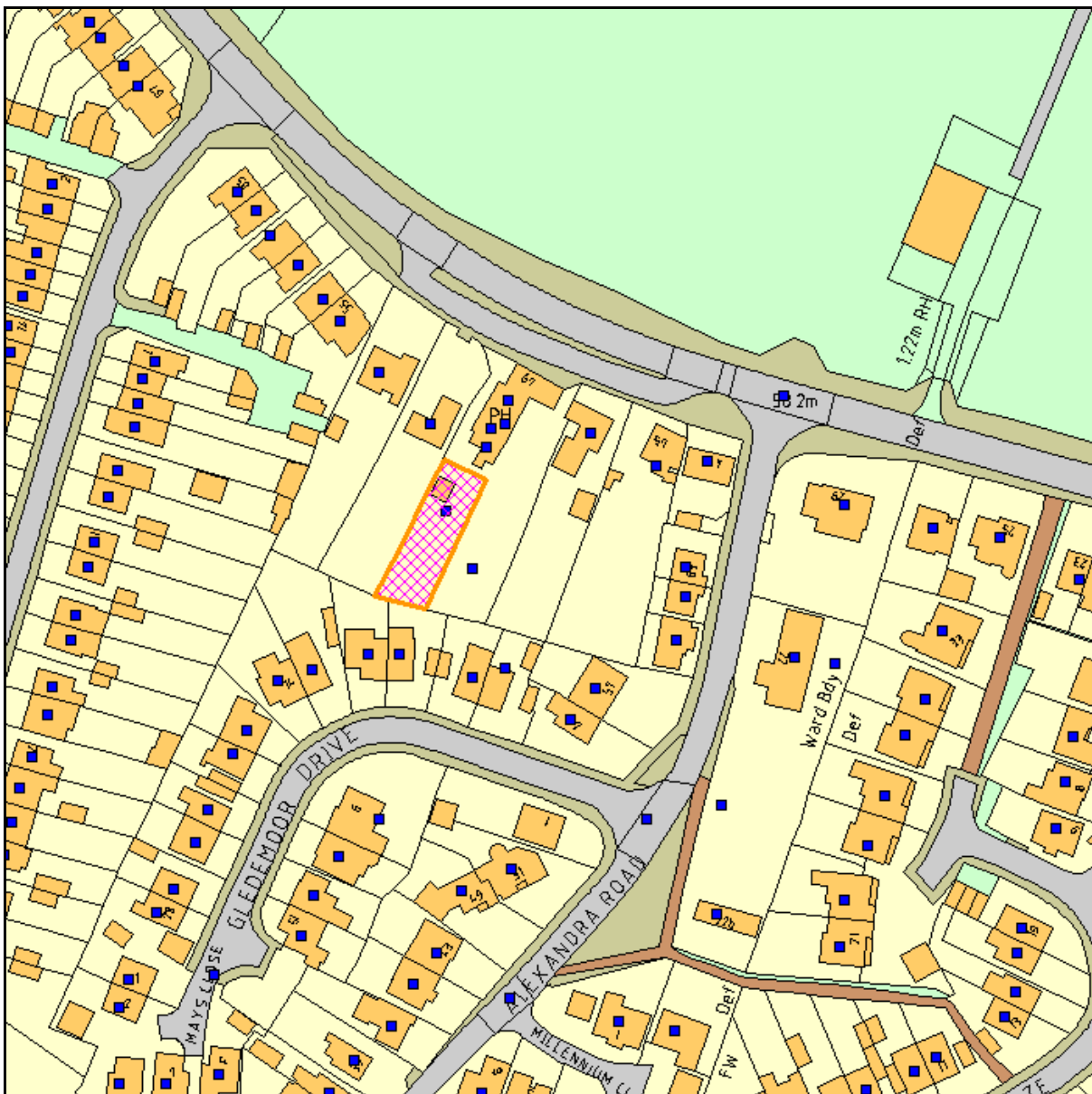
4. Rooflights in the southwest elevation of the single storey extension closest to No. 1 Heathcote Lane will be fixed and non-opening

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

## CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017

<b>App No.:</b>	PT17/2026/CLP	<b>Applicant:</b>	Mr Colin Russell
<b>Site:</b>	49D Church Road Frampton Cotterell South Gloucestershire BS36 2NJ	<b>Date Reg:</b>	2nd June 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367678 181446	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	19th July 2017



© South Gloucestershire Council 2007. all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008.

N.T.S.

PT17/2026/CLP

## **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 erection of a single storey rear extension at 49D Church Road Frampton Cotterell South Gloucestershire, BS36 2NJ 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 PT13/4031/F  
Approve with Conditions (08.05.2014)  
Change of use from Public House (Class A4) to 2no. self contained flats (Class C3) as defined in Town and Country (Use Classes) Order 1987 (as amended).  
Erection of 2no. detached dwellings with associated works. (Resubmission of PT13/2868/F)

### **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 Site Location Plan  
Received by the Council on 2<sup>nd</sup> May 2017

Existing plans and Elevations  
Drawing No: 49D/01  
Received by the Council on 2<sup>nd</sup> May 2017

Proposed Plans and Elevations  
Drawing No: 49D/02  
Received by the Council on 2<sup>nd</sup> May 2017

## 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 the erection of a single storey rear extension. The proposed rear extension 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 set out 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, PA or Q of Part 3 of this Schedule (changes of use);**

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

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

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

- (c) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**

The height of the rear extension would be 3.8 metres. This will not exceed the height of the roof of the existing dwellinghouse.

- (d) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the rear extension would not exceed the 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; or fronts a highway and forms a side elevation, of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**  
**(i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse,**  
**(ii) or 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 not extend beyond a wall forming a side elevation of the original dwellinghouse.

- (ja) Any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);**

The total enlargement does not exceed the limits set out in sub-paragraphs (e) to (j).

- (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.
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);

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 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, or forms an upper storey on an existing enlargement of the original dwellinghouse, 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.

- 6.4 49D Church Road Frampton Cotterell has no planning history that restricts the erection of a single storey rear extension. It is not one of the flats granted in 2014, but is rather one of the detached dwellinghouses. There was no restriction preventing the permitted development rights for the detached dwellinghouses. Nor are there any physical attributes regarding parking, access or amenity space that would prevent this development.

## **7. RECOMMENDATION**

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

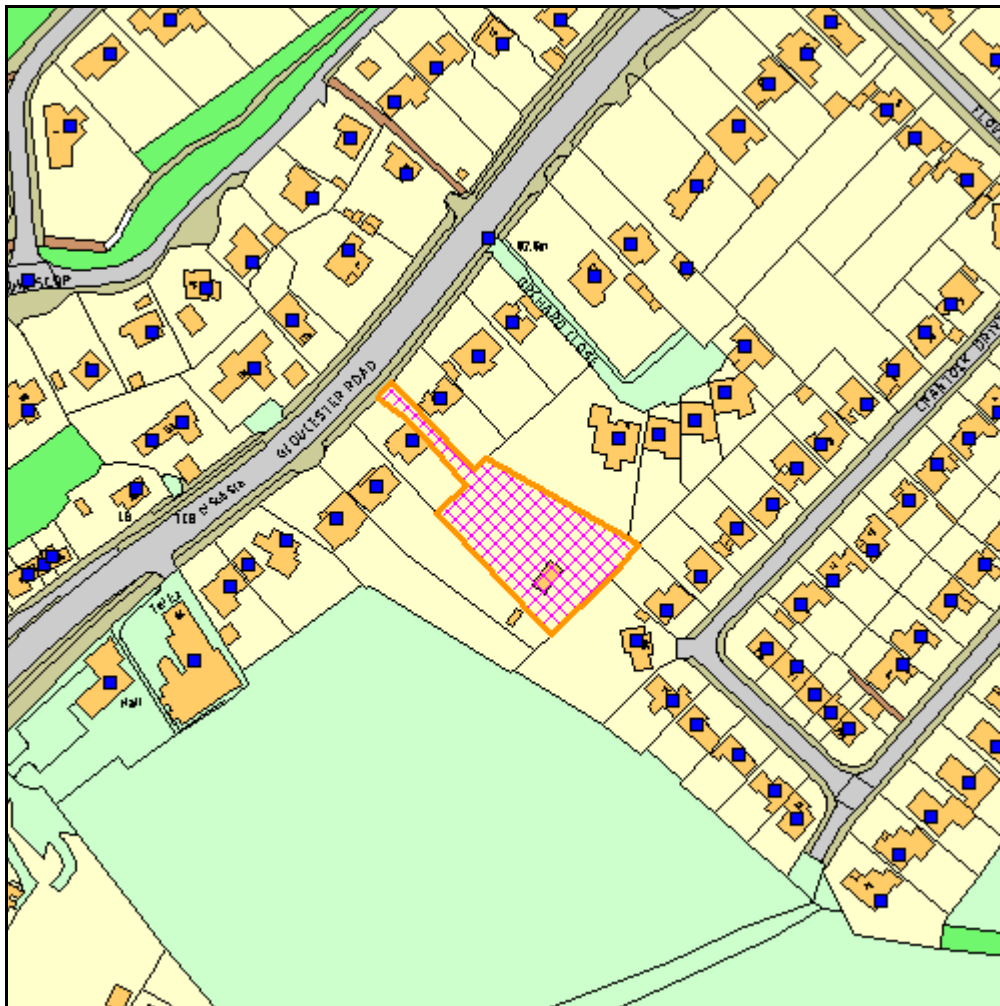
Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey rear extension does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

