



**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. 25/17

Date to Members: 23/06/2017

Member's Deadline: 29/06/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

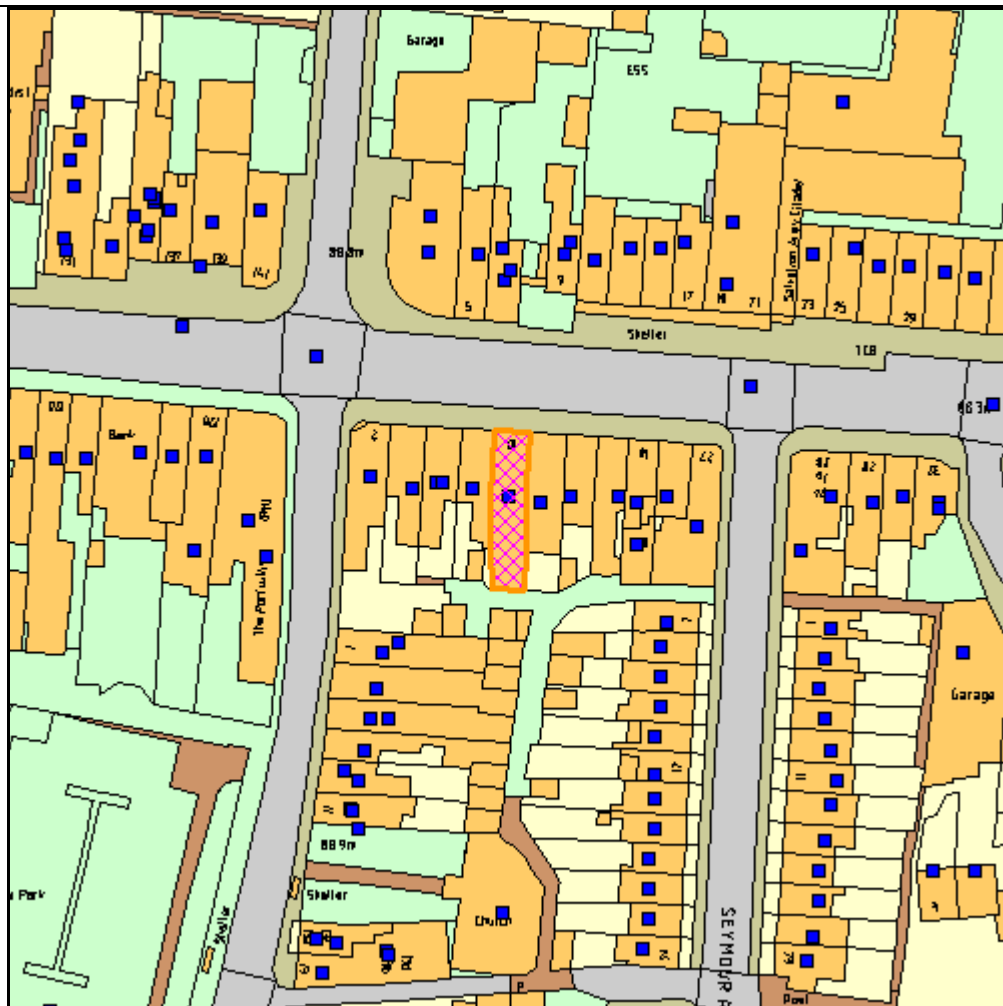
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 23 June 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/6935/F	Approve with Conditions	10 Broad Street Staple Hill South Gloucestershire	Staple Hill	None
2	PK17/0164/F	Approve with Conditions	The Stables Rookery Lane Doynton South Gloucestershire BS30 5TH	Boyd Valley	Doynton Parish Council
3	PK17/1399/F	Approve with Conditions	144 Fouracre Crescent Downend South Gloucestershire BS16 6PZ	Downend	Downend And Bromley Heath Parish Council
4	PK17/1888/F	Approve with Conditions	19 Downend Road Kingswood South Gloucestershire BS15 1RT	Kings Chase	None
5	PK17/1940/FDI	Approve	Emersons Green South Gloucestershire BS16 7JZ	Boyd Valley	Emersons Green Town Council
6	PK17/1982/F	Approve with Conditions	83 Bath Road Willsbridge South Gloucestershire BS30 6ED	Bitton	Oldland Parish Council
7	PK17/2105/CLP	Approve with Conditions	27 Pear Tree Hey Yate South Gloucestershire BS37 7JT	Yate North	Yate Town
8	PT16/4975/F	Approve with Conditions	Plot MU6 Land At Junction Of Hayes Way Charlton Boulevard Patchway South Gloucestershire BS34 5AG	Patchway	Patchway Town Council
9	PT16/6161/F	Approve with Conditions	Former Blakedown Nursery Elberton Road Olveston South Gloucestershire BS35 4AB	Severn	Aust Parish Council
10	PT16/6845/RM	Approve with Conditions	Kennels Cedar Lodge Charlton Common Brenty South Gloucestershire BS10 6LB	Patchway	Almondsbury Parish Council
11	PT17/0997/F	Approve with Conditions	Land At 20 Court Road Frampton Cotterell South Gloucestershire BS36 2DE	Winterbourne	Winterbourne Parish Council
12	PT17/1318/F	Approve with Conditions	1 Buckingham Parade Gloucester Road Thornbury South Gloucestershire BS35 1DQ	Thornbury North	Thornbury Town Council
13	PT17/1655/F	Refusal	Hawkins Stidcot Lane Tytherington South Gloucestershire	Ladden Brook	Tytherington Parish Council
14	PT17/1764/F	Approve with Conditions	12 Park Crescent Frenchay South Gloucestershire BS16 1PD	Frenchay And Stoke Park	Winterbourne Parish Council
15	PT17/1774/F	Approve with Conditions	722 Southmead Road Filton South Gloucestershire	Filton	Filton Town Council
16	PT17/1781/CLP	Refusal	Queens Lodge New Passage Road Pilning South Gloucestershire BS35 4LZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
17	PT17/2196/CLP	Approve with Conditions	98 Durban Road Patchway South Gloucestershire BS34 5HN	Patchway	Patchway Town Council

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PK16/6935/F	Applicant:	Landa Properties
Site:	10 Broad Street Staple Hill Bristol South Gloucestershire BS16 5NX	Date Reg:	12th January 2017
Proposal:	Erection of first floor rear extension, installation of rear dormers and rooflights and change of use of part ground floor and upper floors from Retail (Class A1) to Residential (Class C3) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) to form 4no. self contained flats with associated works. Installation of new shopfront.	Parish:	None
Map Ref:	364936 175897	Ward:	Staple Hill
Application Category:	Minor	Target Date:	28th February 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK16/6935/F

1. THE PROPOSAL

- 1.1 The application seeks planning permission to change the upper floors to residential use (Class C3) from retail use (Class A1). The proposal involves remodelling the shop space and shop front, extending at first floor at the rear and inserting two dormer windows in the rear roofspace to create four one bedroom flats.
- 1.2 The application site is a vacant shop with two floors above and a large attic space within a traditional terraced building fronting Broad Street, Staple Hill. There is a single storey extension at the rear which accommodated further shop and waste facilities which has rear access onto a no through access back lane. A first floor structure/extension facilitated access to ancillary office and storage to the upper floors which will be replaced by the proposal.
- 1.2 The site is located in the Primary shopping frontage. There is currently no associated parking at the site.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Accessibility

CS14 (3) Town centres and retail

CS29 Communities of the Easter Fringe of Bristol area

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

T7 Cycle parking

T12 Transportation Development Control

RT9 Changes of use of retail premises within Primary and secondary shopping frontages in Town centres.

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

PSP33 Shopping frontages

PSP43 Private amenity Space Standards

2.3 Supplementary Planning Guidance

Residential parking standards adopted Dec 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/3486/ADV Display of 1no internally illuminated hanging sign and 1no internally illuminated fascia sign approved 17.09.2015
- 3.2 K5618/2 Installation of open Lath security shutters approved 14/6/1995

3.3 K5618/1 Alterations to rear elevation Approved 26/8/1988

4. **CONSULTATION RESPONSES**

4.1 Parish/Town Council
No parish council exists..

4.2 Other Consultees

Lead local flood Authority
No objection

Highway Structures
No objection

Sustainable Transport

This will require a “balanced” judgement to be made. The main issue is whether there is likely to be highway problem given the lack of on-site parking provided at the proposal. The proposal however adds little additional floorspace, and is in a reasonably sustainable location well served by public transport. In the event approval is recommend a condition regarding cycle parking provision is suggested.

Environmental protection

No objection but seek a condition requiring that noise insulation details are submitted by way of a condition attached to the decision notice.

Community Infrastructure Officer

No comment

Coal Authority

No objection but an informative is proposed.

Children and young people

No comment

Refuse team

No comment

Other Representations

4.3 Local Residents/neighbours

One letter of objection was received to the initial set of plans regarding the following points;

Object to reduction of shop size. Impact on the shopping experience in Staple Hill if a token small shop is put in its place.

