



**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. 33/17

Date to Members: 18/08/2017

Member's Deadline: 24/08/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

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

Changes to usual deadlines are shown in RED

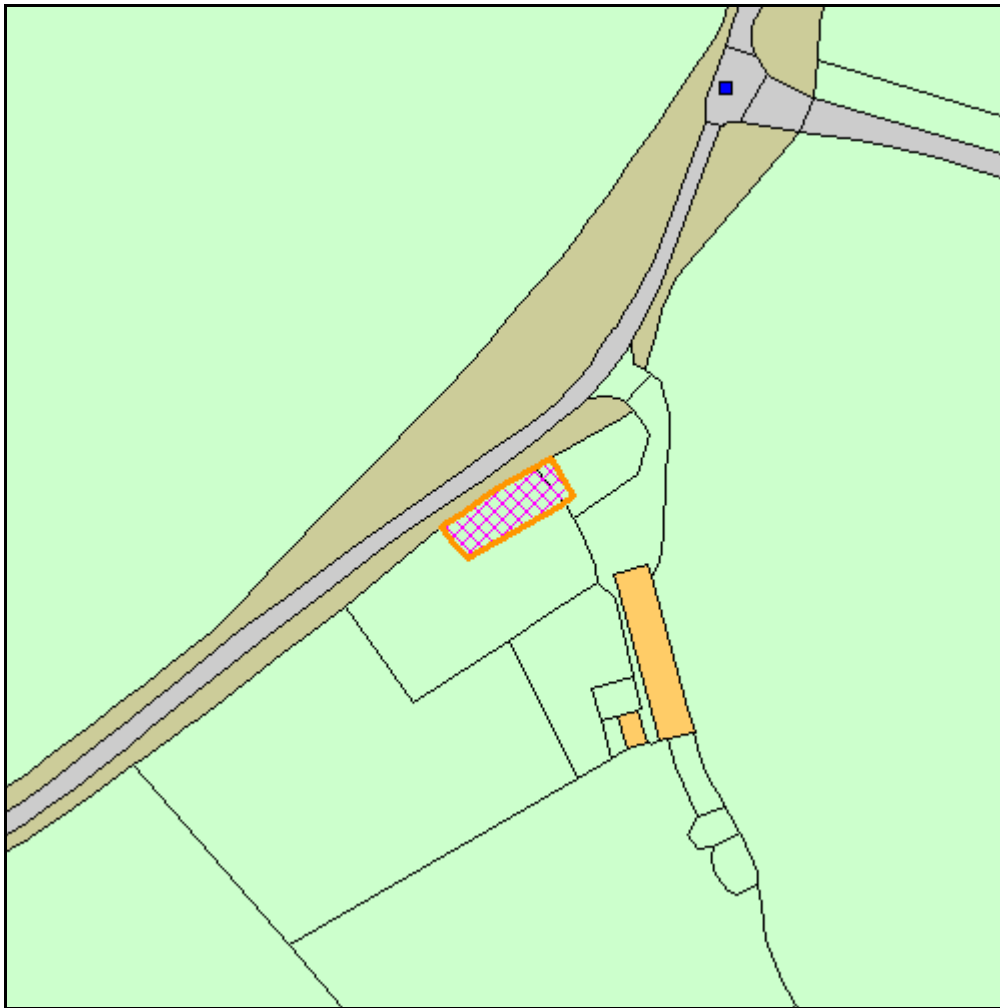
Changes to Dates and Officer Deadlines for Circulated Schedule due to August Bank Holiday 2017

CIRCULATED SCHEDULE - 18 August 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1656/F	Approve with Conditions	Exon's Yard Doynton Lane Dyrham South Gloucestershire	Boyd Valley	Dyrham And Hinton Parish Council
2	PK17/1916/F	Approve with Conditions	5 Milford Avenue Wick South Gloucestershire BS30 5PG	Boyd Valley	Wick And Abson Parish Council
3	PK17/2376/F	Approve with Conditions	3 Goldney Avenue Warmley South Gloucestershire	Siston	Siston Parish Council
4	PK17/2618/CLE	Approve	Newlands Farm Rag Lane Wickwar South Gloucestershire	Ladden Brook	Wickwar Parish Council
5	PK17/3098/CLE	Refusal	Long Acres Redfield Hill Bitton South Gloucestershire BS30 6NX	Oldland	Bitton Parish Council
6	PT16/6954/FDI	No Objection	Land At Park Farm Butt Lane Thornbury South Gloucestershire BS35 1RA	Thornbury North	Thornbury Town Council
7	PT17/0852/F	Approve with Conditions	14B Riverwood Road Frenchay South Gloucestershire BS16 1NX	Frenchay And Stoke Park	Winterbourne Parish Council
8	PT17/1022/F	Approve with Conditions	Land At 34 Bristol Road Winterbourne South Gloucestershire BS36 1RG	Winterbourne	Winterbourne Parish Council
9	PT17/1730/RVC	Approve with Conditions	Land At Overcourt Farm And Washingpool Farm Main Road Easter Compton South Gloucestershire BS35 5RE	Almondsbury	Almondsbury Parish Council
10	PT17/1732/RVC	Approve with Conditions	Landshire Bristol Road Frenchay South Gloucestershire BS16 1LQ	Frenchay And Stoke Park	Winterbourne Parish Council
11	PT17/1757/F	Approve with Conditions	85 Wright Way Stoke Gifford South Gloucestershire	Frenchay And Stoke Park	Stoke Gifford Parish Council
12	PT17/1761/O	Approved Subject to	Redmay Wotton Road Rangeworthy South Gloucestershire	Ladden Brook	Rangeworthy Parish Council
13	PT17/1904/F	Refusal	Pound House Camp Road Oldbury On Severn South Gloucestershire BS35 1PR	Severn	Oldbury-on-Severn Parish Council
14	PT17/1977/F	Refusal	Manor Farm Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RL	Severn	Oldbury-on-Severn Parish Council
15	PT17/2478/F	Approve with Conditions	The Stables 44A Townsend Lane Almondsbury South Gloucestershire BS32 4EQ	Almondsbury	Almondsbury Parish Council
16	PT17/2595/CLP	Refusal	36 York Gardens Winterbourne South Gloucestershire BS36 1QT	Winterbourne	Winterbourne Parish Council
17	PT17/2771/F	Approve with Conditions	45 Cumbria Close Thornbury South Gloucestershire	Thornbury South And	Thornbury Town Council
18	PT17/3146/F	Approve with Conditions	4 Langthorn Close Frampton Cotterell South Gloucestershire BS36 2JH	Frampton Cotterell	Frampton Cotterell Parish Council
19	PT17/3216/CLP	Approve with Conditions	47 Callicroft Road Patchway South Gloucestershire	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PK17/1656/F	Applicant:	Mrs S Toland C/O North & Letherby
Site:	Exon's Yard Doynton Lane Dyrham South Gloucestershire SN14 8EY	Date Reg:	17th May 2017
Proposal:	The erection of a steel portal framed building for the storage of fodder, bedding and machinery.	Parish:	Dyrham And Hinton Parish Council
Map Ref:	373328 174951	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	29th June 2017



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100023410, 2008. **N.T.S.** **PK17/1656/F**

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections received from the Parish Council which are contrary to the recommendations within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a steel framed building for the storage of fodder, bedding and machinery at Exon's Yard, Doynton Lane, Dyrham.
- 1.2 The site was recently granted a Certificate of Lawfulness for the existing use of the land, buildings and structures within the red line as a DIY horse livery business (PK16/5337/CLE), and for the installation of a riding arena and associated muck store (PK16/6740/F). An application has also recently been approved for a replacement stable and additional muck store to be erected at the site (PK17/1136/F).
- 1.3 The site is situated within the open countryside and the Bristol/Bath Green Belt, as well as the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.4 A Landscape and Visual Appraisal was received on 2nd August 2017 in order to address the landscape officers concerns.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS34 Rural Areas

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

E10 Horse Related Development
L1 Landscape Protection and Enhancement
L2 AONB
EP2 Flood Risk and Development
T12 Transportation DC Policy
LC12 Recreational Routes

South Gloucestershire Council Policies Sites and Places Development Plan Document (Proposed Submission Draft) June 2016

PSP2 Landscape
PSP7 Development in the Green Belt

PSP8 Residential Amenity
PSP11 Development Related Transport Impact Management
PSP19 Wider Biodiversity
PSP20 Flood Risk, Surface Water and Watercourse Management
PSP30 Horse Related Development
PSP44 Outdoor Sport and Recreation Outside Settlement Boundaries

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) 2007
Landscape Character Assessment (Adopted) 2005
South Gloucestershire Design Checklist SPD

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK17/1136/F Approve with conditions 31/05/2017
Demolition of existing stable block and erection of replacement stable block and erection of muck store.
- 3.2 PK16/6740/F Approve with conditions 08/03/2017
Relocation and enlargement of existing equestrian all weather sand school and erection of associated muck store
- 3.3 PK16/5337/CLE Approve 22/11/2016
Application for a certificate of lawfulness for the existing use of land, buildings and structures as DIY horse livery business.
- 3.4 PK02/2561/TMP Refusal 01/10/2002
Erection of 1 no. residential log cabin

4. **CONSULTATION RESPONSES**

- 4.1 Parish Council
Object – the building is in the AONB, is large and will be visible from the road and from footpaths crossing Lower Ledge Farm and Boyd Farm. There has been a lot of re-development at Exon's Yard recently and there is a real danger that the amount of horses kept on site will increase in numbers. The Parish would not like to see this site increase anymore. It is served by a narrow country lane with passing places and the road is insufficient for any increase in large traffic associated with horses. This will lead to further erosion of our verges.
- 4.2 Other Consultees
- Lead Local Flood Authority
No objection.
- Sustainable Transport
No objection.

Landscape Officer

No issues regarding long distance views following submission of Landscape and Visual Appraisal, however landscaping scheme insufficient to shield views from closer recreational routes.

Highway Structures

Informative recommended.

Economic Development

No objection.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework 2012 states that new buildings within the Green Belt should be considered inappropriate development in the green belt with the exception of the categories of development identified within paragraphs 89 and 90. Under paragraph 89 amongst others the following development is considered to be an exception:

'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'

- 5.2 The proposal for the erection of a storage building to store fodder, bedding and machinery associated with the use of the site as a DIY livery is considered to fall within the above exception and as such the principle is considered acceptable. Policy E10 of the SGLP permits proposals for horse related development outside the boundaries of settlements subject to criteria relating to environmental effects, residential amenity, highway safety, access to riding ways, horse welfare, and provided no existing suitable buildings are available which are capable of conversion.

5.3 Design and Impact on Landscape

The area surrounding the site is relatively flat before rising up to the Cotswold escarpment to the east, where the site is visible from the Cotswold Way. Doynton Lane is also a designated recreational route, however the site is partially screened by the existing native hedgerow. The building is to be located within the northern corner of the site adjacent to the access and the hedgerow. The lower walls of the new building are to be concrete panels (up to 1.6 metres in height) and upper walls are to be timber clad. It is felt that timber cladding is a sympathetic material for this style of building in the rural landscape. The rear and side elevations will be presented to the road. The total height of the building is 4.47 metres. Both the SGC LCA 6 Landscape Strategy and the Cotswolds AONB Landscape Strategy Guidelines encourage the use of

vernacular/traditional materials and in this respect it could be argued that instead of using concrete panels the lower walls should be Cotswold stone construction, however given the location tucked against a boundary this would not have a significant visual impact in this instance.

5.4 Additional information was submitted on 2nd August 2017 in the form of a Landscape and Visual Appraisal, which demonstrated that the building will not be prominent in long distance views. However, there remains the concern regarding the impact of the proposals from closer viewpoints especially impact on the amenity of Doynton Lane which is classified as a Major Recreational Route. The relationship of the building to the existing hedge also remains unclear. If the hedge were to be kept at its existing height then during the growing season it would play a significant role in concealing the building. However, during winter months, with the leaves off the trees, the hedge would be a less affective screen. In addition there is no assurance that the hedge will be maintained at its current height. The recommendations of the appraisal are too reliant on the existing hedge to conceal the new building and no landscape scheme has been submitted to mitigate/compensate for the potential impact of the development on the locality, and therefore a further landscaping scheme must be conditioned in the event the application is approved.

5.5 Residential Amenity and Environmental Impacts

There are no residential properties within the vicinity of the development that will be affected.

5.6 The Lead Local Flood Authority has no objection to the building and it is at a low risk of flooding, being situated in Flood Zone 1.

5.7 Horse Welfare

The British Horse Society recommends approximately 2 horses per hectare. As the use of the site as a DIY livery was regularised through a recent Certificate of Lawfulness application, the site does not have any restrictions placed on the number of horses that should be allowed to occupy the site. The replacement stables recently approved are larger than the previous stables and so it is reasonable for the applicant to require additional storage.

5.8 Transport

The development will not result in an increase in the number of vehicular movements at the site, nor the parking demand. No changes are proposed to the existing access. There is no transportation objection to the development.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

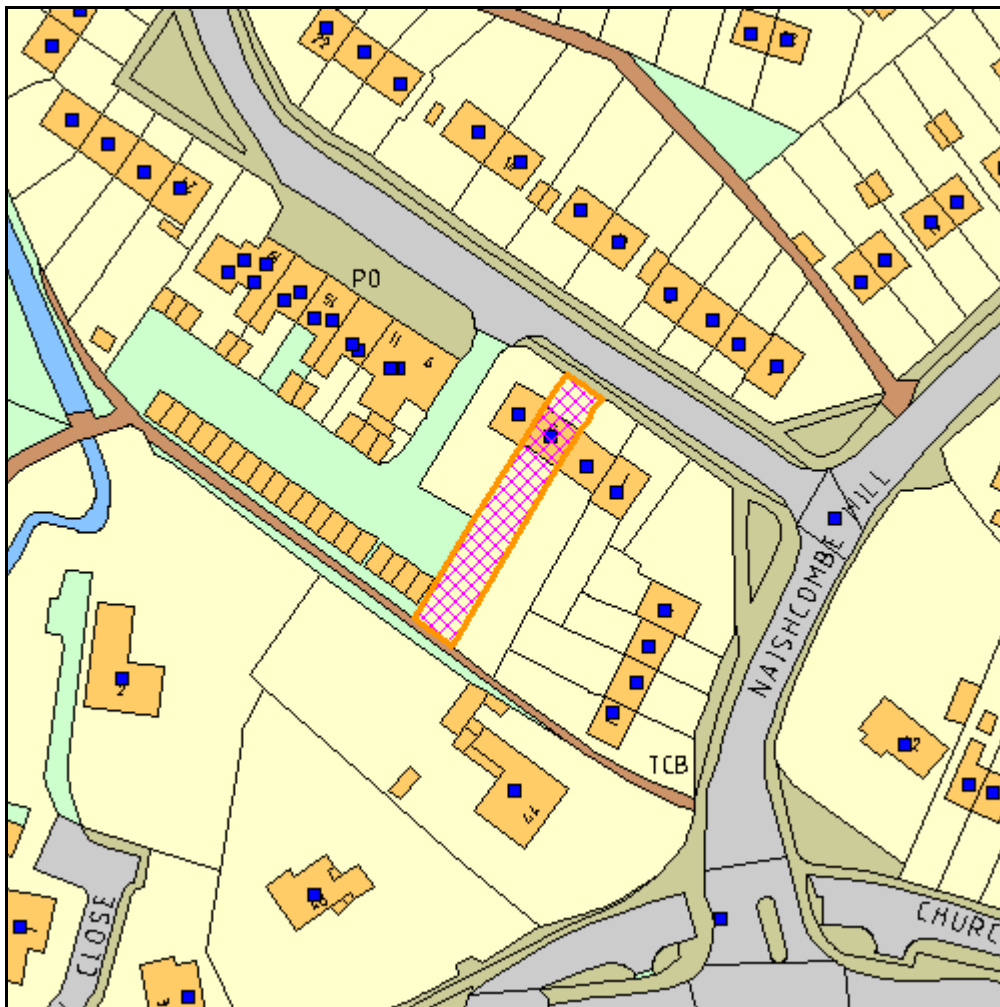
2. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting);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

Reason

To ensure that the building is adequately screened in accordance with policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1, CS9 and CS34 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PK17/1916/F	Applicant:	Ms Abigail Williams
Site:	5 Milford Avenue Wick Bristol South Gloucestershire BS30 5PG	Date Reg:	22nd May 2017
Proposal:	Erection of a detached outbuilding incidental to the enjoyment of the dwelling-house.	Parish:	Wick And Abson Parish Council
Map Ref:	369994 172973	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	13th July 2017



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REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule following objections which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached outbuilding to the rear of 5 Milford Avenue, Wick, in order to form a study and an exercise room.
- 1.2 Amendments have been received during the course of the application following officer concerns about the scale of the building, and it has now been reduced in size.
- 1.3 The site is situated within the settlement boundary of Wick, which is washed over by the Bristol/Bath Green Belt.

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
CS8 Improving Accessibility
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages

South Gloucestershire Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Location Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP38 Extensions within Residential Curtilages
PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013
- (c) Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent or relevant planning history.

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council
No objection.

4.2 Other Consultees

Transport
No objection.

Public Rights of Way
No objection, informatives recommended.

Open Spaces Society
No comment.

Other Representations

4.3 Local Residents

Two letters of objection from one neighbour have been received stating the following:

- Object to height of the building as out of keeping with flat roof garage buildings
- Windows will overlook nearby houses and rear gardens
- Would not object to single storey flat roof building
- Reduction in size relatively small on revised plans – still object

A general letter has also been received making the following points:

- Entrance and exit to proposed building will be on sloped driveway, which is a right of way to no. 3
- This right of way provides access to no. 3's garage and parking area
- No objection as long as it does not interfere with access to our property

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Limited extensions to dwellings is acceptable on Green Belt land. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Green Belt

The NPPF allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volume on July 1st 1948). The South Gloucestershire 'Development within the

Green Belt SPD' states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.3 Officers have no evidence that the existing garage is not part of the original dwellinghouse, and therefore will be counted as part of the original volume. The proposed outbuilding represents a volume increase of 37% over and above the volume of the original dwellinghouse, which is acceptable in Green Belt terms. Despite the tall apex roofline proposed, the development is situated within the settlement boundary and therefore the impact on openness of the Green Belt will be minimal.

5.4 Design

The development proposed consists of a single storey outbuilding with a tall pitched roof forming a mezzanine floor. Following concerns about the size of the building, which is sited next to a row of secondary flat roof garages, the height of the building has been reduced by 0.5 metres and the footprint has also been reduced. The building is also stepped back from the building line of the row of garages, reducing its impact. Overall, the proposal will still be considered as a subservient structure with a secondary status and so there is no objection on the grounds of design. Suitable materials (render and concrete tiles) have been selected and the development is acceptable in terms of policy CS1 of the Core Strategy.

5.5 Residential Amenity

As the proposal is to the end of the garden serving no. 5, and is sited in between neighbouring garages, it is unlikely there would be any overlooking or overshadowing to the detriment of residential amenity. Adequate private amenity space will remain for the host dwelling.

5.6 Transport

The consultation period raised concerns with regards to right of access to the rear of no. 3 Milford Avenue, however the Transport officer has no objection and the applicant has confirmed that the land is entirely in their ownership and does not encroach onto any neighbouring land or areas of shared ownership. An informative on the decision notice will remind the applicant they cannot carry out works on land not within their ownership. The building does not remove any existing parking provision, nor does it increase the capacity of the dwelling and so there is no transportation objection.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

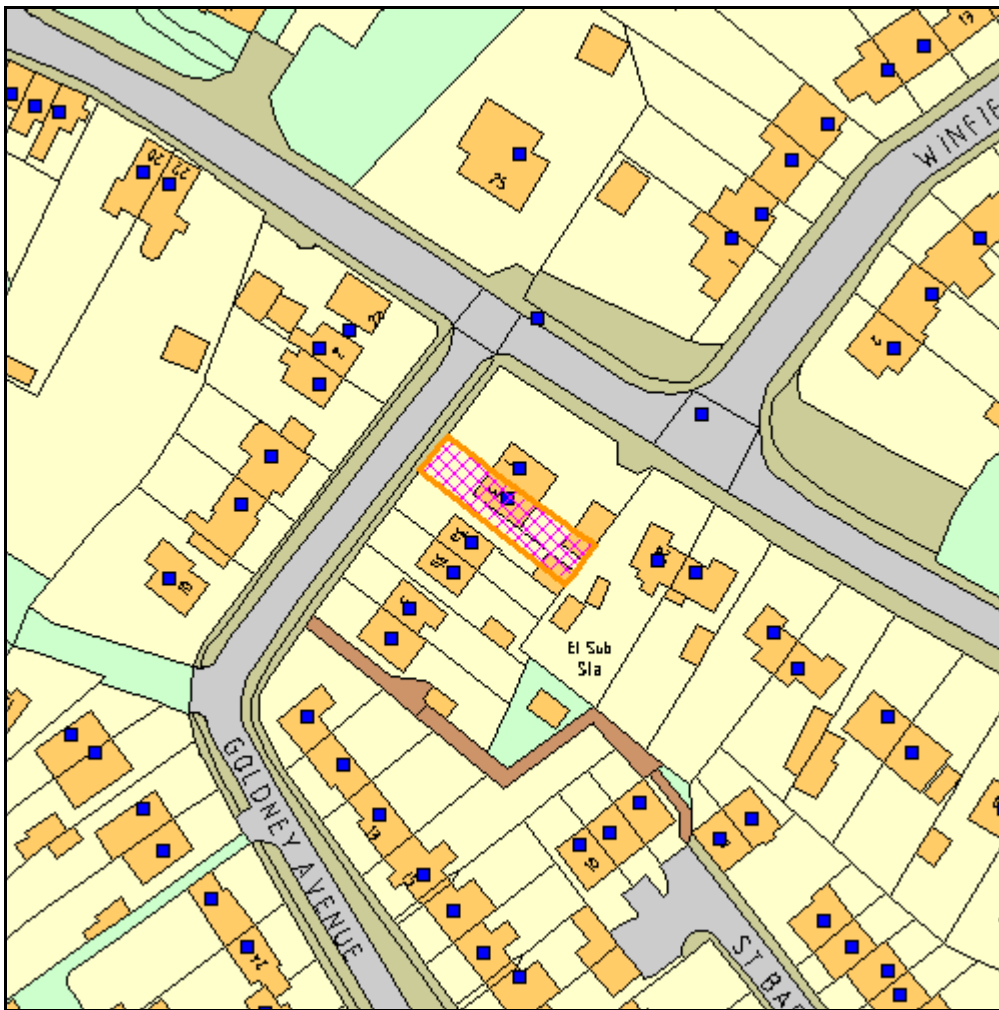
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PK17/2376/F	Applicant:	Mr Richard Mills
Site:	3 Goldney Avenue Warmley Bristol South Gloucestershire BS30 5JG	Date Reg:	12th June 2017
Proposal:	Extension to existing garage and outbuilding to form residential annexe ancillary to main dwelling.	Parish:	Siston Parish Council
Map Ref:	367367 173385	Ward:	Siston
Application Category:	Householder	Target Date:	3rd August 2017



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1. THE PROPOSAL

- 1.1 Planning permission is sought for an extension to an existing garage and outbuilding to form a residential annexe ancillary to the main dwelling, at no. 3 Goldney Avenue, Warmley.
- 1.2 The application site consists of a semi-detached property set within a moderately sized plot. The site is situated within the established residential area of Warmley. A parking area is situated to the front of the main dwelling, with a rear garden, single garage and small outbuilding situated to the rear. A shared driveway runs along the south-western side of the property.
- 1.3 The description of the development has been changed to more accurately reflect the development proposed. The description has been changed from: *'conversion of existing garage and outbuilding to residential annexe ancillary to main dwelling'* to *'Extension to existing garage and outbuilding to form residential annexe ancillary to main dwelling.'* The change in description has not altered the scope of the proposal, and has not disadvantaged any of the original consultees.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP

plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history associated with the application site.

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Subject to proposed conversion of existing buildings being conditioned to ensure such a residential annexe remains ancillary to the main dwelling, no objections are raised.

4.2 Other Consultees

Sustainable Transport

Subject to a condition that the annexe is not sub-let or subdivided from the main dwelling, there is no transportation raised to the proposed development.

Other Representations

4.3 Local Residents

One letter of objection was received. The main concerns raised are outlined below:

- Close proximity to neighbour will result in unacceptable loss of privacy and result in unacceptable noise and disturbance.
- Proposed window looking on to shared drive will result in overlooking.
- Due to recent planning permission for large garage in neighbours, surrounding area is already feeling overcrowded.
- At present the two garages are visually similar, which contribute to the appearance of the site. The replacement of a garage with an annexe will impact negatively in terms of appearance and will look out of character.
- Concerns over the ability of the drainage/sewerage to cope with additional building having been blocked several times over past few years.
- Feel drainage on to neighbouring garage roof will lead to damage over time. Concerns in general with potential damage to neighbouring garage and shared drive.
- Concerns over future use – will it be rented or possibly sold as bungalow?

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for an extension to an existing garage and outbuilding to form a residential annexe. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. The use of the extension as a residential annexe to the dwelling is not considered to give rise to any specific issues and is considered acceptable in this instance.

5.2 Proposed Annexe

It is important to note that for a building to be considered as an annexe, there has to be a clear relationship between the annexe and the main house. The annexe can be considered part of the existing C3 dwelling use because it is classed as an extension to the existing planning unit. In this instance, the proposed annexe would only be accessible via the driveway shared with the neighbouring property to the south-west. Furthermore, the annexe would share a parking area and rear garden area with the host dwelling. It is considered that this shows a relationship between the annexe and the host dwelling, and indicates that the annexe would not be able to successfully function as a separate dwelling.

5.3 However for the avoidance of doubt, a condition will be attached to any decision, preventing the proposed annexe being used as a separate dwelling. The proposed annexe is to be ancillary to the use of the main dwelling and not used as a dwelling in its own right. This is on the basis that the use of the extension as a separate dwelling could potentially have greater impacts in terms of visual/residential amenity and highway safety.

5.4 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.5 The proposed annexe would replace an existing garage, patio area and old pig-pen which is now in use as a small office room. The annexe would adjoin a neighbouring single garage associated with no. 3A Goldney Avenue to the south-west of the application site. The annexe would also be constructed in close proximity to an outbuilding associated with the adjoining property to the north-east at no.1 Goldney Avenue. The annexe would have a slightly sloping roof, with a maximum height of roughly 2.7 metres. The proposed annexe would have a width of roughly 7.4 metres, and a depth of roughly 5.8 metres.

5.6 The proposed annexe would be situated towards the rear of the site. It would be partially visible from the public areas offered along Goldney Avenue, by virtue of the shared driveway providing a line of sight from the highway. However it is noted that the annexe would be significantly set back from the street. On this basis, and due to the relatively modest scale of the annexe, it is

- not considered that its erection would have a significant impact on the streetscene or the character, distinctiveness or amenity of the immediate locality.
- 5.7 The concerns raised that the proposed annexe would not be visually similar to the adjoining garage and would appear out of character have been taken in to account. It is noted that the annexe would be of a different appearance, and would be set slightly higher than the neighbouring garage (approx. 0.3 metres). Whilst this would unbalance the pair of garages, it is noted that the annexe would be set significantly back from the street. It is considered that this reduces any potential harm in terms of visual amenity.
- 5.8 Whilst the proposed annexe does not demonstrate any particular architectural merit, the flat roof design is considered appropriate within the context of the site. The finish of the proposed annexe would match the finish of the existing garage. On balance, the design and finish of the proposed annexe are considered acceptable.
- 5.9 In terms of scale and layout, it is noted that the creation of the annexe would increase the developed nature of the site. However the annexe would largely replace existing buildings, with a small area of decking lost. Whilst the main dwelling does not benefit from a particularly large rear garden, it is considered that the proposal could be implemented without the plot appearing overdeveloped or cramped.
- 5.10 Overall, it is considered that the proposed development sufficiently respects the character, distinctiveness and amenity of both the site and its context. On this basis, the proposal is considered to accord with design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.
- 5.11 Residential Amenity
Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.
- 5.12 The concerns raised in relation to impacts on the residential amenity of neighbours has been taken in to account. When considering the impacts of the proposal on the residential amenity of the occupiers of neighbouring properties, the main properties under consideration are no's 3A and 1 Goldney Avenue, situated to the south-west and north-east of the application site respectively; and no. 28 London Road, situated to the east (rear) of the application site.
- No. 3A Goldney Avenue*
- 5.13 It is noted that the proposed annexe would form a larger structure than the existing garage and office room. However the annexe would be of largely the same depth as the existing garage, and would only project above the neighbouring garage by roughly 0.3 metres. On this basis, it is not considered that the proposed annexe would significantly overbear or overshadow on to the neighbouring property to the south-west at no. 3A.

5.14 It is noted that the proposed bedroom window would look out on to the driveway shared with no. 3A. Whilst this would increase overlooking to some extent, the shared driveway area is considered to hold little amenity value. This is considered to reduce the overall impacts on residential amenity. Furthermore, whilst the distance between the bedroom window and the rear windows of no. 3A would only be roughly 9 metres, views in to the ground floor windows of no. 3A would be blocked by neighbouring boundary treatments. Furthermore, whilst first floor windows would be visible, there would be no direct line of site from the proposed bedroom window. On balance, it is not considered that the erection and use of the proposed annexe would significantly prejudice the levels of privacy enjoyed at no. 3A through an increased sense of overlooking.

No. 1 Goldney Avenue

5.15 The proposed annexe would be built in close proximity to a window located at a first floor level within an outbuilding associated with this neighbouring property. It is recognised that the proposed annexe would be built right up to, and may in fact partially block this window. However during a site visit it was noted that this window is obscurely glazed, and serves the first floor of a garage. As this window holds little amenity value, it is not considered that the construction of the annexe and potential impacts on the window would significantly harm the residential amenity of the neighbour. Due to its single storey nature, it is not considered that the proposed annexe would have any further overbearing, overshadowing or overlooking impacts on the residents of this neighbouring property.

No. 28 London Road

5.16 It is noted that the proposed annexe would be constructed in close proximity to the boundary with no. 28 London Road. However the proposed annexe would not be significantly taller than the existing garage, and would not project significantly above existing boundary treatments. On balance, due to the single storey, flat-roof nature of the annexe, it is not considered that its erection would have any significant overbearing or overshadowing impacts on the neighbouring property to the east. Additionally, it is not considered that the proposal would prejudice privacy at this neighbouring property through an increased sense of overlooking.

Overlooking in to proposed bedroom window

5.17 The potential for overlooking in to the bedroom window of the proposed annexe from the shared driveway must also be taken in to account within the assessment of this proposal. It is recognised that the proposed bedroom window would face on to the shared driveway, and that the potential overlooking in to the window could impact the privacy of anyone residing within the proposed annexe. Whilst this is not an ideal situation, it is considered that the impacts on residential amenity are reduced by the minimal footfall along the shared driveway, as well as the fact that an element of trespass would be required in order to directly access the window. On balance, it is not considered that the potential impacts on residential amenity are of such severity as to sustain a reason for refusing to grant planning permission.

Private amenity space

5.18 It is noted that a small area of decking would be lost as a result of the proposal. Furthermore, the area of rear garden serving both the main dwelling and the proposed annexe can be considered to be fairly small at roughly 30m². Whilst this is not an ideal situation, it is not considered that the impacts on residential amenity would be so great as to substantiate a reason for refusing the application.

5.19 Transport

The proposal seeks to create a one-bed residential annexe within the planning unit. The number of parking spaces that must be provided at a site is based in the number of bedrooms provided within the planning unit. As a result of the proposal, the provision of bedrooms would increase by one. Whilst no indication of the number of bedrooms within the main dwelling has been provided, the parking area to the front of the property and shared drive to the side are considered to be of sufficient size as to provide parking space for a minimum of 3 vehicles. South Gloucestershire Residential Parking Standards SPD outlines that a minimum of 3 parking spaces should be provided for properties with 5 or more bedrooms. On this basis, the provision of 3 parking spaces is considered acceptable.