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



**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PT17/2100/F	<b>Applicant:</b>	Mr Keith Robins
<b>Site:</b>	Land To The Rear Of 36 Gloucester Road Almondsbury Bristol South Gloucestershire BS32 4HA	<b>Date Reg:</b>	18th May 2017
<b>Proposal:</b>	Demolition of existing building. Erection of 1 no. detached bungalow, double garage and new access and associated works (Retrospective)	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	360853 184172	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th July 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT17/2100/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

## **1. THE PROPOSAL**

- 1.1 The application seeks permission for the demolition of an existing building and the erection of 1 no. detached bungalow, double garage and new access and associated works. The application is essentially a resubmission of planning permission reference PT15/4662/F.
- 1.2 Planning permission PT15/4662/F was for the demolition of an existing building and the erection of 1 no. detached bungalow, double garage and new access and associated works. In turn planning permission ref. PT15/4662/F was essentially a resubmission of PT13/1817/F (erection of 1no. dwelling to the rear of No. 36 Gloucester Road), that sought various changes to this previous approval, including materials finishes, doors and windows. A planning application history for the site is provided below.
- 1.3 For clarity, the current application remains to be for one bungalow on the site, however there are again certain changes to the approved scheme. The bungalow is largely complete externally, however there are some changes to the approved plans that have been identified and that have resulted in the submission of this application. The application is therefore retrospective. This was initially subject to a non-material amendment application (Ref. PT17/1599/NMA), however the applicants were advised that it was considered that the changes proposed were more than what could be considered as non material amendments. The NMA application was subsequently withdrawn and this full application submitted. It is also understood that the Councils Planning Enforcement Team have visited the site on the basis of the identified changes and it was recommended that a full application be submitted to authorise the changes.
- 1.4 The changes to the previously approved scheme now being applied for are, the straightening (lowering) of the main house ridge to match much of the remainder of the dwelling (- see North West & South West elevations), which would essentially make this element of the roof approximately 300mm lower.
- 1.5 The application site relates to land to the rear of No. 36 Gloucester Road, Almondsbury, which was an existing private garden of approximately 0.2ha in size. The site is located within the Almondsbury settlement boundary and is washed over by the Bristol/Bath Green Belt.

## **2. POLICY CONTEXT**

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

## 2.2 Development Plans

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

- H4: Development within Existing Residential Curtilage
- L1: Landscape Protection and Enhancement
- L9: Species Protection
- T12: Transportation Development Control Policy for New Development
- EP2: Flood Risk

### South Gloucestershire Local Plan Core Strategy .

- CS1: High Quality Design
- CS5: Location of Development
- CS15: Distribution of Housing
- CS16: Housing Density
- CS17: Housing Diversity

## 2.3 Supplementary Planning Guidance

- South Gloucestershire Development in the Green Belt (Adopted) 2007
- South Gloucestershire Design Checklist SPD (Adopted) 2007
- South Gloucestershire Trees on Development Sites SPG (Adopted) 2005
- South Gloucestershire Residential Parking Standards (due for adoption with the Core Strategy) 2013

## 3. PLANNING HISTORY

- |     |               |  |
|-----|---------------|--|
| 2.4 | PT11/3860/O   | Erection of 3 no detached dwellings (Outline) with access, landscaping, layout and scale to be determined. All other matters reserved,<br>6.3.12<br>Refusal<br>Appeal dismissed. |
| 2.5 | PT12/3482/F   | Erection of 2no. detached dwellings and 1no. detached double garage, the construction of a new vehicular access and associate works<br>15.3.13<br>Refused<br>Appeal dismissed    |
| 2.6 | PT13/1817/F   | Demolition of existing building and erection of 1no. detached bungalow and detached double garage with access and associated works.<br>6.9.13<br>Approved                        |
| 2.7 | PT14/3770/NMA | Non-material amendments to PT13/1817/F , as described on the application form received 30 <sup>th</sup> September 2014. Objection 23 <sup>rd</sup> October 2014.                 |
| 2.8 | PT15/4662/F   | - Demolition of existing building. Erection of 1 no. detached bungalow, double garage and new access and associated works. Approved 15.01.2016.                                  |

- 2.9 PT17/1599/NMA - Non material amendment to planning permission PT15/4662/F to raise rear garden room/study roof by 300mm. Withdrawn 08.05.2017.

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

4.1 Almondsbury Parish Council

Object. The property would increase the number of road users and has poor access onto the main highway.

4.2 Other Consultees  
Sustainable Transportation

There is no transportation objection to this proposal. A condition is recommended to secure the parking provision illustrated (as per the previous consent)

Landscape

No landscape objection.

There is concern regarding the possible loss of boundary trees particularly in regard to the possible adverse effect on neighbours. Advise tree survey be submitted and possible re-location of building footprint to avoid the protected tree root zone.

Landscape scheme required to mitigate the negative impact, in line with relevant SGC planning policies on design and landscape. Advise this be prepared by a landscape architect.

Environmental Protection

No objection in principle subject to recommended standard construction informatives

Lead Local Flood Authority

No objection no objection in principle to this application subject to drainage details in accordance with SUDS requirements being submitted.

Highways Structures

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

Or

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

Archaeology

The site lies within an area of archaeological potential therefore it is recommended that an archaeological watching brief is undertaken during all ground works. The brief should be in accordance with a written scheme of

investigation to be submitted for approval by the archaeological contractor overseeing the work to the Archaeology Officer, and should be approved prior to the commencement of development.

## **Other Representations**

### **4.3 Local Residents**

4 letters of objection and concern have been received from local residents, the points of which are summarised as follows (full letters can be found on the Council's website:

- Concern over the nature of the retrospective nature of the application
- It is not for the local community to monitor planning rules
- concern that the level of the building has been raised
- The building significantly impinges upon the openness of the Green Belt and the footpath at the south west of Crantock Drive
- The NPPF protects the Green Belt except in 'very special circumstances' to which none have been provided.
- the profile of this new building further impinges upon the Green Belt
- the environmental consultation response is asking for an acoustic report, the site is already built without an acoustic report
- the roof height is three quarters of a metre than building regulations allow at the front of the building
- there is a very large window that faces the back of an nearby property, which, although some distance away impacts upon privacy
- it is common practice for windows which may impact upon privacy to be frosted
- the building encroaches on privacy of the rear of properties to the front

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The application stands to be assessed against the above listed policies. The site is within the established settlement area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policies in the local plan require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. The NPPF states the types of development in the Green Belt that can be considered appropriate. Limited infilling is one of the categories. The proposal, as before, is for one detached bungalow and therefore, it is considered that the development falls within the limited definition and can be regarded as being in accordance with the principle of development. Of significance, the principle of the dwelling at this location has been established through previous consents. The main issue for consideration is therefore any impact of the proposed changes to the previously approved scheme.

## 5.2 Green Belt

The principle of the acceptability of the dwelling at this location within the Green Belt, has been established. The changes to the, roof ridge are minimal and it is not considered that this in its own right impacts upon the openness of the Green Belt or gives rise to additional Green Belt concerns. It is not considered that the changes proposed materially or significantly impact upon existing Green Belt considerations.