No parking provided in an area with existing difficulties

Bike stores are not used but the tenants would likely have cars.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS29 of the South Gloucestershire Local Plan Core Strategy seeks to improve the viability and vitality of Stable Hill, to enhance its role as a service centre for the urban and surrounding rural areas and provide additional comparison floorspace as appropriate. Policy RT9 sets out that change of use of retail uses at ground floor will not be permitted unless certain criteria are met and policy CS14 of the Core Strategy notes that Stable Hill is a Town Centre and that the retail character and function of the town shall be safeguarded by resisting development that detracts from its vitality and viability and by protecting against the loss of retail units. Policy PSP33 of the emerging plan is similar and also seeks an active ground floor use.

5.2 With regard to the retail floor space Policy RT9 the Local Plan and policy CS14 of the Core strategy, the floor space is reconfigured to remove the storage/ancillary rooms at the rear of the ground floor which facilitates additional retail space, and bin and bike stores for the shop and flats. There is a modest alteration to the frontage as a side door to the shopfront will be relocated to the front but overall the amount of shop front facing the street remains the same. The recessed area will instead be given over to the residential access. The width of the shop is narrowed, in line with the existing shopfront width to facilitate the corridors and stairs required for the flats above. Overall a similar amount of functional retail space is achieved. This is not considered to harm the vitality or viability of the primary retail frontage and as such the changes proposed on the ground floor are considered acceptable in principle.

5.4 Policy RT12 promotes the use of upper floors in primary shopping frontages provided that it does not have unacceptable environmental or transportation effects and would not effect residential amenity. These are considered below. However the provision of 4 smaller units of accommodation within a sustainable location weighs in favour of the scheme, this is especially so given the current housing land supply position within South Gloucestershire.

5.5 Environmental Effects

Environmental health raise no objection to the proposal but seek that a condition is imposed to secure a scheme of noise insulation measured between residential and retail uses. Having contacted Buildings Regulations Team however it is apparent that they would automatically have to consider noise insulation and as such duplication of noise consideration is not necessary. Notwithstanding this an informative is attached to the recommendation to flag up the issue at an early stage.

5.6 The Coal Authority raises no objection, noting that the proposals are change of use and build upon an existing structure with no operational development intersecting the ground. They do however ask that an informative is attached to the decision notice to give advance notice that further information should be supplied with their building regulations application in due course. This is

because of the possibility of old coal activity causing problems in the future if not mitigated against during new development.

5.7 The proposal is not considered to cause environmental harms itself.

5.8 Transportation Effects

The main transportation issue relating to this application is parking as no car parking is currently present nor provided as part of this proposal. With new residential flats on site, there would be greater parking demand during the evening and on weekend as people are likely to be in. By comparison, the business /shop has its greatest parking demand during the business opening hours during the day. Some comfort can be taken from the fact that the site is located in a sustainable location in the middle of Staple Hill shopping area where demand for use of private cars may be less than normal. The site enjoys good accessibility to public transport facilities and there are bus stops nearby on Broad Street with regular bus services to Bristol City as well as other destination within South Gloucestershire area. As such it is considered that the parking impact of the proposed development will not be significant.

Given that the new scheme does not increase the footprint of the building with a modest extension to the first floor only and otherwise re-uses the upper floors of this building for residential use then it is considered unreasonable to refuse the application on highway safety grounds.

Whilst the site cannot provide parking to the minimum parking spaces sought by the Residential Parking Standards it is considered that on balance the proposal would not have a severe impact on transport nor crucially remove existing parking spaces already used by the sites extant use. The limited size of the flats would in any case require only one space each and the fact that the site is highly sustainable together with it being a reuse of a site rather than a new build structure indicates that over all on balance, planning permission should not be withheld on the basis of no designated parking. It could further be argued that good use of the floor space will enhance the vitality and viability of the area. A cycle space has been provided for each flat and these should be provided prior to occupation of the flats to encourage other means of transportation.

Bin Storage

Ample bin storage has been shown at the rear of the ground floor for the 4 flats and the shop and this should be provided prior to the occupation of the flats to encourage good waste management which should keep the back lane clear of bins except for on collection day.

Residential Amenity

The proposal appears to have flats on either side. To one side the windows look only rearwards and windows at first floor are on the far side of a pitched roof such that they are not affected. The proposal whilst long is set slightly remote from the rear of the building and has relatively low eaves levels in relation the first floor fenestration of the neighbouring flat at 8 Broad Street. The flats above would look over the roof and is not affected.

The neighbouring flat at 12 Broad Street has a rear facing window out of which they appear to climb to use a rooftop balcony. There are also two large side windows which currently look onto the utilitarian form parapet boundary wall and corrugated sheeting of the of the first floor extensions. It is proposed to reduce the height of the parapet boundary walling by 0.5m and create an eaves at that point with the roof rising away from that flat. It is considered that this would improve the appearance of the site and have a neutral impact on residential amenity.

The side walls of the proposed extension are blank and the windows of the first floor flat at the rear face directly rear ward from the end of the extension. The eastern side of the balcony would offer some view into the nearest house and as such a screen is shown on the elevations which is considered to adequately obscure vision in that direction. There are no other privacy concerns as a result of the balcony and a condition can adequately secure an appropriate screen at the balcony.

With respect to the residential amenity of the proposed flats it is considered that whilst two flats have bedroom windows which face into an external lobby area, this facilitates fresh air and there is no direct overlooking. As such this is considered acceptable. With regard to the emerging PSP43 it is considered only feasible to offer outside space to the rear most flat and that the flats can make use of page park for general amenity purposes. Further this policy carried only limited weight at present. Whilst this is not ideal the development makes good use of an underused building and creates four one bedroom flats which are unlikely to house children and which therefore have less likelihood to need outdoor space.

As such this proposal is considered to be acceptable on balance in terms of residential amenity.

5.8 Design and Visual Amenity

The proposed external alterations are considered to enhance the current utilitarian appearance of the existing ground and first floor structures. The extension would simplify and upgrade the appearance of the property and whilst larger than the various rear extensions around it would not be out of keeping with the scale of the existing host building. The materials chosen are render to match the existing rear elevation, which would still rise up over the proposal, with timber cladding to two dormer windows in the large roof space. Double glazed aluminium/timber composite windows in dark grey are also proposed and the shop front is being amended to add a door in the front elevation. This is considered to be acceptable and no further details are required.

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 Over all whilst there is no allocated parking at this location it is not considered that this would have a materials impact on the parking situation in Staple Hill and the four flats in a sustainable location would add to the housing supply from an underused building.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 and with the Coal Authority Informative and noise Informative attached.

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 developemnt shall be carried out in accordance with the following plans :

005A

010A

001A

015A received 3/1/2017

105D received 25/5/2017

116

115c

101c

110c received 3/3/2017

Reason

For the avoidance of doubt.

3. The glazing screen shown on drawings 219-PLA-105 rev D and 219-PLA-116 shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in position to a height of 1.8m above finished balcony level.

Reason

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

4. The cycle parking facilities and bin storage facilities shown on plan 219-PLA-105 rev D hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason 1

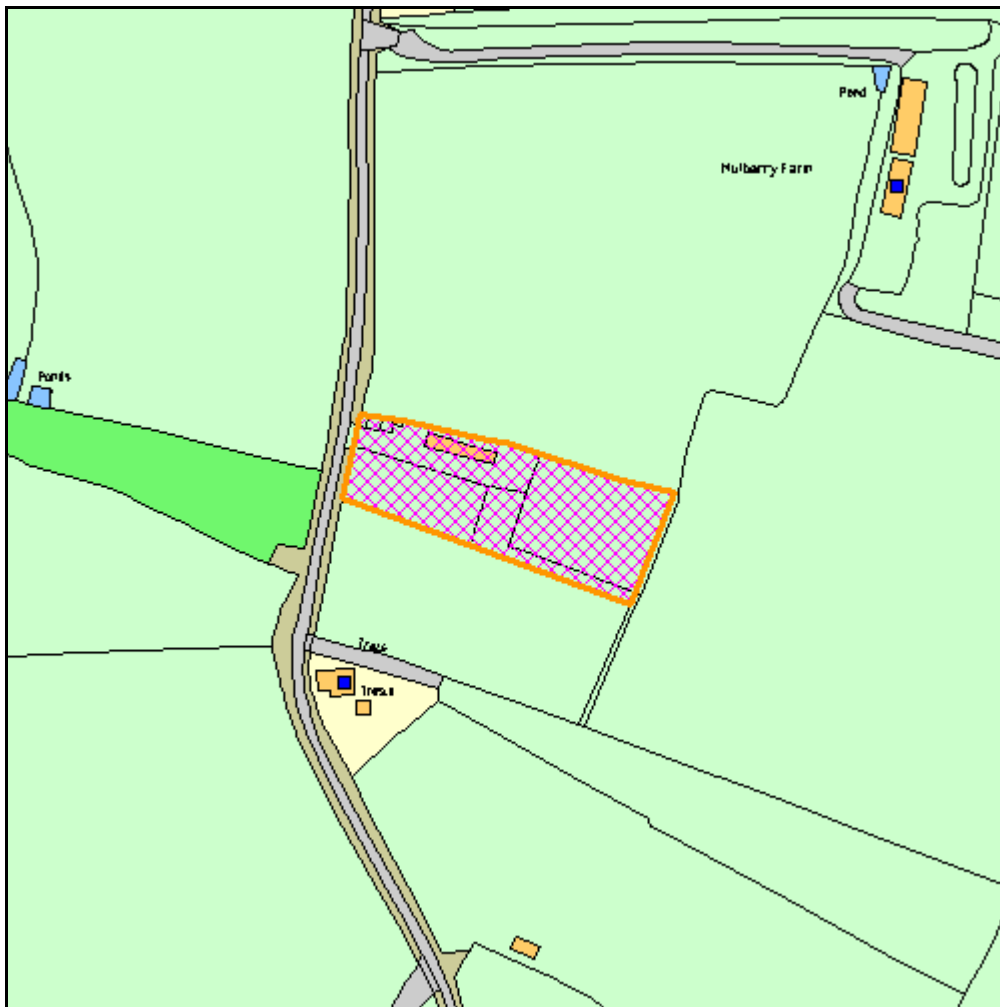
To encourage means of transportation other than the private car, to accord with Policies CS1 and CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and T7 of the South Gloucestershire Local Plan Adopted June 2006.