5.20 In addition to this, it is not considered that the proposed development in terms of highway safety. On balance, there are no significant transportation concerns with the proposed development.

5.21 Other Matters

Concerns relating to potential damage to a neighbouring property is a factor that will be considered further by a building regulations officer, and as such does not form a material consideration within the assessment of this planning application.

5.22 The concerns raised in relation to drainage implications is a matter to be discussed between the applicant and Wessex Water, and does not form a material consideration within the assessment of this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

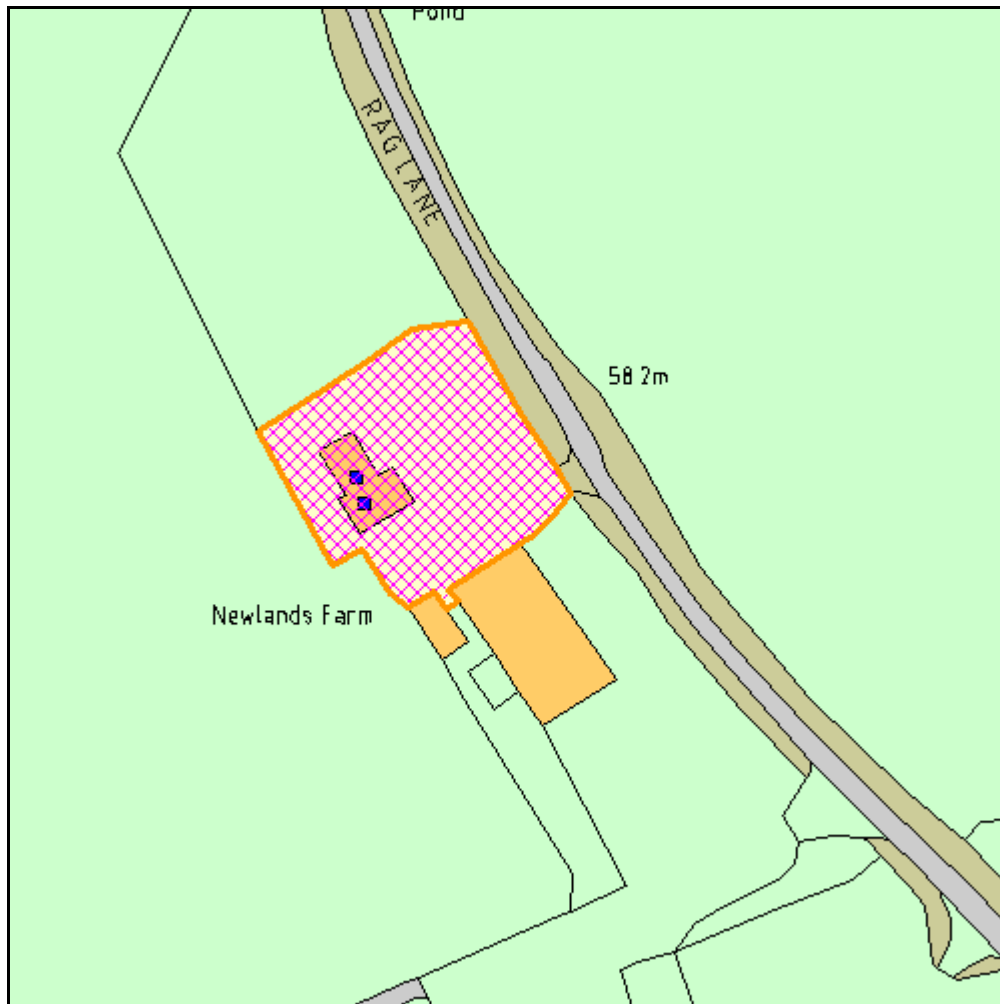
2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 3 Goldney Avenue.

Reason

The application has been assessed on the basis that it is ancillary accommodation. Use as a separate dwelling would first require further assessment by the Local Planning Authority of the potential implications in terms of visual amenity, privacy and amenity of neighbouring occupiers, and parking arrangements. This is to accord with policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013, policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PK17/2618/CLE	Applicant:	Mr David Pritchett
Site:	Newlands Farm Rag Lane Wickwar South Gloucestershire GL12 8LD	Date Reg:	28th June 2017
Proposal:	Application for a Certificate of Lawfulness for existing use as residential dwelling without compliance with agricultural occupancy condition 02 attached to planning permission P89/2800	Parish:	Wickwar Parish Council
Map Ref:	370674 188293	Ward:	Ladden Brook
Application Category:		Target Date:	4th August 2017



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PK17/2618/CLE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule in accordance with the Council's scheme of delegation as it is for a Certificate of Lawfulness.

1. THE PROPOSAL

1.1 This application seeks a Certificate of Lawfulness for the occupation of Newlands Farm, Rag Lane, Wickwar, without compliance with condition 03 attached to planning permission P89/2800. Planning permission P89/1781 was for the erection of dwelling for agricultural worker (outline) and condition 03 reads as follows:

(02) The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person.

1.2 A certificate of lawfulness is sought on the basis that the building has been used without compliance with this condition for the required period for the use to become immune from enforcement action under section 171B(93) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2) of the Act, the use is lawful.

1.3 The application site is located on Rag Lane, Wickwar, which is outside of any defined settlement. The dwelling relates to a detached, single storey bungalow located approximately 1km west of Wickwar.

2. POLICY CONTEXT

2.1 National Guidance

- i. Town and Country Planning Act 1990: s171B and s191
- ii. Town and Country Planning (Development Management Procedure) (England) Order 2015
- iii. National Planning Practice Guidance: 17C (06.03.14)

3. RELEVANT PLANNING HISTORY

3.1 P89/1781 Erection of agricultural workers dwelling (outline)
Approved 15.06.1989
Condition (03):
The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person.

- 3.2 P89/2800 Erection of dwelling for agricultural worker (to be read in conjunction with P89/1781) (Reserved Matters)
Approved 27.10.1994
Condition (02):
The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly working, or last working, in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 The agent has submitted the following items in support of the application:
- Planning statement;
 - Statutory Declarations from occupants Jeremy Gibbons and Emma Pritchett, whom have occupied the property since May 2004;
 - Residential Tenancy Agreements;
 - Title Deeds of property.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 No contrary evidence has been received from third parties.
- 5.2 The Council does not hold any contrary evidence.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Wickwar Parish Council
No comment received.

Other Representations

- 6.2 Local Residents
No comments received.

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the dwellinghouse without compliance with condition (02) of planning permission P89/2800.
- 7.2 Breach of Planning Control
There have been no applications submitted under section 73 of the Act to vary or remove the planning condition that restricts the occupancy of the dwelling to

a person solely or mainly last working in agriculture. The occupation of the dwellinghouse by persons not solely, mainly or last working in agriculture would be a breach of planning control.

7.3 Grant of Certificates of Lawfulness

Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

For the purposes of this Act uses and operations are lawful at any time if –
(a) No enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason);

7.4 Time Limit of Immunity and Lawfulness

The applicant is claiming that the dwellinghouse has been occupied without compliance with condition (02) of P89/2800 between 2004 – present day. Under section 171B(3) of the Act, such development would become lawful after a period of ten years.

7.5 In order for this certificate of lawfulness to be granted, it must be demonstrated that, on the balance of probability, the occupation of the dwelling without compliance with condition (02) of P89/2800 has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use.

7.6 Assessment of Lawfulness

From the evidence submitted by the applicant in the form of two statutory declarations, the following dates are of importance to the application:

- Planning permission P89/1781 erection of a dwelling for an agricultural worker at Newlands Farm, Rag Lane was granted outline consent on 15.06.1989. Condition (03) states the following:
“The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person”;
- Planning permission P89/2800 reserved matters application was approved on 18.09.1994 at Newlands Farm, Rag Lane. Condition (02) states the following:
“The occupation of the dwelling hereby authorised shall be limited to a person solely or mainly working, or last employed in the locality in agriculture as defined in Section 336(1) of the Town and Country Planning Act 1990, or in forestry (including any dependants of such a person residing with him or her), or a widow or widower of such a person”;
- On 10.01.2000 Mr David Pritchett purchased the property from Mr M T Cox (as shown in Registered Title number GR223711);

- Since 29.05.2004 the occupants of Newlands Farm have been:
 - i. Mr Jeremy Garad Boyce Gibbons – employed as a Mechanical Engineer and at no point during his occupation of Newlands Farm has he been solely or mainly employed or working in agriculture, horticulture or forestry;
 - ii. Ms Emma Margaret Pritchett – employed in Insurance and has been for the duration of her occupation of Newlands Farm;
 - iii. Their two children (both under 18 years old);
- An assured Shorthold Tenancy Agreement was granted to Jeremy Gibbons by David Pritchett on 22.05.2004;
- Jeremy Gibbons and his partner Emma Pritchett moved into the property on 29.05.2004 and have occupied it continuously ever since.
- Occupation of the dwelling by Jeremy Gibbons and Emma Pritchett has been continuous since 29.05.2004 and continues to the present day.

7.7 To be found lawful, the application needs to demonstrate that there has been a continuous breach of condition (02) of P89/2800 for a period in excess of ten years beginning with the date of the breach. The wording of the condition is important as it establishes whether or not a breach has occurred.

7.8 When the property was sold to Mr T Cox on 10.01.2000, it does not appear to have been occupied in compliance with condition (02) of P89/2800. From the evidence submitted, it is clear that the dwelling has been occupied continuously and by persons that do not comply with the terms of the agricultural occupancy condition.

7.9 Assessment Findings

It has been found that, on the balance of probabilities, there has been a continuous breach of condition (02) of P89/2800 since May 2004 as the occupants have not been employed in agriculture since this date and were last employed in Engineering and Insurance industries.

7.10 The Council has no counter-evidence that the dwelling has not been occupied in breach of this condition for a period of ten years since the date of the breach or that a subsequent change of use has occurred.

7.11 Guidance contain in paragraph 17c-006-20140306 of the National Planning Policy Guidance states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.12 It is therefore considered that the occupation of the dwellinghouse at Newlands Farm, Rag Lane, Wickwar, by Mr Jeremy Gibbon and Ms Emma Pritchett without occupation with the agricultural occupancy condition imposed by condition (02) on planning permission P89/2800 has occurred continuously since 2004 and would be immune from enforcement action by virtue of 171B(3) of the Act and under section 191(2) of the Act, a certificate of lawfulness should be granted.

8. RECOMMENDATION

8.1 It is recommended that a Certificate of Lawfulness is **APPROVED** for the reason listed below.

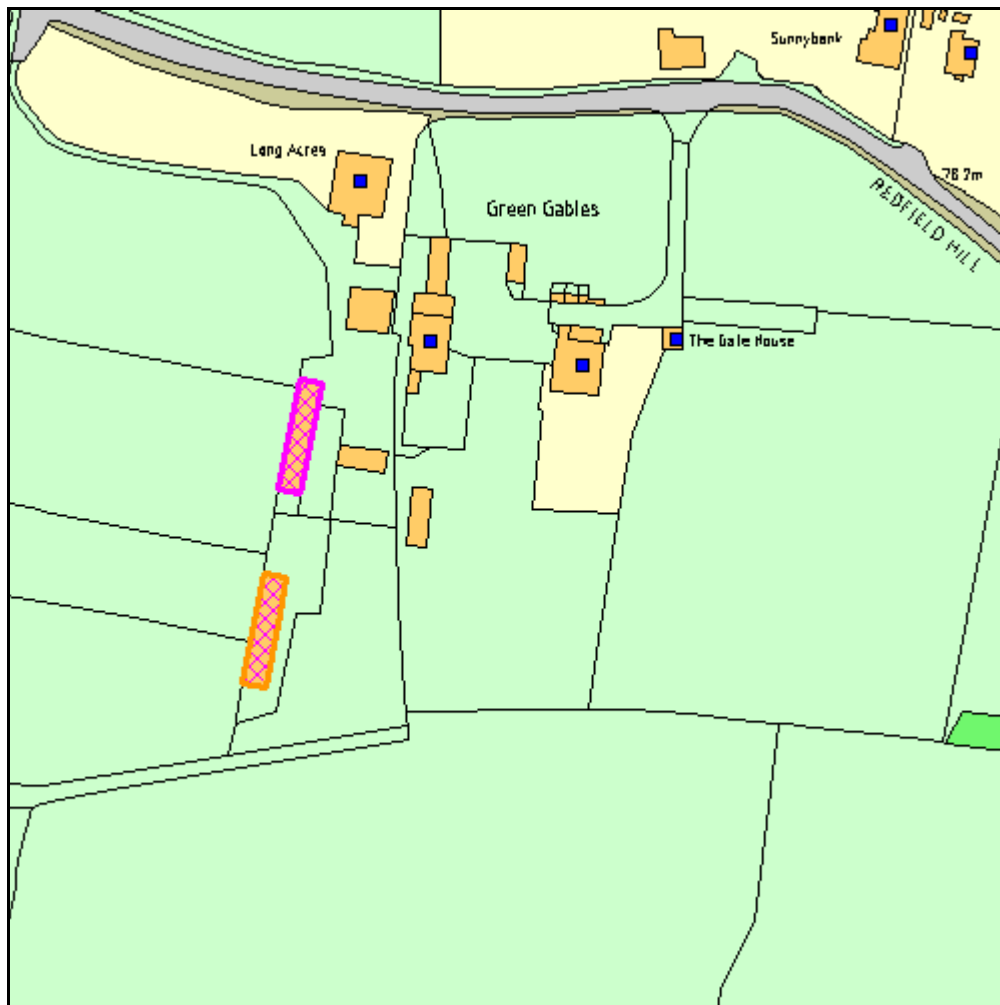
Contact Officer: Katie Warrington
Tel. No. 01454 864712

CONDITIONS

1. Evidence has been submitted to demonstrate that the occupation of the dwellinghouse at Newlands Farm, Rag Lane, Wickwar, by Jeremy Garad Boyce Gibbons and Emma Margaret Pritchett without compliance with the agricultural occupancy condition imposed by condition (02) on planning permission P89/2800 has, on the balance of probabilities, occurred continuously since 2004 and is immune from enforcement action by virtue of 171B(3) of the Act and under section 191(2) of the Act a Certificate of Lawfulness should be approved.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PK17/3098/CLE	Applicant:	Mr & Mrs E Woolley
Site:	Long Acres Redfield Hill Bitton South Gloucestershire BS30 6NX	Date Reg:	24th July 2017
Proposal:	Application for a certificate of lawfulness existing of 2 no. Barns A and B for storage use (Class B8)	Parish:	Bitton Parish Council
Map Ref:	368078 171474	Ward:	Oldland Common
Application Category:		Target Date:	29th August 2017



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PK17/3098/CLE

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule in accordance with the scheme of delegation as the application is for a certificate of lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the use of barns 'A' and 'B' (as identified on the accompanying plans) for storage and distribution purposes falling within Class B8 as defined in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.2 Barns A and B form part of the land and buildings associated with Long Acres, Redfield Hill, Bitton. The barns are situated to the south of the dwelling on the site, in a linear nature. Although not of relevance to the determination of this application, the site is situated outside any defined settlement in the open countryside in part of the district that falls within the Bristol and Bath Green Belt.
- 1.3 The certificate of lawfulness is sought on the basis that the buildings have been used for storage and distribution purposes for a period in excess of 10 years and is immune from enforcement action under 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

In relation to Barn 'A'

- | | | | |
|-----|---------------|-----------|------------|
| 3.1 | PK17/1238/PNC | Objection | 16/05/2017 |
|-----|---------------|-----------|------------|
- Prior Notification of Change of use from Storage or Distribution Building (Class B8) to residential (Class C3) as defined in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Reason

1. There is insufficient evidence to robustly claim that the building has, and has had for the requisite period, a use which would fall into Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Therefore the property does not benefit from permitted development rights granted under Class P of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order (England) 2015 and the proposal requires planning permission.

In relation to Barn 'B'

- 3.2 PK17/1307/PNC Objection 16/05/2017
Prior Notification of Change of use from Storage or Distribution Building (Class B8) to residential (Class C3) as defined in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015

Reason

1. There is insufficient evidence to robustly claim that the building has, and has had for the requisite period, a use which would fall into Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Therefore the property does not benefit from permitted development rights granted under Class P of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order (England) 2015 and the proposal requires planning permission.

In relation to the wider site

- 3.3 PK05/1342/CLE Approved 04/07/2005
Certificate of Lawfulness for existing use of outbuilding as office (Resubmission of PK05/0355/CLE).

N.B. – This certificate relates to neither barn 'A' nor 'B'; it relates to a separate outbuilding to the north, adjacent to the dwelling.

- 3.4 K4704/4 Approved 05/02/1993
Construction of replacement garage

N.B. – Although unrelated to the buildings subject to this certificate, this planning application included the site of both barn 'A' and 'B'. From the conditions attached to this decision, it is clear that the proposed garage was domestic in nature.

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 This application is supported by the following evidence, submitted 4 July 2017:
- Statement, dated 3 July 2017, prepared by PlanningSphere Ltd on behalf of the applicant;
 - Photographs 1 to 14 prepared by PlanningSphere Ltd;
 - Plan 1224-P-001 'Site Plan' by Keep Architecture Ltd dated 5 January 2016;
 - Plan 1224-SK170531 rev. A 'Existing Storage Barns A and B' by Keep Architecture Ltd dated 3 May 2017;
 - Statutory Declaration of Eric Woolley dated 16 June 2017;
 - Statutory Declaration of John Bennett dated 23 June 2017;
- 4.2 No supplementary evidence has been sought or provided.

5. SUMMARY OF MIXED EVIDENCE

- 5.1 The local planning authority holds aerial photographs of the site dated 1991, 1999, 2005, 2006, 2008 and 2014.

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Bitton Parish Council
No comment
- 6.2 Landscape Officer
None received
- 6.3 Sustainable Transport
None received
- 6.4 Local Residents
None received

7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the buildings for purposes falling within Class B8 of the Use Classes Order is lawful.
- 7.2 Breach of Planning Control
There is no planning history for the erection of the buildings subject to this application. Given the scale and position of the building, it has previously been identified that planning permission was likely to have been required, although the claim that the buildings were once agricultural is noted. However, the aerial photographs of the site held by the local planning authority, dating from 1991, show the buildings in situ. Therefore, it can be confirmed that the buildings themselves are considered lawful regardless as to when they were erected or their initial use.
- 7.3 This application seeks to confirm whether or not the use of the buildings for a purpose falling within Class B8 is lawful. The breach of planning control would therefore be the unauthorised use of the buildings for B8 purposes against their original authorised use. The statutory declaration of Mr E Woolley states that on his acquisition of the property the buildings were used for agricultural and purposes connected with the upkeep and maintenance of Long Acres. Use in this manner would not fall into Class B8 and therefore the alleged breach of planning control consists of the change of use of the buildings to a storage and distribution use falling within Class B8.
- 7.4 Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.
- 7.5 Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:

*For the purposes of this Act uses and operations are lawful at any time if -
(a) no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*

7.6 The applicant is claiming that the buildings in question have been used for storage and distribution purposes falling within Class B8 since 1984. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of ten years beginning with the date of the breach.

7.7 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the use of the buildings for storage and distribution has occurred continuously for a period exceeding ten years and that there has been no subsequent change of use to the buildings.

7.8 Assessment of Lawfulness

From the evidence submitted in the form of a statutory declarations, the following dates are of importance:

- Applicant acquires property in 1984
- Prior to acquisition, buildings in question used for garden/ agricultural machinery and golf carts
- Northern part of Barn A used for storage associated with 'Concrete Contractors' between 1984 and 2003; post-2003 alternative facilities have been used
- Northern part of Barn A used since 2003 for storage of the applicant's classic cars and occasional domestic storage
- Southern part of Barn A used since 1984 to store the applicant's motorised agricultural plant and machinery to manage Long Acres
- Barn B used since 1984 for the storage of the applicant's classic cars, tools, and spraying equipment

7.9 To be found lawful, the evidence must demonstrate that the buildings have been used for storage and distribution purposes for a period in excess of 10 years. As a minimum this would therefore be since 04 July 2007 (as that is the date on which the application for the certificate of lawfulness was submitted to the local planning authority for consideration).

7.10 Aerial photographs of the site held by the local planning authority show the buildings and changes to their immediate environs over time. For example, in the early photographs, barn B is more detached from the rest of the site being accessed through a grassed area whereas more recent photos indicate that hardstanding has been laid to the barn. What is not clear from the aerial photography is any differentiation or subdivision of the site between the residential use of Long Acres and the rest of the site.

7.11 From the site visit the barn B is clearly connected with the other buildings on the site through hardstanding however there is a form of division between the rest of the site and barn B as a gate and garage building act to divide the site. Barn A has a much more intimate relationship with the dwelling and office in reality over that provided by the aerial photography.

7.12 The question is therefore whether there has been a material change of use of the buildings and the formation of a separate planning unit.

Barn A

7.13 It is claimed that Barn 'A' has been used:

- in relation to the northern part, for the storage of items associated with the business 'Concrete Contractors' operated by the applicant from Long Acres between 1984 and 2003;
- in relation to the northern part, for the storage of classic cars owned by the applicant and domestic paraphernalia from 2003 to the present day;
- in relation to the southern part, for the storage of motorised agricultural equipment for managing the Long Acres site since 1984 to the present day.

7.14 Taking the northern part of the barn first, there is a question as to whether the storage of business related items in this location would trigger a material change of use to B8. It is a matter of fact and degree as to whether a business run from a domestic setting constitutes a material change of use. Under PK05/1342/CLE it was found that one of the outbuildings had been used as an office (presumably Class B1) and a certificate of lawfulness to that effect was granted. Given that it was previously found that an office operated from the site, it should be concluded that the level of business related activity was sufficient to trigger a material change of use of the site from residential to B1.

7.15 While the certificate of lawfulness relates only to the office building, it is reasonable for a commercial activity to require storage facilities. However, at what point the storage facilities form their own separate planning unit is key. In this instance, it is claimed that the use of the building was for the storage of deliveries. This does not suggest some form of long term archive storage but more a day-to-day 'goods received' type function. Therefore, it is dubious as to whether the purported use would form a separate use to the general B1 activities on the site. Given this, the evidence is not precise and unambiguous to demonstrate that a material change of use to B8 had occurred.

7.16 Regardless of the above, the statutory declarations are very clear that this activity ceased in 2003. As the business use associated with Concrete Contractors ceased at this time, the next question is whether that resulted in a further change of use.

7.17 Since 2003 the northern part of the building has been used for the storage of classic cars and domestic items. The classic cars are owned by the applicant and the domestic items have been stored in the building from time to time have belonged to relatives or acquaintances.

For such a use to be considered a B8 use, it would need to be proven that the use was different from that of a domestic garage – which can reasonably be used for vehicular parking and the storage of domestic paraphernalia.

- 7.18 Barn A is the closer of the two barns to the house; it is within a reasonable distance to be considered to fall within a residential use. Trips associated with the use of the building would be limited to either those of the applicant (who lives on the site) in the classic cars and the occasional trips of those family members and acquaintances who have used the building for domestic storage. It is therefore feasible that since 2003 the building could have had a use which better fell into that of Class C3. This was confirmed on the site visit where this part of the building appeared to be used domestically, storing a car, lawn mower and general paraphernalia. As a result, the evidence is ambiguous as to how the building has been used since 2003 and whether its use would have led to the formation of a separate planning unit or whether, which seems more likely, it has been used in association with the residential C3 use.
- 7.19 With regard to the southern part of the building, the claim is that this has been used for the storage of motorised agricultural equipment for managing the Long Acres site. Although one of the outbuildings is an office, the landscaped grounds to the west of the dwelling is within a residential use (Class C3) and the paddock to southwest of the house would, from the planning history held by the local planning authority, be within an agricultural use. Evidence on the site visit is that the paddock is in agricultural use as it was being grazed by sheep and the applicant confirmed that they have further land holdings disconnected from the application site.
- 7.20 It is reasonable for houses with large gardens to require storage for lawn mowing and other such motorised maintenance equipment. Furthermore, it is reasonable for agricultural activities to require storage facilities. The use of this building is therefore ambiguous. It would not appear to be located on the agricultural land and provides garaging for machinery which may be used in both large domestic and agricultural settings. Given its physical connection to the rest of the wider site, it has not been demonstrated that the building would have a B8 use over either an agricultural, mixed, or residential use.

Barn B

- 7.21 It is claimed that Barn 'B' has been used for the storage of the applicant's classic cars, tools, and spraying equipment since 1984.
- 7.22 As with the above analysis, in order to find that the building has a lawful B8 use, it would need to have been used for purposes falling within Class B8 and form a separate planning unit from the wider site.
- 7.23 A number of different uses are claimed. For example, a spraying workshop as its own entity would be likely to have a B2 use, as would a vehicle mechanic. A B8 use would be applicable to internal car storage building where storage was the sole activity. It is unclear from the statutory declarations whether the equipment for spraying and undertaking vehicular maintenance is stored in this

building or whether these activities are carried out within the building. Furthermore, it is questionable as to whether the scale of activity in this building would lead to a material change of use over and above that associated with domestic activity. For example, owning and restoring classic cars as a hobby would be compatible with a use falling within Class C3. While the distance of the building to the residential dwelling is noted, there is little evidence that the use of this building is significantly different from the wider use of the site or subject to significant levels of activity which cannot be reasonably considered domestic.

7.24 On inspection the building is clearly used for the repair, maintenance, and storage of classic cars. It includes a store room, workshop, parking area, and an area used for repair work. There is no evidence of large scale spraying activity. The parking area can accommodate 3-4 vehicles and the area for repair only 1 at a time.

7.25 The use of the building cannot be solely claimed to be for storage purposes only. Whilst the level of vehicle repair and maintenance is undeniably low, it would appear to be an intrinsic part of the overall use of the building and therefore would not fall solely within Class B8. Whilst the use is therefore ambiguous, and as a result a certificate cannot be used, the level of activity as presented by the evidence and the site visit may not be beyond that which could reasonable be considered a hobby. A hobby use could be consistent with a C3 classification although the distance and separation from the dwelling is of relevance.

7.26 Summary

In order for a certificate of lawfulness to be granted, the evidence must be tested. Guidance in paragraph 17c-006-20140306 of the National Planning Practice Guidance states:

In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

7.27 The applicant's version of events as set out in the respective statutory declarations are not dismissed as being false. The issue here lies on whether or not the evidence presented is sufficiently precise and unambiguous as to justify, on the balance of probability, the grant of a certificate. The analysis above has demonstrated that there are a number of questions over the purported breach of planning control and if these amount to a material change of use. There are further questions as to whether the use falls within Class B8 or within other Classes of the Use Classes Order.

7.28 The local planning authority has used its own evidence in the form of aerial photographs in an attempt to corroborate the evidence submitted by the applicant. In this instance, the photographs neither support nor dismiss the applicant's claim. However, the overall detail in the evidence provided is not sufficiently robust to identify the alleged use and the period of time for such uses to be immune from enforcement action.

7.29 It is therefore considered that the use of barns 'A' and 'B' for purposes falling within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) has not been supported by sufficient and robust evidence which demonstrates that the use would be immune from enforcement action by virtue of section 171B(3) of the Act and therefore under section 191(2) a certificate of lawfulness should not be granted.

8 RECOMMENDATION

8.1 It is recommended that a Certificate of Lawfulness is REFUSED for the reason listed below.

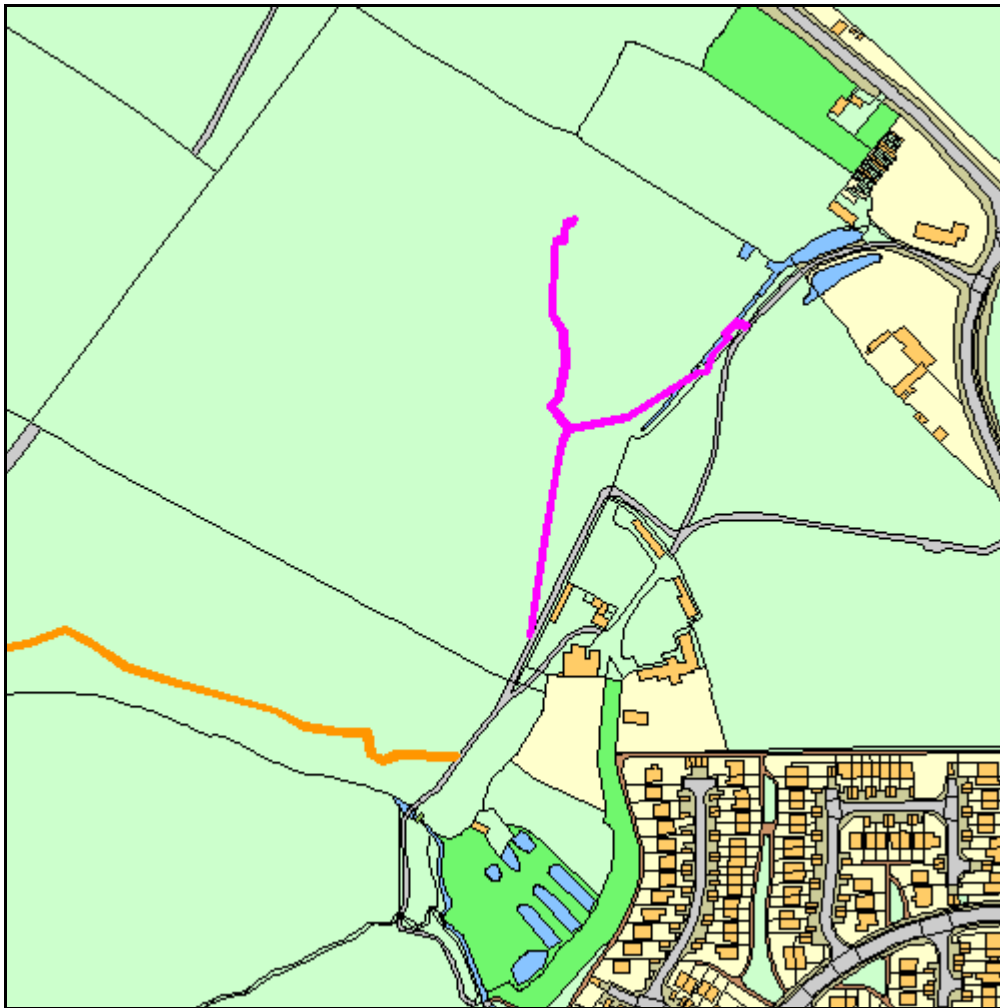
Contact Officer: Griff Bunce
Tel. No. 01454 863438

REASONS FOR REFUSAL

1. The evidence submitted is not sufficiently precise or robust to demonstrate that barns 'A' and 'B', as identified on plan 1224-SK170531, have been used for purposes falling solely within Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended). The overall use of these buildings is ambiguous and therefore, on the balance of probability, the purported use cannot be considered to be lawful under Section 191(2) of the Town and Country Planning Act 1990 and a certificate of lawfulness should be refused.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT16/6954/FDI	Applicant:	BDW TRADING LIMITED
Site:	Land At Park Farm Butt Lane Thornbury Bristol South Gloucestershire BS35 1RA	Date Reg:	5th January 2017
Proposal:	Diversion of footpath OTH/18, OTH/19 and OTH/13.	Parish:	Thornbury Town Council
Map Ref:	363829 191392	Ward:	Thornbury North
Application Category:		Target Date:	23rd February 2017



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 100023410, 2008. **N.T.S.** **PT16/6954/FDI**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Under the Council's scheme of delegation, footpath diversion orders are required to be determined through the Circulated Schedule process.