## 5.3 Design

The principle of the dwelling and its design has been established. This application seeks to regularise a small change (reduction) to one part of the roofline. The proposed dwelling remains to be considered to be of an appropriate standard in design inclusive of the proposed changes which are considered acceptable to the scheme. A scheme of materials has been agreed and would remain in force as a condition of consent.

## 5.4 Residential Amenity

The comments above are noted, however it must also be acknowledged that the principle of the dwelling has been established through previous permissions. The orientation of the dwelling, footprint and window outlook remains as approved, and it is not considered therefore that overlooking issues would be exacerbated. Similarly the proposed change to the roof of originally approved scheme is not considered in its own right to give rise to any significant, additional material overbearing impact on adjacent properties. In response to particular points raised in the objections section above, the Council's Environmental Protection Officer did not request an acoustic report in their consultation response. The proposals under consideration are for a reduced ridge height along part of the bungalow dwelling, heights and levels of other previously approved elements and heights should remain the same.

## 5.5 Sustainable Transportation

There is sufficient scope within the plot to accommodate appropriate levels of off-street parking, the changes to the proposals do not impact upon highways issues and there are no objections to the proposals on transportation grounds.

## 5.6 Landscape

A scheme of landscape planting and protection has been agreed and approved under previous consents and compliance with it will remain a requirement of any permission granted under this application.

## 5.7 Drainage

A scheme of drainage has been agreed under the terms of the original consent and compliance with it will remain a requirement of any permission granted under this application. there are no objections to these proposals on drainage grounds.

## 5.8 Archaeology

The archaeological comments above are noted. The context of the site however must also be taken into account. The site is within an established residentially developed area, the plot forms the rear curtilage of the host

dwelling, surrounded by other residential development. The site has also been largely built and this application is essentially a design amendment to the dwelling. There does not appear to have been archaeological requirements or consideration on the previous and extensive planning history. On this basis it is not considered that a conditional archaeological requirement can be justified or is warranted in this instance.

#### Other matters

The representations received raise concern that the application is made retrospectively. Aside from certain prescribed circumstances in the Green Belt making a planning application retrospectively (which is permitted by the legislation) would neither weigh for or against the relative planning merits of a proposal. Such retrospective applications are often used in order to regularise minor variations from a previously permitted proposal. In this case no weight has been given to the fact that the proposal is made retrospectively.

## **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. Conditions recommended reflect those of existing consents where still applicable and necessary.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the condition recommended. These conditions reflect those agreed at the granting of the previous consent and where pre-commencement conditions have been discharged compliance with the relevant schemes will be required.

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

## **CONDITIONS**

1. Prior to occupation of the dwelling permitted the car parking facilities shall be provided in accordance with plan reference Proposed Site Plan Project B11613 Sheet 30 Rev C, and subsequently retained as such thereafter.

#### 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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) 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 ), 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 future and neighbouring occupiers, to preserve the openness of the Green Belt and to accord with Policies L1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy.

3. The roofing and external facing materials to be used shall be those agreed in the schedule of materials submitted and approved pursuant to condition 3 of planning permission reference PT13/1817/F. submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy.

4. The development shall comply with the Sustainable Drainage Systems (SUDS) Site Plan and Percolation Tests submitted and approved pursuant to condition 4 of planning permission reference PT13/1817/F. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies H4 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The development shall comply with the Landscaping Scheme (Plan ref 826/PA/02B) submitted and approved pursuant to condition 5 of planning permission reference PT13/1817/F. Development shall be carried out in accordance with the approved details.

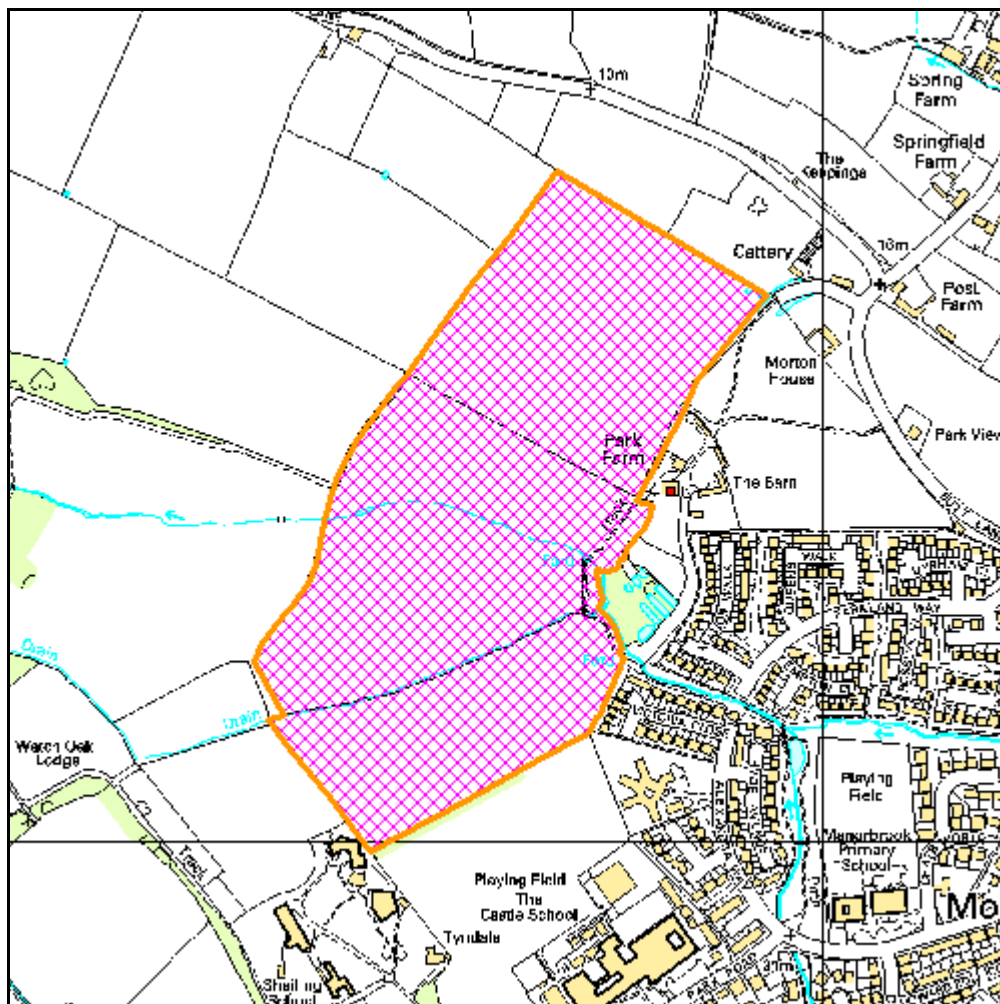
Reason:

To protect the character and appearance of the area and in the interests of the long term health of the trees and hedges and to accord with Policy H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy.



## CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017

<b>App No.:</b>	PT17/2342/RVC	<b>Applicant:</b>	David Wilson Homes (South West) Ltd
<b>Site:</b>	Park Farm Butt Lane Thornbury Bristol South Gloucestershire BS35 1RA	<b>Date Reg:</b>	25th May 2017
<b>Proposal:</b>	Variation of condition 11 attached to planning permission PT15/5528/RM (read in conjunction with PT11/1442/O) to substitute approved drawings with those received by the Council on 16th May 2017 to make changes to some of the approved housetypes.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363829 191392	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Major	<b>Target Date:</b>	15th August 2017



© South Gloucestershire Council 2007. all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/2342/RVC

## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to the receipt of one letter of concern from a local resident.