Reason 2

To facilitate ample storage of refuse and recycling facilities and to encourage good neighbourly waste management and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PK17/0164/F	Applicant:	Mr And Mrs C Evans
Site:	The Stables Rookery Lane Doynton Bristol South Gloucestershire BS30 5TH	Date Reg:	20th January 2017
Proposal:	Siting of temporary static caravan and additional stabling to be erected inside existing barn.	Parish:	Doynton Parish Council
Map Ref:	371739 175197	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	15th March 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her
 Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or
 civil proceedings.
 100023410, 2008. **N.T.S.** **PK17/0164/F**

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 temporary siting of a residential static caravan at The Stables, Rookery Lane, Doynton. The subdivision of the existing barn into additional stables is also proposed.
- 1.2 The wider site (within the blue line) benefits from extant planning permission for the keeping of up to four horses.
- 1.3 The site is situated within the open countryside and within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (2012)

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

L1 Landscape Protection and Enhancement
T12 Transportation
H3 Residential Development in the Countryside
LC12 Recreational Routes

Emerging Policies, Sites and Places Development Plan Document March 2015

PSP42 Rural Workers Dwellings

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Development in the Green Belt SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/0152/F Approve with conditions 07/03/2012
Erection of a steel portal framed shed for the storage of fodder and machinery for equine use.

- 3.2 PK05/0798/F Approve with conditions 23/05/2005
Change of use from agricultural to equine use. Erection of stables with feed store for the keeping of horses with access and associated works.
- 3.3 PK04/0954/F Refusal 10/09/2004
Change of use from agricultural to equine use. Erection of stables with feed store and tack room, for the keeping of horses with access and associated works (Resubmission of PK03/1624/F).

4. **CONSULTATION RESPONSES**

4.1 Doynton Parish Council

The Council is concerned at this application for the following reasons:

1. The equestrian business has been operated on this site for 15 years without the need for any accommodation on site. There is no evidence that activities on site have changed, or are going to change, to the extent that there is a functional need for 24 hour supervision of the horses. If the requirement is for temporary accommodation during delivery of a foal then surely a mobile caravan can be brought on site for a few days.

2. Several small agricultural operations have been set up on small parcels of land in the parish over the past 20 years. On three occasions applications were made to erect barns and other agricultural buildings on the sites to house animals. This is shortly followed by application for temporary agricultural worker dwellings in order to give 24 hour care to the animals, and eventually a permanent dwelling. We are concerned that this application is yet another attempt to use this procedure to establish a new house on green belt land which would not otherwise be permitted.

4.2 Other Consultees

Highway Structures

Informative recommended.

Lead Local Flood Authority

SUDS method is queried.

Sustainable Transport

No objection provided a condition restricts caravan from being sold off or subdivided from site.

Landscape Officer

Failure to implement previous landscaping condition (PK05/0798/F) reduces confidence in current application, and conversion of barn will result in eventual need to add additional storage.

Land isn't sufficient to serve 16 horses.

Caravan finish to be considered carefully, and landscaping scheme to include planting and paths and hardstanding to caravan. Outdoor lighting must be carefully controlled.

British Horse Society

No comment.

Other Representations

4.3 Local Residents

Five letters of support have been received raising the following points in summary:

- Business is very successful
- Would make a big difference to the security and wellbeing of the animals, and prevent loss of foals and mares
- Bloodlines they are breeding are precious to the breed
- The husbandry of such horses (Arabian) requires 24 hours supervision

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside – ref. paragraph 55.

5.2 Whilst the National Planning Policy Framework has replaced the planning policy statements, the methodology previously contained in annex A to PPS7 is still considered an appropriate way to assess the proposal.

5.3 It is considered that the 'essential' need referred to in paragraph 55 of the NPPF broadly relates to the functional test previously contained in Annex A of PPS7; whereas the need to establish a 'permanent' need also mentioned in the NPPF broadly equates to the need to establish a sustainable, long term financial basis for the enterprise, and is notwithstanding the fact that only a temporary residential caravan has been applied for in this instance.

5.4 The Council has solicited the assessment of Acorus, who are rural property consultants, to determine whether there is an essential need for the rural worker to live permanently at or near their place of work. A summary of the analysis within their report, received on 5th May 2017, can be found from section 5.6 onwards of this report.

5.5 The applicant also proposes to increase the number of stables at the site by dividing the existing storage barn into four, in addition to the existing four stables previously approved on site. As this results in the intensification of an existing use, there is no in principle objection subject to further assessment on the impact on horse welfare, highway safety, landscaping and so on.

5.6 *Present Business Situation*

The applicant has indicated that due to the nature of the equestrian activities concerned (the foaling of mares and the rearing of calves) there is general

functional need which officers accept on animal welfare grounds. Whilst the venture has been developing for a number of years (Since December 2003), it is quite typical for breeding related activities to take longer to establish than livery and riding school alternatives. The intent to increase facilities and the number of mares and foals coming through the system is the reason for the change in circumstance and potential justification for an on-site presence. The rural property consultants Acorus are satisfied that the applicant's plans to grow the business over the next three years are likely to come to fruition as they have the expertise, land area and equipment to do so. Whilst 5 acres of the 13 acres is only rented, there is a strong indication that the rented land will continue to be available to the applicants in the foreseeable future.

5.7 *Financial Viability*

The applicants have provided financial records for the business over the past three years as well as a business plan. Overall, the Council accepts the rural property consultant's view that the business has been planned on a sound financial basis and therefore satisfies this test.

5.8 *Other Accommodation*

The applicant has demonstrated that there are no properties for sale or rent which are suitable and available to otherwise meet the need, and their existing accommodation is approximately three miles away.

5.9 Acorus Rural Property Consultants and officers consider that the key tests relating to functional need and (financial) sustainability are satisfied and that the case for a temporary dwelling for three years can be supported in principle.

5.10 Horse Welfare

The British Horse Society recommends 1-1.25 acres per horse as permanent grazing, which means the maximum number of horses that should occupy the site is eight. The applicant does rent an additional 5 acres of land but as the intensification of the stable facilities is proposed to be permanent, the availability of this land cannot be guaranteed in the long term. It is therefore considered appropriate to limit the number of horses at the site to no more than eight horses and this will be conditioned on the decision notice.

5.11 Design and Landscaping

The siting of the proposed static caravan is alongside the main building and within sight and sound of the stabled horses. Officers are content that the position is acceptable and within close proximity to meet the identified functional need and provide a physical presence in the interests of security of the horses, which has been highlighted as an issue due to the value of the animals the applicant is breeding.

5.12 The colour of the finish for the caravan proposed is not specified, and the details of this can be conditioned; a muted grey colour would be preferable as this would be less visually intrusive in the rural landscape. The plans also do not show any pathways or hardstanding to the dwelling, however given the temporary nature of the development this is not considered to be necessary.

- 5.13 There is concern regarding the conversion of the barn to 4 no. stables and that it will create a shortage of storage, resulting in subsequent applications for new buildings. Whilst this is noted, the equestrian use is extant and the site is sufficiently large enough for 8 horses, and so the provision of four additional stables is not unreasonable. There is also an area used for storage in between the two buildings which is not currently utilised to capacity. Any additional storage requirements would be subject to assessment under a new planning application in the future.
- 5.14 The landscape officer has noted that the landscaping scheme conditioned under PK05/0798/F has not been properly implemented. Whilst this is a matter for enforcement, it is considered necessary to apply a further landscaping condition to this proposal if approved, as it is likely that the caravan will be visible from Monarch Way, which is a major recreational route to the east.
- 5.15 Turning to the conversion of the barn into four stables also proposed, this will not be visible from the public realm. Overall, officers consider that the proposal accords with policy CS1 and CS34 of the Core Strategy, and policy L1 and LC12 of the Local Plan.
- 5.16 Residential Amenity
There are no nearby residential properties which would be affected by the proposed static caravan. The occupiers of the unit have a good outlook and there is no objection on the grounds of residential amenity.
- 5.17 Transport
The Transport officer does not have any concerns increasing the number of horses as the equestrian use is existing. The provision of a temporary caravan is in association with this use and therefore unlikely to cause a significant impact on vehicular movements. The restriction on the number of horses on site will also restrict the intensification of the highway.