1. THE PROPOSAL

- 1.1 This application is made under Section 257 of the Town and Country Planning Act 1990. Under this application, consent is sought to divert a 200m length of footpath OTH/18, 201m length of footpath PTH/19 and a 308m length of footpath OTH/13. All three proposed diversions run through the same development site 'Park Farm' and all are to enable development.
- 1.2 Footpath OTH/13 runs East to West across the site just to the North of Pickedmoor brook. At present OTH/13 meanders across the field and roughly follows the course of the brook. The proposed diversion will continue to follow the course of the brook but just along a surfaced footpath rather than through grass.
- 1.3 Footpaths OTH/18 and OTH/19 run North to South through the development. At present, OTH/19 runs through the centre of an approved children's playground. The diversion is to route OTH/19 around the western edge of the playground on an estate footpath. As approved, buildings and associated parking spaces would be constructed over the route of path OTH/18. The proposed diversions would slightly re-align OTH/18 so it runs along estate paths and a short section of estate road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Town and Country Planning Act 1990: Section 257
Circular 01/09: Rights of Way

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T12 Transportation
LC12 Recreational Routes

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/2342/RVC 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 houstypes.

- Application currently on Circulated Schedule with a recommendation for approval
- 3.2 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.
- 3.3 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
- 3.4 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
- 3.5 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 objection
- 4.3 Archaeology Officer
No comment
- 4.4 Public Rights of Way
No objections subject to clauses.

Other Representations

- 4.5 Local Residents
Letters have been received from two local residents. Neither neighbour has raised any objection to the proposed diversions but have raised the following points:
- Paths should, where possible, be shared use or bridleway
 - Existing links should be upgraded thereby diverting pedestrians and cyclists from Butt Lane and Gloucester Road
 - The Severn Way footpath has already been closed and needs to be re-opened

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks to divert the route of existing footpaths to facilitate the erection of up to 500 dwellings on the site known as Park Farm.

5.2 Principle Matters

The diversion of a public right of way is not development as defined in the Town and Country Planning Act. A diversion Order for a public right of way can therefore only be considered through the planning system when the diversion of the right of way is considered necessary to allow the implementation of a planning permission. In considering making a diversion to a right of way, the local planning authority must be satisfied that the proposed alternative route is suitable, that the diversion is reasonably necessary and that the amenity of the right of way is maintained.

5.3 Diversion of Right of Way

The proposed footpath diversion is required to enable the Park Farm development to take place. In order to satisfy the South Gloucestershire Path Diversion order policy the new route must be like for like or an improvement, i.e. any stiles should be replaced with accessible gates, the route must not introduce any additional gradients or steps and the path must be clear of obstructions etc. The proposal is acceptable as it appears to satisfy the legal tests required and no objections are raised to the proposed diversion order. The new route is less than 20 % greater in length.

5.4 The proposed rerouting has been assessed by the Council's Public Rights of Way team. The officer has concluded that the proposed diversion passes the legal test of Section 257 of the Town and Country Planning Act 1990 and raise no objection to the new alignment subject to the following requirements:

- No new gradients are introduced which are steeper than 1:12;
- The stile on the boundary of Ringtail Lane is removed and replaced with either a gap or gate of a minimum 5ft (1.525m) in accordance with BS standard 5709 to allow access for cyclists and horses (when we are considering an application for a diversion order we look at the path as a whole within the applicant's control, not just within the limits of what is to be diverted);
- A cinder path is provided through phases 2 and 3 on the line of OTH19;
- Whilst OTH19 will retain its legal status as a public footpath in practice it will be set out as and follow the line of a multi user path between the adopted highway Ringtail Lane and the bus gate into the Alexandra Nursing Home site.

5.5 The proposed diversion is therefore acceptable.

6. **CONCLUSION**

6.1 The recommendation to raise no objection to the proposed footpath diversion 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 including Circular 01/09 and Policy LC12.

- 6.2 The proposal is considered to satisfactorily meet the tests of a footpath diversion and the amenity and utility of the route would be maintained.

7. RECOMMENDATION

- 7.1 It is recommended that NO OBJECTION be raised to the proposed diversion, as shown on the accompanying plans.
- 7.2 It is recommended that the Head of Legal and Democratic Services be instructed to and delegated the authority to make an Order under Section 257 of the Town and Country Planning Act 1990 for: the part diversion of footpath OTH/13, part diversion of footpath OTH/18 and part diversion of OTH/19 as shown on the accompanying plan received by the Council on 30th December 2016.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/0852/F	Applicant:	Ms Corinne Newman
Site:	14B Riverwood Road Frenchay Bristol South Gloucestershire BS16 1NX	Date Reg:	10th March 2017
Proposal:	Demolition of existing outbuildings and erection of 1no. dwelling with associated works.	Parish:	Winterbourne Parish Council
Map Ref:	364284 178013	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	1st May 2017



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REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following objections received from local residents and the Parish Council which are contrary to the recommendations within this report.

1. THE PROPOSAL

- 1.1 The proposal seeks planning permission for the demolition of the existing outbuildings and the erection of 1 no. dwelling with associated works at a site within the residential curtilage of 14B Riverwood Road, Frenchay.
- 1.2 This application is a resubmission of a previous application; reference PT16/5203/F, which was refused under delegated powers on 13th January 2017 for the following reason:

“The proposed development by reason of its scale, massing and location would fail to preserve the setting of the Lake House and the Frenchay Conservation Area, contrary to Policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, the Frenchay Conservation Area SPD, and the National Planning Policy Framework.”
- 1.3 This application is also a resubmission of PT15/0067/F, which was refused at Committee on 4th June 2015 for the following reason:

‘The proposed development by reason of its scale, design, massing and location would fail to preserve the setting of the Frenchay Conservation Area and the setting of the Listed Buildings known as Lake House and Riverwood House contrary to Policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013, policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006, the Frenchay Conservation Area SPD, and the National Planning Policy Framework.’
- 1.4 This decision was later appealed by the applicants, and the appeal was dismissed by the Planning Inspectorate in May 2016.
- 1.5 The site is within the setting of two grade II listed buildings; Lake House and Fromeshaw House, which have a large, locally registered garden. The site is not within Frenchay Conservation Area but the boundary to it lies approximately 30 metres to the west, and the access is taken from within the Conservation Area. 14B Riverwood Road currently benefits from using both this access onto Beckspool Lane and one onto Riverwood Road.
- 1.6 The main difference between the refused submissions and this proposal is the height difference, meaning that the proposal is no longer visible over the wall from Lake House.
- 1.7 A number of amendments have been received during the course of the application, including design changes to the roof, and more detailed drawings of windows, eaves etc and also changes to boundary treatments.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014
Planning (Listed Building and Conservation Areas) Act 1990

2.2 Development Plans

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

L1 Landscape Protection & Enhancement
L5 Open Areas with Defined Settlements
L8 Sites of Nature Conservation Interest
L9 Protection Species
L10 Historic Parks and Gardens
L12 Conservation Areas
L13 Listed Buildings
T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment & Heritage
CS16 Housing Density
CS17 Housing Diversity
CS25 North Fringe of Bristol Urban Area

Policies Sites and Places Development Plan Document (Submission Draft) June 2016

PSP1 Local Distinctiveness
PSP2 Landscape
PSP5 Undesignated Open Spaces within Urban Areas
PSP8 Residential Amenity
PSP16 Parking Standards
PSP17 Heritage Assets
PSP19 Wider Biodiversity
PSP38 Development Within Existing Curtilages
PSP43 Private Amenity Space

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) June 2007
Residential Parking Standards SPD (Adopted) December 2013
Frenchay Conservation Area SPD (Adopted) March 2007

3. RELEVANT PLANNING HISTORY

3.1 PT16/5203/F Refused 13/01/2017

	Demolition of existing outbuildings and erection of 1no. dwelling with associated works		
3.2	PT15/0067/F	Refused Appeal Dismissed	04/06/2015 27/05/2016
	Demolition of existing outbuildings and erection of 1no. Dwelling with associated works. (Resubmission of PT14/3519/F).		
3.3	PT14/3519/F	Withdrawn	
	Demolition of existing outbuildings and erections of 1 no. dwelling with associated works		
3.4	PT06/0690/F	Approve with conditions	10/04/2006
	Erection of rear conservatory		
3.5	PT04/1593/F	Approve with conditions	18/06/2004
	Demolition of existing external staircase and utility area. Erection of a two storey side extension to provide additional living accommodation. Installation of velux windows to facilitate loft conversion.		
3.6	PT01/0654/F	Approve with conditions	08/05/2001
	Erection of dwelling and garage		

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection.

- Increased traffic would be a problem in the lane
- Highways only considered to adopted main road not the private lane
- Height has been reduced and moved away from listed wall, but it is still a large house for the size of the plot
- States only two bedrooms but other rooms could be used as bedrooms and balcony is a problem
- Inappropriate design with no sympathy to conservation area or neighbouring properties
- Would like application referred to DC West

4.2 Other Consultees

Highway Structures

No objection.

Lead Local Flood Authority

No objection.

Sustainable Transport

Comments same as those submitted for PT14/3519/F – no objection subject to conditions.

Listed Building and Conservation

No objection to revised design subject to conditions.

Tree Officer
No comment.

Ecology Officer
No comment.

Frenchay Preservation Society
No comment.

Archaeology
No comment.

Other Representations

4.3 Local Residents

Thirty letters of objection from a number of local residents have been received, raising the following issues:

Design and Heritage

- Out of character with adjacent listed buildings, Riverwood House and Lake House, and Frenchay Conservation Area
- Frenchay Conservation Area SPD states that new development must be sympathetic
- Ugly and unsuitable
- Loss of vistas in Conservation Area, including from rear of Riverwood House
- Wish to highlight the similarity between this application and the previously refused PT15/0067/F. Refused because of its box like shape and flat roofline
- Concern that frosted panels and screening walls will be removed after development
- Footprint too large for the site
- There is no landscaping proposed – would be bad for drainage if it was all paved over
- Wooden fence is being erected instead of using historic cow shed wall. Outbuildings should be sensitively reused

Access

- Access to the site is too narrow
- Turning area includes access to a private car park at Riverwood House
- Increased risk from plant and machinery on lane during construction, particularly as some front doors open directly onto the lane.
- Applicant intends to live there with their children resulting in at least four vehicles plus visitors
- Unsustainable location as bus stop is only used by school buses

Amenity

- Too large and overbearing
- Balcony will overlook garden at Lake House and look straight into Riverwood Lodge. Will cause noise disturbance

- Yew trees shielding view from Riverwood House are not permanent structures and could be removed
- Unable to get around side of proposed property as building line is flush with boundary – what if there was an emergency? Building regulations requires a minimum of 50cm to boundary

Other Issues

- States two bedrooms but shows other rooms which can be converted
- Frenchay has no shortage of housing stock due to Old Frenchay Hospital site
- Does not overcome previous concerns which was refused in a unanimous vote at Committee and the appeal dismissed by the Planning Inspectorate
- Concerns about accuracy of plans and feasibility of construction due to sloping nature of the site
- Application form has errors in question 7, 9, 10, 15 17
- Previously approved dwelling in 2001 was for only two bedrooms
- Concerns about extent of permitted development rights once completed – article 4 direction should be served
- This is garden grabbing – gardens in urban areas are no longer considered previously developed land
- Land has flooded in the past, soakaways will undermine the walls foundations
- Wildlife such as toads, bats, grass snakes and foxes will be lost
- Neighbour who does not object has financial interest in its approval – vendor of the land

Procedural Issues

- Notification has not been sent to neighbours
- Conflict of interest as same officer has dealt with all applications
- Plans are poor with limited measurements – hard to interpret

Two letters of support have been received, stating the following:

- Design is good architecture combining 1960s with Georgian influences and modern materials in reduced scale to previous applications
- Will only be viewed from upper floors of Riverwood House
- In most countries 30% of new homes are built by their owners and in the UK it is only 8% which is part of the problem with the housing market
- Modern design reflects houses off of Riverwood Road which it is more closely associated with, windows reflect character of listed buildings
- At Parish Council meeting only three councillors raised an objection

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic

objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. In addition Policy CS8 of the Core Strategy seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

5.2 Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy CS5 of the Core Strategy recognises that development may be permitted within the existing urban areas, and Frenchay is within the wider Bristol urban area. The proposal is deemed to accord with the development plan subject to the analysis detailed below.

5.3 Currently South Gloucestershire Council cannot identify a five year supply of deliverable housing land, and so the provision of 1 no. new dwelling towards the housing land supply will make a small contribution, and this will weigh in favour of the proposal.

5.4 Design and Heritage

The site is located in close proximity to grade II listed buildings, Riverwood House and Lake House. It is also located just beyond the Frenchay Conservation Area, but is not situated within it. The current application is for a two storey detached dwelling of a revised design, however still contemporary in style.

5.5 During the appeal for PT15/0067/F, which was for a taller proposal of a similar footprint, the Inspector determine that there was no harm to the Frenchay Conservation Area (FCA) or the listed buildings when viewed from the lane and from inside Riverwood House. The Inspector stated that:

I viewed the appeal site from the upper floors of Riverwood House. However, as the proposed dwelling would be set back from the stone wall, I am satisfied that views from the upper windows of Riverwood House of the FCA and Lake House, including its boundary stone walls and garden would not be adversely affected. In addition, Riverwood House's setting would be preserved by virtue of the distance and buildings near both sites. Owing to the downhill slope, slight turn, and enclosed surroundings of the access lane, opportunities to view the dwelling in context of its street scene would be limited and therefore the effect on the FCA from such vantage points would not be harmful.

5.6 This is an important material consideration to take into account. Whilst the previous design was very modern, with contemporary materials, the Inspector did not think there was a negative impact on Riverwood House, Riverwood Lodge, or the wider Conservation Area. As this building is reduced in height from this appeal decision and has a similar footprint and contemporary

character, no objection can be raised on the grounds of the impact on Riverwood House, the lane or the wider Conservation Area.

- 5.7 With regard to the impact on views from Lake House and its garden (where harm was identified by the Inspector previously, and also formed the reason for refusal for PT16/5203/F), the application indicates that the lower roof height would not be visible. The development is lower and the roof form is much simpler, so officers consider that it would be unlikely that there would be any views of the dwelling over the listed boundary wall. It is therefore considered that the previous refusal reason has been overcome, and the Council's Listed Building and Conservation officer no longer has an objection.
- 5.8 During the course of the application, large scale details of windows, reveals, eaves etc were requested to ensure a high quality contemporary design, however the quality of the plans submitted were not sufficient to ensure this. It is therefore necessary to apply a condition in the event the application is approved, in order to ensure that more detailed plans are forthcoming. Amendments were also requested to show a standing seam zinc finish for the roof and to show a stone boundary wall to the front of the dwelling along the boundary with the host property, as this boundary treatment will be visible down the access lane from Beckspool Road. It has also been confirmed by the applicant that the boundary to Riverwood Lodge will involve the retention of the stone wall of the cow shed to be removed.
- 5.9 In conclusion, it is considered that the previous refusal reason has been overcome, and subject to conditions ensuring sample materials and large scale details, there is no objection to the proposed development, and it is considered to accord with policy CS1 and CS9 of the Core Strategy, policy L12 and L13 of the Local Plan, and the National Planning Policy Framework.
- 5.10 Residential Amenity
The amenities of the surrounding occupiers nor the amenities of future occupiers of the site were not raised as an issue during the course of the previously refused applications, either by the Local Authority or the Inspector. The host dwelling, 14B, will face the east elevation gable end, which has two storeys and is rather squat, spanning a significant depth of the boundary. This has the potential to be overbearing however it primarily impacts an area of hardstanding providing access to the detached garage at 14B, rather than an area of residential garden. Three east facing windows are proposed, including two at ground floor level which could have the obscure glazing removed in the future, so it is necessary to condition that these remain as frosted glass up to 1.7 metres above floor level. Whilst there are some principal windows facing west towards Riverwood Lodge, at an approximate distance of 28 metres it is not considered to allow for inter-visibility. Side views from the balcony proposed towards Riverwood Lodge have been screened by a stone wall and views into the Lake House garden are not possible due to the height of the stone wall. Whilst comments have been received stating that the wall has been reduced in height, this does not appear to be the case as this would require listed building consent, although some vegetation has been removed from the top of the wall. Notwithstanding this, it is still not possible to see into the Lake House garden.

- 5.11 Facing north into the front garden of no. 14C Riverwood Road, the first floor windows are shown to have obscure glazing and a condition will ensure that this is retained in the future. The ground floor facing windows will not have an impact on privacy due to the boundary treatment and the distance the neighbouring property is from the boundary.
- 5.12 With regards to the amenities of the occupiers of the dwelling, there is approximately 123 square metres of useable private amenity space proposed; in excess of the standards for four bedroom dwellings detailed within the emerging private amenity space standards policy (PSP43) of the Policies Sites and Places Development Plan Document. The house has been assessed as a four bedroom property following consultation comments highlighting that the study and snug could be converted into bedrooms in the future. There is no objection from a residential amenity perspective.
- 5.13 Transport
The access and parking arrangements remain the same as the previously refused applications (PT15/0067/F and PT16/5203/F) whereby no objection was raised by the Local Authority nor the Planning Inspectorate with regards to highway safety. The Transport officer has indicated that his comments are the same as for the previously application, and he once again does not have any objections to the proposal. The relevant comments will be repeated here in the interests of clarity.
- 5.14 The site is accessed via a private drive off of Beckspool Road. Visibility at the point of access onto the main highway is in excess of the 2 metres by 43 metres set out in Manual for Streets for a 30 miles per hour highway. There have been no recorded personal injury road traffic accidents in the vicinity in the last 5 years. Comments stating that the location is not sustainable for new development have been noted, however the location within the North Bristol urban fringe mean that new residential development is acceptable in principle.
- 5.15 With regards to the access itself, objections relating to passing points and the ownership of the lane have been received from many local residents. Ownership is not controlled by the planning system, and in the event of an approval the applicant will be reminded that they cannot gain access across or carry out works upon land which they do not own. There is sufficient space for two vehicles to pass at the access in front of the gateway posts which are around three metres apart, allowing one vehicle at a time to pass. Once inside the gateway, the drive opens up into a private car park whereby two cars could pass if required. A third passing space is available closer to the development site whereby the lane opens up to 4.8 metres wide. There is also sufficient space for vehicles to pass pedestrians. According to national statistics, the average private drive will generate between 5 and 8 vehicular movements per day, and this is to be offset slightly due to the fact that 14B Riverwood Road will no longer have access from Beckspool Road.
- 5.16 The garage proposed is a little below the Council's standard length for a parking space (6 metres) but is a little over the standard width of 3 metres, and so on balance it is considered to count as a parking space. There is sufficient space to park three further vehicles to the front of the new dwelling, and a

turning head for cars and delivery vans. The proposal therefore exceeds the guidance in the Residential Parking Standards SPD.

- 5.17 Future occupants will have to bring their waste and recycling up to Beckspool Road for collection, which is in excess of the recommended carry distance of 35 metres (plus 20 metres for collection operatives). This in itself would not warrant a refusal reason however, as sustainable development should only be refused on transportation grounds if the impact is severe (NPPF paragraph 32).
- 5.18 To prevent highway safety issues during the period of construction, a Construction Environmental Management Plan (CEMP) would be conditioned on the decision notice. This could control the direction, size and timings of vehicles movements to minimise the impact on the surrounding highway network. Within this CEMP, there would also be a requirement to provide appropriate site safety measures relating to signage, turning areas and site specific access restrictions, which is considered to address the issue above. There is also potential for a one way system; in via Riverwood Road and out via Beckspool Road which will reduce conflicts between vehicles and pedestrians. An informative on the decision notice will remind the applicant that the new footways to the front of the site along Beckspool Road must not be damaged during construction.
- 5.19 Environment and Ecology
The site consists of part of a garden with outbuildings and remains of outbuildings. The River Frome non-statutory designated Site of Nature Conservation Interest lies 150m east of the site, but is very unlikely to be affected. The site is surrounded by semi-natural habitat in large gardens, including water bodies. The outbuildings have potential to support roosting bats, particularly given the proximity of the River Frome bat commuting and foraging corridor and neighbouring properties with bat roosting potential. In addition, the garden area has potential to support other protected species such as nesting birds. An Ecological Appraisal has been provided in support of this application by Richard Tofts Ecology (April 2015), which includes mitigating measures subject to a condition requiring a sparrow terrace location and type to be agreed with the LPA, the Ecology officer has no objection.
- 5.20 The Council's tree officer has requested that arboricultural information is submitted, however as this was not raised as part of the original application and was also not raised by the Inspector, the absence of this information cannot be considered to form a refusal reason. In the event that the application is approved, a condition on the decision notice will be applied to ensure that a tree protection plan is submitted to ensure no unnecessary harm to the root protection areas of any vegetation on site occurs. The combination of the tree protection plan and the information regarding boundary treatments which has already been submitted is considered to negate the need for a landscaping scheme on a site of this scale.
- 5.21 Flooding and drainage have been raised as issues by the local community. The Lead Local Flood Authority have been consulted who expressed no objection to the scheme, subject to a condition requiring details of a Sustainable Drainage System (SUDS) to be submitted and implemented in order to prevent flooding

and control pollution. This can be added to the decision notice in the event of an approval. Soakaways which affect the listed wall will not be acceptable.

5.22 Other Issues

Objection letters have been received querying whether there is a conflict of interest as the same Planning Officer has dealt with all three applications. The decision of the Committee and the later dismissal of the appeal by the Planning Inspectorate are significant material considerations that the officer has considered when weighing up the planning balance, as well as assessing whether the proposal accords with the Development Plan.

5.23 Comments have been received advising that the plans so not have measurements on and are hard to interpret. This comment is noted, however as the plans are scaled and can be read with a scale ruler, this comment has been given limited weight.

5.24 Letters complaining that neighbours have not been consulted have been received, however the same neighbours have been consulted as the previous applications, as well as a site notice being posted at the bus stop adjacent to the proposed access lane.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: **Trudy Gallagher**
Tel. No. **01454 862217**

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- i) measures to control dust from the demolition and construction works approved
- ii) adequate provision for the delivery and storage of materials
- iii) adequate provision for contractor parking
- iv) adequate provision to ensure that construction vehicles do not obstruct the accesses to other dwellings along the private access road

Reason

In the interests of residential amenity and to accord with policy H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006. The condition is pre-commencement because the information to be submitted relates to the construction period.

3. Prior to the commencement of development representative samples of all facing materials and all roofing materials shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed details.

Reason

To ensure that the works are of an appropriate quality of design to this sensitive site adjacent to the conservation area and listed buildings and to accord with policies L12 and L13 of the Local Plan (Adopted) January 2006 and CS9 of the Core Strategy (Adopted) December 2013. The information is required prior to commencement to prevent development beginning with inappropriate materials.

4. 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. The works shall be completed strictly in accordance with the agreed details
 - All new windows and doors
 - Reveals
 - Vents and flues
 - Rooflights
 - Chimneys

Reason

To ensure that the works are of an appropriate quality of design to this sensitive site adjacent to the conservation area and listed buildings and to accord with policies L12 and L13 of the Local Plan (Adopted) January 2006 and CS9 of the Core Strategy (Adopted) December 2013. The information is required prior to commencement to prevent development beginning without sensitive details being confirmed.

5. Prior to the commencement of development, a method statement relating to any works to the listed boundary wall or any ground works which have the potential to affect its structural stability must be submitted to the Local Planning Authority for written approval. The works shall then be completed strictly in accordance with the agreed details.

Reason

To ensure that the listed wall is protected and to accord with policies L10 and L13 of the Local Plan (Adopted) January 2006 and CS9 of the Core Strategy (Adopted) December 2013. The information is required prior to commencement to prevent damage to the wall.

6. 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. The development will then be carried out in accordance with the approved details.

Reason

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This information is required prior to commencement of development to ensure that drainage is in place prior to built form being erected on site.

7. Prior to the commencement of development, details of the location and type of sparrow terrace to be attached to or built into the new dwelling should be submitted to the Local Planning Authority for approval in writing. The terrace will be implemented prior to the occupation of the development in strict accordance with this approval.

Reason

To enhance the nesting opportunities at the site, and to accord with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006. This information is required prior to commencement as the terrace may be built into the dwelling itself.

8. The development shall not be occupied until the access, parking and turning areas have been completed in accordance with the submitted details.

Reason

In the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the Core Strategy (Adopted) December 2013 and the Residential Parking Standards SPD (Adopted) December 2013.

9. Prior to the first occupation of the dwelling hereby permitted, and at all times thereafter, all of the windows shown on the elevations as having obscure glazing shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed, and maintained as such thereafter.

Reason

In the interests of residential amenity, in accordance with policy H4 of the Local Plan (Adopted) January 2006, policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

10. Prior to the commencement of development, including the clearing of the site, a tree protection plan and method statement shall be submitted to the Local Planning

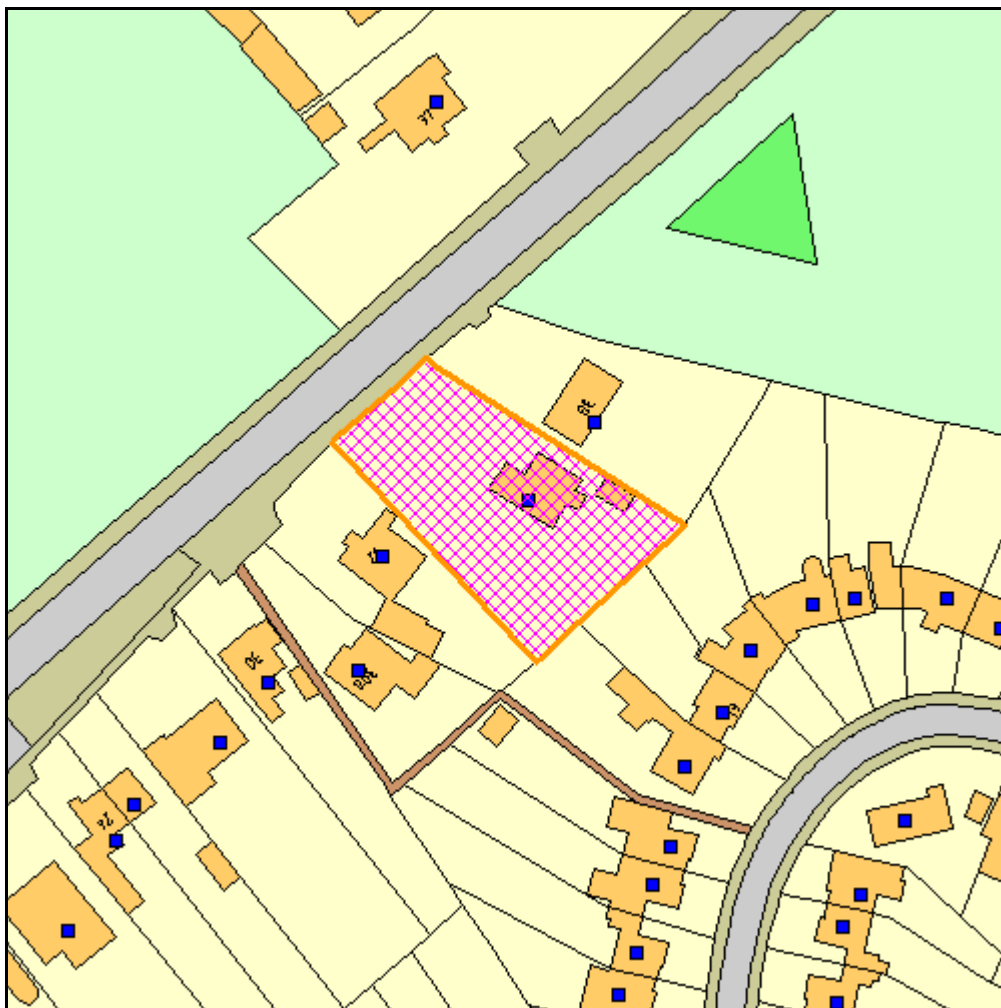
Authority for written approval. Development shall then proceed in accordance with the agreed details.

Reason

To prevent the unnecessary removal of landscaping in accordance with policy L1 and L12 of the Local Plan (Adopted) January 2006, policy CS1 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. Information is required prior to commencement so that protection measures are in place before construction begins.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/1022/F	Applicant:	Mr Simon Jones & J Developments (SW) Ltd
Site:	Land At 34 Bristol Road Winterbourne Bristol South Gloucestershire BS36 1RG	Date Reg:	16th March 2017
Proposal:	Demolition of existing bungalow and erection of 2no. dwellings with parking and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365372 181467	Ward:	Winterbourne
Application Category:	Minor	Target Date:	8th May 2017



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 100023410, 2008. **N.T.S.** **PT17/1022/F**

APPLICATION TO APPEAR ON CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of existing bungalow and erection of 2no. dwellings with parking and associated works.
- 1.2 The site is located in an established residential area of Winterbourne. The application is located adjacent to the Bristol/Bath Green Belt.
- 1.3 The existing bungalow is located in the middle of the site, nearest the northern boundary with No. 36. There is a single detached garage located at the rear of the bungalow. The dwelling benefits from a large, wide curtilage, which narrows slightly towards the front and is set back substantially from road. Neighbouring properties along the south of Bristol Road have narrow and long plots.
- 1.4 No. 36 is a larger dormer bungalow which has been extended and the roof raised, it is located immediately to the north of No.34. No. 32 is a two storey house, located on the southern boundary. The neighbouring properties are located in close proximity to the curtilage of No.34. Residential properties are located to the immediate north and south. This part of Bristol Road is characterised by larger, detached bungalows and houses, of varying styles and design. Properties along this stretch of Bristol Road generally follow a building line.
- 1.5 This application follows a pre-application enquiry made by the agent. During the course of the application, several revised plans have been submitted to address the Officer's ongoing concerns in respect of the size, scale and siting of the proposed dwellings. The Officer will determine the application based on the latest revised plans (submitted 28th June 2017).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- H4 Residential Development
- T7 Cycle Parking
- T12 Transportation Development Control

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

- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP37 Internal Space and Accessibility Standards for Dwellings
- PSP38 Development within Existing Residential Curtilages, including Extensions and New Dwellings
- PSP43 Private Amenity Space Standards

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for 34 Bristol Road. However, there are relevant applications relating to nearby No. 32 and 36 Bristol Road:

32 Bristol Road:

- 3.2 N3960/1 Erection of single detached dwelling and garage. Construction of vehicular and pedestrian access (in accordance with the amended plans received by the Council on 12th March 1979). Approved 29.03.1979
- 3.3 N3960 Erection of detached dwelling and garage; construction of vehicular and pedestrian access (outline). Approved 15.12.1977

36 Bristol Road:

- 3.4 PT12/2412/F Erection of a two storey side and rear extension, raising of eaves and ridge height and installation of 2no. front dormer windows and 4no. rear dormer windows. Approved 06.09.2012.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection. This would have an overbearing impact on the neighbours on both sides as building is planned to go up to the boundary walls. It appears there is

not enough hammerhead to turn in which would result in reversing onto the busy Bristol Road. This is overdevelopment of the site.

Updated revised comments

Previous comments still apply to this revised application.

Members feel this would have an overbearing impact on the neighbours' on both sides as building is planned to go up to the boundary walls. There does not appear to be enough hammerhead for cars to turn round in which could result in cars having to reverse onto the busy Bristol Road. This is over development of the site.

4.2 Highway Structures

No objection.

4.3 Landscape

No objection.

4.4 Lead Local Flood Authority

No objection, subject to a SUDS condition.

4.5 Sustainable Transport

No objection, subject to a condition requiring the access and parking arrangements to be completed prior to occupation of the dwellings.