### **1. THE PROPOSAL**

- 1.1 This application seeks permission for the variation of a condition 11 attached to application PT15/5528/RM. Condition 11 lists the plans that were approved as part of the original planning approval reference PT15/5528/RM and states that the development should be built in accordance with those plans.
- 1.2 Since approval of the reserved matters application, an application under S106BA of the Town and Country Planning Act was been submitted by the applicant (planning reference MODT16/0003). This application sought permission to reduce the quantum of affordable housing provided on site from 35% down to 18.2%. The S106BA application appeared on the circulated schedule on 18<sup>th</sup> November 2016 where it received a resolution to grant subject to the signing of a S106 Deed of Variation. Work is well underway with this Deed of Variation and it is expected that it will be completed within the next few weeks. Given that the quantum of affordable housing is being reduced, it has become necessary for the applicants to submit this S73 application to vary the list of approved plans to change from affordable house types to market house types. Importantly, the decision notice for this S73 application cannot be issued until the Deed of Variation is completed.
- 1.3 It is important to emphasise that this is not an opportunity to re-visit the principle of development or the quantum of affordable housing. This application is solely to allow implementation of permissions that have previously been granted and the Deed of Variation that is almost completed.
- 1.4 In considering this application, it is essential to focus only on this condition and not to put attention in other matters not relevant to this RVC application. It is also necessary to focus attention on the reasons for attaching the condition in the first place. As an RVC decision has the effect of issuing a new planning permission, it is also necessary to check all conditions attached to the original application are still relevant and necessary and need following through to this new application.
- 1.5 The proposed changes from the original scheme are numerous but minor and include changes to the house types and amended roof type designs. The change to each dwelling is so small that on their own, the changes to each dwelling would be considered non-material. However, because so many units are affected (189 out of the 500 approved dwellings would be affected), cumulatively the amendments are too numerous to be agreed via the non-material amendment process – hence this S73 application to vary the list of approved plans.

### **2. POLICY CONTEXT**

- 2.1 National Planning Guidance  
National Planning Policy Framework

## National Planning Policy Guidance

### 2.2 Development Plans

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

L1 Landscape Protection and Enhancement

L9 Species Protection

T7 Cycle Parking

T12 Transportation Development Control

LC1 Provision for community facilities

LC2 Provision for education facilities

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

CS1 High Quality Design

CS4A Presumption in favour of sustainable development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS12 Safeguarded Areas for Economic Development

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS24 Green Infrastructure, Sports and Recreation Standards

CS32 Thornbury

#### Supplementary Planning Guidance

South Gloucestershire Design Checklist – Adopted

Affordable Housing SPD (Adopted)

Residential Parking Standards SPD (Adopted)

### 3. RELEVANT PLANNING HISTORY

- 3.1 MODT16/003 Deed of Variation of Section 106 Legal Agreement attached to planning permission PT11/1442/O.  
Resolution to grant subject to the signing of a Deed of Variation – not yet signed at the time of the preparation of this report.
- 3.2 PT11/1442/O Erection of up to 500 dwellings on 26.21 hectares of land with public open space, associated works and access. Outline application including access with all other matters reserved.  
Approved and S106 signed October 2012
- 3.3 PT13/0919/RM Erection of 127 no. dwellings with landscaping, car parking and associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT11/1442/O).  
Approved March 2014
- 3.4 PT15/5528/RM Approval of the appearance, landscaping, layout and scale in relation to the erection of 374 Homes on Phases 2, 3 and 4 of the Park Farm,

Thornbury development, in addition to the discharge of pre-commencement conditions and S106 Obligations. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT11/1442/O)  
Approved January 2017

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

- 4.1 Thornbury Town Council  
No Objection
- 4.2 Transportation Development Control  
No changes are proposed to the access and parking arrangement – as such there is no comment
- 4.3 Landscape Officer  
No changes are proposed to the landscape or public open space arrangement – as such there is no comment
- 4.4 Housing Enabling  
No Objection
- 4.5 Environmental Protection  
No Objection
- 4.6 Lead Local Flood Authority  
No Objection
- 4.7 Office for Nuclear Regulation  
No Objection
- 4.8 Historic England  
No objection but raise query about contents of the original S106 agreement in respect of the historic fishponds.

#### **Other Representations**

- 4.8 Local Residents  
One letter of objection has been received from a local resident concerned that the number of changes to homes around the edges of the development and facing over open spaces is unacceptably harsh and aggressive. Any 2.5 and 3 storey dwellings must be absorbed internally within the development and not aggressively placed around the edges facing over rural land or existing homes.

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

- 5.1 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 conditions, 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.
- 5.2 In assessing this application it is necessary to assess whether the relevant condition, or any variations 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 – 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
- 5.3 Analysis of Proposal  
The list of approved plans currently makes provision for 35% affordable homes across the site. Once the Deed of Variation is signed, the list of approved plans needs to be altered to make provision for a scheme that provides 18.2% affordable homes across the site.
- 5.4 Because the internal layout of the market homes is slightly different from the internal layout of the affordable homes – one of the primary changes being that market homes tend to have more en-suite bedrooms than affordable homes, it is necessary to slightly amend the external appearance of some of the dwellings. Other common changes include alterations to the design of canopies over front doors and changes to internal room sizes which in turn results in small changes to fenestration.
- 5.5 It is important to stress that all the changes will not result in any additional storey or half storey heights being added to any of the approved dwellings. It is also confirmed that the road layout, car parking, surface water drainage, foul drainage and landscaping all remain unchanged from that previously approved. The application would also remain bound by the S106 agreements (as amended).
- 5.6 The housing enabling team has confirmed that the proposed affordable housing layout complies with the S106 obligations in respect of tenure, housing mix and clustering.
- 5.7 On an individual basis, the proposed change to each plot is very insignificant. Had only a handful of plots been affected, it is more probable that the proposed changes would have been approved via the non-material amendment process. However, because of the sheer number of units affected by the minor changes, it was considered correct to proceed via the more formal S73 'variation of condition' process.
- 5.8 Other Relevant Conditions  
11 conditions were attached to the original reserved matters consent. One condition relating to materials has subsequently been discharged and so will be updated on the revised decision notice. All other conditions will be copied through to the new decision notice as they remain relevant to the permission.

## 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 (saved policies) 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 Subject to the completion of the Deed of Variation under application MODT16/0003, that planning permission is **APPROVED** subject to the conditions on the decision notice.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

## CONDITIONS

1. Prior to occupation of the 150th dwelling on phases 2 and 3, the temporary bus route along the spine road and road 6 shall be surfaced to at least base course level and made available for buses .

Reason:

To ensure the development is served by public transport and to accord with Policy CS8 of the South Gloucestershire Core Strategy (Adopted).

2. Prior to occupation of the 150th dwelling on phases 2 and 3, the two bus stops and shelters enabled for Real Time information shall be provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the development is served by public transport and to accord with Policy CS8 of the South Gloucestershire Core Strategy (Adopted).

3. No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved by the Local Planning Authority beforehand.

3. Reason:

In the interests of highway safety, to ensure all dwellings are provided with a safe and suitable access and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted).

4. Prior to the first occupation of any individual dwelling, the car and cycle parking associated with that individual dwelling must be provided in accordance with the submitted details dated 15th December 2016.

Reason

In the interest of highway safety and to accord with South Gloucestershire Council's Residential Parking SPD and Policy T7 of the South Gloucestershire Local Plan (Adopted).

5. Upon completion of the detailed drainage design and prior to the first occupation of any individual dwelling on phase 4, details of the restricted discharge rate in so far as it relates to phase 4 shall be submitted to the Council for written agreement.

Reason

The restricted discharge rate can vary dependant on the area of site to be covered. Although sufficient information has been submitted to show that both potential options satisfy sustainable drainage principles and will not cause flooding on or off site, to allow for monitoring and management, the final restricted discharge rate must be known. Also to comply with the requirements of policy EP2 of the South Gloucestershire Local Plan (Adopted).

6. Tree protection in accordance with BS5837:2012 shall be erected around all trees and hedgerows shown to be retained on the landscaping plan hereby approved. The protective fencing shall be put in place prior to the commencement of development and retained at all times during the construction period.

Reason

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

7. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the relevant part of the development or in accordance with the programme agreed with the Local Planning Authority. Any landscaping that fails within five years following planting shall be replaced in the next available planting season.

Reason

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

8. Notwithstanding the submitted plans, the boundary treatment between flat block 226-231 and the gardens of dwellings 232-233 and 254 (phase 2/3) shall be a wall finished in Webber Ivory Render rather than a fence.

Reason

In the interests of the visual amenity of the area and to comply with the requirements of Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the installation of the cinder path, full details of the paths construction and finishing shall be submitted to the Council for written approval. All development must take place exactly in accordance with the details so agreed. The Cinder path shall be implemented prior to the first occupation of the 200th dwelling on phases 2/3.

Reason

There is some discrepancy on the plans as to the surfacing of the path. Full details are required in the interests of the safety of the users and all in accordance with the visual amenity of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. The development shall be carried out exactly in accordance with the materials schedules and samples received by the Council on 20th June 2017 under application DOC17/0132 .