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. The static caravan hereby permitted shall be removed and the land restored to its former condition on or before 30th June 2020 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

There is insufficient evidence available at this stage to assess the impact of the development and permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Plan, and any other material considerations.

3. Prior to the commencement of development details of the finish for the static caravan hereby approved on a temporary basis shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and to reduce the impact on the landscape, to accord with Policy CS1 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework. This information is required prior to commencement in order to prevent remedial works later on.

4. 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 reduce the impact on the landscape in accordance with policy CS1 and CS34 of the Core Strategy (Adopted) December 2013, and the National Planning Policy Framework.

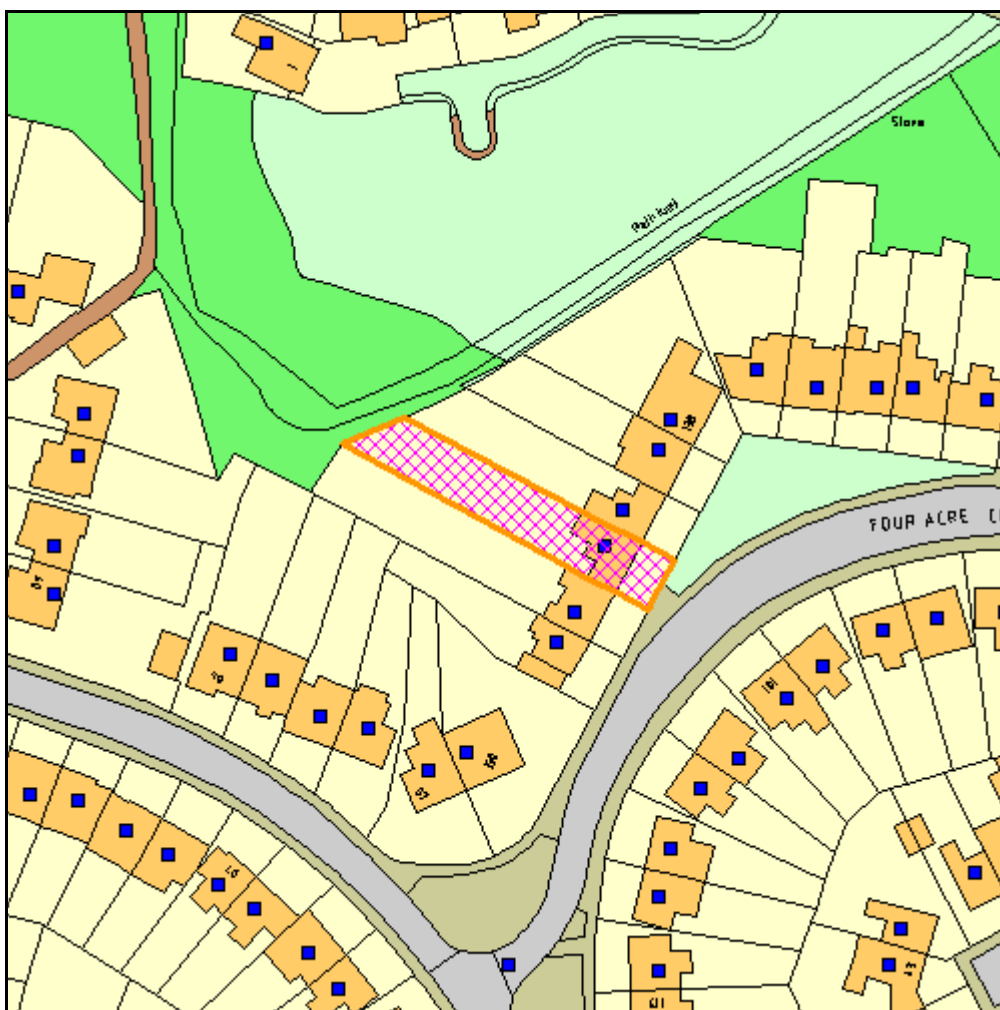
5. The number of horses kept within the blue line boundary on the Site Location Plan 2852 001 Rev B (received on 23rd March 2017) shall not exceed eight at any time.

Reason

To ensure the welfare of the horses, in accordance with policy E10 of the Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PK17/1399/F	Applicant:	Mr Campbell
Site:	144 Fouracre Crescent Downend Bristol South Gloucestershire BS16 6PZ	Date Reg:	5th April 2017
Proposal:	Erection of two storey side and two storey rear extensions to provide additional living accommodation.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365313 178202	Ward:	Downend
Application Category:	Householder	Target Date:	24th May 2017



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK17/1399/F

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 double storey side and double storey rear extensions to provide additional living accommodation.
- 1.2 The application relates to a semi-detached dwelling situated within an established residential area of Downend.
- 1.3 During the course of the application a revised block plan was submitted detailing 3no. off-street parking spaces to the front of the dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

- H4 Development within Existing Residential Curtilages
- T12 Transportation

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK01/1124/F
Erection of single storey extension – approved with conditions.
13.06.2001

- 3.2 P98/4556
Erection of front extension to garage with new pitched roof – approved.
15.09.1998

4. **CONSULTATION RESPONSES**

- 4.1 Downend and Bromley Heath Parish Council
No objection

- 4.2 Other Consultees

Sustainable Transport

Update:

Revised block plan received

Archaeology Officer

No objection

Other Representations

- 4.3 Local Residents
1no. letter of objection has been received from a local resident; comments summarised below:
- Loss of natural light
 - Overbearing impact
 - Loss of outlook
 - Unclear how proposal will be constructed on the party wall boundary with neighbour

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The application seeks permission for the erection of double storey side and double storey rear extensions to form additional living accommodation. Saved policy H4 of the SGLP (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

- 5.2 Residential Amenity

The application relates to a semi-detached dwelling situated within an established residential area of Downend. The nearest neighbouring properties to the site are nos. 142 to the southwest and 146 attached to the northeast. The application seeks permission for the erection of a double storey side extension to the southwest elevation and a double storey rear extension extending beyond the host by 3.3m, adjoining an existing single storey lean-to.

- 5.3 It is considered that the proposed double storey side and rear extensions, by virtue of distance and maximum depth from the rear elevation, would not impact the residential amenity of the occupiers of the attached neighbouring property. The remaining consideration therefore is the impact of the double storey extension on the occupiers of no.142. It is noted that these residents

have raised a number of concerns at the consultation stage regarding overbearing impact and loss of light and outlook.

- 5.4 The neighbour's comments are acknowledged however on consideration of the proposed development it is not considered that the proposal would have a detrimental impact on the living standards of these occupiers. No.142 does have a first floor and ground floor windows in its side elevation and it is acknowledged that the proposal would bring the massing of the host closer to these. However, given that these are secondary windows, this would not warrant a refusal. The proposed double storey extension would not extend beyond the front or rear elevations of no.142 and although there are secondary windows in the side, it is not considered that the development would appear adversely overbearing or oppressive to amenity areas. The application site is also to the northeast of no.142 and as such the proposal would not have any appreciable impacts on existing levels of natural light.
- 5.5 It is noted that during the construction phase some disruption can occur as a result of building operations. Given the established residential nature of the locality and the proximity of the extension to neighbouring occupiers, a condition is recommended to limit hours of construction. Subject to this, there are no objections on grounds of residential amenity.
- 5.6 Design
The proposal is for a double storey side extension with a hipped roof, set back from the front elevation and set down in height. Materials and design detailing are shown to match the host. It is considered that the proposal has been appropriately designed to remain visually subservient to the original dwelling and would not unbalance the character of the pair. The design of the roof, fenestration and form are all in keeping with the character of the site and the local area.
- 5.7 Highway Safety
The application proposes to increase the number of bedrooms in the dwelling from three to five. The attached garage would be reduced internally, leaving it unsuitable for parking vehicles. A revised block plan was submitted detailing 3no. off-street parking spaces to the front of the dwelling. In accordance with the Council's minimum residential parking standards this level of parking is acceptable. Subject to an implementation condition, there are no concerns in terms of highway safety.
- 5.8 Other Matters
Additional concerns that have been raised relating to drainage and foundations fall within the remit of building regulations, outside of planning control.