Other Representations

4.6 Local Residents

Four local residents have made comments of objection about the proposal:

- Overall size, scale and positioning;
- Plot 2 built too close to boundary
- Revised plans do not address objections previously raised, especially the building being built close to the boundary;
- Loss of light and privacy – proposed dwelling nearest to our boundary extends between 8.5-9m beyond the rear of our property causing extreme loss of natural light into the living rooms and 1st floor bedroom window;
- Proposed dwellings are three storeys high and ridge height is 1.63m higher than No. 36;
- Property is too near boundary wall and house (No. 36);
- First and second floor rear windows overlook our patio and rear garden and affect privacy;
- Proposal states that the proposed properties 'will be set within the existing building line' which is incorrect. The original dwelling finishes 'in line' with the back of our house;
- Overshadowing – chalet bungalow (no. 36). New dwellings ridge height much higher and will overshadow our house and garden;
- Traffic and parking issues – number of parking spaces (stating 3 on plans but only show 2) is inadequate;

- Not enough turning space and the 'hammer head' turning area is not big enough, which will encourage reversing onto the main busy road;
- There is no on-road parking;
- Overdevelopment;
- Out of keeping for the rural area and opposite the Green Belt;
- There are a number of inaccuracies in the representation of the sites of 32 and 34 Bristol Road;
- Layouts do not properly represent the garage of 32 Bristol Road. garage is single storey with pitched roof which touches the house but does not form any part of the footprint;
- Dotted line on plan is a shed. Distorts the building line/plan of existing properties;
- Plans do not take account of existing bedrooms and other living areas which face the proposed property less than 1 metre from the boundary wall;
- Proposed development will affect side of property being in close proximity and its height, first floor bedroom will be in permanent shade and complete loss of natural light levels as well as privacy due to velux windows, second floor bedroom window will lose privacy and loss of light due to height and closeness, and patio/garden will suffer from loss of light and overbearing impact;
- Plot 2 runs along boundary line for 75% of property length (No. 32);
- Visual impact from rear/side windows;
- Footprint of proposed dwellings significantly larger than the adjoining properties;
- Pavement section outside application site is one of the narrowest and poses a threat to users;
- Shared driveway is a potential hazard;
- Rear boundary wall is jointly owned?
- Three storeys is too much;
- Inaccuracy of height of the outbuilding nearest the front boundary is only single storey with a flat roof;
- No. 36 sits at a lower ground level;
- Plot 2 is forward of No. 36;
- Why can't the roof ridge line be dropped to be more in keeping with our property rather than completely overbearing our dwelling?
- General back wall line position of Plot 1 in relation to our property is much better on 'Rev D' latest block plan drawing;
- Blue Cedar tree is nearer to the front of the plot and 7 metres from No. 32, the lower branches do not go over the boundary and the trunk itself is over 4m further away than the proposed side elevation;
- The proposed street view show a terrace of dwellings, which is not in keeping;
- Plot 2 garage will have two windows. Will the garage be converted at a later date?
- Houses very close to each other.

Non-planning issues raised:

- Property backs on to application and did not receive a consultation letter;

- Development will affect views from the windows;

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance here is the resulting design and the impact on the residential amenity of neighbouring residents and of the future occupants is considered, as is the impact of the development on parking and highway safety.

5.2 It is acknowledged that South Gloucestershire Council does not have a five year land supply, and that, in accordance with the NPPF, relevant policies for the supply of housing are not up to date. Notwithstanding the above the adopted development plan remains the starting point for assessment. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Policy CS5 sets out the locational strategy for development in the district. New development is directed towards the existing urban areas and defined rural settlements; the application site is located within the existing defined settlement of Winterbourne. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Whilst weight is given in favour of an additional two new dwellings, the contribution is considered to be modest contribution to the overall housing supply. Therefore, the proposed development will be assessed against the analysis set out below.

5.3 Principle of Development – Relevant Policies

Saved policy H4 of the adopted Local Plan will only permit residential development of the kind proposed where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. In addition to this, saved policy H4 of the Local Plan would not support developments that prejudice the amenity of any nearby occupiers. Design considerations are made against policy CS1 which requires 'the highest possible standards of site planning and design'; this policy is given full weight.

5.4 Policy CS16 requires housing developments to make efficient use of land and states that the density of new development should be informed by the character of the local area and contribute to high quality design objectives set out in Policy CS1. Policy CS17 'Housing Diversity' of the Core Strategy makes considerations for the building of new dwellings on gardens, stating that it will only be allowed where this would not adversely affect the character of the area. Both policies are given full weight when considering the proposed development.

5.5 Policy CS8 'Improving Accessibility' states that car parking and vehicular site access should be well integrated and situated so it supports the street scene

and does not compromise walking, cycling, public transport infrastructure and highway safety. Further to this, saved policy T12 is relatively consistent with criteria set out by policy CS8. T12 requires new development to not 'create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety'. These policies are both given full weight also.

5.6 Design and Site Planning

Matters such as the size of the private amenity area, landscaping, location of a bin store, rear access footpath and boundary treatments need to be considered and should remain in keeping with the character of the area.

5.7 Layout is an important factor in achieving a high quality environment. The existing layout of the area involves detached properties, set within large curtilages. There is a mix of bungalows, larger detached two storey houses and semi-detached houses along this section of Bristol Road. Properties at the northern end of Bristol Road enjoy much wider and larger plots and are significantly set back from the road. No. 34 is currently a modest sized bungalow that benefits from a large curtilage around the front, side and rear of the property. There are a cluster of trees along the front of the site, with further trees dotted along the southern and eastern boundaries. The application site is one of the larger plots on Bristol Road and is located adjacent to the Green Belt.

5.8 During the course of the application, the agent has submitted a number of revised plans to address the Officer's and neighbouring residents concerns about the overall, size, scale and positioning of the dwellings. It is important to note that the Officer's pre-application also recommended that the proposed scale, size and footprint of the dwellings needed to be reduced; however, this was not addressed in the submitted full application plans. As such, this resulted in somewhat protracted negotiations in order to resolve the outstanding concerns.

5.9 The proposed dwellings would be large family-sized 5no. bedroom dwellings, with integral garages and parking space to the front. The proposed dwellings would have projecting front extension and pitched roofs over the bay windows, reflecting the existing design of No's 32 and 36. The proposed dwellings would remain set back from the main road and positioned behind the existing building line along this part of Bristol Road. The latest revised plans show Plot 1 slightly forward of No. 36 and Plot 2 slightly forward of Plot 2. This is to reduce any overshadowing issues in respect of the side elevation of No. 36 and the front elevation of Plot 2. Both plots would be staggered, retaining a large amount of garden and parking space at the front and private rear gardens.

5.10 The proposed footprint of the dwellings would be similar to the existing neighbouring properties (no's 32 and 36). No. 36 has recently been renovated and extended into a chalet-style bungalow. The proposed dwellings would measure approximately 9 metres high, 4.3 metres to the eaves at the front and 5.1 metres at the rear, 13.25 metres deep (including a 1.35 metre single storey rear extension) and 11.1 in length. Whilst Plot 1 would be approximately 1.3 metres higher than No. 36 it is not considered to appear significantly out of

keeping or overbearing and there are no side elevation windows that would be affected as such. The properties currently have a 4.25 metre gap along the shared boundary which narrows to 2.5 metres towards the front extending to 4.6 metres towards the rear. In respect of Plot 2, the scale and positioning of the dwelling has been significantly adjusted to take into the existing side elevation windows in No.32 and any overshadowing impact towards the rear of the property. There would be a 3.8 metre gap between the properties towards the front of Plot 2 narrowing to 3.0 metres towards the rear of No. 32. Plot 2 would only project beyond the rear elevation of No. 32 for 3,8 metres, which doesn't appear excessive or potentially overbearing. Overall, the proposed siting of the dwellings has been improved significantly from the initial proposal, with both Plots being orientated to reduce any negative impacts on the existing neighbouring properties.

- 5.11 The Council has emerging policy contained within PSP43 which will set private amenity space standards. Provision for 4+ bedroom house is 70 square metres. The rear gardens would provide a good quality space for a rear private gardens and would be well in excess of 250sqm. This would remain in keeping with the character of the neighbouring properties, which all benefit from large rear gardens.
- 5.12 Careful consideration should be given to the location of the bin and cycle stores so they are out of view of the public realm and discreetly located. Secure cycle and bin/recycling stores would be located along the side elevations of the proposed dwellings. It is proposed to increase the height of the shared western boundary wall to 1.8 metres. The proposed boundary treatments would appear appropriate and in keeping and would help to retain a sense of privacy for neighbouring rear gardens. Concern has been raised about the ownership of the rear boundary wall, which is also proposed to be raised to 1.8 metres. This would be a civil matter to resolve between the neighbouring properties. The proposed retention of the existing mature trees would ensure the setting and 'green relief' are preserved and will also ensure privacy levels are maintained.
- 5.13 From the street scene, the proposed dwellings will appear similar in size, scale, design and positioning to the neighbouring properties. As previously discussed, there are a variety of architectural designs and sized dwellings on this part of Bristol Road. This proposed pair of dwellings would represent modern infill development of two large, family-sized homes located in a desired residential location. On balance, it is considered that the proposal is not adversely out of keeping with the character of the surrounding properties in terms of scale and siting. Given the context of the site and the size of the application site, the proposal is considered appropriate within its context. Weight is given to the fact that the proposed dwellings remain set well back from Bristol Road and would therefore not be adversely prominent from views from the surrounding area. The proposal is considered to comply with design policy CS1 of the adopted Local Plan. Given the scale of the dwellings, a condition is recommended to ensure that samples of materials are submitted and agreed with the Local Planning Authority to ensure that a high standard of external appearance is achieved.

5.14 Residential Amenity

- The host dwelling benefits from a large plot and mature vegetation along the front and rear boundaries. The majority of the existing trees will be retained, with additional a couple of additional new trees proposed along the front and rear. The front elevation of Plot 1 is angled towards No. 36, meaning the rear elevation is further away from their rear elevation. Conversely, the front elevation of Plot 2 is orientated away from No. 32 with the rear elevation following the shared boundary. The proposed dwellings will not extend significantly beyond the rear elevations of No. 32 and 36 and would be largely set back behind their front elevations. Although the proposal will increase the number of dwellings within the plot and the scale of the dwellings, it is considered that there will not be a significant adverse effect on the residential amenity of the neighbouring occupiers through overshadowing, overbearing, loss of light or privacy impacts, as discussed in detail below.
- 5.15 The front elevation projecting extensions have been the subject of much negotiation between the Officer and the agent. The depth of them has been reduced significantly, bringing them into proportion with the main house and most importantly, reducing any overshadowing impacts on Plot 1, and No's 32 and 36. Concern has been raised by No. 32 that Plot 2 is too close to the boundary and will block out light in the north-east side elevation windows. Plot 2 is set back by 4.2 metres and will not be forward of the existing windows (apart from a small corner of the garage located further to the east) which serve bedrooms on the first and second floors. Similarly, any overshadowing that would have previously affected the ground floor living room and first floor bedroom has been addressed by mirroring Plots 1 and 2. It is not considered that the existing residential amenity of No. 36 will be negatively impacted.
- 5.16 The proposed dwellings will have the majority of their window openings on the front and rear. Windows in the side elevations will serve bathrooms, WCs and utility rooms. These windows, particularly those on the east and west outer elevations could be reasonably required to be obscurely glazed via a condition. Whilst a number of windows are proposed in the rear elevation, including four rooflights serving a bedroom in the loft, Plot 1 would be located 16.2 metres and Plot 2 20.9 metres (at first floor level) from the rear boundary, which seems a reasonable distance given the size of the proposed dwellings and application site. Any views of neighbouring properties or gardens to the rear would be limited via the proposed rooflights, especially given the existing and proposed mature trees along the rear boundary. Whilst Plot 1 is located slightly nearer the rear boundary than No. 36, it is not considered to present a significant or negative amount of overlooking over and above what would be reasonable for a residential property situated in a large plot, located in a residential area. Accordingly, it is considered that the proposal will not have a detrimental effect on the privacy of the neighbouring occupiers. All other neighbouring properties are located at a sufficient distance from the proposed dwellings to not be significantly adversely effected.
- 5.17 The proposal seeks to replace a modest-sized bungalow and detached single garage with two large, detached dwellings. The application site is measures 1350 sqm and is a very large plot which could comfortably accommodate two dwellings. the size, scale and positioning of the proposed dwellings have been

the subject of lengthy negotiations which have resulting in improvements to the proposed scheme and have reduced any potential negative impacts on the existing neighbours and future occupiers of the proposed dwellings. Overall, the proposal is considered acceptable and would not have a detrimental effect on the existing levels of residential amenity enjoyed by local residents.

5.18 Transportation and Parking

The layout of the site would also have to provide adequate parking to meet the needs arising from the proposal. In the Council's adopted Residential Parking Standard SPD, a minimum of parking spaces need to be provided to a level commensurate with the number of bedrooms in a property. As the proposed houses are located within an existing residential curtilage, adequate parking for each property would need to be provided within the curtilage of the sites. This is proposed in the form of an integral garage and two parking spaces. The proposed level of parking is considered acceptable. The existing access would be retained and used for both dwellings. There would be adequate turning space within the site to ensure vehicles do not need to reverse out of the site or manoeuvre on the public highway.

5.19 Whilst the number of dwellings within the site will increase, there is considered to be adequate room to accommodate the off-street parking needs and turning space for each dwelling. It is not considered that there will be a material increase in vehicular trips to the detriment of highway safety. Following the advice of the Transportation Officer, a condition will be attached requiring the access and parking arrangements to be completed prior to the occupation of the dwellings.

5.20 Other Matters

A couple of non-planning concerns have been received as part of the consultation replies. A neighbour has commented that the development will affect views from their windows. Whilst in planning terms no one has a right to a view, it is not considered that the proposal would result in negative harm in terms of residential amenity impacts. Secondly, a neighbour that bounds the site did not receive a consultation letter, but later found out through another neighbour and has submitted their comments about this application. A consultation letter was sent to the neighbour but unfortunately was not received within the original consultation period. This is an ongoing issue that is being investigated within the Council.

5.21 Conclusion

The proposal would be for the erection of two dwellings in the existing village of Winterbourne; this is given weight in its favour. Concerns from local residents have been noted and addressed accordingly in the above report and have been awarded limited weight. The proposed size, scale and positioning of the dwellings have been revised and improved. On balance and giving appropriate weight to the positive versus the negatives of the proposed scheme, the benefits of the proposed two new dwellings within the settlement boundary are considered to outweigh any perceived harm. The proposal is therefore considered acceptable and recommended as such for approval.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is **APPROVED**, subject to the attached conditions.

Contact Officer: Katie Warrington
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a detailed development layout showing surface water and SUDS proposals is required as part of this submission. This is because no public surface water sewer is available. The following details should be submitted:
 - o A clearly labelled drainage layout plan showing the exact location of any soakaways.
 - o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results as described in Building Regs H - Drainage and Waste Disposal
 - o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
 - o Sp.Note; - Soakaways must be located 5 Metres from any structure including the Public Highway.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework 2012.

Reason 2

In order to avoid future remedial works.

3. Prior to the occupation of the proposed dwellings hereby permitted, and at all times thereafter, the proposed windows in the first floor, east elevation of Plot 1 and first floor, west elevation of Plot 2 shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

4. Prior to the commencement of development, details of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

5. The access, off-street parking facilities (for all vehicles, including cycles) and manoeuvring areas shown on the plan (Existing & Proposed Site Plan with Landscape Details, Drawing No. 34BR.JUN17.SP.1.D, received by the Council on 5th June 2017) hereby approved shall be provided before the dwellings are first occupied, and thereafter permanently retained for that purpose.

Reason

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

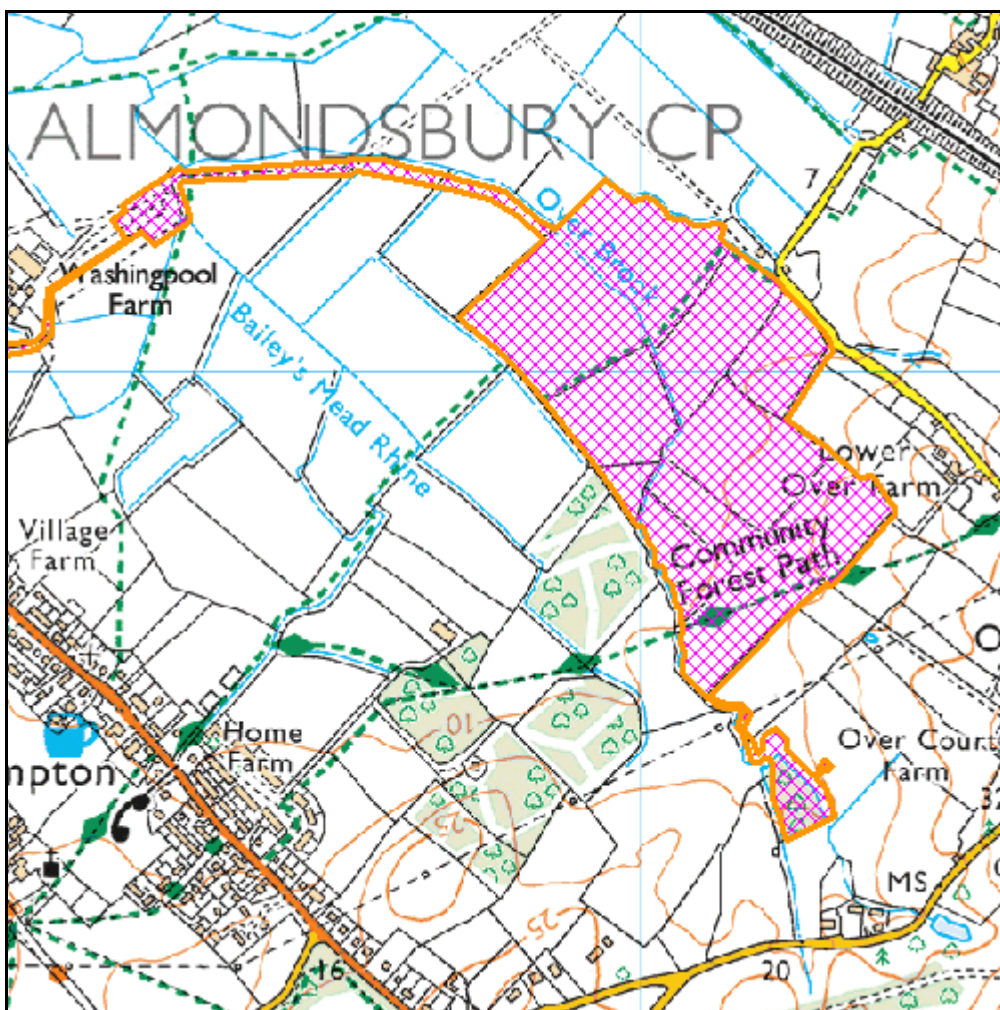
6. The development shall be implemented strictly in accordance with the following plans: Existing Elevations (34BR.MAR17.E.1); Cycle Store (34BR.MAR17.CS.1); received by the Council on 7th March 2017. Arboricultural Report (Silverback arboricultural consultancy ltd), received by the Council 14th March 2017. Proposed Floor Plans Plot 1 (34BR.JUN17.P.1.D); Existing & Proposed Site Plan with Landscape Details (34BR.JUN17.SP.1.F); Proposed Elevations & Roof Plan Plot 1 (34BR. JUN17.P.2.D); Proposed Floor Plans Plot 2 (34BR.JUN17.P.3.C); Proposed Elevations & Roof Plan Plot 2 (34BR.JUN17.P.4.C); Proposed Section A-A Street Scene (34BR.JUN17.P.5.D); received by the Council on 28th June 2017.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/1730/RVC	Applicant:	The Wave And Mojo Active Ltd
Site:	Land At Overcourt Farm And Washingpool Farm Main Road Easter Compton South Gloucestershire BS35 5RE	Date Reg:	10th May 2017
Proposal:	Variation of condition 38 attached to planning permission PT15/4853/RVC to amend drawings and documents	Parish:	Almondsbury Parish Council
Map Ref:	357035 183173	Ward:	Almondsbury
Application Category:	Major	Target Date:	27th July 2017



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 100023410, 2008.

N.T.S.

PT17/1730/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE DUE TO THE RECEIPT OF OBJECTION LETTERS

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

1. THE PROPOSAL

- 1.1 The application is submitted under s73 of the Town and Country Planning Act to vary condition 38, which is a list of approved drawings and documents, attached to PT15/4853/RVC to allow a number of amendments to the approved scheme. This application is the second amendment to the originally approved phase 1 proposal relating to a surfing lake and associated buildings and works. It should also be noted that the site benefits an extant planning permission PT13/4756/F and PT15/4853/RVC, as the original approved Ropes and Tunnels, named as Phase 2, has been implemented, therefore the suggested conditions have been updated accordingly to reflect this element.
- 1.2 To support the proposal, the agent submitted an updated Design and Assess Statement, Technical reviews relating to the design, air quality, noise levels, flood risk and drainage strategy, and the landscape and visual impact assessment addendum. Further, a schedule of amendments and the corresponding drawings has been included in the submitted information, which details all the changes made. The full list of amendment can be viewed from the council website. The key changes are to:
- Reshape the lake to a diamond form (The original approved scheme of approximately 300 metres long by 110 metres wide, and the current proposal is approximately 85 metres long by 165 metres wide).
 - Re-introduction of lake pier structure, but the plant room will be buried into the landscape and the structure will be lower than the original proposal
 - The landscaping area, natural swimming pond and wetland areas are also changed due to the changes to the shape of the lake.
 - Reposition and redesign of the clubhouse, which would be approximately 20 metres closer to the nearest residential property to the north east, the eaves height would be increased by approximately 600mm to accommodate additional structures above. Part of the clubhouse is slightly increased in depth by approximately 2.8 metres. Balustrade is introduced to create a roof viewing area, and the wall behind the balustrade is further 1.5 metres higher to prevent access to the roof. Also there are some re-arrangements to the internal layout.
 - Additional external staircase to provide access to the roof viewing platform and the servicing of PVs
 - Increase the angle of the roof to provide for rainwater harvesting
 - Relocating the camping facilities eastwards further away from the public rights of way (comparing to the original approved scheme)
- 1.3 The site is located within the open countryside and outside the settlement boundary of Over, Easton Compton and Almondsbury. The site is situated

within the Bristol/Bath Green Belt, and part of the site is within Flood Zone 3. In addition, 3 public footpaths run across the application site, but not the surfing lake itself. The application site lies within the North Avon (South Gloucestershire) Levels an area of potentially national archaeological significance.

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

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

CS34 Rural Areas

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

2.3 Supplementary Planning Guidance

Development in Green Belt SPD

3. RELEVANT PLANNING HISTORY

The Wave and the Withy Bed

- 3.1 PT16/0828/NMA Non material amendment to PT15/4853/RVC to remove the 'lake structure' (ref 855-103A) and substitute the high ropes amendment drawing (Rev C) for the layout and drawing (Rev E). Approved 15.03.2016

- 3.2 PT15/4853/RVC Variation of condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents. Approved 05.02.2016
- 3.3 PT16/009/SCR Variation of Condition 38 attached to planning permission PT15/3532/RVC to amend drawings and documents. Screening Opinion for PT15/4853/RVC. EIA is not required 28th January 2016.
- 3.4 PT15/3532/RVC Variation of conditions 3, 6, 8, 14, 18, 27, 28, 29, 30, 31, 32, 33, 40, 41 and 43 attached to PT13/4756/F to allow the development and use of the 'Ropes and Tunnels Course' phase (Partially Retrospective) prior to the development of the larger scheme. Approved 24.11.2015
- 3.5 PT13/4756/F Construction of surfing lake with associated landscaping, ancillary buildings, campsite, ropes and tunnels course, parking and access (sui generis use class). Approved 22.07.2014
- 3.6 PT13/028/SCR Provision of surfing and swimming lake with associated access, landscaping and infrastructure. EIA is not required 19 September 2013
- Mojo Active
- 3.7 PT16/0341/F Change of use of land from agricultural to high ropes (sui-generis) and erection of 4 no. structures forming part of the approved high ropes course (Retrospective). Approved 13.05.2016
- 3.8 PT14/1136/RVC Variation of condition 3 and removal of condition 4 attached to planning permission PT11/3174/F to allow the outdoor fitness facility to be utilised from 0800 to 2200 within April to September inclusive and 0800 to 1800 within October to March inclusive and no restriction on persons using the facility at any one time. Approved and expired on 24 November 2015.
- 3.9 PT14/1128/F Change of use of land from agriculture to agriculture and footpath links from existing assault course to Withy Bed ropes course (sui generis). (Retrospective). Approved 24.11.2014
- 3.10 PT11/3174/F Change of use of agricultural land to outdoor fitness facility (Class D2) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the erection of associated assault course timber structures. Approved 13.01.2012

Condition 3: The outdoor fitness facility hereby shall not be utilised before 6.30pm on weekdays (excluding Bank Holidays)

Condition 4: The outdoor fitness facility hereby approved shall be used by no more than 20 persons at any one time.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Olveston Parish Council

Almondsbury Parish Council
No response from the above Parish Councils

4.2 Other Consultees

The following Council services and interested parties have been consulted and their comments will be reported in the full planning report accordingly.

Statutory Consultees (external)

<u>Sport England</u>	No detailed response provided given that the proposal does not fall within either their statutory or non-statutory remit.
<u>Environment Agency</u>	No comments to make.
<u>Lower Severn Drainage Board</u>	Original comments still apply, and the applicant is advised to contact the Board regarding the requirement of a hydraulic modelling simulation of the proposed site. It is also advised that the planning condition seeking surface and sub-surface water drainage system would not be necessary for Phase 1 development relating to the ropes and tunnels courses.

Council Services (internal)

<u>Sustainable Transport:</u>	No objection.
<u>Environmental Protection Team:</u>	No adverse comments.
<u>Archaeology Officer:</u>	No comments.
<u>Conservation Officer:</u>	No comments.
<u>Landscape officer:</u>	No objection subject to the original conditions be imposed.
<u>Urban Designer:</u>	No comment.
<u>Public Rights of Way Officer:</u>	No objection

Other Representations

4.3 Local Residents

10 letters of objection and 1 letter of support have been received and their concerns and comments are summarised as follows (Full comments are available in the Council website)

Objecting comments:

Highway issues

- Development at Washing Pool farm has already caused increase traffic flow through Easter Compton, traffic volume and speed of traffic have dramatically increased recently due to the development around Severn Beach and the Severnside Industrial Development
- Motorists do not adhere to weight and speed restrictions
- Increases the risk of accidents in Easter Compton
- Traffic congestion
- A new road should be built at developer's expense, from the road that joins the B4055 to Overlane, and this road should be in place before all the heavy development and earthmoving equipment start work.
- No traffic calming measures being put in place to monitor and regular the traffic
- D&A Statement refers to making use of a further 450 car parking spaces at Washingpool farm is very concerning
- Hazard to pedestrians and existing road users
- The lake appears to be smaller, the number of car parking spaces have not been reduced
- All visitors will continue to be required to use the pre-booking system?
- Is the size of the lake smaller?
- Reduce the number of surfers permitted from 60 surfers on the lake at any one time?
- No planned increase in the number of car parking spaces available for this development?
- Reduce the number of car parking spaces to relate to the reduction in the size of the lake?
- Time restrictions that formed part of the original application?
- If the total number of visitors expected at the development site on anyone day?
- The infrastructure is not in place for the increased traffic, Easter Compton, Almondsbury and Over Lane are quiet hamlets with small narrow country lanes and the area is not equipped for this sort of development

Amenity or Environmental issues

- Air pollution caused by traffic
- Noise pollution caused by traffic
- Carbon footprint of the proposal and its future use must be massive. Although tree planting may offset the carbon footprint, but they are empty forecasts without sounds scientific backing
- Additional risk of flooding
- The loss of land and damage to the environment will be horrendous
- Noise disruption and pollution

Other issues

- Insufficient time to comment the proposal due to the supporting documents were not available in the Council website, does this comply with the statutory requirements?
- There is now mention of a retail shop for selling surfing equipment

- Reject the retail outlets at this development?
- No details about the new technology, which offer vastly superior performance to any other wave generation technology in existence, and as it is the first time it has been used anywhere in the world.
- there is an existing water park at Trench lane, why not install a wave machine there, we don't need two water parks in the area.

Supporting comments:

- Fantastic addition to the area for all the economic, social and health benefits

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is to vary the conditions under section 73 of the Town and Country Planning Act 1990 (as amended) in order to make amendments to the approved scheme. The primary objective of the proposal is to reshape the surfing lake and the surrounding landscaping incorporating the different wave technology. In deciding this application, the Council should primarily confine their scope to the conditions that the subject of this application; it is not a complete re-consideration of the principle of the scheme, and the original consent will still stand. It should also be noted that the existing planning permission for the approved scheme has been implemented as Phase 1 – Ropes and Tunnels Courses have been installed and are being operated. Therefore the site benefits an extant planning permission.

In assessing this application, it is also necessary to assess whether the conditions would satisfy the requirements of planning conditions as set out in the NPPF. Paragraph 206 of the NPPF requires all planning condition to pass six tests - that conditions should be

- i. Necessary to make the development;
- ii. Relevant to planning and;
- iii. To the development to be permitted;
- iv. Enforceable;
- v. Precise and;
- vi. Reasonable in all other respects.

5.2 Therefore the issue to be considered is whether or not the proposed variations to the conditions would meet the above tests. Secondly it is necessary to consider if any further conditions need to be attached to any new consent.

5.3 Should this application be approved it would have the effect of a granted a further planning permission subject to revised conditions and additional conditions if necessary. In any event the original permission remains intact.

5.4 Policy LC5 of the South Gloucestershire Local Plan (Adopted) December 2013 allows for proposals for the development, expansion or improvement of outdoor sports and recreation (including water related recreation, motorised and noisy sports and golf facilities) outside the existing urban area and the boundaries of settlements.

- 5.5 As the principle of the erection of surfing lake with associated works has been established by the previous planning permission PT13/4756/F and PT15/4853/RVC, the main consideration of this application is whether or not the proposed variation of conditions would cause an unacceptable impact upon the character and diversity of the landscape, existing public recreational routes, nature environmental and wildlife habitat, public highway safety, and the amenity of the nearby residents; that is to say the impact and mitigation from the proposed detailed changes.
- 5.6 Green Belt policies
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.
- Green Belt serves 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.
- 5.7 The proposal is to make a number of amendments to the approved schemes, in particular, the surfing lake, the club house and the surrounding landscaped area. It is considered that the proposed changes would not result in a material adverse impact upon the openness of the Green Belt and would not involve the further change of use of the land, buildings or structures. The size of surfing lake would still remain the same as the previous scheme submitted in 2015.
- 5.8 Regarding the clubhouse, the agent indicated that the current proposal would increase the size of the clubhouse by approximately 720 cubic metres, which represents approximately 14.5% increase to the original approved plan. Part of the increment is due to the change of the depth of the building and the introduction of roof void incorporating the solar and pv panels. Although the approved clubhouse has not been constructed, the site benefits an extant planning permission as such the clubhouse could be constructed in accordance with the approved plan. Paragraph 89 of the NPPF does allow an extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building. Officers take into consideration the proposed increase in the size of the building, the proposed viewing platform and other associated structures above the roof, it is considered that the proposed amendments would not result in disproportionate additions to the approved proposal, as such, it would comply with the NPPF.
- 5.9 Given that the planning permission has been granted for the proposal, and there is no change to the National Planning Policy Framework and the adopted Core Strategy and Local Plan in terms of green belt policy, it is considered that there is no objection to the principle of the development.

- 5.10 Design and Visual Amenity Issues
Policy CS1 of the South Gloucestershire Local Plan: Core Strategy seeks to achieve good design in all new development. The proposal is primarily to change the shape of the lake, re-landscape the surrounding area, and change the size and the design of the clubhouse.
- 5.11 Officers welcome the changes to the shape of the lake as it would further reduce the visual impact of the site and it would have less adverse impact upon the surrounding landscaped area as a result. It is noted that the 'lake structure' is reintroduced, however, it would be shorter in length and height, and therefore, there is no material adverse impact upon the visual amenity of the locality comparing the previous approved schemes.
- 5.12 Regarding the clubhouse, the proposal is to increase the depth of part of the clubhouse (west wing) by approximately 2.8 metres while the approved exit lobby and entrance portal have been removed. Some changes are also made to the approved roof form including to increase the eaves height on the rear southern elevation (overlooking the lake) by approximately 600mm in order to incorporate a number of glass balustrades providing a viewing platform, an external staircase providing an access for the viewing platform and the servicing the solar panels. The ridge height of the clubhouse would also be increased due to the angle of roof in order to improve the efficiency of the use of solar panels and rainwater harvesting. It is considered that the change to the roof form and the proposed viewing platform would adequately integrate the original building design approach, as a result, it would remain as a single storey building providing essential facilities for the users of the site and improving the environmental sustainability of the building. It is considered that such changes to the clubhouse would not be so significant to cause a material impact upon the character of the site. In addition, Policy CS1 supports proposals for the protection of environmental resources and siting renewable and/or low carbon energy installations and infrastructure, therefore the proposed amendments would accord with the policy.
- 5.13 Regarding the camping facilities, there is no significant change to the previous approved scheme in terms of its design and scale, therefore there is no objection to this element of the proposal.
- 5.14 Transportation
Policies LC5 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 indicate that new development will be permitted provided that the new development would not prejudice the public highway safety.
- 5.15 Policy CS1 of the adopted Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, and the disabled / older people.
- 5.16 It is noted that local residents raise concerns regarding the existing highway situation and the potential highway safety given that there is no traffic calming measure in place.