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

11. The development must be completed exactly in accordance with the following plans:

All Received by Local Planning Authority 7th July 2017:

23279 PL-04.1X	Materials Layout Phases 2 and 3
23499 PL-04.2K	Materials Layout Phase 4
Enhanced Materials Matrix	Dated 7th July 2017

All Received by Local Planning Authority 16th May 2017:

23279 PL-03.1AF	Planning Layout Phases 2 and 3
23279 PL-06.1 Rev J	External Works Layout Phases 2 and 3
23279 PL-06.2 Rev J	External Works Layout Phases 2 and 3
23279 PL-06.3 Rev J	External Works Layout Phases 2 and 3
23279 PL-06.4 Rev J	External Works Layout Phases 2 and 3
23279 PL-06.5 Rev J	External Works Layout Phases 2 and 3
23279 PL-06.6 Rev J	External Works Layout Phases 2 and 3
23279 PL-06.7 Rev J	External Works Layout Phases 2 and 3
23279 PL-10J	Parking Allocation Layout Phases 2 and 3
23279 SE-01H	Site Sections Phases 2 and 3
23279 SS-01J	Street Scenes Phases 2 and 3
23499 PL-03.2X	Planning Layout Phase 4
23499 PL.06.1G	External Works Layout Phase 4 1 of 3
23499 PL.06.2G	External Works Layout Phase 4 2 of 3
23499 PL.06.3G	External Works Layout Phase 4 3 of 3
23499 PL-10G	Parking Allocation Layout Phase 4
23499 SS-02F	Street Scenes Phase 4
23279 HT-33/34-001 339	Plots 285, 286, 313, 314, 325, 326, 338 & 339
23279 HT-P204-01	Plots 343-345
23279 HT-P204-02	Plots 283, 284, 318, 319 & 327-331
23279 HT-P314-01F	Plots 308-312, 341, 342, 349-351 & 357-360
23279 HT-P314-02	Plots 273, 274, 282, 295, 317 & 340



23279 HT-T322-02F	Plots 280,281,297, 298, 315 & 316
23279 HT-H433-03C	Plots 288, 307 & 332
23279 HT-H433-04C	Plots 288, 307 & 332
23279 HT-H500-01C	Plots 272, 277, 289, 300 & 302
23279 HT-H500-02D	Plot 277
23279 HT-H500-06C	Plots 272, 289, 300 & 302
23279 HT-H536*-01B	Plot 321, 322 & 334
23279 HT-H536*-02C	Plot 334
23279 HT-H536*-04C	Plots 321 & 322
23279 HT-H469-01C	Plots 287, 292, 299 & 337
23279 HT-H469-02C	Plots 287, 292, 299 & 337
23279 HT-H469-03	Plot 378
23279 HT-H469-03	Plot 378
23279 HT-H421-01E	Plot 370 & 377
23279 HT-H421-02D	Plot 291
23279 HT-H421-03D	Plots 290, 291, 354 & 356
23279 HT-H421-04D	Plots 370 & 377
23279 HT-H421-05	Plots 290, 354 & 356
23279 HT-H408-03E	Plots 270, 271 & 320
23279 HT-H408-04E	Plots 270,271 & 320
23279 HT-H408-05	Plots 366 & 385
23279 HT-H408-06	Plots 366 & 385
23279 HT-H577-01D	Plots 3278, 355, 336 & 355
23279 HT-H577-03E	Plots 130, 368, 379 & 389
23279 HT-H577-04E	Plots 130, 368 & 379
23279 HT-H577-05	Plots 278, 335, 336 & 355
23279 HT-H408-AV-03C	Plots 381, 382 & 388
23279 HT-H408-AV-04C	Plots 381, 382 & 388
23279 HT-H421-AV-01B	Plot 304
23279 HT-H421-AV-02B	Plot 304
23279 HT-H421-AV-03B	Plot 347
23279 HT-H421-AV-04B	Plot 347
23279 HT-H497-AV-01D	Plots 128 & 129
23279 HT-H497-AV-02E	Plots 128
23279 HT-H479-AV-04B	Plots 129
23279 HT-H536*-AV-01D	Plots 269 & 346
23279 HT-H536*-AV-02C	Plots 269 & 346
23279 HT-H536*-AV-03B	Plots 268 & 303
23279 HT-H536*-AV-04B	Plots 268 & 303
23279 HT-H597-01E	Plots 279, 301, 323, 324 & 333
23279 HT-H597-02E	Plots 279, 301, 323, 324 & 333
23279 HT-H597-03E	Plots 127
23279 HT-H597-04	Plots 127
23279 HT-H597-AV-01B	Plot 305
23279 HT-H597-AV-02B	Plot 305
23279 HT-15-001	Plots 187, 188, 193 & 194
23279 HT-33/34-001	Plots 189-192
23279 HT-CH-DUN-001	Plots 232 & 233
23279 HT-APART-001	Plots 226-231
23279 HT-NE-02	Plots 175 & 176
23279 HT-BA-01H	Plots 197, 198, 236 & 237

23279 HT-BA-02E	Plots 195, 196, 204, 205, 208 & 209
23279 HT-FI-01G	Plots 179-182, 185, 186 & 217-222
23279 HT-FI-03F	Plots 156, 157, 177 & 178
23279 HT-FI-05B	Plot 139, 251 & 252
23279 HT-TIV-01G	Plots 183 & 184
23279 HT-TIV-02C	Plots 201 & 202
23279 HT-TIV-03C	Plots 253 & 254
23279 HT-TIV-04	Plots 249-250
23279 HT-KIN-05A	Plot 223
23279 HT-15-01F	Plots 242, 243, 361, 362 & 372-376
23279 HT-16-01E	Plots 197-200 & 371
23279 HT-16-02D	Plots 352 & 353
23279 HT-18-01E	Plots 206 & 207
23279 HT-33/34-02E	Plots 240, 241, 244 & 245
23279 HT-APART-01F	Plots 148-153
23499 HT-33/44-01	Plots 481-482
23499 HT-P204-01	Plots 477-480
23499 HT-H500-01C	Plots 483 & 492
23499 HT-H500-02D	Plots 483 & 492
23499 HT-536-01C	Plots 495 & 496
23499 HT-536-02C	Plots 495 & 496
23499 HT-469-01C	Plots 397, 484, 485, 490 & 494
23499 HT-469-02C	Plots 397, 484, 485, 490 & 494
23499 HT-497-01C	Plots 488, 491 & 497
23499 HT-497-02C	Plots 488, 491 & 497
23499 HT-421-01B	Plot 499
23499 HT-421-02B	Plot 499
23499 HT-577-01B	Plot 498
23499 HT-577-02C	Plot 498
23499 HT-597-01C	Plots 493 & 500
23499 HT-597-02C	Plots 493 & 500
23499 HT-408-01C	Plots 398, 399, 475, 476, 486 & 478
23499 HT-408-02C	Plots 399, 475, 476, 486 & 478;
23499 HT-408-03B	Plot 398
23499 HT-421-AV-01C	Plot 392
23499 HT-421-AV-02C	Plot 392
23499 HT-433-01B	Plot 489
23499 HT-433-02B	Plot 489
23499 HT-433-AV-03B	Plot 396
23499 HT-433-AV-04C	Plot 396
23499 HT-469-AV-01D	Plot 394
23499 HT-469-AV-02C	Plot 394
23499 HT-536*-AV-01B	Plots 391 & 395
23499 HT- HT-536*-AV-02D	Plots 391 & 395
23499 HT- HT-597-AV-01C	Plot 393
23499 HT- HT-597-AV-02B	Plot 393
23499 HT-CD-01	Plots 467 & 468
23499 HT-RO-01	Plot 469
23499 HT-FO-01	Plots 447-449, 465 & 466
23499 HT-FO-02	Plots 408.410.427, 428, 435, 36, 445 & 446
23499 HT-MA-01	Plots 450, 451 & 470-474