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: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

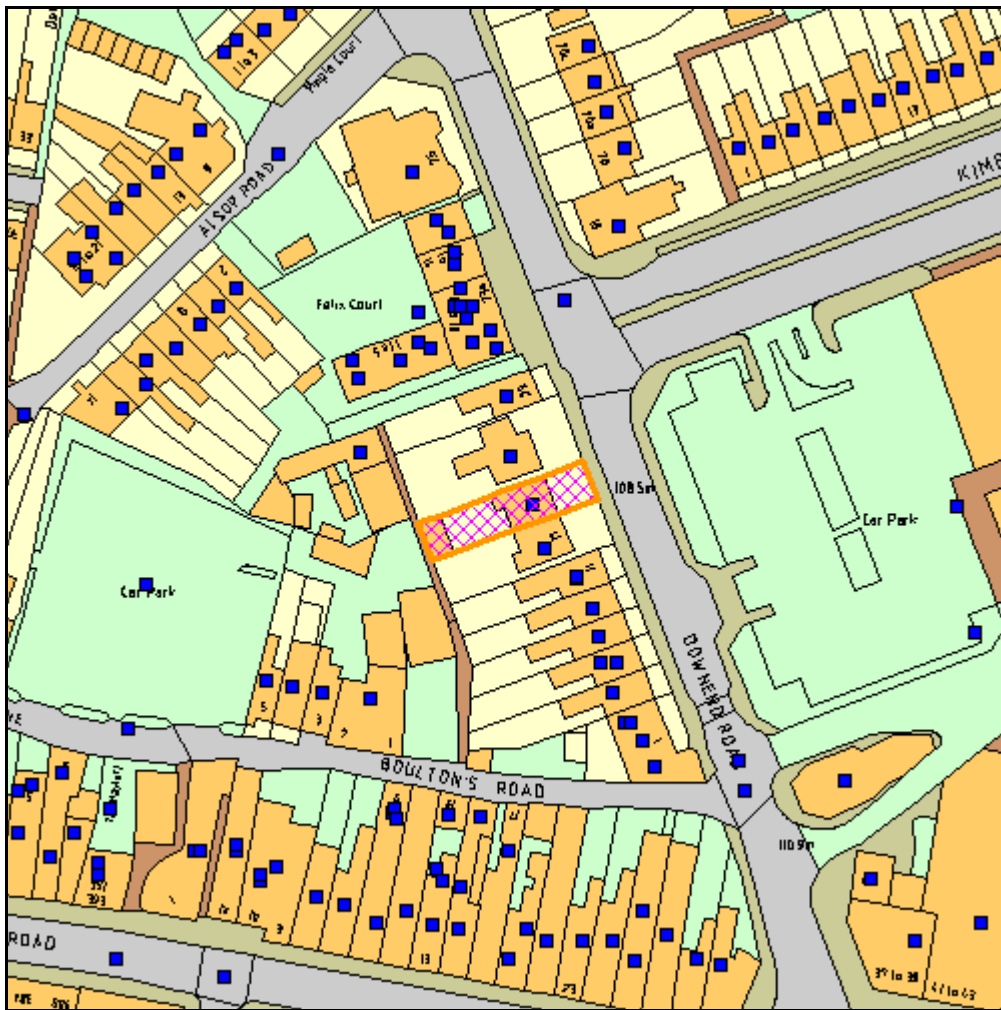
3. The off-street parking facilities shown on plan Block Plan (received 21/06/2017) hereby approved shall be provided before the extensions are first occupied, and thereafter retained for that purpose.

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. 25/17 – 23 JUNE 2017

App No.:	PK17/1888/F	Applicant:	Mr Sebastian Fitzgerald
Site:	19 Downend Road Kingswood Bristol South Gloucestershire BS15 1RT	Date Reg:	3rd May 2017
Proposal:	Erection of two storey rear extension to provide additional living accommodation.	Parish:	None
Map Ref:	364633 173978	Ward:	Kings Chase
Application Category:	Householder	Target Date:	13th June 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK17/1888/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 applicant is seeking full planning permission for the erection of a two storey rear extension to provide additional living accommodation. The application site is a semi-detached, two storey house within the urban area of Kingswood.
- 1.2 The proposal underwent a redesign as a result of neighbour and officer comments. The updated plans were received on 1st June 2017 and the neighbors who objected were reconsulted.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework April 2014
National Planning Policy Guidance 2014
- 2.2 Development Plans
South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire SPD: Residential Parking Standards (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Sustainable Transport
No objection

Other Representations

- 4.2 Local Residents
There were two neighbour objections to the proposal; one neighbour objected due to:
 - Loss of light
 - Eaves and guttering projecting onto their property, reducing future development potential

- No access to property has been given
- Building will destroy some garden features & plants – this has not been addressed

This neighbour subsequently removed their objection when the revised plans were consulted upon.

One neighbour objected due to:

- Not liking the proposal
- Loss of light
- Eaves and guttering projecting onto their property
- No access to property has been given
- Building will destroy some garden features & plants

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Visual Amenity

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

5.3 The ground-floor extension would extend around 2.9m from the rear of the house. It would sit to the northern end of the rear of the property, and would abut the existing north-west corner. A first-floor element would sit atop this, extending 2.4m from the rear of the dwelling, with a lean-to roof bridging the gap to the rear. The first-storey element would have a hipped roof, and would sit below the existing ridge line of the house. The entire rear extension would be finished with materials to match the existing dwelling and would measure around 2.6m in width.

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

5.5 Residential Amenity

It is noted that two neighbouring occupiers objected to the original proposal, although one has removed their objection. One neighbour objection remains, due to:

- Not liking the proposal
- Loss of light

- Eaves and guttering projecting onto their property
- No access to property has been given
- Building will destroy some garden features & plants

5.6 While it was agreed that the original extension would have resulted in a materially significant loss of light in the original plans, the redesigned proposal is stepped back from the original, and having looked at the path of the sun and position and scale of the extension, it is not considered that a significant loss of light would occur.

5.7 In terms of the eaves and guttering projecting onto the neighbouring property, the lack of access to the neighbouring property, and the fact that the building would destroy some garden features and plants, this would be considered a civil matter. Planning permission does not grant permission to use neighbours land, destroy their plants or build past the party wall. This is therefore not a consideration within this report.

5.8 There are no windows proposed on the side elevations of the house, and the size is considered in keeping with the area, and not overly large. There are therefore, no concerns regarding loss of privacy or overbearing as a result of this proposal. Overall, it is considered that there are no concerns regarding residential amenity as a result of this proposal.

5.4 Highway Safety

The proposal would not increase the number of bedrooms in the dwelling which does not trigger a need for additional parking provision, nor would the proposal affect the existing parking facilities. As such, there are no highway objections.

6. CONCLUSION

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

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

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

7. RECOMMENDATION

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

Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

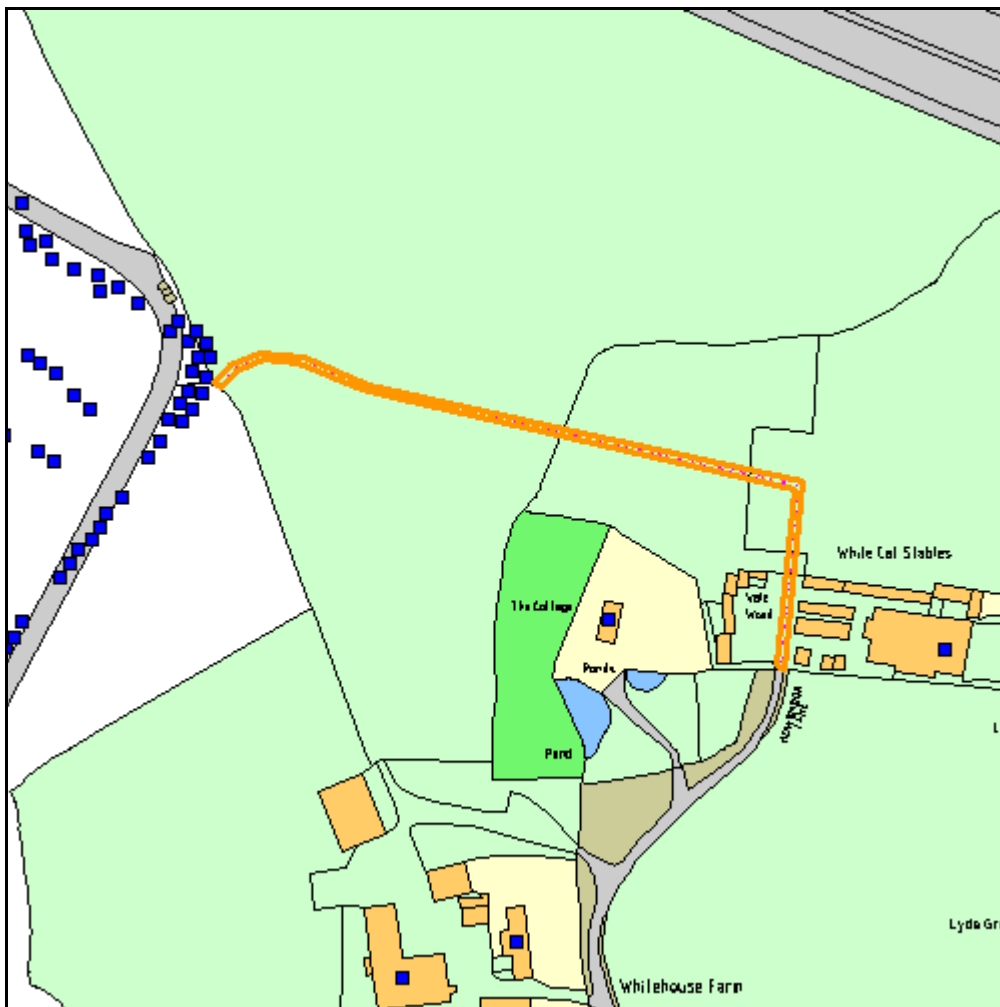
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PK17/1940/FDI	Applicant:	Emersons Green Urban Village Ltd
Site:	Emersons Green South Gloucestershire BS16 7JZ	Date Reg:	16th May 2017
Proposal:	Diversion of footpath LPU 1/10	Parish:	Emersons Green Town Council
Map Ref:	367231 178271	Ward:	Boyd Valley
Application Category:		Target Date:	20th June 2017



© South Gloucestershire Council 2007. all rights reserved.