5.17 The Highway Officer and your case officer have considered the highway concerns and submitted details. It should be noted that the approved 120 no. parking spaces would not be changed under this proposal, and are provided in the existing hard-standing area of Washingpool Farm. Officers consider that the proposed changes would not affect its access or the approved parking arrangement. The agent has also confirmed that the number of visitors/surfers would remain as per the approved scheme, and also highlighted that the reasons for the changes to the shape of the lake are due to the change of the wave generation technology and further technical engineering considerations. Regarding the existing highway situation in the locality, it would be unreasonable to request the applicant to mitigate the existing situation. Furthermore, the compliance of weight and speeding limits would be a traffic enforcement issue. Given that all planning conditions of PT15/4853/RVC relating to the completion of the parking, manoeuvring and serves area, a scheme of directional signage, booking system, travel plan, cycle parking, would still apply, the Highway Officer and your case officer consider that the proposed amendments would not result in any material adverse impact upon the public highway safety in the locality. Therefore, there is no highway or transportation objection to the proposed amendments.

5.18 Landscaping issues

Policy CS9 of the adopted Core Strategy and saved Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to protect and where possible enhance the quality of the landscape. The proposal is to amend the approved scheme due to the updated technology and revised use requirements. The Landscape and Visual Impact Assessment Addendum has been submitted and Figure 3 shows the comparative layouts. This amended plans re-configure the surfing lake to a diamond shape taking advantage of the new technology being used for the wave producing equipment, which is now mounted within a central boardwalk dividing the lake into two halves and reduces the size. As a result, the southern edge of the lake would be pulled back from the southern field and this allow additional lengths of hedgerow to be retained. The submitted LVIA Addendum also itemised a number of changes including the re-introduction of central pier and the reposition of main building.

5.19 As the proposal is to change the shape of the lake and re-landscape the surrounding area, as a result, less hedgerow along the field boundary need to be removed. Consequently, the proposal would further reduce the visual impact upon the landscape character of the site and officers therefore support such design approach. In addition, the extent of the proposed landscape mitigation and the planting details submitted would also accord with the previous approved scheme. Therefore officers have no objection to the proposed amendment subject to the same planning conditions imposed as previously approved.

5.20 Public Rights of Way

There are three public footpaths, i.e. OAY61, OAY58 and OAY63, crossing within the site and the proposed amendments would not involve any changes to the existing public footpaths, officers therefore have no objection to the proposal subject to original relevant condition is imposed.

5.21 Residential Amenity

Beside the proposed changes to the shape of the surfing lake, the clubhouse building would be closer to the nearest resident property, Ingleside, by approximately 20 metres. It is noted that some of residents living in the village of Easton Compton raise concerns over the impact upon the amenity of the locality, in terms of noise, air pollution.

5.22 Regarding the changes to the shape of the surfing lake, the agent confirmed that the proposal would not affect the number of visitors to the site. In addition, the existing condition relating to the booking system for the use of 'The Wave' and associated facilities would still be applicable to monitor the number of visitors to the site. Also all existing conditions restricting the noise level from all fixed plant, opening hours, would still be imposed, therefore, this current proposal incorporating a new wave generation technology would still need to comply with the existing planning conditions, Officers therefore consider that the proposed amendments would not materially cause an unreasonable adverse impact upon the nearby residents, therefore the proposal is acceptable.

5.23 Regarding the clubhouse, although it would be closer to the nearby residential property, Ingleside, it would still be approximately 95 metres from this property, as such, the proposed location would not cause material adverse impact, in terms of overlooking and overbearing impact.

5.24 Natural Environmental and Flood Risk

Policy CS9 of the adopted Core Strategy seeks to protect the environmental resources, including water and air quality, in South Gloucestershire.

5.25 Water Environment: Environment Agency and Lower Severn Drainage Board have no objection to the proposed amendments subject to the existing conditions would still be imposed.

5.26 Air Quality: Regarding the impact upon the air quality, the applicant's technical update confirmed that the proposal will not change the significance of the predicted impacts during either the construction or operational phases, therefore the previous assessment remains valid. Therefore there is no material adverse impact upon the natural environment, there is no objection to the proposed revised plans.

5.27 Ecology and Wildlife habitat: The Council Ecology Officer is satisfied with the submitted details and raised no objection subject to the original conditions being imposed.

5.28 Waste Management

The proposed amendments would not result in material difference in terms of the waste management perspective, therefore it is considered that there is no objection to the proposal subject to the original conditions are imposed.

5.29 Historic and Archaeological Interests

Saved policies L11 and L13 of the adopted Local Plan and Policy CS9 of the adopted Core Strategy seek to protect the archaeological and historic interests including their setting.

5.30 Although the shape of the would be different, the proposal would not significantly change the location of the lake and other associated buildings and structures, therefore there is no historic or archaeological objection to the proposal subject to the original conditions are imposed.

5.31 Other matters

A concern is raised regarding the introduction of a shop area within the clubhouse. As the original approved scheme has already showed a shop area within the building, and this area would be used as an ancillary are to sell productions associated with the surfing lake activities, therefore, there is no objection to the proposed ancillary retail element of the scheme.

5.32 A query is also asked if the existing water park at Trench Lane has been considered. Members are advised that the applicant carried out a lengthy marketing exercises taking into consideration of the technical and topography requirements prior to the submission of the first approved scheme. A number of sites were considered, including the Portway in Bristol, fishing lakes in Emersons Green, the water sports lake in Bradley Stoke, a site near the Almondsbury M5 junction. Given that the current proposal is to vary the existing planning conditions, it would not be reasonable to reconsider the location of the site for the approved facilities.

5.33 Conclusion

This application seeks to amend the approved scheme in order to utilise the new wave technology, consequently, it would also further reduce the adverse impact upon the wider general landscape features within the site. Furthermore, the proposal would not alter the scope of the extant planning permission and officers are satisfied that the original conditions would adequately safeguard the residential amenity and the nature environment. It is therefore considered that there is no planning objection to proposed amendments.

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

7. RECOMMENDATION

7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. Detailed Phasing Scheme with key development targets

Prior to the commencement of any further stages other than Phase 1 shown on Drawing No. 855-phase 01 dated July 2015 a detailed phasing scheme with key development targets shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall be known as the 'Phasing Plan' (and is referred to the subsequent conditions on this notice). The targets shall include as a minimum those for site preparation including the deposit of the top soil, the construction compound (if any), the creation of the landscape gardens, the delivery of building materials, construction of the car parking, construction of the lake, construction of the life guard hut, construction of buildings, installation of lining, filling of the lake, testing of the operation, and date for the opening of the business. In addition the plan shall include details of the proposed timings of the filling of the lake so as to avoid water pressure impact on the locality. The development shall be carried out in accordance with the approved phasing scheme.

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Details of construction compound

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of the construction compound including any temporary buildings, structures and outside storage, shall be submitted to and approved in writing by the Local Planning Authority. The works of construction compound shall be carried out in accordance with the approved details unless otherwise agreed in writing with the local planning authority.

The Construction Environmental Management Plan (dated October 2015) for Phase 1, shall be implemented in accordance with the approved details.

Reason:

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Sample of the materials

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, samples of the materials to be used for the construction of the lake, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.
And:

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, sample panels of the materials to be used for the construction of the external surfaces of the buildings and structures, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To protect the character and appearance of the locality and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Details of Boundary Treatment

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, a plan indicating the positions, design, materials and type of boundary treatments to be erected within that phase shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be fully completed for each phase before the commencement of the operation of any use within that phase. Development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006

5. Appointment of Archaeological Contractor and Details of Archaeological Watching Brief

The developer shall appoint an archaeological contractor not less than three weeks before the commencement of development; and a detailed of archaeological watching brief shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work.

The works shall include the following items:

- (a) Open area excavation covering the features identified from the evaluation, with contingency for further expansion as necessary;
- (b) Further programme of evaluation trenches in areas not targeted by the initial field evaluation within the extents of the development site;
- (c) Provision for excavation of these areas if necessary;
- (d) Subsequent watching brief during construction;
- (e) Full post-excavation assessment and analysis of the archaeology recovered;
- (f) Publication of the findings

No construction of any kind can commence until the results of this fieldwork (up to point c above) have been completed and a report has been submitted to the council and a programme for post-excavation and publication has been approved in writing.

This work is to be carried out in accordance with the approved watching brief.

Reasons:

a. This is a pre-commencement condition in order to avoid any irreversible damage to the historic interests of the site.

b. In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and saved Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006).

6. Details of Surface Water Drainage

Prior to the commencement of the Phase 1 and Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

a. This is a pre-commencement condition in order to any unnecessary remedial action in the future.

b. To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Details of External Illuminations

Notwithstanding the submitted details, no floodlighting or uplighters shall be installed within the site including Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015.

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1,

details of any external illuminations including the length and the level of the illumination shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall comply with the relevant British Standards and ILP's guidance. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Details of protection of both banks of any watercourse

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of protection for both banks of any watercourse within the site shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of the development an 8 (eight) metres wide strip of land shall be left clear of any building or obstruction along both banks of any watercourse within the site to ensure the stability of the bank or banks may not be endangered thereby, and for maintenance purposes. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

The development for Phase 1 shall be carried out in accordance with the supporting letter dated 22 October 2015.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

9. Details of surface and sub-surface water drainage systems

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of proposed surface and sub-surface water drainage systems and proposed points of discharge shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

10. Local Drainage Ditch

No local land drainage ditch within the site shall be filled in or culverted.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

11. Details of Rhine Crossing, Access Bridge or Culvert

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of any proposed rhine crossing, access bridge, or culvert within the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such. For Phase 1 development, there shall be no rhine crossing, access bridge or culvert crossing the adjacent fields into the woodland.

Reason

To protect the watercourse and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

12. Details of Hard and Soft Landscaping Works

Notwithstanding the submitted details, prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure including the fencing to the public rights of way; hard surfacing materials including car park surfacing; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, bird hides and information boards); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); soft landscape works shall include the protection of trees within the hedgerows, planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

To protect the landscape character of the locality and in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

13. Details of Lake Edging

Notwithstanding the submitted details, prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, relating to the lake itself the construction details showing the lake edging shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December

2013) and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Schedule of Landscape Maintenance

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, a schedule of landscape maintenance for that phase for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the landscape character of the locality and in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and saved Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Details of construction method of the footpath

Notwithstanding the submitted details, prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of the construction method of the footpath that transects the RPA of T28 shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

16. Ecological Management Plan

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, an ecological management plan for the site including a timetable for the implementation for the scheme and for the monitoring of the impact of the development on ecological features shall be submitted to and approved in writing by the Local Planning Authority. The development and the requirements of the management plan, shall subsequently be commenced prior to the commencement of the operation and carried out in accordance with the approved details.

For Phase 1 development, the submitted Ecological Management Plan Phase 1 (Ropes and Tunnels Course) dated October 2015 shall be implemented accordingly.

Reason

In the interest of ecology and wildlife habitats of the site and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

17. Construction and Environmental Management Plan

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, a Construction and Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should detail how measures will be taken to ensure there is minimum adverse impact to the local amenity from activities giving rise to noise, vibration and dust emissions including deliveries to the site, construction works and the operation of the use. It shall include details of identified receptors, baseline conditions, preparation of the site, monitoring to be undertaken, details of the method of vehicle wheel washing for construction hours, details of the method of accessing the site for construction purposes, the method of removal of spoil and any necessary road closures including timescale's the closures, communication in case of complaints and mitigation measures to be employed. It is expected that reference will be had to British Standard 5228-1:2009 Code of Practice for noise and vibration control on construction and open sites. The development shall proceed in accordance with the agreed details.

For Phase 1 Development, the Construction and Environmental Management Plan Phase 1 (Ropes and Tunnels Course) dated October 2015 shall be implemented accordingly.

Reason

In the interests of the residential amenity of the neighbouring occupiers, and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

18. Details of Air Quality Assessment

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of an air quality assessment for any proposed energy plant shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013).

19. Noise Levels Restriction

All fixed plant shall be designed in compliance with BS 4142 to ensure rating levels are at least 5db below existing background levels measuring at Washingpool Farm, Ingleside, Overleaze Farm, The Lyndhurst and Wheat Hill Farm.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

20. Waste Management Audit

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

(a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.

(b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.

(c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.

(d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

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

Reason

In accordance with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

21. Details of public footpaths

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of the surface of footpath OAY61, maintenance of footpath OAY63, and details of the replacement of stile ends of footpath OAY58 shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the commencement of the use hereby permitted.

Reason

To safeguard the public footpaths and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

22. Construction hours

The hours of working on site during the period of construction shall be restricted to 08.30am to 18.00pm Mondays to Fridays, and 08.30am to 13.00pm Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or

machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

23. Bird Nesting Season

Any tree/scrub clearance shall be carried out outside of the bird nesting season (between March to August) unless the appropriate survey are carried out by a qualified ecologist to demonstrate that clearance can be undertaken during this time as agreed in writing with the Local Planning Authority.

Reason:

In the interest of wildlife habitat and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

24. Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated December 2013 produced by Hydrock and the following mitigation measures detailed within the FRA:

- (a) Limiting the surface water run-off generated by the 1:100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
- (b) Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
- (c) Finished floor levels of all built development (cafe, shop, and clubhouse) to be set no lower than 7.76 m above Ordnance Datum (AOD) (300mm above the 1:200 year level including an allowance for climate change).

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to ensure safe access and egress from and to the site, and in accordance with National Planning Policy Framework and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

25. Tree Protection Works

The proposed tree protection works indicated in sections 2 and 3 in the Barrell Tree Consultancy Report shall be strictly carried out.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

26. Parking, Manoeuvring and Services Areas in Washingpool Farm

Prior to the first use of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, the parking, manoeuvring and service areas in Washingpool Farm shall be completed in all respects with the approved plans and retained as such thereafter.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and Car parking arrangement plan OCT02/T06 Revision A shall be implemented and retained as such until and unless different parking arrangements are agreed in writing in relation to subsequent Phases under this condition.

Reason

To ensure satisfactory parking, turning and servicing areas are provided in the interests of safety and in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2015 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

27. A Scheme of directional signage

Prior to first use of the Further Phases development shown on Drawing No. 855-phase 1 dated July 2015, a scheme of directional signage for the remaining scheme for the surfing lake and associated activities to be served from the B4055 shall be submitted to and agreed in writing by the Local Planning Authority, and thereafter implemented in accordance with the approved scheme and thereafter be retained as such.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and Signage Plan Drawing Reference: OCT02/T01 shall be implemented prior to the first use of the Phase 1 hereby permitted, and retained as such until and unless a different signage scheme is agreed in writing in relation to subsequent Phases under this condition.

Reason

In the interests of both highway safety and congestion by providing clear directions for visitors in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

28. Booking System

Prior to first use of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015, an agreed booking system for the use of 'The Wave' and associated facilities shall be submitted to and agreed with the Local Planning Authority, and thereafter implemented in accordance with approved scheme.

For Phase 1 Development, the submitted Technical Note Reference OCT02/TN/03/Iss3 and the booking system for the High Ropes and Tunnel Course shall be implemented and retained as such thereafter prior to the first use of the Phase 1 hereby permitted.

Reason

To reduce congestion and manage vehicle movements in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2015 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

29. Travel Plan

Prior to the relevant first use of Phase 1 Development (Ropes and Tunnels Course) and Further Phases development shown on Drawing No. 855-phase 01 dated July 2015, an updated Travel Plan including monitoring measures shall be submitted to and approved in writing by the Local Planning Authority; for the avoidance of doubt the Travel Plan should follow the lines of the submitted Framework Travel Plan, with the exception that within 3 months of opening a travel survey of both staff and visitors is undertaken which will provide the initial base data for future iterations of the Travel Plan. The development shall proceed in accordance with the agreed details.

Prior to the first use of Phase 1 - the 'High Ropes and Tunnels Course' Development, the submitted Travel Plan, Reference OCB02/01/Iss3 dated October 2015 shall be implemented in accordance with the approved details.

Reason

In the interests of highway safety by reducing congestion and in accordance with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

30. Waste Management Plan

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 hereby permitted, a detailed Waste Management Plan in accordance with the 3R principle, i.e. Reduce, recycle and re-use for the operation of business shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

The development for Phase 1 shall be carried out in accordance with the supporting letter dated 22 October 2015.

Reason

To protect the residential amenity of the neighbouring occupiers and in the interests of the environment and to accord with Policies CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

31. Flood Warning and Evacuation Plan

Prior to the commencement of the first operational use of Further Phases development shown on Drawing No. 855-phase 01 dated July 2015, details of Flood Warning and Evacuation Plan for future occupants shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details and thereafter be retained as such.

For Phase 1 Development, the submitted Community Flood Plan dated October 2015 shall be implemented in accordance with the approved details.

Reason

(a) To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

(b) To ensure safe access and egress from and to the site.

(c) To reduce the risk of flooding to the proposed development and future occupants, and in accordance with National Planning Policy Framework and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

32. Operational Management Plan

Prior to the commencement of the Further Phases development shown on Drawing No. 855-phase 01 dated July 2015 and agreed in the 'Phasing Plan' under condition 1, details of operational management plan for the surfing lake, campsite and all ancillary outdoor activities shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details.

Reason

To safeguard the visual and residential amenity of the area and in accordance with Policies CS1 and CS9 of the South Gloucestershire (Adopted December 2013).

33. No outside Storage

No outside storage of material/goods/waste or plant shall take place within the site including the Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No.855-phase 01 dated July 2015.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

34. Opening Hours

The proposed surfing lake and 'Ropes and Tunnels Course' hereby approved shall not be open for use by members of public outside the hours of 08.00 to 18.00 Mondays to Saturdays and 08.00 to 17.00 Sundays and Public Holidays.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

35. No use of amplified, music system or tannoy

No amplified or other music system or tannoy shall be used within the site including the Phase 1 Development (Ropes and Tunnels Course) and the Further Phases development shown on Drawing No.855-phase 01 dated July 2015.

Reason

In the interest of residential amenity of the neighbouring occupiers and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

36. Number of Tents Restriction

The campsite shall only be occupied by no more than 25 tents at any one time. For the avoidance of doubt, no caravans shall be parked within the camping area. No caravans and tents shall be used outside the camping area.

Reason

To safeguard the visual and residential amenity of the area and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy E11 of the South Gloucestershire Local Plan (Adopted) January 2006.

37. List of approved plans and documents

Development shall be strictly carried out in accordance with the following drawings and documents:

Unchanged documents / plans:

- a. Phase 1 diagram, Drawing No. 855-01, dated July 2015
- b. Mojo Active Outdoor Activity Centre (Full Travel Plan), OCB02/01/Iss3 dated October 2015
- c. Technical Note Reference: OCT02/TN/03/Iss3 dated 13 October 2015
- d. Construction and Environmental Management Plan Phase 1 (Ropes and Tunnels Course) of PT13/4756/F dated October 2015
- e. Community Flood Plan dated October 2015
- f. Ecological Management Plan Phase 1 (Ropes and Tunnels Course) of PT13/4756/F dated October 2015
- g. Site location plan, Drawing No. 855-00, received on 23 December 2013
- h. Topographic Survey, Drawing No. HC13011D-D001 Rev A, received on 23 December 2013
- i. Gate house with car parking layout, Drawing No. 855-WGC-107, received on 23 December 2013

- j. High Ropes Arrangement Rev E and Individual Structures and Open Fronted Shelters, under PT16/0828/NMA, received on 24 February 2016
- k. Proposed Plan and elevations for the Storage Cabin (Mojo High Ropes), received on 10 January 2014
- l. Key Plan, Drawing No. 855-S73-050, received on 10 November 2015, under PT15/4853/RVC

The following documents submitted on 11th April 2017:

- m. Lake Structures, Drawing No. 855-WGC-103A
- n. Vegetation to be retained and removed, (Drawing 1 of 2), Drawing No. 13702_L01_03 Rev E
- o. Vegetation to be retained and removed (Drawing 2 of 2), Drawing No. 13702_L01_04 Rev C
- p. Landscape Sections F-J, Drawing No. 13702_L01_11, Rev C
- q. The Clubhouse, Drawing No. 855-WGC-104
- r. Clubhouse and Camping Block Elevations, Drawing No. 855-WGC-106
- s. Clubhouse and Camping Block Section, Drawing No. 855-WGC-108.

The following documents submitted on 4 May 2017:

- t. Illustrative Masterplan, Drawing No. 855-WGC-100 A
- u. Masterplan Details, Drawing No. 855-WGC-101 A
- v. Lake and Building Layout, Drawing No. 855-WGC-102 A
- w. Clubhouse and Camping Block Elevations, Drawing No. 855-WGC-105 rev A
- x. Landscape Masterplan (Drawing 1 of 2, showing the revised landscape), Drawing No. 13702_L01_01 Rev N
- y. Landscape Masterplan (Drawing 2 of 2), Drawing No. 13702_L01_02 Rev J
- z. Hardworks Layout Plan (drawing 1 of 2), Drawing No. 13702_01_05 Rev E
- aa. Hardworks Layout Plan (drawing 2 of 2), Drawing No. 13702_01_06 Rev B
- ab. Landscape Sections A-E, Drawing No. 13702_L01_10 Rev F
- ac. Seeding Plan (drawing 1 of 2), Drawing No. 13702_L01_12 Rev E
- ad. Seeding Plan (drawing 2 of 2), Drawing No. 13702_L01_13 Rev B
- ae. Planting Plan (drawing 1 of 2), Drawing No. 13702_L01_14 Rev E
- af. Planting Plan (drawing 2 of 2), Drawing No. 13702_L01_15 Rev D

Reason

In the interests of proper planning and to ensure that the development is carried out in accordance with the approved plans in order to comply with the policies in the adopted South Gloucestershire Local Plan: Core Strategy (2013); and the saved policies of the adopted South Gloucestershire Local Plan (2006).

38. Details of cycle parking

Prior to the first use of the Phase 1 Development (Ropes and Tunnels Course), the proposed cycle parking detailed in the submitted Technical Note Reference OCT02/TN/03/Iss 3 dated 13 October 2015 shall be implemented and retained as such thereafter.

Prior to the first occupation of the development at the Further Phases development shown on Drawing No. 855-01 phase 1 dated July 2015 details of the cycle parking for the Further phases shall be submitted to and approved in writing by the Local

Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Adopted January 2006 and saved Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

39. Residents Community Liaison Group

Prior to the first use of the Further Phases development shown on Drawing No. 855-phase 1 dated July 2015 hereby approved, the operator shall establish a residents / community liaison group for the local community.

Reason

In the interests of the safety and security of users of the site and local residents and in accordance with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

40. Ancillary use

The proposed structures, buildings and campsite, including the cafe, clubhouse (and associated facilities including shop), gatehouse, storage building and lifeguard hut shall be used strictly ancillary to the use of the surfing lake hereby permitted and for no other purposes.

Reason

To safeguard the visual and residential amenity and public highway safety, to accord with Policies CS1 and LC5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

41. Details of security fence and access gates

Prior to the commencement of the 'Further phases development shown on Drawing No. 855-phase 01 dated July 2015, details of the security fence and any necessary access gates for Public Rights of Way crossing the site shall be submitted to and approved in writing by the Local Planning. The development shall be carried out in accordance with the approved details and thereafter retained as such.

Reason

In the interests of the visual amenity of the site and the surrounding locality; and in the interests of the amenity of the local Public Rights of Way network and to comply with policy CS1, CS8 of the South Gloucestershire Core Strategy Local Plan (adopted) December 2013 and saved policy LC12 of the South Gloucestershire Local Plan (adopted) January 2006.

42. Emergency Entrance Restriction

The Emergency Entrance from Badger Lane as shown on plan number 855-100 Rev A (as received on 4 May 2017) shall be used only for emergency access to the development hereby approved and shall not be used for general access purposes.

Reason

In the interests of highway safety and amenity and to accord with Policy CS1 of the South Gloucestershire Core Strategy Local Plan (Adopted) December 2013 and saved policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following a number of objections which are contrary to the officer recommendation within this report.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 4no. detached dwellings with new accesses and associated works. The development would consist of 3no. dwellings accessed Bristol Road with 1no. dwelling accessed from Old Gloucester Road.
- 1.2 The site has an existing access from Bristol Road. It is situated just within the North Bristol Fringe falling in a residential area of Frenchay.
- 1.3 The application is partially retrospective, with significant construction works already taken place on site to construct the dwellings.
- 1.4 The application is a re-submission of PT15/0320/F, which proposed 4 no. smaller dwellings.
- 1.5 The application is also a re-submission of application ref. PT14/0193/F which was refused on grounds of highway safety and the impact of the development on the character of the locality. The application was also dismissed at appeal however the only refusal reason that was upheld was the impact on local character with specific reference to plot 4.
- 1.6 During the course of the application revised plans have been submitted in order to address highway safety issues. A period of re-consultation was carried out due to changes in the position of the access.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS25 Communities of the North Fringe of Bristol Urban Area

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

H4 Development within Existing Residential Curtilages

- L1 Landscape Protection and Enhancement
- T12 Transportation Development Control Policy

Policies Sites and Places Development Plan Document (Submission Draft)
June 2016

- PSP1 Local Distinctiveness
- PSP2 Landscape
- PSP3 Trees and Woodland
- PSP8 Residential Amenity
- PSP16 Parking Standards
- PSP19 Wider Biodiversity
- PSP20 Surface Water
- PSP38 Development within Existing Residential Curtilages
- PSP43 Private Amenity Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/0301/RVC - Variation of condition for PT15/0320/F (added by non-material amendment PT16/6433/NMA) to substitute approved drawings 15.002-010, 15.002-016, 15.002-015, 15.002-014 with revised plans 15.002-010B and 15.015-041. Withdrawn on 1st June 2017
Application withdrawn as the changes applied for were superseded by this application.
- 3.2 PT15/0320/F - Demolition of existing dwelling to facilitate the erection of 4no. detached dwellings with parking, vehicular access and associated works (re-submission of PT14/0193/F). Approved with conditions on 4th March 2015
- 3.3 PT14/0193/F - Demolition of existing dwelling to facilitate the erection of 4no. detached dwellings with parking, vehicular access and associated works. Refused 2nd July 2014. Appeal Dismissed 13th January 2015 for the following reason:

"I conclude that the proposal would be materially harmful to the character and appearance of the area. It would therefore conflict with Policy CS1 of the adopted South Gloucestershire Local Plan: Core Strategy (2013) (CS) which seeks the highest possible standards of design and site planning. The proposal fails to satisfactorily address the policy requirement to demonstrate that: (i) the siting, form, scale, height and massing would be informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context; and (ii) the density and overall layout is well integrated with existing adjacent development."
- 3.4 PT13/0579/EXT, Erection of 4 no. detached dwellings and ancillary outbuildings. (Consent to extend time limit implementation for PT09/6064/F). Approved 9th April 2013

- 3.5 PT09/6064/F, erection of 4 no. detached dwellings and ancillary outbuildings. Approved 11th March 2011
- 3.6 PT08/2835/F, Demolition of existing dwelling to facilitate erection of 3no. detached dwellings. Approved, 28 November 2008.
- 3.7 PT08/2316/RM, Demolition of existing bungalow and the erection of 3 Dwellings. Refused 9 September 2008
- 3.8 PT07/3631/F, Demolition of existing dwelling to facilitate erection of 3 no. dwellings with associated works. Refused 15 January 2008
- 3.9 PT07/1876/O, Erection of 14 no. 2 bedroom dwellings with layout, scale and access to be determined. Refused 17 August 2007
- 3.10 PT06/2159/O, Erection of 3 no. dwellings (outline) with siting and means of access to be considered. Approved 29 August 2006

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

Objection. Five bedroom houses are now being built and the work does not comply with the original application. A new application is required and no further work should take place. Requests that the plan is brought to the attention of DC West.

4.2 Other Consultees

Highway Structures

No objection.

Sustainable Transport

Object as third parking space in garage does not have tracking information. Cycle parking requested.

Planning Enforcement

No comments received.

Tree Officer

No comment.

Lead Local Flood Authority

No objection.

Other Representations

4.3 Local Residents

Five letters of objection from three local residents have been received:

- Overdevelopment of the site
- Each property has been enlarged by up to 30%, changing four bedroom homes into large five bedroom homes

- Plot 1 has been moved back and has an overbearing presence on the neighbours
- Plot 1, 2 and 3 have been extended to the rear with extra windows added. The height has been increased and they have been widened.
- Plot 4 has been extended on all elevations
- The developer has a history of this type of behaviour and SGC should take a firm hand and demand they return to the approved plans
- Same as refused on the site years ago
- Variation of condition application should actually be an application for full planning permission
- Cramped development which is out of character
- If the applicants can ignore planning consents then why should everyone in the future not to the same?
- Stop notice should be served
- The Secretary of State should call in the application
- Insufficient parking and would result in reversing into the main road
- Windows overlook neighbours
- There is no longer one metre between each house and its boundary, we understand that this is a requirement of planning permission for at least a metre of clear space. This causes repair issues and fire risk
- Plot 4 has an additional north facing dormer which does not have planning consent
- Plot 1 has a window looking directly into the living room of Chataigne and should be obscure glazed

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of 4no. dwellings within an existing residential curtilage which falls within the urban area in the North Bristol fringe. The application site has a large amount of history including an extant consent for 4no. dwellings (PT15/0320/F). The principle of residential development has therefore been established and considered acceptable.

5.2 Design/ Character

The application relates to a plot of land situated between 'Cranleigh' to the south with no.10 Old Gloucester Road and 'Chataigne' to the north and northeast. The site is bordered to the front (southeast) by Bristol Road and to the northwest by Old Gloucester Road. The site is within a residential area falling within the settlement of Frenchay and the North Bristol urban area. It has been noted during the course of the previous applications that the area does have a semi-rural character in particular to the rear on Old Gloucester Road which marks the boundary between the urban area with open countryside and Green Belt beyond. The locality has a mix of dwellings scales, types and designs however the predominant character is one of detached bungalows or dormer bungalows on spacious plots.

5.3 In terms of plots 1, 2 and 3, the design of the principal elevation is almost identical to those previously approved under PT15/0320/F, although height of the pitched roof feature gable on the front elevations have been increased to match the ridge height of the dwellings, although the dwellings themselves

have not been increased in height. It is also noted that the pitched roof dormer window has been replaced with a flat roof dormer window and this is considered acceptable. The width of each dwelling has also increase by half a metre, however this small increase does not significantly alter the appearance of the dwellings. The main difference is the significant increase in the depth of plots 1, 2 and 3, which has increase from 11.5 metres to approximately 14 metres in depth. This increase has been achieved from a combination of reducing the angle of the roof slope and keeping the eaves at the same height as well as increase the extent to which the feature gable protrudes beyond the principal elevation. Officers consider that the previously approved design with a steeper pitched roof was of a higher quality design, but do not consider this design to be of poor quality and therefore cannot object on the basis that the previous design was preferable unless harm can be identified.