23499 HT-MA-02	Plots 453-455
23499 HT-EN-01	Plots 429 & 452
23499 HT-WO-01	Plots 409, 413, 414, 419, 420, 457 & 460-462
23499 HT-HES-01	Plots 412, 421, 458, 459 & 464
23499 HT-RA-01	Plots 411, 422, 424-426 & 456
23279 HT-THO-001	Plots 423 & 463
23499 HT-NO-01	Plots 415-418
23499 HT-15-01F	Plots 402, 403, 430-433, 438, 439 & 444
23499 HT-16-01C	Plot 434
23499 HT-16-02C	Plots 401 & 405-407
23499 HT-18-01D	Plot 404
23499 HT-33/34-02E	Plots 440-443
23499 HT-3B WC-01H	Plot 437
23499 HT-02 WC-01G	Plot 400
12727-SKC027O	Phases 2 & 3 Engineering Layout 1
12727-SKC028N	Phases 2 & 3 Engineering Layout 2
12727-SKC029M	Phases 2 & 3 Drainage Layout 1
12727-SKC030L	Phases 2 & 3 Drainage Layout 2
12727-SKC031K	Phases 2 & 3 Tracking & Visibility Splays 1
12727-SKC032L	Phases 2 & 3 Tracking & Visibility Splays 2
12727-SKC033M	Phase 4 Drainage Layout
12727-SKC035K	Phase 4 Tracking & Visibility Splays
GL0001_14J	Soft Landscaping Proposals
GL0001_15J	Soft Landscaping Proposals
GL0001_16K	Soft Landscaping Proposals
GL0001_17K	Soft Landscaping Proposals
GL0001_18K	Soft Landscaping Proposals
GL0001_19K	Soft Landscaping Proposals
GL0001_20H	Soft Landscaping Proposals
GL0001_21H	Soft Landscaping Proposals
GL0001_22L	Soft Landscaping Proposals
GL0001_23L	Soft Landscaping Proposals
D21 53 P6	Phase 2 & 3 TPP A1 L(1) Rev H
D21 53 P5	Phase 4 TPP A1 L(1) Rev C
12727-SKC034N	Phase 4 Drainage Strategy
12727-SKC042L	Phase 2 & 3 Tracking & Visibility
12727-SKC043L	Phase 2 & 3 Tracking & Visibility
12727-SKC039L	Phase 2 & 3 S38 Adoption 1
12727-SKC040K	Phase 2 & 3 S38 Adoption 2
12727-SKC041J	Phase 4 S38 Adoption
23279 PL-11D	Refuse Collection Layout Phases 2 & 3
23499 PL-11D	Refuse Collection Layout Phase 4
23279 CL-1E	Phase 1 - 4 Composite Layout
23499 SE-01 RevE	Street Section-A1
Tables 2, 3 and 4	Affordable Housing Mix

All Received by Local Planning Authority 24th December 2015 with PT15/5528/RM:

03 HR	Design Statement
9325-500-001-S2 Rev C	Topographical Survey
9325-500-001-S3 Rev C	Topographical Survey
9325-500-001-S4 Rev C	Topographical Survey
23279 HT-H577-AV-01	Plot 389
Micro Drainage Calculations	Dated October 2015
Landscape Management Plan	
Landscape Implementation	
C040/R4/v2	Updated Badger Mitigation Strategy
C040/R8/v1	Updated Ecology Survey and Mitigation Strategy
Arboricultural Assessment 2011	
D21 53 02 BS5837	Updated Phase 4 Tree Survey Data

All Received by Local Planning Authority 16th June 2016 with PT15/5528/RM:

23279 HT-BIN-01A	Bin/Cycle Store Details Plots 128-153 & 226-231
12727-SKC011F	Pickedmoor Brook Crossing 2

All Received by Local Planning Authority 28th October 2016 with PT15/5528/RM:

23279 PL-01A	Location Plan
23279 HT-H433-01A	Plot 384
23279 HT-H433-02C	Plot 384
23279 HT-H497-01C	Plots 365, 367, 369, 383, 386 & 390
23279 HT-H497-02C	Plots 365, 367, 369, 383, 386 & 390
23279 HT-H577-02C	Plots 389
23279 HT-H469-AV-01C	Plots 306, 348, 363 & 380
23279 HT-H469-AV-02C	Plots 306, 348, 363 & 380
23279 HT-H577-AV-03C	Plots 364 & 387
23279 HT-H577-AV-04C	Plots 364 & 387
23279 HT-DR-01E	Plots 142 & 143
23279 HT-NE-01E	Plots 154, 155, 158 & 159
23279 HT-FI-02C	Plots 144 & 147
23279 HT-FI-04A	Plots 224 & 246-248
23279 HT-MO-01D	Plot 266
23279 HT-MO-02C	Plot 260
23279 HT-WO-01C	Plots 138, 145 & 146
23279 HT-WO-03D	Plots 132, 161-163, 166, 167, 170-173 & 210-213
23279 HT-WO-04D	Plots 261 & 262
23279 HT-HE-01D	Plot 225
23279 HT-HE-02D	Plots 131 & 160
23279 HT-HE-03C	Plots 174 & 214
23279 HT-HE-04E	Plot 137
23279 HT-HE-05A	Plot 263
23279 HT-CA-01C	Plot 258 & 259
23279 HT-CA-03D	Plots 264 & 265
23279 HT-TH-01A	Plot 267
23279 HT-TH-02C	Plot 235
23279 HT-TH-03D	Plot 257
23279 HT-KIN-01B	Plots 133-136, 164, 165, 168 & 169
23279 HT-KIN-02D	Plots 215 & 216

23279 HT-KIN-03B	Plots 140 & 141
23279 HT-KIN-04A	Plots 255 & 256
23279 HT-GAR-01B	Garage Details DWH Sheet 1
23279 HT-GAR-02B	Garage Details DWH Sheet 2
23279 HT-GAR-03B	Garage Details DWH Sheet 3
23279 HT-GAR-04B	Garage Details DWH Sheet 4
23279 HT-GAR-05B	Garage Details DWH Sheet 5
23279 HT-GAR-06A	Garage Details Barratt Sheet 1
23279 HT-GAR-07A	Garage Details Barratt Sheet 2
23279 HT-GAR-08A	Garage Details Barratt Sheet 3
23499 HT-GAR-01C	Garage Details DWH Sheet 1
23499 HT-GAR-02C	Garage Details DWH Sheet 2
23499 HT-GAR-03A	Garage Details DWH Sheet 3
23499 HT-GAR-04A	Garage Details DWH Sheet 3
23499 HT-GAR-05A	Garage Details Barratt Sheet 1
23499 HT-GAR-06A	Garage Details Barratt Sheet 2
23499 HT-GAR-07A	Garage Details Barratt Sheet 3
23499 HT-GAR-08A	Garage Details Barratt Sheet 4
GL0001_A	Community Sports Pitch Specification
NT/PL951D	Enhanced Materials - Bays
NT/PL952E	Enhanced Materials - Flues, etc.
NT/PL953E	Enhanced Materials - Canopies 1
NT/PL954B	Enhanced Materials - Canopies 2
NT/PL955E	Enhanced Materials - Chimneys
NT/PL956	Enhanced Materials - Windows
NT/PL957	Enhanced Materials - Dormers
NT/PL958A	Enhanced Materials - Verges, Corbels & Eaves