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

N.T.S.

PK17/1940/FDI

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpath LPU 1/10.
- 1.2 The proposed diversion is required to facilitate the implementation of development approved under outline application PK04/1965/O (superseded by application PK15/4232/RVC) for a mixed use development of up to 2250 dwellings at Emersons Green East. The proposal diverts a 217m section of the footpath LPU/1/10 between points D and E onto the route marked red on the submitted plans.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Town and Country Planning Act 1990 (as amended) Section 257
Circular 01/2009 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
CS32 Thornbury

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

LC12 Recreational Routes
T6 Cycle Routes and Pedestrian Routes
T12 Transportation Development Control Policy for New Development

3. RELEVANT PLANNING HISTORY

- 3.1 PK15/4232/RVC, Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1,A2, A3 A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavilion (class D1). Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined. Variation of Condition relating to trigger for construction of Tiger Tail on M32 attached to approved Outline application. Approved on 01/01/16.

3.2 PK16/4926/RM, Construction of road 5 and adjoining roads, including carriageway and footway. Construction of Pond C4 and reprofiling of Lyde Green Watercourse. Approval of reserved matters - appearance, landscaping, layout and scale; to be read in conjunction with outline planning permission PK15/4232/RVC, formerly PK04/1965/O). Approved on 19/01/17.

4. CONSULTATION RESPONSES

4.1 Emersons Green Town Council

No objection if the diversion is to be temporary. Members, however, have noted that on the submitted plans the diversion is marked as 'permanent' and would seek clarification from the South Gloucestershire Council Planning Officer.

4.2 Public Rights of Way Officer

No PROW objection, subject to a small amendment to the application plan to stop up the path from point D to the point it turns south, as this section will become adopted footway/highway. From this point to point E the route can be diverted. This can be achieved under the provisions of S.257 Town and Country Planning Act 1990.

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such, a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonable in respect of the planning permission it relates to.

5.2 The existing footpath, LPU/1/10 is required to be diverted between points D and E because the implementation of residential development, which has been approved in outline in this location, would make the existing route unviable. The existing route is to be diverted onto formal 3 metre wide footways along the main spine road and a tertiary street on the route marked red on the plans submitted. As a large part of the route is to be diverted onto an adopted street, the order will primarily involve 'stopping up' a large part of the existing route. In response to the Town Council's comment, the Planning Officer can clarify that the proposed diversion is permanent. The proposed diversion accords with the approved EGE Detailed Masterplan, and is necessary to facilitate residential development at the site. The Council's Public Rights of Way Officer has raised no objections to the proposal. The route proposed is considered to be direct, and will provide an adequate level of amenity. An alternative greener route is also available further south.

5.3 Accordingly, there are no objections to the proposal.

6. CONCLUSION

6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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.

6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy L12 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 as the utility and amenity of the route would be retained.

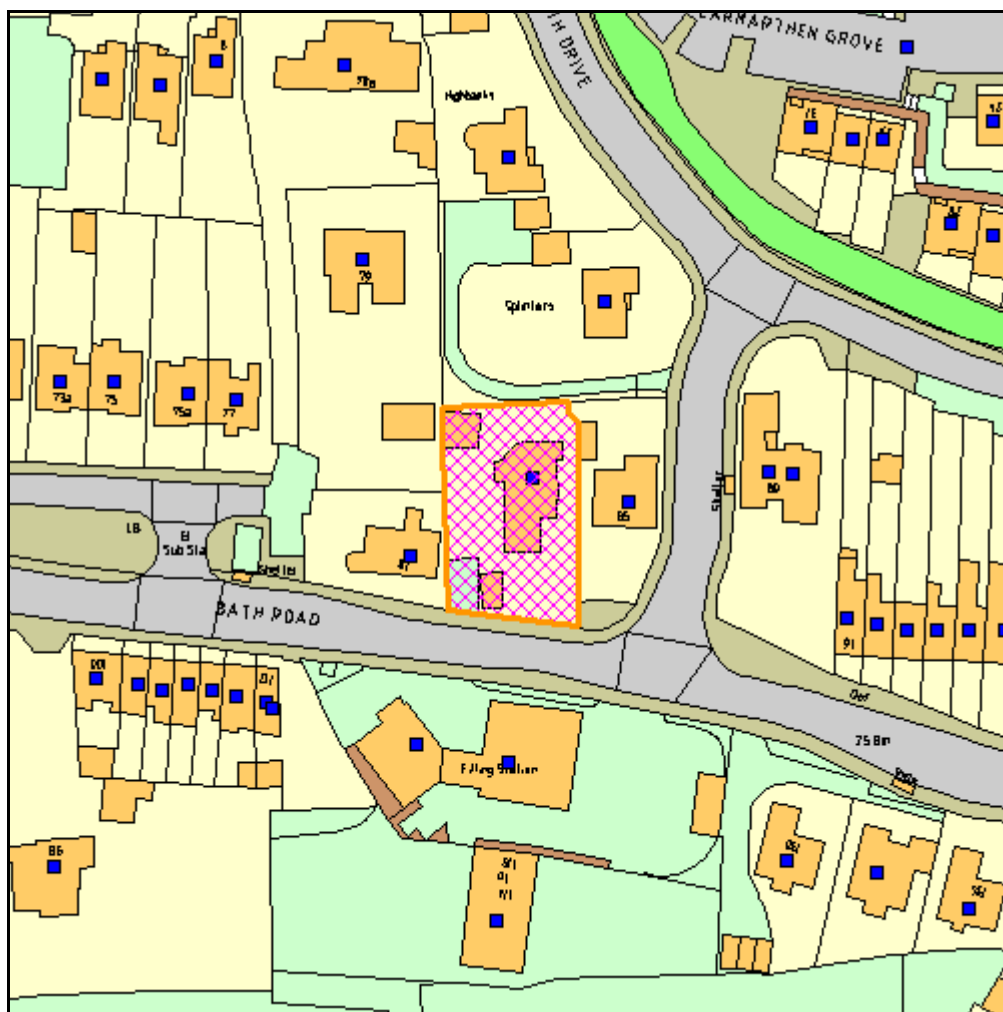
7. RECOMMENDATION

7.1 That no objection is raised to the proposed diversion of footpath LPU/1/10 and that the Head of Legal and Democratic Services is instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath LPU/1/10 as illustrated on the layout plans submitted received by the Council on 16th May 2017.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PK17/1982/F	Applicant:	Mr M Nicholls
Site:	83 Bath Road Willsbridge Bristol South Gloucestershire BS30 6ED	Date Reg:	18th May 2017
Proposal:	Demolition of existing garage. Erection of single storey residential annex ancillary to main dwelling. Erection of glazed link porch to side elevation	Parish:	Oldland Parish Council
Map Ref:	366758 170364	Ward:	Bitton
Application Category:	Householder	Target Date:	22nd June 2017



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK17/1982/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks permission to demolish the existing detached double garage in order to facilitate the erection of a single storey annexe linked to the main dwelling by a proposed glazed porch.
- 1.2 The host dwelling known as 83 Bath Road, Willsbridge is an attractive period detached property thought to originate from around the early 19th century that has formerly been used as a bed and breakfast (C1) and was converted back to a residential use (C3) in around 2010. The property has been subject to a number of alterations and additions. The property has rubble elevations, hipped roofs and currently has 2 detached garage structures within the curtilage.
- 1.3 The proposal seeks to demolish the larger of the two garage structures and to erect a residential annexe forward of its current location and linked to the existing dwelling by the proposed glazed porch.
- 1.4 The host dwelling is situated within the built up residential area of Willsbridge.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP16 Parking Standards
PSP17 Heritage Assets and the Historic Environment
PSP38 Development within Existing Residential Curtilages
PSP43 Private Amenity Space Standards

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/2086/F – Approval – 30/09/2010 – Change of use from Bed and Breakfast accommodation (C1) to residential dwelling (C3).
- 3.2 PK03/0920/F – Approval – 19/05/2003 – Erection of first floor rear extension to form additional bedroom for bed and breakfast accommodation.
- 3.3 PK02/1719/F – Approval – 19/08/2002 – Change of use from dwelling house (C3) to bed and breakfast accommodation (sui generis)
- 3.4 PK02/0675/F – Approval at Appeal – 19/04/2002 – Erection of 2 metre high boundary fence (retrospective).
- 3.5 K803/3 – Approval – 11/09/1975 – Detailed site layout and plotting plan for 145 dwelling units.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
Objection – overdevelopment that does not provide adequate parking provision.