- 5.4 The Parish Council and local residents have commented to state that the plot is overdeveloped, however as there is a mix of plot size in the area, the development is not considered to be out of character. Of particular note is the two modern dwellings immediately to the north on Old Gloucester Road, which are sited within smaller plots than the proposed. Comments have also been received stating that larger houses were refused at appeal under PT14/0193/F, however it was only the siting, layout and scale of the dwelling on plot 4 that was under contention and formed the basis for the refusal reason which was upheld at the appeal stage. The Inspector did not object to plots 1, 2 and 3.
- 5.5 Whilst there had been no specific concerns in relation to the actual design and detailing of the dwelling on plot 4 in the previous appeal, the Inspector did consider that the height, scale and proximity of the dwelling would be unduly prominent in the street scene and would be out of odds with the prevailing pattern of development in the locality. This assessment is as follows:

“Old Gloucester Road marks the edge of the built-up area. Residential development is concentrated to the east of the road and there are views out towards open countryside and the M32 motorway to the west. I noted that dwellings are set back from the road behind front driveways and gardens, with mature hedging helping to soften the appearance of the buildings. The overall character is one of an attractive leafy semi-rural environment.

Given the mix of architectural styles in the area I do not consider that the design of the dwelling on Plot 4 would appear out of context. However, the property would be located much closer to the road than the majority of other buildings within Old Gloucester Road. There would be scope for planting along the roadside boundary but this would not adequately mitigate for the height and mass of the dwelling, the gable of which would appear unduly prominent in views along the road. Even allowing for the reduction in ground levels being proposed, the proximity of the development to the road would be detrimental to the street scene and at odds with the prevailing pattern of development in the locality.”

- 5.6 In order to address the Inspector’s comments within the revised plans the scale and height of the dwelling on plot 4 was reduced under PT15/0320/F and the dwelling was set further back from the highway by 6.3 metres, rather than the 2

metres that the Inspector considered to be unacceptable. This application to vary the plans shows plot 4 moved back to approximately 4 metres from the highway, which is in between the previously approved and refused distances. This gable end has already been erected in this position on site, and officers consider that it fits into the existing building line well and would not dominate the street scene when looking north up Old Gloucester Road. Furthermore, plot 4 has a reduced ridge height compared to the previously refused and previously approved design, and does not exceed the height of the bungalows to the north (no. 10 and no. 12 Old Gloucester Road.)

- 5.7 As the dwellings applied for have been partially built and externally appear to be substantially complete, it is not considered necessary to condition materials as these can be seen on site and are considered to be of a high quality. A landscaping scheme has been submitted, however a further condition is required to ensure that the proposed planting and times of planting are secured and can be enforced. Subject to this condition it is considered that the development would meet the policy aims of saved policy L1 and policies CS1 and CS9.

5.8 Highway Safety

Amendments have been sought during the course of the application to move the access to plot 1, to provide additional hardstanding to allow turning space and to provide cycle parking. The dwellings are now five-bedroom dwellings rather than the previously approved four, although it is noted that the fifth bedroom in each property is less than the National Space Standards for a single bedroom at 7 square metres, and it is therefore unlikely to be used as a bedroom. Plot 4 has ample space for three vehicles, and plots 1, 2 and 3 show two off-street parking spaces plus a third space in the garage. Whilst the garage space is slightly short of the standards at 5.75 metres in depth, the provision of cycle parking in the rear gardens reduces the amount of storage required within the garage, and officers therefore consider it to represent a parking space in this instance. Tracking information was requested during the course of the application to demonstrate that vehicles could turn within the site even when all other spaces were occupied, and this was received for all parking spaces except the garages, and it is assumed that this information was not forthcoming as it is not possible within the site. Whilst this weighs against the proposal, officers do not consider the impact on highway safety to be severe as is required by paragraph 32 of the NPPF to justify a refusal on transportation grounds.

5.9 Residential Amenity

Residential amenity should be considered both in terms of the impact on the surrounding neighbours, as well as the impact on future occupiers of the application site.

- 5.10 It is considered that the outlook afforded to the occupiers of no.10 would not substantially alter due to the single storey nature of no.10 and the existence of the existing boundary treatment. It is acknowledged that the revised proposal would bring the dwelling very slightly closer to the boundary of no.10 and that the development would be visible from the garden area and at an angle from the windows. It is also noted that no. 10 has a very modest curtilage area and

as such the quality of the outdoor space is already compromised. It is however considered on balance that sufficient separation would remain and, given that the gable closest to the boundary is of a lower height, it is not considered that it would appear significantly overbearing or oppressive such that a refusal could be warranted on these grounds. Turning to overlooking, a new dormer window is proposed on the northern elevation facing towards no. 10, however this will primarily overlook the front garden of the property and intervisibility between facing windows at no. 10 will be limited, due to their single storey height and outlook facing directly onto an existing fence.

- 5.11 Additional concerns have been raised by the occupiers of Chataigne on grounds of the impact of the development on their amenity. It is considered that the greatest impact to Chataigne would be from plots 1, which is separated by a distance of 5 metres and has an increased depth. The additional part of the dwelling which protrudes beyond the rear elevation of Chataigne slopes from approximately 6 metres in height down to an eaves height of four metres and given the size of the curtilage at Chataigne the increase overshadowing that this will cause will not be detrimental to their residential amenity. The facing windows at Chataigne are high level secondary windows to rooms which are served by larger windows and so officers do not consider that the proposal will harm the outlook or overshadow the living space.
- 5.12 It is noted that the dwelling on plot 4 would be visible from Chataigne but a sufficient level of separation would remain in order to ensure that it would not appear overbearing, would not prejudice outlook and would not affect light entering the property. An obscure glazed window is proposed in the southeast elevation facing plot 1 and Chataigne as per the previous proposal. No objection had previously been raised to this and as such the assessment remains the same. A condition is recommended to ensure that no additional windows are installed in this elevation and that the proposed windows is obscure glazed.
- 5.13 It is considered that the impact of the development on the occupiers of Cranleigh would not be materially different to the impact of the previously approved development, as whilst the depth of plot 3 has increased it does not extend beyond the rear elevation of Cranleigh.
- 5.14 In terms of the living standards of future occupiers it is noted that the dwelling on plot 4 would be closer to the rear elevations on plots 1 and 2 at a distance of approximately 9 metres. As previously mentioned, the facing window is obscure glazed and therefore will not overlook the rear garden of plots 1 and 2, and 9 metres is an adequate distance to prevent plot 4 being overbearing. It is considered that the garden areas proposed are of a sufficient scale for the proposed dwellings, with all amenity areas being in excess of 70 square metres. It is therefore considered that the proposed dwellings would offer a satisfactory standard of living for future occupiers.
- 5.15 Conditions
The condition requiring submission of sample materials is no longer applicable as these details were seen on site as the development is retrospective. These are acceptable and therefore this condition will not be re-applied to the decision

notice. All other conditions are applicable, although the wording will be altered to reflect the retrospective nature of the development.

5.16 Other Matters

A number of objection letters referred to a breach of the minimum distance required by planning in between dwellings, cited to be at least one metre. Officers are not aware of such a requirement, and distances between dwellings are assessed on a case by case basis.

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 following conditions:

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. Within three months of the decision date, a scheme of landscaping, which shall include full details of the proposed planting (including plant species, size and location), shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. The landscaping shall be carried out in the first planting season following the first occupation of any one of the dwellinghouses hereby approved at the very latest.

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; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

2. Any trees or plants shown on the approved landscaping scheme subject to condition 5 which die, are removed, are damaged or become diseased within 5 years of the completion of the approved landscaping scheme to which they relate, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost.

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; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

3. The dwellinghouses shall not be occupied until the relevant means of access and parking provision has been constructed in accordance with the approved proposed site layout plan ref. 15.002 - 200 Rev H received by the Local Planning Authority on 11th August 2017. The parking spaces, including the spaces within the garages of plots 1, 2 and 3, shall be thereafter maintained for parking purposes.

Reason

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

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

Reason

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

5. Prior to the first occupation the first floor windows in the northeastern side elevation of plot 1, the southwestern side elevation of plot 3, and the southeastern side elevation of plot 4 shall be obscure glazed to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed. The windows shall be retained as such thereafter.

Reason

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

6. Prior to the commencement of any further development on site, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no windows, dormer windows or rooflights [other than those

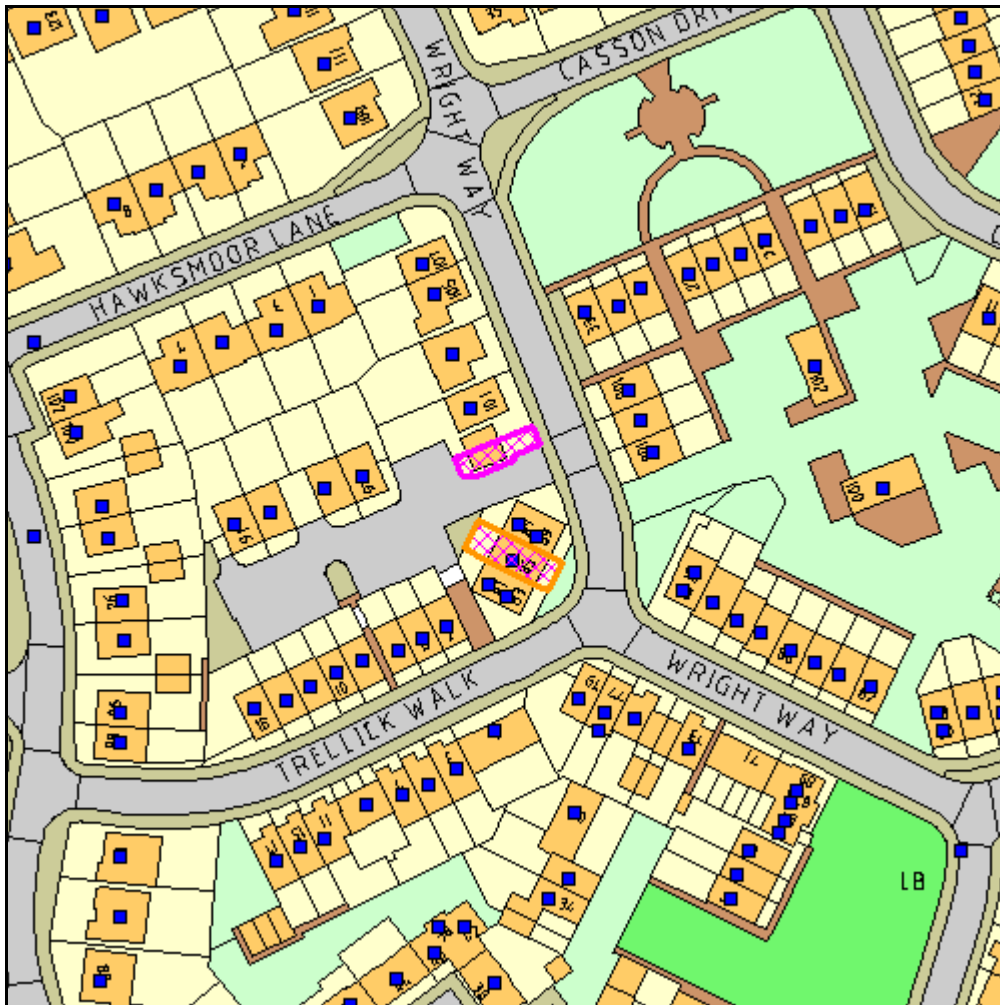
expressly authorised by this permission] shall be constructed or installed in the northeast or southeast elevations of plot 4.

Reason

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

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/1757/F	Applicant:	Mr Bill and Chris Park and GrovesGroves Park Ltd
Site:	85 Wright Way Stoke Gifford Bristol South Gloucestershire BS16 1WE	Date Reg:	8th May 2017
Proposal:	Change of use from dwelling (Class C3) to 8no. bedroomed HMO (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works	Parish:	Stoke Gifford Parish Council
Map Ref:	362156 177578	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	8th June 2017



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N.T.S.

PT17/1757/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments of objection have been received; the recommendation is for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of 85 Wright Way *from* use as a dwellinghouse (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987) *to* a House in Multiple Occupation (“HMO”) with 8 bedrooms. Use in this manner would not fall into one of the Classes listed in the Use Classes Order and would therefore be classified as ‘Sui Generis’. There is no permitted development right for the proposed change of use and a planning application is required.
- 1.2 The application site is a mid-terraced, 3-storey, townhouse. It forms part of a small terrace which act as a visual terminus to the junction of Wright Way and Trellick Walk. There is a significant rise in land levels between the junction and the parking court to the rear of the application site and the pedestrian link to the southwest includes a set of stairs. At the rear of the property there is a small garden. This has the effect of being sunken due to the retaining wall to the northwest. The property was built in the early 2000s as part of the Stoke Park development. Stoke Park is a high-density housing development on a former hospital site. It is adjacent to the main Frenchay campus of UWE. The application site is located within the existing urban area of the North Fringe of Bristol.
- 1.3 In order to facilitate the change of use, the existing 4 bedrooms on the first and second floor would each be subdivided into 2 bedrooms resulting in 4 bedrooms per floor. For the bedrooms on the second floor, rooflights would be installed to provide a window to the newly created bedrooms where an existing aperture is not present.

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
CS17	Housing Diversity
CS25	Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7	Cycle Parking
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T12 Transportation
H5 Houses in Multiple Occupation

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

PSP11 Transport Impact Management

PSP16 Parking Standards

PSP39 Houses in Multiple Occupation

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 P99/1472 Approval of Reserved Matters 04/11/1999
Erection of 148 dwellings and associated garages and parking (approval of reserved matters)

3.2 P97/2145 Approval of Outline 03/03/1999
Demolition of hospital buildings and redevelopment of the site for housing (outline)

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council
Objection: overdevelopment; reconsultation required; concern over access to cycle storage; consider calling application to sites/committee

4.2 Archaeology Officer
No comment

4.3 Conservation Officer
No comment

4.4 Transport Officer
No objection: proposed bicycle store is undesirable but has not been considered harmful in other situations by Planning Inspectors; use of garage for cycle parking would not be acceptable due to loss of parking provision.

Other Representations

4.5 Local Residents
11 comments of objection have been received from local residents which raise the following points:

- concern over fire regulations and the single staircase
- concern over land ownership
- consultation cards late arriving; residents not consulted
- garage should not be considered a parking space
- impact on demographics of area

- issues over property management
- issues over waste; lack of bin storage
- local parking issues; parking survey does not consider private parking courtyards/parking on private drives; undertaken outside university peak term time; parking survey questioned
- loss of privacy
- no access to rear garden
- owners of the property do not live nearby
- prevent access by emergency services
- property could be occupied by more than 8 people
- prospect of anti-social behaviour and increased noise
- site visit should be conducted
- students do not pay council tax
- too many HMOs are in the area
- Wright Way is not subject to parking scheme

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for the change of use of a house in Stoke Park to a HMO.
- 5.2 **Principle of Development**
Policy H5 of the Local Plan specifically addresses HMOs and is therefore the starting point for determining this application. This policy is supportive of HMOs subject to an assessment of the impact on the character of the area, residential amenity, and off-street parking.
- 5.3 As part of the forthcoming Policies, Sites and Places Plan this policy is due to be replaced by PSP39. In addition to the criteria listed in H5, this policy would also require an assessment of waste storage and servicing. This policy holds some weight as it has been subject to Examination in Public but has not been adopted by the local planning authority.
- 5.4 Parking provision should be assessed against policy T12 (with regard to highway safety) and the Residential Parking Standard SPD (with regard to the number of spaces provided). In addition to the above, consideration must also be given to the provision of adequate bicycle storage to encourage sustainable and non-car based modes of transport.
- 5.5 **Residential Amenity and Impact on Locality**
Policy H5 indicates that proposals should consider the character of the area and the amenities of nearby occupiers. Proposals should also demonstrate that occupiers have access to adequate amenity space.
- 5.6 The site is a relatively dense residential estate in close proximity to a number of large employers and institutions. The occupation of properties within the estate as a small HMO (Class C4) is lawful as permitted development. The difficulty comes in determining the level of harm that comes from a change of use to a larger HMO (Sui Generis).

- 5.7 Externally, changes are limited to the installation of rooflights, the installation of a staircase in the rear garden, and the erection of a cycle store. These items in their own right will not have a significant impact on the design or appearance of the building or the amenities of nearby occupiers. The proposed new rooflights could, should the property remain as a dwelling, be installed as permitted development and therefore the introduction of rooflights is not considered to have a significant impact on amenity or privacy. The amenity space offered to the building is small – and would be made smaller once the cycle shed is erected. However, this is a dense residential development and there is no opportunity for additional private amenity space to be provided.
- 5.8 Access is available from the housing estate into Stoke Park parkland to the south. While this is not private amenity space, it does provide for outdoor recreation and leisure. In determining this application, the context of the wider housing estate and its density should not be forgotten and must form the backdrop of any assessment. HMOs are likely to have different requirements for amenity space to family occupied homes and the minimum private amenity space standards contained in policy PSP43 should not be read as an absolute. PSP43 states that in locations where the standards cannot be met, it should be demonstrated that suitable alternatives exist. The high density land use prevents the formation of larger gardens. The proximity of public open space that provides for a variety of functions helps to mitigate against the low level of on-site provision. On balance, it is considered that there is sufficient amenity space (either private or public) in the area to serve the needs of the occupiers.
- 5.9 Whilst it is recognised that a HMO may generate higher levels of noise than a property in use as a single dwelling – and that this is raised as a concern in the public consultation responses – excessive noise would be a nuisance under environmental protection legislation. As such, it is not considered that this matter can be a constraint in determining planning permission. It would not be a fair generalisation to state that HMOs contribute to anti-social behaviour (including noise disturbance) and therefore this is not given weight in the determination of this application.
- 5.10 Local residents have raised concern over the impact the proliferation of HMOs is having on the demographics of the area. H5 discusses the impact on the character of the area, however, it is difficult to assert a tangible harm on character from the change of use which would, essentially, remain residential. Furthermore, on recent appeal decisions for similar development where the local planning authority has argued that development would impact on the character of the area, the authority's position has not been upheld by the Planning Inspectorate.
- 5.11 Overall and on balance of the factors discussed above, it is considered that the site would be able to be occupied as a Larger HMO without prejudicial harm to the residential amenities of nearby occupiers or a significant impact on the character of the area.
- 5.12 Transport and Parking
Policy H5 states that an 'acceptable' level of off-street parking should be provided. The council has produced the Residential Parking Standard SPD to

provide greater detail on expected parking provision. The SPD requires residential properties with 5 or more bedrooms to provide a minimum of 3 off-street parking spaces; however, there is no particular policy or guidance with regard to HMOs as the SPD states that each would be assessed on its own merits. When policy PSP16 is adopted, HMOs will be required to provide 0.5 parking spaces per bedroom. This policy is yet to be adopted, although it has been subject to examination, and therefore does not hold full weight at this stage. The policy also would allow for evidence to be submitted to demonstrate that lower levels of parking provision should be accepted based on the individual circumstances of the case.

- 5.13 Taking the 0.5 spaces as a guide as to the level of parking that should be provided, this would lead to a requirement of 4 parking spaces. At present, the development provides 2 parking spaces: one off-street space and one within the garage. Therefore, the proposal is 2 spaces short of being fully policy compliant. A parking survey has been submitted to provide evidence of on-street parking in the vicinity. It is noted by residents that the survey has only been undertaken between 1600 and 1900 on a Sunday, Tuesday, Thursday and Saturday in May. The survey is therefore limited in nature. However, it does indicate that there is on-street parking such as to limit the impact of this development. Given the proximity of the site to major employers in the north fringe, the university, the cycle track network, and the MetroBus, it is hoped that sustainable travel patterns are more likely to be adopted in a location such as this and this, in turn, may reduce parking demand. Overall, the level of parking provision is considered acceptable and would not lead to a severe impact on highway safety from additional on-street parking.
- 5.14 Located in the sunken rear garden, the location of the cycle store is undesirable. Residents would either need to carry their bicycles through the house or up a flight of steps each time they wish to use the bike. However, in a recent appeal elsewhere the Inspector did not raise concern over a similar situation where access to bicycle parking was only possible by using a flight of stairs. The lightweight nature of the structure would help to prevent it from being too overbearing. The cycle parking, on balance, is therefore considered acceptable.
- 5.15 It is noted from the comments of residents that there is concern that the piece of land to the rear of the property onto which the rear stair shall access is not in the ownership/control of the applicant. The application form and the red edge of the planning application would indicate that the applicant considers that they do own/control the land. Should it be found that they do not, it would be a civil matter between land owners. Planning permission does not grant a right of access or entry over or on land. Confirmation of this will be attached to the decision notice.
- 5.16 Other Matters
A number of matters raised from consultation responses have not been fully addressed above; these will be considered here for clarity.
- 5.17 A HMO must comply with other statutory requirements, such as private sector housing licencing and building regulations (if applicable). These factors

consider safety and therefore it does not need to form part of the consideration of this planning application.

- 5.18 It is noted that there has been some delay in the consultation process; officers are, however, satisfied that the correct procedure has now been completed and that interested parties have been given appropriate time to comment on the proposal.
- 5.19 Issues over waste collection and property management are matters for the landlord/property owner. The site is subject to kerbside waste collection by the local authority; it is beyond the scope of this application to police the management and disposal of waste on the site.
- 5.20 While the clustering of HMOs in the area is noted, the policy does not seek to define a limit above which a greater proportion of HMOs would be harmful to the demographics or amenity of the area. Furthermore, it should not be assumed that all HMOs are sources of anti-social behaviour or lead to increased levels of noise. The HMO is not expressly to be occupied by students in planning terms; whether or not a property pays council tax is not a planning consideration.
- 5.21 Unlawful parking, whether in on the highway or to block emergency services is a matter to be enforced by the police. Unauthorised parking in private parking courtyards is a civil matter.
- 5.22 Conditions would be used to limit the number of bedrooms in the property; planning conditions cannot be used to successfully limit the number of occupants.
- 5.23 It is confirmed that the site was visited by the case officer.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 It is recommended that planning permission is GRANTED subject to the conditions listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The Large House in Multiple Occupation (Sui Generis) hereby permitted shall provide no more than 8 bedrooms at any time.

Reason

The proposal has been assessed on the circumstances of the case and a greater level of occupation would require further assessment in order to accord with Policy CS1, CS8, CS17, and CS25 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and Policy T7, T12 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework.

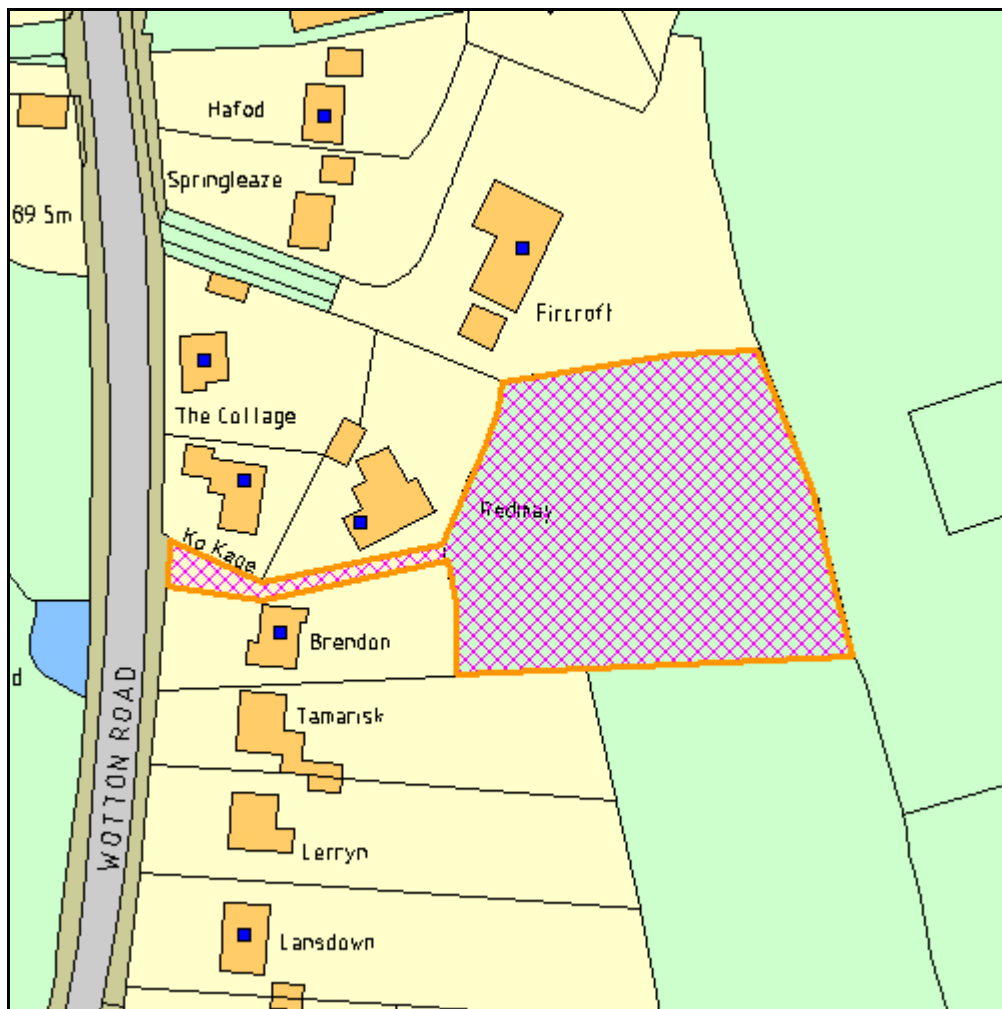
3. The cycle parking facilities, for 8 bikes, as shown in principle on plan '85 Wright Way Revised Bike Rack Details/Wall Dock Shelter' shall be provided before the building is first occupied as a Larger House in Multiple Occupation (Sui Generis), and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/1761/O	Applicant:	Mr K Livall
Site:	Redmay Wotton Road Rangeworthy South Gloucestershire BS37 7LZ	Date Reg:	15th May 2017
Proposal:	Erection of 5no. detached bugalows (Outline) with access and layout to be determined. All other matters reserved.	Parish:	Rangeworthy Parish Council
Map Ref:	369190 185659	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	21st June 2017



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 100023410, 2008. **N.T.S.** **PT17/1761/O**

REASON FOR APPEARING ON CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure due to the requirement for the applicant to enter into a S106 legal agreement with the Local Planning Authority.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 5 no. detached bungalows with access and layout to be determined on land adjacent to Redmay, Wotton Road near Rangeworthy. All other matters are reserved.
- 1.2 The site is outside of any established settlement boundary and is considered to be within the open countryside, although it is not within the Bristol/Bath Green Belt.
- 1.3 The applicant submitted amendments to the scheme on 21st July and 26th July 2017 to address comments from the Transport officer and the Tree officer, however a public consultation was not required.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L9 Species Protection
T7 Cycle Parking
T12 Transportation
H3 Residential Development in the Countryside

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

PSP1 Local Distinctiveness
PSP2 Landscape
PSP3 Trees and Woodland

PSP8 Residential Amenity
PSP16 Parking Standards
PSP17 Wider Biodiversity
PSP40 Residential Development in the Countryside
PSP43 Private Amenity Standards

- 2.3 Supplementary Planning Guidance
Design Checklist (Adopted) August 2007
Residential Parking Standard (Adopted) December 2013
Affordable Housing and Extra Care Housing (Adopted) May 2014
Waste Collection Guidance for New Development (Adopted) January 2015
CIL Charging Schedule and the CIL and S106 SPD (Adopted) March 2015

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent or relevant planning history at the site.

4. CONSULTATION RESPONSES

- 4.1 Rangeworthy Parish Council
No objection.

The settlement boundary cuts diagonally across this site and is under review within the current consultation of the South Gloucestershire Local Plan. This application meets with the aspirations of the Parish Council and addresses the identified needs of Parishioners during the PSP Consultations, ie bungalow type, downsizing properties for residents who wish to remain in the village with all of the benefits of retaining a supportive social network. There are no archaeological constraints to the principle of development and no specific heritage objections.

The site appears to be used as a back garden to an existing residential property and is visible from the road. The substantial hedge to the rear is important in containing the site. Recent development on the site has increased the urban character of the site frontage. Any infill of the rear garden would need to be low density to allow retention of the eastern boundary hedge as a substantial feature with a view through from the main road. Access would be taken from the existing access leading onto Wotton Road, which subject to being constructed to a suitable standard, is considered suitable to take additional movements. Sewerage there are existing issues of groundwater infiltration when the water table rises but work is currently taking place to deal with this. There is also the potential issue of additional pressure on the sewerage system.

To summarise, this application meets with the aspirations of the Parish Council, however there is concern that if the applicant does not intend to develop this site, if permission was granted and the site was sold to a builder, the purchaser could re-apply for large, executive type houses which is not what the village or Parish Council require.

4.2 Other Consultees

Lead Local Flood Authority
No objection subject to SUDS.

Sustainable Transport
Bin collection point and correction to error on visibility splays is requested.

Ecology Officer
No objection subject to conditions.

Children and Young People
No comment.

Community Services
No comment.

Public Open Space
No comments.

Housing Enabling
1 no. three bedroom bungalow to be made available for share ownership.

Police Community Safety
No comment.

Environmental Protection
Informative recommended regarding construction sites.

Tree Officer
Other arboricultural information can come forward at reserved matters stage.

Other Representations

4.3 Local Residents
- No comments received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development
This application proposes 5 no. detached bungalows within the application site, which is outside of the settlement boundary of Rangeworthy. Policies CS5 and CS34 of the South Gloucestershire Core Strategy state that new build housing should be limited to urban areas and established settlement boundaries. In that regard, this proposal is contrary to the adopted development plan as it proposes new dwellings outside of any established settlement boundaries shown on the Proposals Map and is located within the open countryside.

5.2 *Five Year Housing Land Supply*
Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable

development. The paragraph goes on to suggest that if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites then their relevant policies for the supply of housing should not be considered up-to-date. The Authority's Monitoring Report 2016 demonstrates that the Council cannot demonstrate a five year housing land supply, meaning paragraph 49 of the NPPF is engaged. With reference to the NPPF advice policies CS5 and CS34 of the adopted Core Strategy and policy H3 of the Local Plan are therefore considered not to be up-to-date, as they do relate to the supply of housing. Paragraph 14 of the NPPF states a presumption in favour of sustainable development, and states that proposal that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, or where specific policies in the NPPF indicate that development should be restricted.

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

5.4 *Sustainable Development*

The planning system aims to achieve sustainable development. The counter position to this is that the planning system should resist development that is unsustainable in nature. For planning there are three strands to sustainable development - economic, social, and environmental. The site is situated outside of the settlement boundary of Rangeworthy, however it is very close to the settlement boundary and is well related to the village. Paragraph 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and that isolated new homes in the countryside should be avoided. As the site is well related to the existing settlement, and an appropriate scale to maintain the existing facilities within the village without overwhelming them, the Local Planning Authority would consider it to represent sustainable development from a social, environmental or economic perspective, and therefore the presumption in favour of sustainable development in paragraph 14 of the NPPF is applicable to this site.

5.5 *Loss of Agricultural Land*

The land has not been used for agricultural purposes for approximately 20 years according to the applicant, and the land is identified as grade 4 agricultural land which is relatively low quality. There is no objection to redevelopment of the site.

5.6 Design and Visual Amenity

This application is for outline planning permission so only information regarding access and layout has been submitted. The layout shows an acceptable density and form of development, consisting of detached dwellings with good sized gardens, which is in keeping with the surrounding development. Whilst a detailed design is not to be determined at this stage, the Design and Access statement and Application Form indicate that the proposal is for 5 no. three bedroom bungalows with a ridge height of no more than 6.1 metres and an eaves height of no. more than 3.6 metres. The applicant intends that the properties are finished in render and/or brick elevations with brown clay tiles to be in keeping with the surrounding properties. Subject to the details to be agreed at reserved matters stage, the development is considered acceptable in terms of policy CS1 of the Core Strategy.

5.7 Vegetation and Ecology

The majority of the site is regularly mown improved grassland of low ecological value. The hedgerow and trees provide the greatest ecological interest and these are to be retained within the development. An arboricultural survey has been submitted which indicates that there is no objection in principle to the layout of the site, subject to a tree and hedgerow impact assessment, protection plan and method statement being submitted at reserved matters stage. The Council's ecology officer has also requested that a lighting scheme is agreed prior to first occupation to ensure that light levels are kept to a minimum to prevent unnecessary harm to wildlife in the vicinity.