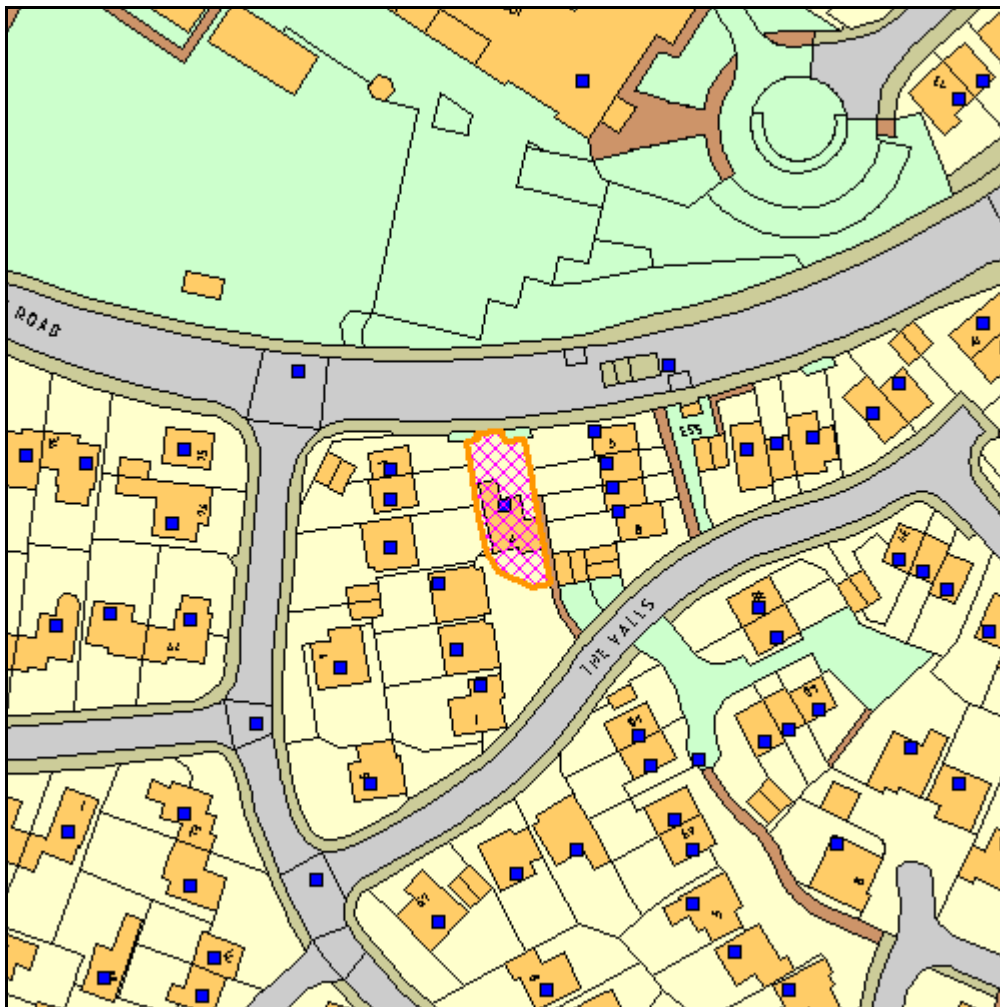
All Received by Local Planning Authority 15th December 2016 with PT15/5528/RM:

23279 PL-02A	External Works Details Phases 2 and 3
12727-SKC010J	Pickedmoor Brook Crossing 1
Micro Drainage Calculations	Phase 4 Updated
GL0001_13B	Public Open Space Assessment
12727-C012E	Pickedmoor Brook Crossing Elevation
GL0001_24E	Sports Pitch Drainage Layout
12727 SKC045 D	Phase 2-3 Road 6 Tracking
GL0001_26	No Dig Footpath Detail

Reason:  
In the interests of completeness

**CIRCULATED SCHEDULE NO. 28/17 – 14 July 2017**

<b>App No.:</b>	PT17/2394/F	<b>Applicant:</b>	Mr Alan Shellard
<b>Site:</b>	4 The Valls Bradley Stoke Bristol South Gloucestershire BS32 8AW	<b>Date Reg:</b>	15th June 2017
<b>Proposal:</b>	Demolition of existing conservatory, erection of a single storey rear extension, a first floor side extension and a two storey rear/side extension to form additional living accommodation.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	362851 180670	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th July 2017



© South Gloucestershire Council 2007.all rights reserved.

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

100023410, 2008.

N.T.S.

PT17/2394/F

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

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

### **1. THE PROPOSAL**

- 1.1 The proposal seeks to demolish an existing conservatory in order to facilitate the erection of a two storey and first floor side and single storey rear extension in order to provide additional living accommodation.
- 1.2 The subject property is a two storey late-20th century detached property with reconstituted stone elevations with brick quoins and a gabled roof. To the front of the property is a single storey extension
- 1.3 The proposal would follow the existing front and rear elevations in order to extend to the side above the existing garage and to erect a single storey lean-to to the rear in place of the conservatory.
- 1.4 The subject property is situated in the built up residential area of Bradley Stoke.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

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

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

H4 Development within Existing Residential Curtilages  
T12 Transportation

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

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

#### 2.3 Supplementary Planning Guidance

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

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

P99/2146 – Approval – 24/08/1999 – Erection of rear conservatory

P87/0020/27 – Approval of Reserved Matters – 09/08/1987 – Residential and ancillary development on approximately 2.1 ha (5.3 acres) of land to include erection of 74 dwellings, construction of estate roads, parking areas, garages and boundary walls (in accordance with the amended plans received by the council on 1st May 1987) (to be read in conjunction with P84/0020/1).

P84/0020/1 – Approval of Outline – 03/12/1986 – Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.

### 4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council  
No Objection

4.2 Other Consultees

Archaeological Officer  
No Objection

#### **Other Representations**

4.3 Local Residents

One comment has been received objecting to the proposed two storey element of the proposal. The comments show concern over a number of topics. These include:

- The design of the proposal as the extension is not subservient to the existing dwelling. In addition due to the slight dog leg in the side elevation they consider the proposal to represent a poor standard of design that is no in keeping with the general character of the area.
- The existing dwelling overshadows their garden and the proposal could potentially worsen the situation. A shadow study was requested.
- Concerns with regard to overbearing due to the height, scale and massing of the proposal.
- Lastly there are concerns over the path adjacent to the properties eastern boundary. This is used by other residents to take out bins etc. The comments are concerned that the proposal would reduce the safety of this pathway and that it could potentially be obstructed during construction.

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

5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted where the highest possible standards of design and site planning are achieved. Proposals should demonstrate that they; enhance and respect the character,



distinctiveness and amenity of both the site and its context; have an appropriate density and its overall layout is well integrated with the existing development. Saved Policy H4 of the South Gloucestershire Local Plan (adopted 2006) is supportive in principle of development with the residential curtilage of existing dwellings. This support is subject to the proposal respecting the existing design of the dwelling and it does not prejudice the residential and visual amenity; adequate parking provision; and has no negative effects on transportation. The proposal accords with the principle of development subject to the consideration below.

## 5.2 Design and Visual Amenity

The proposal consists of the erection of a two storey side extension and a single storey rear extension to form additional living accommodation. The proposal would match the scale of the existing dwelling and extend by around 2 metres to the side of the property. This will match the features of the existing dwelling and would introduce similar brick quoins and reconstituted stone elevations. Properties nearby vary in appearance and type and whilst these are all of a similar age, these do differ from one another. On this basis there is no defined character. The host dwelling is a detached property set between two rows of dwellings. This existing setting is somewhat undesirable. The proposal is considered to be in proportion with the scale of the existing dwelling, is relatively modest in scope and does not have an unusual style of design for an extension of this type. In addition it would use materials and features of a similar appearance to that of the existing dwelling and would not be easily distinguished from the host dwelling. On this basis the proposal is considered to be in keeping with the general character of the area and the host dwelling and there is no objection with regard to this.

5.3 An objection comment was lodged, concerned with the design of the proposal. This notes that they consider the proposal to result in an addition to the property that is not subservient or in keeping with the existing dwelling and its context. In addition they are concerned with the 150 mm step in to the side of the property. This is to the rear of the side extension and will not be fully visible from the public realm. As a result this is not considered to result in harm to the appearance of the site and its context. With regard to subservience the proposal will match the height of the existing dwelling and on that basis is considered to have been informed by the property and its context and is proportionate to the existing dwelling.

5.4 The objection comment also questions the impact on the adjacent path. This appears to be used for access to the gardens and for waste collection purposes for a number of properties. The proposal will extend along the boundary to the west of this path and the comment shows concern over the safety of this path. There is an existing gable wall along the boundary and whilst it will be increasing in height, it is not considered to result in the area being less surveilled nor would it obstruct light from streetlights.

5.5 The proposal also seeks to erect a single storey rear extension. This will have a lean-to roof and replace an existing conservatory. This is not considered to have an unusual style of design and there is no objection to this part of the proposal.