4.2 Other Consultees

Transport Officer
No Objection

Other Representations

- 4.3 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

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

5.2 Design and Visual Amenity

The proposal seeks to demolish an existing detached garage structure and erect a linked residential annexe just forward of the position of the existing garage structure. The host dwelling is located in an elevated position above Bath Road and is screened by 2 metre timber fences and a 1 metre rubble wall. As a result the location of development is relatively discreet and is not wholly visible from the streetscene. In addition the proposal is of a single storey scale and is of a similar size, appearance and is similarly located to the existing garage structure. On this basis the proposal is considered to have an acceptable standard of design.

5.3 The parish council have objected to the proposal and considered it to be overdevelopment. This is not considered to be the case as the proposal will replace an existing structure of a similar size.

5.4 The proposal will utilise materials of a similar appearance to those in the existing dwelling and garage and there is no objection with regard to this.

5.5 Annexe Test

By definition an annexe must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case, the proposed space has all the internal facilities required for independent living; i.e. a bed space, a bathroom, kitchen and living space; and could therefore be occupied independently in the future. That said the structure will not have access to a private garden; meaning the annexe could not be independently occupied without having a harmful impact on residential amenity of the occupiers of the structure or the host dwelling. The application therefore demonstrates that the proposal will function as an annexe. A condition will be included restricting the building from being independently occupied in the future.

5.6 Residential Amenity

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

5.7 The proposal will replace an existing garage that is similarly located and is of a similar size and scale. The proposal will be located just forward of the location of the existing garage building, however it has been considered to have the same material impact on the amenity of numbers 79 and 81 Bath Road. There are no dwellings to the south or north that are considered to be impacted by the proposals.

5.8 The extension will not utilise a significant amount of additional floor space and sufficient space would remain following development. There is no objection with regard to this.

- 5.9 The subject property is located within a built up residential area and given the scale and location of the proposed development, the proposal will not result in a detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.
- 5.10 Sustainable Transport and Parking Provision
Currently the property has an area of hardstanding to the front of the garage. It should be noted that no permission is required for the conversion of the space to living accommodation. Whilst this garage space will be lost the existing hardstanding will remain; this is sufficient for the parking of at least 3 vehicles and therefore provides the maximum level of required parking provision. On this basis the proposal is considered to accord with the provisions of the Residential Parking Standards SPD. The proposal would result in the introduction of an additional bedroom however it will not require any additional parking space nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The local planning authority has no objection to the proposal in relation to highway safety or parking provision.
- 5.11 The Parish Council have objected to the proposal suggesting that the parking situation would be inadequate. It should be made clear that the area west of the dwelling is all currently being used as a driveway and is suitable for the parking and manoeuvring of vehicles, in addition there is a garage space to be retained in the structure to the south-west of the dwelling. Furthermore the proposal is not materially larger than the existing garage structure. The LPA's Sustainable Transport Officer has visited the site and noted that there is sufficient parking provision and space for manoeuvring and that the increase in the number of bedrooms on the site is not considered to result in harm to 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 attached to the decision notice.

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

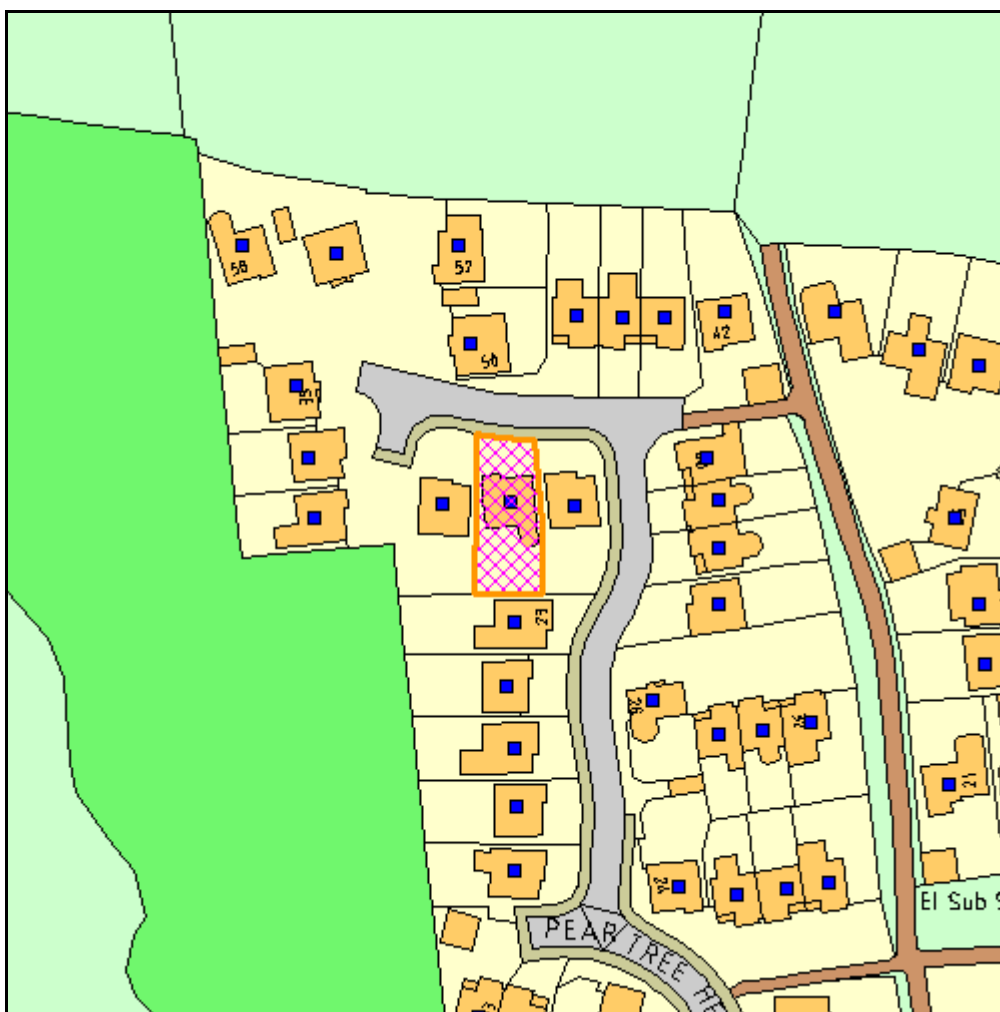
2. The residential annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 83 Bath Road, Willsbridge and at no point shall it be occupied as an independent residential unit.

Reason

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

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PK17/2105/CLP	Applicant:	Mr Phil Martin
Site:	27 Pear Tree Hey Yate Bristol South Gloucestershire BS37 7JT	Date Reg:	25th May 2017
Proposal:	Certificate of lawfulness for the proposed demolition of existing conservatory and erection of single storey rear extension	Parish:	Yate Town Council
Map Ref:	371121 184312	Ward:	Yate North
Application Category:		Target Date:	4th July 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PK17/2105/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 demolition of an existing conservatory and erection of a single storey rear extension at 27 Pear Tree Hey, Yate, Bristol, South Gloucestershire, BS37 7JT would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 P92/0600/17
Approval (20.05.1992)
Erection of 46 dwellings; construction of associated driveways, access roads, and pavement; provision of landscaped areas (in accordance with the submitted plans by the council on the 3RD march 1992 as amended by plans received on the 8TH April 1992, 30TH April 1992 and 8TH May 1992)
- 3.2 P88/1156
Refusal of Outline Permission (13.06.1988)
Residential and ancillary development, including erection of district centre, schools and provision of associated open space and landscaping on approximately 229 acres (outline)
- 3.3 P88/1155
Refusal of Outline Permission (13.06.1988)
Residential and ancillary development, including erection of district centre, schools and provision of associated open space and landscaping on approximately 229 acres (outline)

- 3.4 P86/2231
Approval of Outline Permission
Residential development with associated open space provision; construction of roads and sewers on approximately 90 acres of land (outline). (In accordance with the revised plans received by the council on 28TH august 1986)

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No Objection.

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan and Block Plan
Drawing No. 27PTH.APR17.LP.BP.1
Received by the Council on 5th May 2017

Existing Plans and Elevations
Drawing No. 27PTH.MAR17.E.1
Received by the Council on 5th May 2017

Proposed Plans and Elevations
Drawing No. 27PTH.MAR17.P.1
Received by the Council on 5th May 2017

6. ANALYSIS OF PROPOSAL

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.
- 6.3 The proposed development consists of the demolition of an existing conservatory and erection of a single storey rear extension. The proposed rear extension would fall within Schedule 2, Part 1, Class A of the Town and

Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria set out below:

A.1) Development is not permitted by Class A if –

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

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

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

As noted on Drawing No. 27PTH.MAR17.P.1; the total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

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

The height of the rear extension would be 3.5 metres. This will not exceed the height of the roof of the existing dwellinghouse.