5.9 Residential Amenity

Amenity must be considered both in the context of the surrounding occupiers and the amenities of the future users of the proposed dwellings. From the layout submitted, it is likely that adequate lighting to the dwellings proposed will be provided by installing openings to the north and south elevations only. Given the single storey height of the dwellings proposed, and the hedgerows surrounding the site which are to be retained, it is unlikely that there will be any significant overlooking. Plot no. 5 is likely to have south facing windows towards the adjacent garden, however at approximately 10 metres from the boundary this is unlikely to be detrimental to their amenity, and it is a similar situation with the northern facing windows of plots 1 and 2. Each dwelling has been provided with adequate private amenity space, and so there is no objection from a residential amenity perspective.

5.10 Environmental Issues

The application site is at a low risk of flooding and the Lead Local Flood Authority has no objection to the development, subject to a condition ensuring that a Sustainable Urban Drainage System is agreed prior to commencement.

5.11 Highway Safety and Parking

The site is accessed from an existing access with Wotton Road, that affords visibility in accordance with standard, the entrance is in the region of 9m wide at its junction with Wotton Road, narrowing to a pinch point of 4m before widening out again to 5m. There is sufficient space at the entrance for two vehicles to pass each other prior to the pinch point so this arrangement is considered satisfactory and unlikely to generate any transportation safety

issues. A condition is required to ensure that first 13m of the access to be constructed in a permeable bound surface prior to first occupation of the proposed dwellings, details to be submitted for approval. Amendments have been received to demonstrate that visibility can be achieved and also to show a bin collection point closer to the main highway.

5.12 Each dwelling has been provided with 2 no. off-street parking spaces and adequate turning space to access and egress the site in a forward gear. The development is acceptable in transportation terms.

5.13 Housing Enabling

Based on Policy CS18 of the Core Strategy the council will seek to secure 35% on site affordable housing as the rural affordable housing threshold is triggered by this proposal i.e. 5 or more dwellings or land measuring 0.20 hectares. The site under consideration here is 0.30 hectares. As only one affordable unit is triggered in this instance, officers require 1 no. three bedroom dwelling to be made available as intermediate housing (for shared ownership). The applicant has agreed to provide this and so, subject to the Section 106 agreement being sought to secure the affordable unit, the development is in accordance with policy CS18 of the Core Strategy.

5.14 Planning Balance

No significant and demonstrable harm has been identified, and therefore the presumption in favour of sustainable development prevails and it is recommended that the outline planning permission is approved, subject to conditions.

6. CONCLUSION

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

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

6.3 The recommendation to grant permission subject to the applicant first voluntarily entering into an obligation under section 106 of the Town and Country Planning Act 1990 has been taken having due regard to the provisions of the Community Infrastructure Levy Regulations 2010 (as amended). Under regulation 122, a planning obligation must be: necessary to make the development acceptable in planning terms; directly related to the development; and, fairly and reasonably related in scale and kind to the development.

6.4 In order to secure affordable housing in perpetuity a legal agreement must be entered into; this agreement is therefore necessary, directly related to the development, fair and reasonable.

7. RECOMMENDATION

7.1 It is recommended that the authority be delegated to the Director of Environment and Community Services to grant planning permission subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

(i) *Affordable Housing*

The provision of 35% on-site affordable housing in the form of:

- 1 no. 3 bed house (shared ownership)

Reason

To secure affordable housing and to comply with policy CS6 and CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

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

7.3 It is recommended that should the Agreement not be completed within 6 months of the date of the resolution to grant planning permission (obtained through the Circulated Schedule process), the application shall:

- (i) be returned to the Circulated Schedule for further consideration; or,
- (ii) that delegated authority be given to the Director or Environment and Community Services to refuse the application.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

1. Approval of the details of the scale and appearance of the building(s), and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the scale and appearance of any buildings to be erected, and the landscaping of the site, including an Arboricultural Impact Assessment, Arboricultural Method Statement and Tree and Hedgerow Protection Plan, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority, and in order to accord with policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 and CS9 of the

South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. 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 written approval. Development shall then commence in accordance with the agreed details.

Reason

To prevent flooding and risk of pollution and to comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012. This information is required prior to commencement to prevent remedial works later on.

6. Prior to first occupation of any of the dwellings hereby approved, the first 13 metres of the access shall be constructed of a permeable bound surface and the parking spaces and bin collection area shown on the plans shall be implemented, and maintained as such thereafter.

Reason

To prevent materials being dragged onto the public highway and to ensure there is adequate parking and bin storage, in accordance with policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, the Residential Parking Standards SPD and the National Planning Policy Framework.

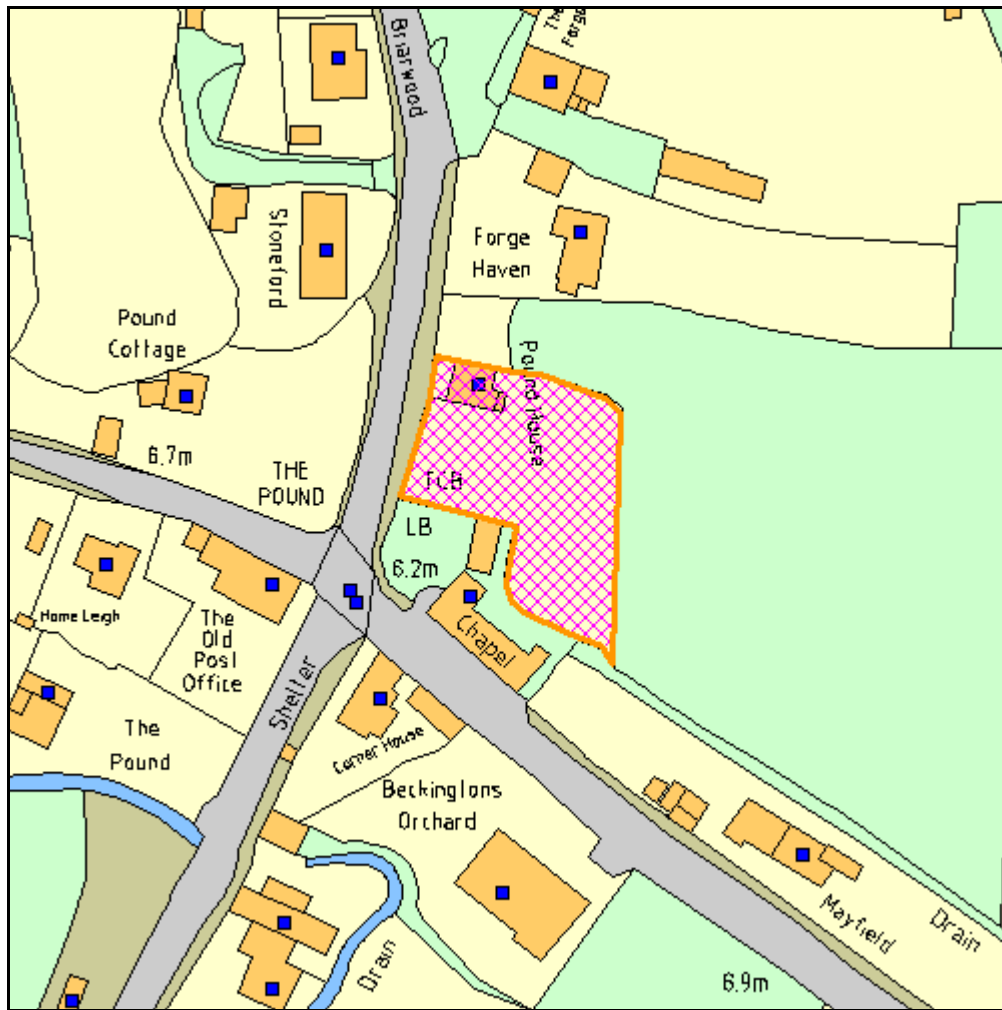
7. Prior to first occupation of any of the dwellings hereby approved, a lighting scheme for any external lights must be submitted to the local planning authority for approval in writing. The lighting plan must aim to maintain light levels lower than 1 lux along the hedgerows and trees.

Reason

To prevent harm to wildlife in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/1904/F	Applicant:	Aidan Crawley
Site:	Pound House Camp Road Oldbury On Severn Bristol South Gloucestershire BS35 1PR	Date Reg:	26th June 2017
Proposal:	Erection of two storey rear and single storey side extension to form additional living accommodation	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	360979 192570	Ward:	Severn
Application Category:	Householder	Target Date:	17th August 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a double storey rear and single storey side extension to form additional living accommodation.
- 1.2 The application relates to Pound House, a modest detached locally listed property situated on the east side of Camp Road. Half the site, including the house, is located within the settlement boundary of Oldbury-On-Severn but the majority of the rear is within the open countryside. The site also falls within Flood Zones 2 and 3, and a public right of way runs adjacent the north elevation.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (the Framework) March 2012

2.2 Development Plans

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

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS9 Managing Environment and Heritage

CS34 Rural Areas

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

H4 Residential Development within Existing Residential Curtilages

T12 Transportation

L11 Archaeology

L15 Locally Listed Buildings

EP2 Flood Risk and Development

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

PSP17 Heritage Assets and the Historic Environment

PSP20 Flood Risk, Surface Water and Watercourse Management

PSP38 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Local List SPD (Adopted) 2008

Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PRE17/0110
Extension to property
23.03.2017
- 3.2 P96/1892
Use of land for exercising of horses. Construction of all weather riding surface.
– approved.
07.08.1996
- 3.3 P95/1386
Change of part of barn to form stables. Use of land for keeping of horses. –
withdrawn.
14.06.1995
- 3.4 P94/2428
Use of land for erection of stable block and grazing of horses. – withdrawn.
20.02.1995
- 3.5 N3453
Erection of flagpole (22 feet). – approved with conditions.
05.05.1977

4. CONSULTATION RESPONSES

4.1 Oldbury-On-Severn Parish Council
No objection

4.2 Other Consultees

Sustainable Transport

No objection

Conservation Officer

Objection:

- harmful form, scale and massing
- prominent in views

Archaeology Officer

No objection subject to condition

Lead Local Flood Authority

No objection

Historic England

No comment

Other Representations

4.3 Local Residents

1 no. letter of support has been received from a local resident. The comment is summarised as follows:

- in keeping with the area character and appearance
- no harm to residential amenity

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. The main issues are the effect of the proposal upon:

- the character and appearance of the locally listed host and the surrounding area (CS1; CS9; L15);
- archaeology and the setting of Oldbury Camp (CS9; L11);
- the living conditions of existing and future occupiers and neighbours (H4); and
- highway safety (T12; Residential Parking Standards SPD).

5.2 Character and Appearance

Whilst not the tallest or most dominant building in the locality, the host building does have a distinctive character and appearance arising from the combination of its modesty, materials and simple detailing. This is reflected in its local listing. In the vicinity of the site views of the front and sides are prominent in the approaches from the north and south along Camp Road, but even more so from the public right of way immediately to the north. The northern boundary adjoining the footpath is formed of low fencing which allows views through the site to the rear elevation. There is a wide variation in styles and scales of other buildings in the locality.

5.3 In this case, officers do not consider that the effect on the character and appearance stems from the substantial increase in form, bulk and massing alone. There are other much bigger extensions known of in the vicinity. It is the effect on the distinctive character of the host building and in turn its effect on the wider area that is the main issue.

5.4 At present the host building has a distinctive character and appearance derived from its scale, inherent symmetry and predominant use of stone. This has been reduce, but not completely eroded, by the addition of the two-storey outshut across half of the rear elevation and a single storey lean-to covering the rest. The proposal would however change this. It would extend across the whole width of the existing rear elevation, virtually doubling the apparent length of the cottage, and to a height of two storeys. A single storey extension, in the form of a lean-to, to the side elevation would face the garden.

5.5 The proposed development would significantly alter the appearance of the host building by introducing greater mass and form. Rather than integrating or adding interest, this would appear as an incongruous and ungainly protuberance that would dominate and largely subsume the original building.

Despite sensitive materials and detailing, this would be harmful to the character and appearance of the host building and in turn to the significance of this non-designated heritage asset. This would be readily apparent at close quarters from Camp Road, officers note that clear views of it would be available from the footpath, which adjoins the north boundary. Furthermore, its uncharacteristic nature would consequently also be harmful to the character and appearance of the surrounding area. This renders the proposal contrary to policies CS1 and CS9 of the CS and policies H4 and L15 of the LP which are consistent with the content of the Framework in their aims of promoting high quality design, with the protection and enhancement of the built environment also falling under those same dimensions.

5.6 Residential Amenity

Officers are satisfied that, given the position building and relationship of it with surrounding residential properties, proposal would have an acceptable effect on the living conditions of future occupiers and nearby residents.

5.7 Archaeology

While the heritage statement supplied addresses the built heritage, it fails to take into consideration the potential for impact to archaeological remains both directly on the site and to the setting of Oldbury Camp Scheduled Monument, a late prehistoric enclosure.

5.8 The setting of a schedule monument refers principally to how it is experienced with the immediate curtilage and wider landscape. Change to the setting can result in harm to the monument and the significance of this harm needs to be weighed against the benefits. In this case although the proposal lies 25m from the edge of the scheduled area, it will have a very limited impact on the way in which the monument is experienced as the monument is read in this location via the route of Camp Road (which follows the ditch of the enclosure) and the form of the raised banks to either side (upon which the later housing is built). Therefore in my opinion the proposal cannot be said to cause significant harm to the monument through a change in its setting.

5.9 With respect to the impact on buried archaeological remains in the immediate vicinity of the extension it is considered that the footprint to the rear of the property lies within an area already disturbed by previous extension to the building and warrants no mitigation. The extension to the south protrudes into an area that has been subject to fewer disturbances and therefore has a higher likelihood of archaeological remains being impacted by the building's foundations. In these circumstances, a condition requiring a programme of archaeological work would be appropriate.

5.10 Highway Safety

The development would not result in an adverse impact on the area in terms of on-street parking.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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

7. RECOMMENDATION

- 7.1 That the application is REFUSED for the reasons listed below:

Contact Officer: Helen Braine
Tel. No. 01454 863133

1. The proposed development, by reason of its location upon a visually prominent building of local interest, is considered to be an incongruous, subsuming addition to the application building which would harm its character and appearance and that of the surrounding area, contrary to Policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013; saved Policies H4 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/1977/F	Applicant:	Mr James NorthNorth & Letherby
Site:	Manor Farm Shepperdine Road Oldbury On Severn Bristol South Gloucestershire BS35 1RL	Date Reg:	18th May 2017
Proposal:	Conversion and extension of existing barn to form 1no. dwelling with associated works.	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	361664 194692	Ward:	Severn
Application Category:	Minor	Target Date:	13th July 2017



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REASON FOR APPEARING ON THE CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure following consultation comments received which are contrary to the recommendations within this report.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion and extension of an existing barn at Manor Farm, Shepperdine Road, Oldbury on Severn.
- 1.2 The site is located within the open countryside outside of any defined settlement boundary and within Flood Zone 3.
- 1.3 During the course of the application, amendments were received to show a small refuge area in the roof space of the barn and to provide an assessment of the potential for the building to be used by protected species. A period of re-consultation was carried out with the Environment Agency.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012
National Planning Practice Guidance

2.2 Development Plans

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

L1 Landscape

L9 Species Protection

T12 Transportation Development Control Policy for New Development

EP2 Flood Risk and Development

H3 Residential Development in the Countryside

H10 Conversion and Re-Use of Rural Buildings for Residential Purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Accessibility

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 There is no recent or relevant planning history at the site.

4. **CONSULTATION RESPONSES**

4.1 Oldbury on Severn Parish Council
No objection.

4.2 Other Consultees

Highway Structures
Informatives recommended.

Ecology
No objection subject to conditions.

Lead Local Flood Authority

It is noted that, in accordance with our local flood risk standing advice provided by the Environment Agency (EA), the applicant has provided the required information within their submitted Flood Risk Assessment (FRA) dated March 2017. In terms of surface water disposal we have, No Objection.

Due consideration though is needed in relation to the introduction of 'New Families' into a flood risk area (Zone 3).

Sustainable Transport
No objection.

Archaeology
The site is of archaeological potential – condition recommended.

Environment Agency
Objection.

Other Representations

4.8 Local Residents

Three letters of support have been received from local residents, and one letter of support has been received from a relative of the applicant. The following points have been raised:

Design

- Will blend in nicely with the rest of the farm buildings

Personal Issues

- Applicants are pivotal members of the community and have lived here all their lives
- They farm the land to excellent standards
- To refuse it would mean losing two highly respected members of the community and many have been lost already
- Diminishing numbers lead to loss of country pub and derelict buildings
- Single storey design will aid the health issue of a member of the family
- Applicant wishes to retire to smaller premises

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Although recent changes made to permitted development regulations allow agricultural buildings to be converted to residential without planning permission, in this instance planning permission is required, due in part to the extensions proposed to the building.

Flood Risk

The aim of the National Planning Policy Framework is to reduce the risks of development from flooding. Therefore, development is required to be directed towards areas with the lowest probability of flooding (Flood Zone 1). In addition, where necessary, the exception test can be applied where there are overriding, exceptional circumstances as to why development should not be located in an area with the lowest risk from flooding. In addition, the applicant is required to submit a site-specific flood risk assessment to acceptably demonstrate that the development will be safe for its lifetime from the risks from flooding.

5.2 Sequential Test

The proposal is for the conversion and extension of an existing barn to form a single residential unit. The site is located in Flood Zone 3 and residential development is classified as being 'more vulnerable' within the National Planning Policy Framework (NPPF). The NPPF specifies that a sequential risk based approach should be undertaken with regards to the location of new development to avoid where possible flood risk to people and property. Accordingly, new development should be directed into areas with the lowest probability of flooding (Flood Zone 1); if there are no reasonably available sites in Flood Zone 1, then development should be directed into areas classified as Flood Zone 2. This is known as the Sequential Test. The NPPF advises that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding.

5.3 The NPPF advises that applications for minor development and changes of use should not be subject to the Sequential or Exception Tests. In this instance, it is clear that the proposed conversion of the stable block includes operational development. Building work is proposed to extend the footprint of the building at the front and rear to make the conversion to residential viable. Accordingly, given the building is to be extended in order to facilitate the conversion and the fact that the proposal represents an increase in flood risk, it is considered appropriate to apply the sequential test in this instance.

5.4 Given the amount of land available within Flood Zone 1 within the district, it is considered that the development could be carried out elsewhere. The fact that the applicant already owns this building does not mean that the search area for the sequential test can be limited to just their land, or just the building itself. It is therefore considered that the sequential test is not passed and so it is not necessary to move on to the exception test, however in the interests of clarity, officers will go over the criteria for the exception test below.

5.5 *Exception Test*

The 'Flood risk vulnerability and flood zone compatibility' table in the NPPF Technical Guidance indicates that the Exception Test is required for 'more vulnerable' development such as dwellinghouses in Flood Zone 3a. For the development to be pass the Exception Test it must be demonstrated that:

- It must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a strategic flood risk assessment where one has been prepared; and
- A site specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

5.6 Flood Risk Assessment

The application site falls within Flood Zone 3a of the South Gloucestershire Council Strategic Flood Risk Assessment Level 1, which is an area with a high probability of flooding, where the indicative annual probability of flooding is 1 in 100 years or less from river sources (i.e. it has a 1% or greater chance of flooding in any given year) or 1 in 200 years or less from tidal/coastal sources (i.e. a 0.5% or greater chance in any given year). A Site Specific Flood Risk Assessment has been provided, however it does not demonstrate that users will be safe for the lifetime of the development due to the tiny refuge area, which is not capable of inhabiting for an extended period of time. Furthermore, it is accessed by a ladder and therefore is not accessible to all users of the property. The Environment Agency have objected to the development on these grounds. Alternative refuge arrangements, including the installation of a dormer window to allow a larger space of 800mm by 1200mm by 1800mm have been discussed however the Environment Agency and officers would still maintain their objection and so these amendments (emailed over on 10th August 2017) were not accepted as part of the application, as they would have required a further period of public consultation but did not resolve the issue.

5.7 Sustainability Considerations

It is not considered that the conversion of this building would have any sustainability benefits for the community that would outweigh the risk of flooding. Many consultation comments have stated that the applicants are well respected members of the community who have lived there for many years, and that the community would suffer if they were to leave, however the applicants already live nearby and so the refusal of this application has no correlation to their ability to live in the area. It is important to note that very limited or no weight should be given to how highly respected or popular an applicant is within their community when making planning decisions.

5.8 The proposal fails the Exception Test and is therefore, contrary to guidance contained in the National Planning Policy Framework; policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5.9 Use and Location

The application site is located in the open countryside outside of any defined settlement boundary. The NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as... *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting...and... where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets...*

5.10 This approach is generally reflected by policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and saved policies H3 and H10 of the South Gloucestershire Local Plan (adopted) January 2006. These policies restrict new residential development in rural areas outside of any defined settlement boundary in the interests of sustainability to reduce car travel, and to protect the open countryside for its own sake.

5.11 Policy H10 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the conversion and re-use of existing buildings for residential purposes outside the boundaries of settlements. Development will not however, be permitted unless the following criteria are met:

5.12 All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use

No supporting details have been submitted to demonstrate that all reasonable attempts have been made to secure a suitable business re-use. The proposal therefore, fails this criterion. Notwithstanding this, this criteria is not wholly compliant with the NPPF and therefore the development would not be refused on these grounds.

5.13 The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction

The building appears to be structurally sound and capable of conversion without major or complete reconstruction, and the Local Planning Authority has not reason to consider that this is not the case. In the absence of any evidence to the contrary, the proposal passes this criterion.

5.14 The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design

The building is a modest single storey structure. It comprises simple form and proportions and evenly spaced bays creating a pattern on the elevation facing towards the highway. It is proposed to extend the building to the side, and this extension will appear subservient and follows the existing linear form of the building. It is also proposed to extend to the rear of the building which will not be visible from the public realm, and given the proposed flat roof design and single storey height, officers consider that the development will not compete with the existing building. Officers do have concerns however about the large, bulky porch proposed on the principal elevation of the building. It interrupts the evenly spaced bays along the front of the building which have a strong rural character, and is out of keeping with the form, bulk and overall design of the

existing building. This is contrary to policy H10 of the Local Plan, and policy CS1 and CS34 of the Core Strategy.

5.15 Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside

The extensions proposed are limited in size so do not have a harmful impact on the character of the countryside as a whole, however the domestication of the former barn as highlighted above would have an impact on the rural character of the area. Any further harm could be prevented by the removal of permitted development rights relating to extensions, dormer windows, outbuildings and boundary treatments.

5.16 Residential Amenity

The site occupies a relatively isolated location with no neighbouring properties within close proximity; therefore, it is not considered that the proposal will have a significant adverse effect in terms of residential amenity.

5.17 Ecology

During the course of the application, the applicant submitted a Protected Species Survey and a Bat Roost Survey and Assessment Report by Just Ecology. The barn was found to have low potential for bats, however there was bat activity noted nearby and there was evidence of roosting birds. It is therefore necessary to apply a condition to any approval granted to ensure that details of artificial nest boxes, alternative nesting opportunities for swallows, two bat tubes and three bat boxes are provided within the site, and also any external lighting details are to be agreed in writing. It is also necessary to condition that development proceeds in accordance with the mitigation measures detailed in the ecological appraisals.

5.18 Transportation

Two off-street parking spaces have been shown on the Block Plan which is in accordance with the Residential Parking Standards SPD. The access is suitable and the Transport officer has no objection.

5.19 Archaeology

The Council's Archaeology officer has indicated that the site is in an area of potential archaeological interest, with significant remains recovered from previous invasive work nearby. It is therefore recommended that a watching brief will be required on all groundworks associated with the conversion and extension of the barn including the provision of services, and this can be conditioned on the decision notice in the event the application is approved.

5.20 Other Issues

It has been highlighted by local residents and the agent that the applicants have lived and farmed in the area for a number of years and this would allow them to stay in the area whilst giving their current property to other family members. This is not an application for a personal planning permission and would be creating 1 no. new home in an area of high flood risk which is a separate planning unit from the rest of the farm, and could be sold on to others on the open market. Furthermore this is not an application for an agricultural

workers dwelling, and so the personal circumstances of the applicant have been given limited weight.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

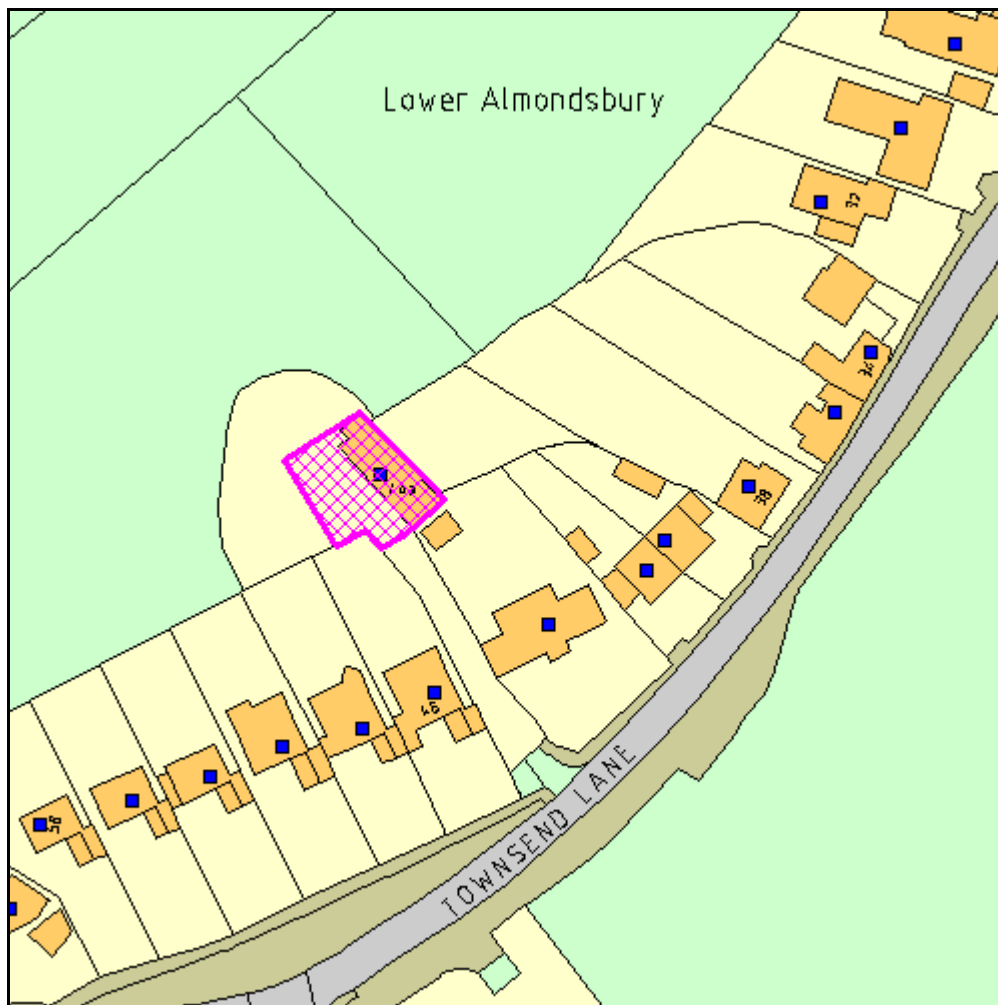
- 7.1 Planning permission is REFUSED for the reasons in the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

1. The Flood Risk Assessment is inadequate to ensure that future occupiers will be safe in the event of flooding which, if approved, would be contrary to the aims of the National Planning Policy Framework (NPPF) 2012, CS9 and CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.
2. **The application, if approved, would introduce a 'more vulnerable' form of development into Flood Zone 3, and therefore fails the Sequential Test and the Exception Test, contrary to the aims of the National Planning Policy Framework (NPPF) 2012, CS9 and CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and Policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.**
3. The design of the proposed conversion and extensions to the barn would, if approved, be out of keeping with the rural character of the building and would appear incongruous due to the siting, form, scale, height, massing, and design of the proposed entrance porch, to the contrary of policy CS1 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013, policy H10 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/2478/F	Applicant:	Mr & Mrs Spooner
Site:	The Stables 44A Townsend Lane Almondsbury South Gloucestershire BS32 4EQ	Date Reg:	11th July 2017
Proposal:	Erection of front porch.	Parish:	Almondsbury Parish Council
Map Ref:	359851 183994	Ward:	Almondsbury
Application Category:	Householder	Target Date:	28th August 2017



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Reason for reporting to Circulated Schedule

The application is submitted to Circulated schedule as one of the applicants works for South Gloucestershire Council but is in a role where they have no influence over planning applications and as such it is not considered that the application need be determined at DC(west Committee). There are also adverse neighbour comments about the site.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a porch measuring 3.2m by 1.8m deep on a residential stable conversion.
- 1.2 The stable itself is located within an established settlement boundary, although the porch would project past this into open countryside and the porch would similarly be within the greenbelt although Almondsbury is a washed over village.
- 1.3 The location and block plans have been amended to reduce the site area to relate more closely to the residential curtilage permitted with the initial stable conversion application.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2016

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

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

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

T12 Transportation Development Control
H4 Development within existing Residential Curtilages
H10 Conversion and Re-use of rural Buildings for residential purposes

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1610/F Change of use from equestrian building to dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PT09/5599/F).
Approved 01.11.2010

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comment received
- 4.2 Other Consultees
Transportation
No objection

Other Representations

- 4.3 Local Residents
Two letters of objection received because whilst they potentially have no objection to the porch extension raise other matters:
-concern that the garden boundary as set out in the previous application is not shown and that the garden boundary appearing to be indicated by the red line on this application could be seen to be extending the domestic curtilage beyond that permitted.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application stands to be assessed against the above listed policies and all material considerations. Of particular relevance is the scale of development in the Green belt (CS5 and NPPF), the resulting appearance and impact on the character of the area and to the stable (CS1 and H10); the impact on residential amenity (H4 and PSP8 and PSP43) and impact on highway safety and parking (T12, CS8 and SPD: Residential Parking Standards and PSP16).
- 5.2 The proposal is considered to accord with the principle of development and this is discussed in more detail below.
- 5.3 Green Belt
The site is located in the Green Belt. Paragraph 89 of the NPPF permits extension or alteration to buildings provided that it does not result in disproportionate extensions over and above the size of the original building. The Green Belt SPD suggests that this should be limited to between 30% and 50% and that the appearance of the proposal with regard to its scale and proportion will influence how the form of the proposal is read in relation to disproportionality. In this case the porch is so small an extension that it has negligible impact on the volume of the building (circa 5%) that it does not detract from the openness or the purposes of the Green Belt. The proposal is

therefore considered to add proportionate extension and accords with paragraph 89 of the NPPF which does not harm the Green Belt.

5.4 Design and Visual Amenity

The host property was converted some five years ago and benefits from a consented modest residential curtilage. Additional land was also within the applicant's ownership but this does not form part of the approved residential curtilage. The revised plans are considered to reflect the residential curtilage as approved under reference PT10/1610/F although the drive is also residential curtilage and is used for parking. This drive and the wider land holding are outlined in blue on this occasion and this is appropriate to the decision being made in this application to add a small porch.

5.5 The porch extension would be visible from the wider landscape as the property is situated on the edge of the village but is not considered detrimental to visual amenity or the green belt. Policy H10 would previously have sought to restrict any extension to barns but the weight to that policy has been eroded by time and by more recent policy in the NPPF which is more flexible.

5.8 Materials proposed for the porch are Pan tiles over oak glazed side panels above dwarf side walls. The porch is completely open to the front with only an oak timber frame above head height. As such the proposal is a traditional open porch and at the scale proposed would have negligible impact on the appearance of the stable, on the wider site and surroundings and on the Green Belt. There is no objection to this from a design perspective subject to matching materials being used. Given the appearance of the barn it is considered necessary to condition the plans in order to secure the appearance of the proposal in accord with those details.