- 5.6 The proposal will utilise materials of a similar appearance to those in the existing dwelling. There is no objection with regard to materials.
- 5.7 Overall, it is considered that the proposed alterations would not harm the character or appearance of the area and as such are considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to accord with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.
- 5.8 Residential Amenity  
Policy H4 of the adopted Local Plan gives the Council's view on new development within existing residential curtilages. Proposals should not unacceptably 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.
- 5.9 The host property is detached but in relatively close proximity to the dwellings east and west of the side elevations. These are oriented perpendicular to the host dwelling and consequently the proposal is not considered to result in any additional overlooking. Furthermore the proposal would result in the omission of a landing window, whilst this is not serving primary living accommodation a window overlooking garden space can lead to the feeling of being overlooked and this has been considered to reduce this impact.
- 5.10 A comment has been received objecting to the proposal on residential amenity grounds. This is concerned that the proposal would overbear due to the proximity and height of the proposal. The current side elevation of the garage is around 11 metres at the closest from the rear elevation of neighbours to the east, and the existing side elevation of the dwelling is at around 13 metres, the proposed extension would have a width of 2 metres and there would be around 11 metres from these properties. Technical advice suggests that a distance of 12 metres is retained from windows serving primary living accommodation, as the garage is already below this distance the proposal is not considered to have a material impact on these neighbouring properties and is acceptable in this respect. It should also be noted that other dwellings to the west of the property are around 10 metres from the host dwelling at the closest point and other properties nearby have similar relationships. Given these existing relationships and context, the proposal is not considered to have an unacceptable impact due to overbearing.
- 5.11 The comment also questions the impact on loss of light as a result of the proposal and asked that a shadow study is submitted to support the proposal. This was not requested as there is considered to be sufficient information available to make an assessment without such a study. Again the proposal would extend above the existing garage structure. The potentially impacted dwellings are situated to the east and north of the host property and are oriented perpendicular to the host dwelling. Given the location of the proposal and the existing structure, and the path of the sun, the proposal is not considered to diminish natural light to an unacceptable level. Lastly the comments suggest that obstruction of the path will not be acceptable. It is reasonable to expect construction to take place in a suburban area such as this

from time to time. In addition this is a civil matter and is not under consideration within the remit of this planning application. That said a condition will be attached restricting the times of construction to day time hours to prevent unreasonable working hours and the resultant impact on amenity.

- 5.12 Given the level of screening provided by the boundary and the scale of the proposed single storey extension, this is not considered to have a harmful impact on the amenity of neighbouring occupiers.
- 5.13 There are no dwellings directly to the rear of the dwelling and there is no objection with regard to this.
- 5.14 The proposal will occupy a small amount of additional floor space, however sufficient private amenity space will remain following development and there is no objection in this regard.
- 5.15 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in an unacceptable impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.16 Sustainable Transport and Parking Provision  
The proposal will not include any additional bedrooms and would not require the provision of any further parking spaces. The existing garage and hardstanding provide space for 2 cars and is in accordance with the provisions of the Residential Parking Standards SPD. Therefore the proposal would not have a negative impact on highway safety or the provision of off-street parking facilities, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

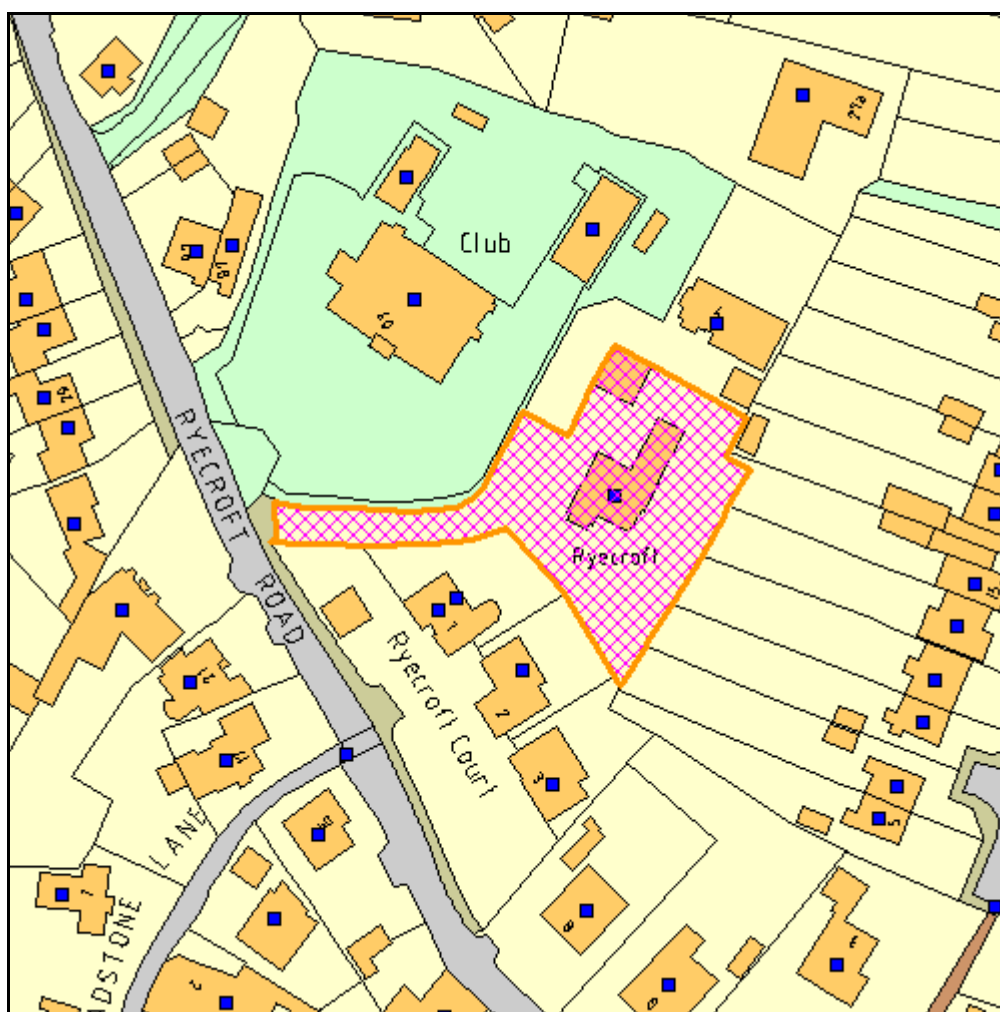
2. The hours of working on site during the period of construction shall be restricted to 07:30 - 18:00 Monday to Friday; 08:30 - 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site

Reason

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

**CIRCULATED SCHEDULE NO. 28/17 – 14 JULY 2017**

<b>App No.:</b>	PT17/2533/F	<b>Applicant:</b>	Mr And Mrs Di Mambro
<b>Site:</b>	Ryecroft 34 Ryecroft Road Frampton Cotterell South Gloucestershire BS36 2HW	<b>Date Reg:</b>	26th June 2017
<b>Proposal:</b>	Erection of single storey side extension to form additional living accommodation.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	367179 181440	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th July 2017



© South Gloucestershire Council 2007.all rights reserved.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 100023410, 2008. N.T.S. PT17/2533/F

## **INTRODUCTION**

This application appears on the Circulated Schedule as a result of a consultation response received, from the Parish Council, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of single storey flat roof side extension with lantern style rooflight to form additional living accommodation. The plans also illustrate an unroofed, open sided aluminium powder coated post and beam pagoda type structure adjacent and attached to the proposed extension. It is not considered in its own right that this would require planning permission.
- 1.2 The property is detached dwelling, within the residential area of Frampton Cotterell.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Parking Standards SPD

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

- 3.1 P93/2385 – Erection of one detached dwelling and detached garage plus access improvements. Approved 12/1/17

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
The Parish council objects as this is not in keeping with the Village Design Statement.

#### **Other Representations**

- 4.2 Local Residents  
No comments received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

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

### 5.2 Design

The comments of the Parish Council, above, are noted, however it is not clear how, why, or with which part of the Village Design Statement the proposals are not in keeping with, forming the basis of the objection. The proposed single storey extension is a relatively modest addition to the existing dwelling. Whilst the roof patterns of the remainder of the dwelling demonstrate a variety of gables and pitched roofs and ridges, at two storey level, the application proposes a flat roofed single storey extension, with lantern style rooflight. This difference in roof type in its own right does not warrant the proposals unsuitable in this instance and they are not considered to materially detract from the existing dwelling or surrounding area, given their size, scale, design and location. The attached post and beam pagoda style structure accompanying the extension would also be considered an acceptable addition. The proposed extension therefore is considered to be of an acceptable standard in design and is not materially out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. The proposals are therefore considered to comply with South Gloucestershire Council development management policies.

### 5.3 Residential Amenity

The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing impact on adjacent properties. Further to this sufficient garden space remains to serve the property.

### 5.4 Transportation.

The existing vehicular access and parking will be unaffected by the proposed development.

## 6. CONCLUSION

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

6.2 The proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and

CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted, subject to the conditions recommended. The consultation period expires on the 17<sup>th</sup> July 2017, if any further representations are received within this timescale that raise material planning issues that have not been addressed in the report, then a further report on the application will be provided for to the Circulated Schedule.

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

## **CONDITIONS**

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

Reason

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