5.9 Residential Amenity

The porch would have no impact on neighbours. Neighbours have expressed concern about the red lined plans in case they facilitated additional residential curtilage but this has been resolved with the amended plans and the proposal is not for a change of use to create more residential use. An informative is proposed to ensure that the applicant remains aware that the domestic land is limited to that previously agreed.

5.11 Transport

The proposal would not affect access. Nor would parking be materially affected as residents park at the top of the drive close to the barn but not in the area where the porch is proposed. Adequate parking for up to three bedroom property would be retained. There are therefore no transportation objections to the scheme and there is no justification for a condition requiring the parking to be retained.

5.13 Consideration of equalities

The proposal would have a modest positive benefit to the applicants, giving shelter to the doorway but this is not considered to sway the proposal to a favourable conclusion as the proposal is considered acceptable regardless.

6. CONCLUSION

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

7. RECOMMENDATION

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

Informative

Unless it is expressly indicated in the notice of decision above, it should not be assumed that the 'red line' on the plans submitted with the application necessarily denotes the extent of the residential curtilage (if any), and that in case of doubt the advice of the Council should be sought. The residential boundary associated with the Stable conversion is that denoted by the red line in the change of use application PT10/1610/F.

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

Reason

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

3. The development shall proceed exactly in accordance with the following approved plans:

Combined proposal L102

Combined existing L103 all received and valid 3 July 2017

Location plan L100 P1

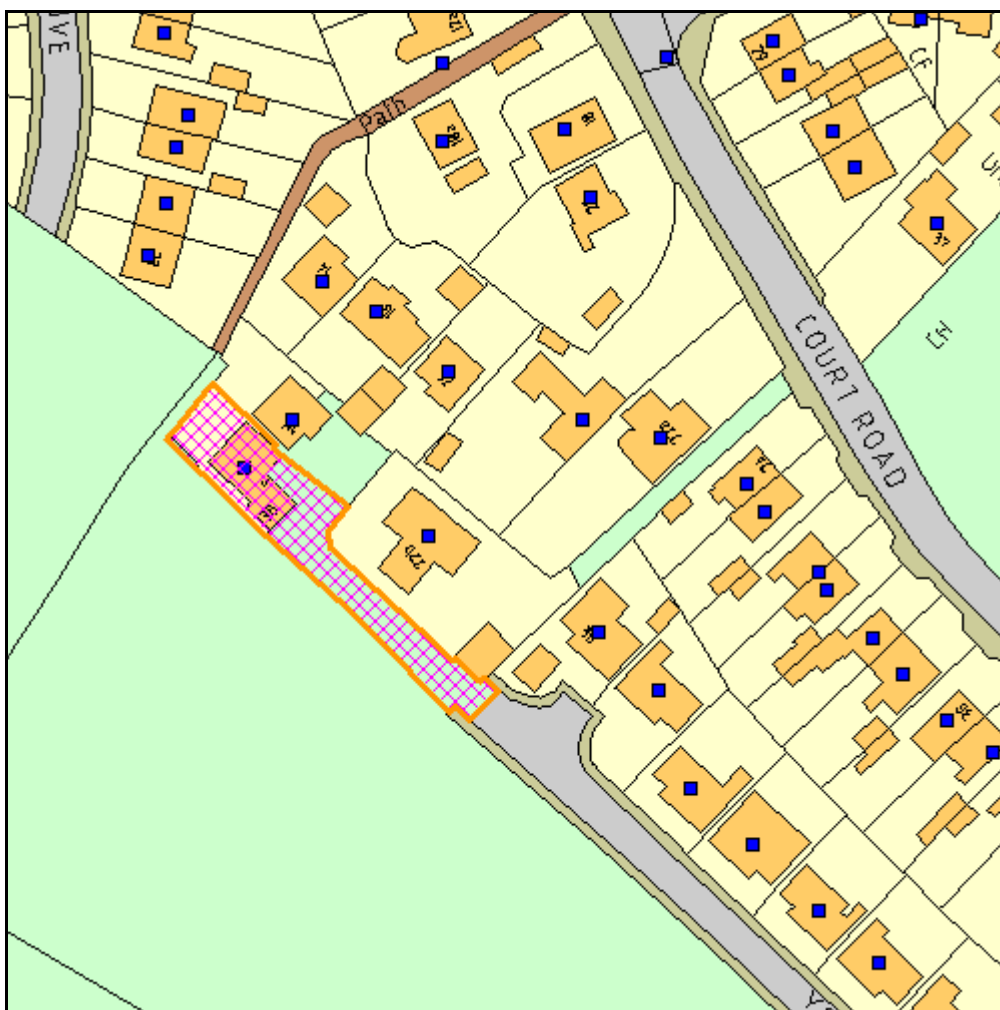
Proposed block plan L101 P1. all received and valid 14 August 2017

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/2595/CLP	Applicant:	Mr & Mrs Brockwell
Site:	36 York Gardens Winterbourne Bristol South Gloucestershire BS36 1QT	Date Reg:	26th June 2017
Proposal:	Application for a certificate of lawfulness for a proposed extension to rear bay, part conversion of garage and front porch.	Parish:	Winterbourne Parish Council
Map Ref:	365748 181632	Ward:	Winterbourne
Application Category:		Target Date:	16th August 2017



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REASON FOR REPORTING TO CIRCULATED SCHEDULE.

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

1. THE PROPOSAL

- 1.1. The applicant is seeking a formal decision as to whether the proposed extension to a rear bay; the part conversion of a garage; and erection of a front porch at 36 York Gardens Winterbourne Bristol South Gloucestershire BS36 1QT 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 and Town and Country Planning Act 1990 (as amended).

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. PT07/0104/F
Approve with Conditions (13.02.2007)
Erection of 2no. dwellings and detached double garage (to include amendment to previously approved scheme PT06/2488/F relating to plots 1 and 2).

4. CONSULTATION RESPONSES

Winterbourne Parish Council
"No objection".

Public Rights Of Way
"No objection".

Other Representations

- 4.1. Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

Existing and proposed Plans and Elevations.
Drawing no. 17049_CLD1

6. ANALYSIS OF PROPOSAL

6.1. Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test that is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly, there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

6.2. Upon looking into the planning history of the application site on 2nd August 2017; the Case Officer noticed that permitted development rights have been removed from 36 York Gardens under application PT07/0104/F conditions 3 (extensions); 4 (garages); and 5 (windows). An email was sent to Maddox Design Ltd on 2nd August requesting withdrawal of this application due to the information above. A follow up email was sent on 7th August again requesting withdrawal. To date no withdrawal notice has been received. Thus, this application must be refused due to permitted development rights being restricted at the property; and a full planning application must be submitted.

7. RECOMMENDATION

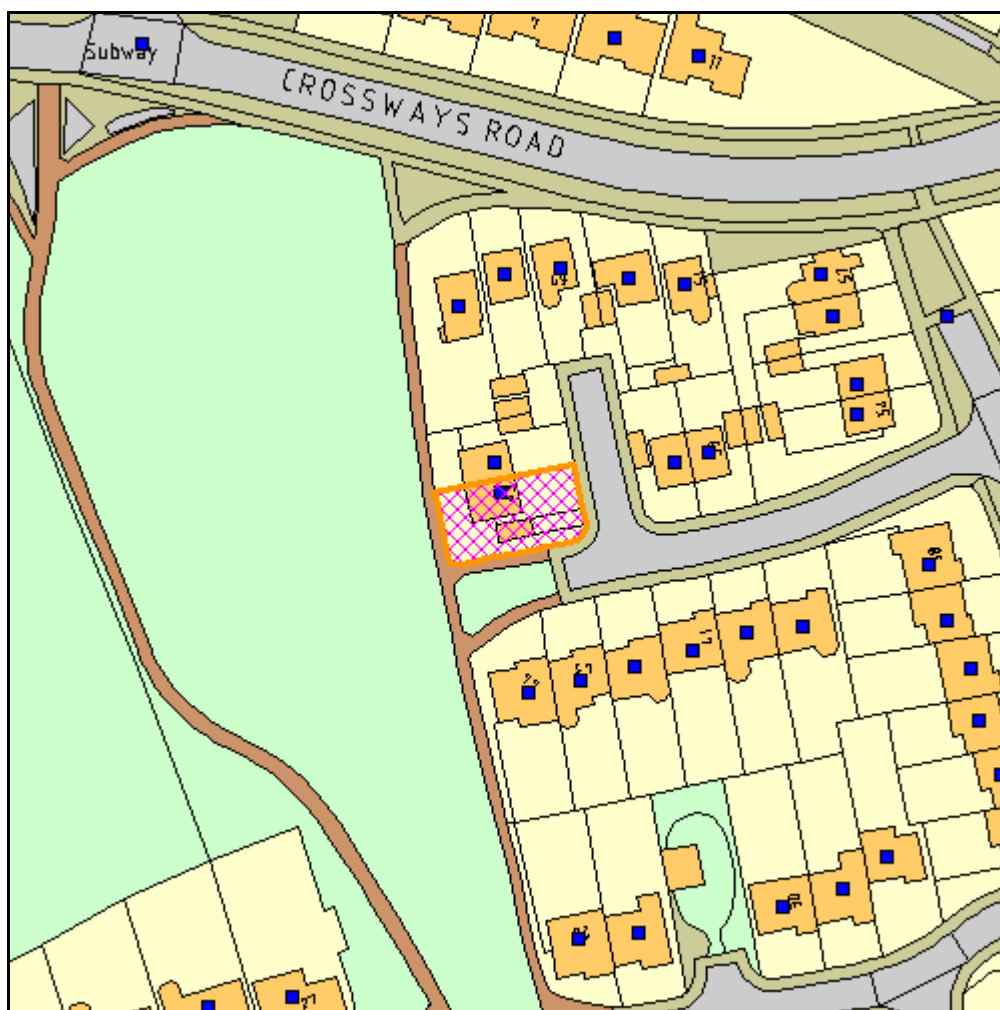
7.1. That a certificate of Lawfulness for Proposed Development is **refused** for the reasons listed below:

7.2. Permitted development rights have been removed from 36 York Gardens under application PT07/0104/F conditions 3 (extensions); 4 (garages); and 5 (windows). As such, a certificate of lawfulness cannot be issued; and a full planning application must be submitted.

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/2771/F	Applicant:	Mr And Mrs Davey
Site:	45 Cumbria Close Thornbury Bristol South Gloucestershire BS35 2YF	Date Reg:	30th June 2017
Proposal:	Demolition of existing garage and erection of a two storey side extension to form additional living accommodation and erection of attached garage.	Parish:	Thornbury Town Council
Map Ref:	364973 190221	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	9th August 2017



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REASONS FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the demolition of an existing garage and the erection of a two storey side extension to form additional living accommodation, and an attached garage, at no. 45 Cumbria Close, Thornbury.
- 1.2 The application site consists of semi-detached property set within a moderately sized plot. The site is situated within the defined settlement boundary of Thornbury. The property is constructed in a 'Radburn' style, with the front of the property facing a public footpath, and the rear of the property facing on to Cumbria Close. A detached, flat roof garage is located to the south of the main dwelling.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

The Proposed Submission Draft Policies Sites and Places Plan (PSP plan) is a further document that will form part of the South Gloucestershire Local Plan. The PSP plan will set out new planning policies for South Gloucestershire. Submission and Examination of this took place in February of 2017, and adoption is expected toward the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached to the PSP

plan as a whole at this time – although weight can be attributed to those policies which are not expected to be subject to modification.

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

3. **RELEVANT PLANNING HISTORY**

3.1 **PT15/1025/F**

Erection of 1no. attached dwelling to include demolition of existing garage with new access and associated works.

Withdrawn: 14.04.2015

3.2 **PT04/3389/F – 52 Cumbria Close**

Erection of two storey and single storey side extension to form kitchen and garage with bedroom and ensuite facilities over.

Approved: 17.11.2004

4. **CONSULTATION RESPONSES**

4.1 Thornbury Town Council

Objection – due to overdevelopment, it not being in-keeping with the surrounding area and its impact on the character of open space.

4.2 Other Consultees

Sustainable Transport

Planning permission is sought to demolish an existing detached garage to facilitate the erection of a two storey side extension to provide additional living accommodation. A new attached garage is proposed to the side of the new extension. After development, four bedrooms will be provided to the first floor.

Although I do not have objection, to the principle of the proposed development, I have issues with the proposed parking for the development. The Council's residential parking standards state that a new build garage must have internal measurements of 3m wide by 6m deep. A vehicular parking space should measure 2.4m wide by 4.8m deep but to avoid a vehicle overhanging into the public highway 5.3m should be allowed meaning two spaces would require 10.1m to be provided solely within the red edge of the site.

As currently submitted I would have a transportation objection to the proposed development but this can be overcome if the garage is enlarged or two parking spaces complying with the above are provided.

Archaeology

No objection

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two storey side extension and attached garage. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport.

5.2 It is acknowledged that some Radburn housing estates are designed so that areas of open space are retained to the sides of some properties. Due to the location of the subject property, it is noted that this may be the case in this instance. It is noted that the area of garden to the side of the dwelling is not separated from the public footpath by a boundary wall. As such, in some instances, whilst the areas of garden to the side of properties may be under the same ownership, they may not form part of the residential curtilage of the property.

5.3 However in this case, it is noted that an existing driveway extends up to the footpath, and an existing garage is situated on the piece of land to the south of the main dwelling. As parts of the garden to the side of the property are currently used for residential purposes, it is considered that the entire area to the side of the property can reasonably be considered to form part of the residential curtilage. On this basis, the proposed development would take place within an established residential curtilage, and an application seeking the change of the use of the land to residential curtilage is not considered necessary.

5.4 In line with the provisions of policy H4 of the Local Plan, the development is acceptable in principle but will be determined against the analysis set out below.

5.5 Design and Visual Amenity

Policy CS1 of the Core Strategy and policy H4 of the Local Plan seek to ensure that development proposals are of the highest possible standards and design. This means that developments should have appropriate: siting, form, scale, height, massing, detailing, colour and materials which are informed by, respect, and enhance the character, distinctiveness and amenity of both the site and its context.

5.6 The proposed two storey side extension would project from the south-facing side elevation of the property, and would incorporate a width of roughly 3.9 metres. The proposed garage would be attached to the side of the two storey

- extension, and would incorporate a width of roughly 2.4 metres and a flat roof. The two storey element would be set back from both the front and rear elevations of the main dwelling, with the ridge line of the extension also set down from that of the main dwelling.
- 5.7 By virtue of their location to the side of the main dwelling, it is recognised that the proposed extension and garage would be visible from the public areas offered along Cumbria Close, as well as a public footpath running to the west of the application site. On this basis, it is noted that the proposed additions would have some impact on the character, distinctiveness and amenity of the immediate surrounding area.
- 5.8 The concerns raised by Thornbury Town Council have been taken in to account. Whilst it is noted that there would be some impacts on the immediate surrounding area, these impacts are not considered to be negative. It is considered that the plot is of sufficient size to accommodate the scale of development proposed, without appearing cramped or overdeveloped. It is also noted that similar two storey side extensions have previously been approved and implemented within the immediate locality. On this basis, it is not considered that the proposed two storey extension would appear as an incongruous addition within the streetscene. It is also considered that the proposed garage would be of a similar appearance to the existing detached garage, and would therefore appear as an appropriate addition within the streetscene.
- 5.9 It is recognised that the proposed extension would, to some extent, unbalance the semi-detached pair of properties. However the sense of unbalance is reduced by the stepping-back of the front and rear elevations, and the stepping-down of the ridge line of the extension. It is also considered that this increases the levels of subservience between the proposed extension and the host dwelling. Whilst it is noted that the two storey element would be of a substantial scale, it is not considered that it would significantly upset the proportions of the dwelling as a whole. In addition to this, it is considered that the overall design and finish of the proposed extension and garage sufficiently respect that of the existing dwelling.
- 5.10 The concerns of the town council in relation to the impacts of the proposal on the character of open space have also been taken in to account. It is noted that a public footpath and a small area of open space are situated to the south of the application site. Whilst the proposed extension in to the side garden of the property would reduce the sense of openness, views from Cumbria Close through to the 'Streamside Walk' to the west of the site would still be retained. On balance, it is considered that the impacts on open space would not be so significant as to substantiate a reason for refusing the application.
- 5.11 Overall, it is considered that the proposed development sufficiently respects the character, distinctiveness and amenity of both the site and its context. On this basis, the proposal is considered to accord with design criteria set out in policy CS1 of the Core Strategy and H4 of the Local Plan.

5.12 Residential Amenity

Policy H4 of the Local Plan explains that development will be permitted provided that it would not detrimentally impact the residential amenities of nearby occupiers and would not prejudice the retention of adequate private amenity space.

5.13 Due to levels of separation, it is not considered that the proposed extension would harm the residential amenity of neighbours through an increased sense of overbearing or overshadowing. In addition to this, the only side-facing window proposed at a first floor level would serve an en-suite and would be obscurely glazed. As the proposed front and rear facing windows would look out on to public areas, it is not considered that the proposed development would result in a loss of privacy at neighbouring properties through an increased sense of overlooking. Furthermore, whilst some outdoor private amenity space would be lost, it is considered that sufficient space would be retained on-site following the implementation of the proposal. On balance, the proposal is considered to comply with policy H4 of the Local Plan.

5.14 Transport

As a result of the proposed development, the number of bedrooms within the property would increase from a total of 3 to 4. South Gloucestershire Residential Parking Standards SPD outlines that both 3 and 4 bed properties must make provision for the parking of a minimum of 2 vehicles, with each external space measuring a minimum of 2.4m x 4.8m. The standards also outline that for a single garage to count towards parking provision, it must have minimal internal dimensions of 3m x 6m.

5.15 The concerns of the transport officer in relation to parking provision have been taken in to account. It is noted that the proposed garage is of a substandard size, and as such does not count towards parking provision. However measuring from submitted plans, officers are satisfied that the proposed parking area is of sufficient size as to provide parking for two vehicles. On this basis, the proposed parking arrangements are considered acceptable. However in order to secure this provision, a condition will be attached to any decision requiring a minimum of two parking spaces to be provided prior to the first occupation of the extension, and thereafter retained for that purpose.

5.16 In addition to this, it is not considered that the proposed development would have any significant impacts in terms of highway safety. Subject to the aforementioned condition, the proposal is considered acceptable in terms of parking provision and highway safety.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)

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

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

CONDITIONS

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

Reason

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

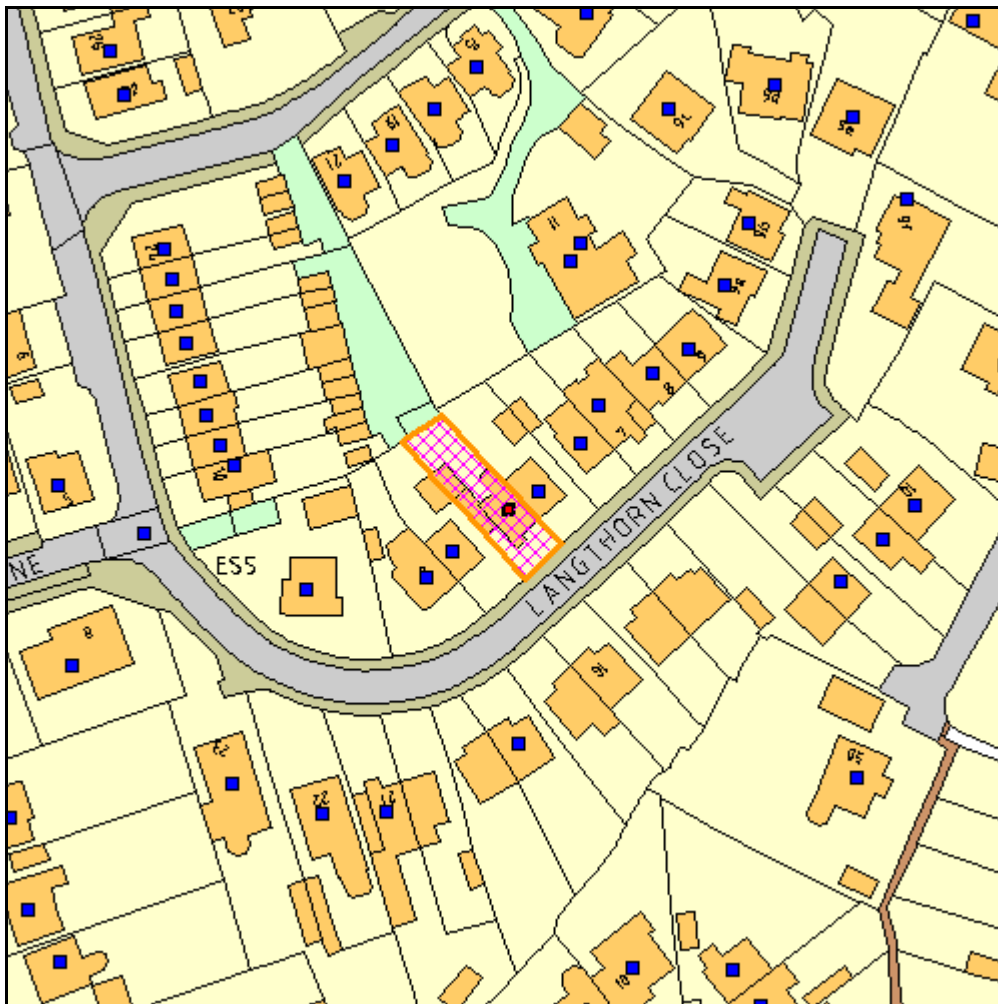
2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (Combined Plan) hereby approved shall make provision for the parking of a minimum of 2 vehicles (measuring at least 2.4m by 4.8m), and shall be provided before the extension and garage are first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/3146/F	Applicant:	Mr & Mrs G. & N. CONSTABLE
Site:	4 Langthorn Close Frampton Cotterell Bristol South Gloucestershire BS36 2JH	Date Reg:	18th July 2017
Proposal:	Demolition of existing garage and alterations to access. Erection of a two storey side extension and single storey rear extension to provide additional living accommodation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	367039 181156	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	31st August 2017



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PT17/3146/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The site consists of a three-bed semi-detached dwelling and associated curtilage. The site is located on Langthorn Close and has driveway access on to the street.
- 1.2 The proposed development consists of the construction of a two-storey side extension and a single storey rear extension, with alterations to the access.

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)

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

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Residential Parking Standards

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
The Parish council objects, there is inadequate parking for a five bedroom house. The plans show a bed in what is shown as the play room.
- 4.2 Sustainable Transport DC
No objection, subject to conditions.
- 4.3 Archeology Officer
No comments received

Other Representations

- 4.4 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the construction of a domestic extension to an existing dwelling. The site is located within the settlement boundary associated with Frampton Cotterell.
- 5.2 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan is relevant to this application. The policy indicates that the development is acceptable in principle subject to the following considerations.
- 5.3 Design
The proposed development would consist of a two-storey side extension, and a single storey rear extension. The materials would match those on the existing dwelling.
- 5.4 *Two-Storey Side Extension*
The topography of Langthorn Close is such that it falls steeply towards the South West; and as such the domestic dwellings take on a 'stepped' appearance along the street scene. The effect of this is that the proposed side extension would be at a higher level than the adjacent dwelling to the South West. However, there a gap between the houses would remain, and although the current separation distance between the houses would close, it is not considered that the development would detract from the character of the area and as such is acceptable in design terms.
- 5.5 In this instance given that the property is gable ended to the side it is not considered necessary for the extension to appear lower than the existing ridge line. The extension is set back from the principle elevation of the house, making it appear suitably subordinate. There are no objections in regards to the two-storey side extension.
- 5.6 *Single Storey Rear Extension*
The single storey rear extension would be hidden from the street scene by virtue of its position behind the existing house, and proposed two-storey side extension. The proposed rear extension is modest, and it sunlikely to negatively effect the visual amenity of the existing dwellinghouse.
- 5.7 *Cumulative Impact*
It is not considered that the cumulative impact of the proposed works would detract from the existing dwelling or the surrounding streetscene. The proposed works therefore accord to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).

5.8 Residential Amenity

The subject dwelling is situated to the North East of a dwelling which sits below it, due to the topography of Langthorn Close. It is noted that the proposed works would mean that a tall building would project towards the boundary between No. 3 and No. 4 Langthorn Close. The two-storey side extension would not extend beyond the established building line to the front or rear of the dwelling. While the single-storey rear extension would sit above No. 3 Langthorn Close, a garage currently exists within the space that the extension would be built upon. It is therefore considered unlikely that there would be any materially significant overbearing impacts as a result of this proposal.

5.9 It is noted that the north-east side elevation of No. 3 Langthorn Close has a window, presumably serving a habitable room (the plans for No. 4 show this room as a bedroom). Despite the difference in height between the two dwellings, having looked at the path of the sun, it is not considered that there would be a materially significant loss of light as a result of the proposed works.

5.10 In addition to this, the only window proposed within the side elevation of the new extension is opaque. The proposed development is therefore acceptable in regards to residential amenity.

5.11 Transportation and Highway Safety

It is noted that the proposed development would increase the bedroom space to four beds from three. This increase would trigger the need to provide two off street parking spaces in order to comply with the South Gloucestershire Residential Parking Standards (SPD). The proposal indicates that two off street parking spaces can be provided at the front of the dwelling on the existing front garden area. On this basis, the development is acceptable in respect of the provision of off street parking. To ensure adequate parking provision, the transport officer has suggested numerous conditions. These will be added to the permission.

5.12 It is noted that the parish council objects, as there is inadequate parking for a five bedroom house, because the plans show a bed in what is shown as the play room. Although it is noted that the plans show a bed within the playroom, it is considered unlikely that the room will be used as a bedroom, as it is located downstairs, attached to the dining room with roof lights above and a large glazed window to the rear.

5.13 There are therefore no transport objections to the proposed works.

6. CONCLUSION

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

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

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

7.1 That Planning Permission is granted subject to the following conditions

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

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

Reason

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

2. Prior to commencement of the development the Applicant to obtain the permission of the Development Implementations Team to extend the dropped kerb onto Langthorn Close.

Reason

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

3. Prior to commencement of the development the proposed parking to be provided and then permanently maintained 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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

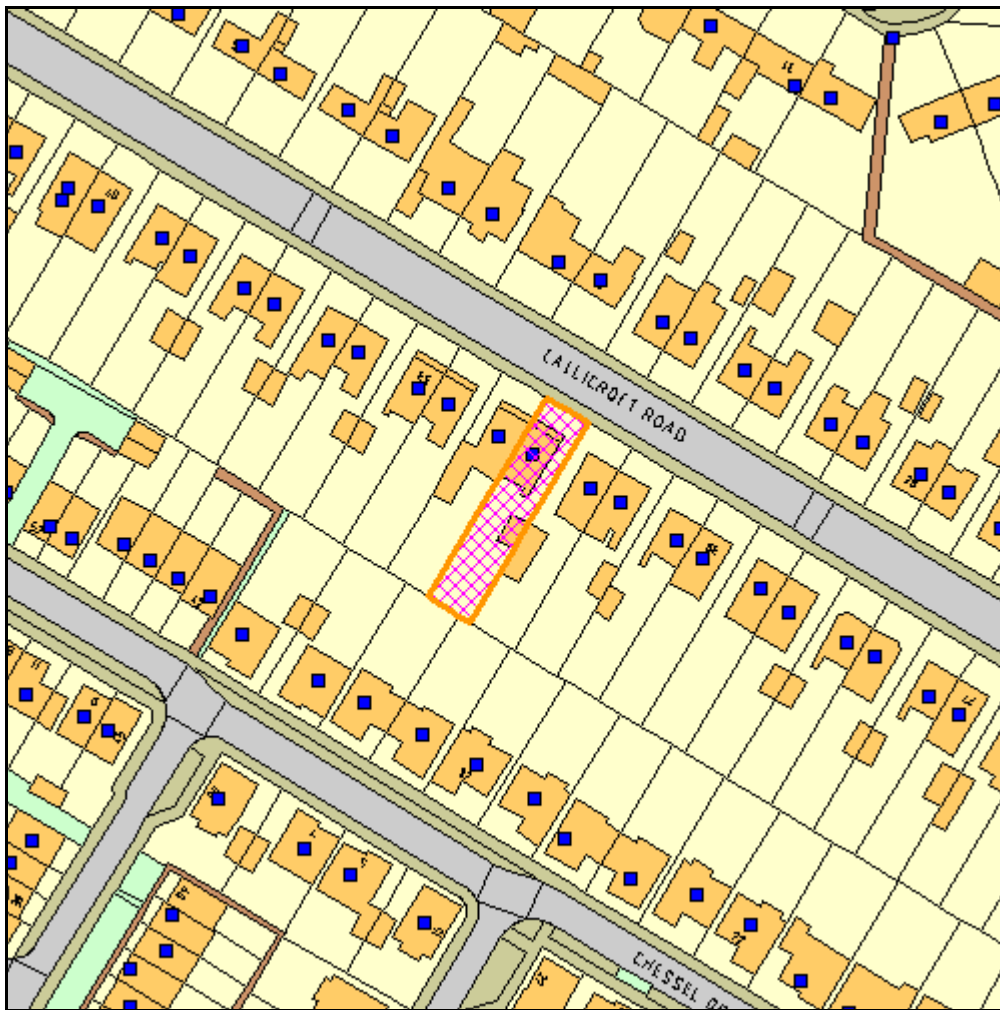
4. The parking area to have a permeable bound surface and be satisfactorily maintained as such thereafter.

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 CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 33/17 – 18 AUGUST 2017

App No.:	PT17/3216/CLP	Applicant:	Mr Shabeer Sultan
Site:	47 Callicroft Road Patchway Bristol South Gloucestershire BS34 5BU	Date Reg:	21st July 2017
Proposal:	Application for Certificate of Lawfulness for the proposed erection of 1no rear dormer window.	Parish:	Patchway Town Council
Map Ref:	360314 181302	Ward:	Patchway
Application Category:		Target Date:	5th September 2017



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 100023410, 2008. **N.T.S.** **PT17/3216/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 installation of a rear dormer to facilitate a loft conversion would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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 PT12/3692/F Approved with Conditions 12.12.2012
Erection of single storey side and rear extension to provide additional living accommodation. Erection of detached outbuilding for gym/store.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comment received.

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Plans Received 10 July 2017
EXISTING GF PLAN 47/CR/P/0 1/9R
EXISTING FF PLAN 47/CR/P/01/IR

PROPOSED GF PLAN 47/CR/P/02,.R
PROPOSED FIRST FLOOR PLAN 47/CR/P/04/IR
PROPOSED SECOND FLOOR 47/CR/P/06,.R
PROPOSED ROOF PLAN 47/CR/P/08,.R
SECTION 47/CR/P/09,.R
COMBINED REAR ELEVATION 47/CR/P/1 2/9R
COMBINED SIDE ELEVATIONS 47/CR/P/11/9R
ROOF PLAN EXISTING 47/CR/P/11/9R
COMBINED SIDE ELEVATIONS 47/CR/P/14/9R

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 issue is to determine whether the proposed rear dormer falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2015; which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof; provided it meets the criteria set out below:

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

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

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

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

The height of the proposed dormer would not exceed the highest part of the roof.

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

The proposed dormer window would be located to the rear of the property, as such would not extend beyond any existing roof slope which forms a principal elevation of the dwellinghouse and fronts a highway.

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

The property is a semi-detached dwelling. Volume calculations extrapolated from the Existing and Proposed Plans show the dormer to measure 23.63 cubic metres.

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

The proposal does not include the construction or provision of a verandah, balcony or raised platform.

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

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

D.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;**

Submitted plans indicate that the proposed dormer, including its windows will be constructed from materials to match those used on the main 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 of 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 rear dormer would be approximately .3 metres from the outside edge of the eaves of the original roof and the proposal does not protrude beyond the outside face of any external wall of the original dwellinghouse. The eaves are maintained.

- (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 proposal does involve the insertion of a window to the side elevation of the dwellinghouse. This window would be obscure glazed and the parts of the window that can be opened will be more than 1.7 metres above the floor of the room in which the window is to be installed.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that on the balance of probabilities the proposed installation of a rear dormer to form a loft conversion does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning General Permitted Development Order 2015.

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