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

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

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse,**

(ii) or exceed 4 metres in height;

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

(g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable.

(h) The enlarged part of the dwellinghouse would have more than a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension would be single storey.

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

The extension would be within 2 metres of a boundary; however the eaves would not exceed 3 metres.

(j) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—

- (i) exceed 4 metres in height,**
- (ii) have more than a single storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

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

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

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

The development would not include any of the above.

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

- a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;**
- b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**
- d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c);**

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

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

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

The submitted information indicates that the proposal will be finished in materials similar to the exterior finish of the existing dwellinghouse.

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

Not applicable.

- c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so**

far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

- 6.4 No. 27 Pear Tree Hey, Yate, has no planning history that restricts the demolition of the existing conservatory and the erection of a single storey rear extension. Nor are there any physical attributes regarding parking, access or amenity space that would prevent this development.

7. RECOMMENDATION

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

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

Contact Officer: David Ditchett

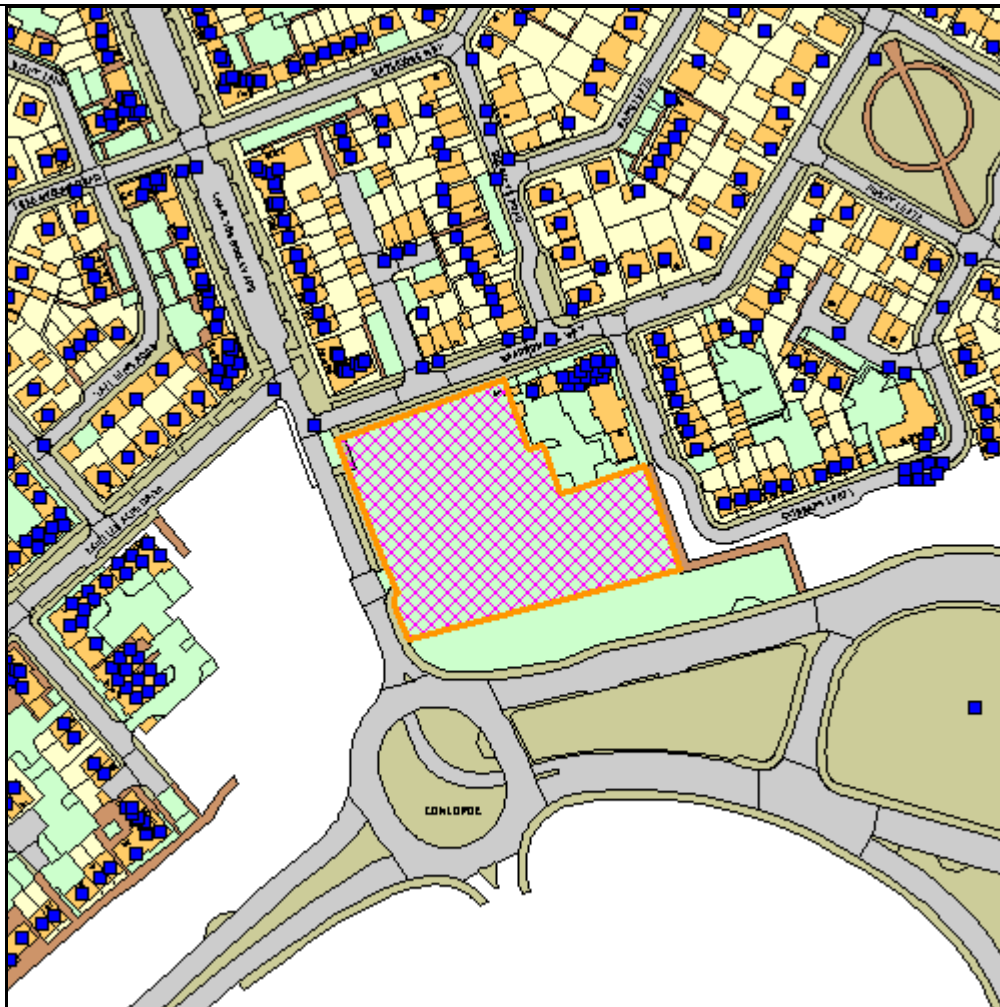
Tel. No. 01454 863131

CONDITIONS

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

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT16/4975/F	Applicant:	Yourlife Management Services Ltd/McCarthy Stone Retirement
Site:	Plot MU6 Land At Junction Of Hayes Way Charlton Boulevard Patchway South Gloucestershire BS34 5AG	Date Reg:	16th September 2016
Proposal:	Erection of part three, part four storey building comprising of 60no. extra care apartments (Class C2) for the elderly with associated communal lounges, restaurants, kitchen, guest room, staff accommodation, communal refuse and electric buggy stores. Landscaped gardens, sub station and car parking with vehicular access from Sparrowbill Way	Parish:	Patchway Town Council
Map Ref:	360286 181096	Ward:	Patchway
Application Category:	Major	Target Date:	14th December 2016



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT16/4975/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with the Councils scheme of delegation as the application is subject to a S106 legal agreement.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of 60 no. extra care apartments arranged over a part three and part four storey building. The application includes landscaping and car parking and a new vehicular access onto Sparrowbill Way. Provision is also made on the site for the installation of a new electricity substation. The building will sit amongst landscaped gardens for the resident's enjoyment.
- 1.2 The application site sits on land that was covered by the original outline planning permission or the Charlton Hayes estate. The site formed part of 'phase 1' of the Charlton Hayes development which has an agreed detailed master plan and design codes. The site wide master plan & Design & Access Statement identify parcel MU6 as 'mixed-use'. This application however departs from the Outline application and therefore is not a reserved matters application – it is a full planning application to be assessed on its own merits. In considering the application it is necessary however to ensure that the application still complies with the broad principles envisaged for the site as set out through the original design codes. During the course of the application, amended plans have been received which include a change to the red line of the application site. Full re-consultation has been carried out on all revised plans.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
Technical Guidance to the National Planning Policy Framework 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- EP2 Flood Risk and Development
- L1 Landscape Protection and Enhancement
- L11 Archaeology
- LC1 Provision for Built Sports, Leisure and Community Facilities
- LC2 Provision for Education Facilities
- M1 Site 4 Major Mixed Use Development Proposals at Northfield
- T12 Transportation Development Control Policy
- T7 Cycle Parking
- T8 Parking Standards

South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions

CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS24 Green Infrastructure, Sport and Recreation Standards
CS35 Communities of the North Fringe of Bristol Urban Area

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/3143/O Major mixed-use development across 81.25 hectares of land comprising 2,200 new dwellings, 66,000 sq m of employment floor space (B1, B2 and B8), 1,500 sq m of A1, A2, A3, A4 and A5 floor space: together with the provision of supporting infrastructure and facilities including; new vehicular and pedestrian accesses to Highwood Road, new link road, public open space, primary school, community building, hotel (C1) (Outline). Approved following signing of S106 agreement March 2008.
- 3.2 PT12/3603/RM Construction of internal roads and associated works (Approval of reserved matters to be read in conjunction with outline planning permission PT03/3143/O). Approved June 2013.
- 3.3 Proposed amendment of phase 1 Masterplan areas mixed use 5 and mixed use 6 as agreed for application PT03/3143/O. The proposed alteration to the approved Phase 1 Masterplan, to reduce the employment land within Mixed Use Areas 5 and 6 and replace it with residential was approved on 21st March 2014 at Committee.
- 3.4 PT13/4148/RM Mixed use development comprising the erection of 56 no. dwellings (including 8 no. flexible residential/employment use units) and 1 no. employment/retail units with layout, access, parking, scale and associated works. (Approval of Reserved Matters apart from landscaping and appearance to be read in conjunction with Outline Planning Permission PT03/3143/O). Approved May 2014

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No response received
- 4.2 Statutory and Internal Consultees

Affordable Housing

There has been extensive discussions through the course of the application concerning the use class of the building

Conservation Officer

The proposed amendments appear limited in scope and fail to address the concerns previously expressed about the poor quality of architecture being proposed for such a prominent location.

Wessex Water

Do not wish to comment

Environmental Protection (Contaminated Land)

No Objection

Economic Development

No Objection

Lead Local Flood Authority

No Objection

Landscape Officer

No objection subject to a condition securing a detailed planting plan.

Public Rights of Way

There are no PROW's within the application site

Transportation

No Objection

Highways England

No Objection

Urban Design

In so far as the general layout and scale, which shows a continuous frontage to Hayes Way and the Boulevard, of 2-4 storeys, with parking to the rear, I have no objection. With respect to detailed layout and appearance issues I would make the following comments: 1. The proposed use of buff brick, boarding and render is in general keeping with the Boulevard and Phase I Design Codes. This type of architecture, however can appear lightweight and aged very quickly if not undertaken with robust detailing and materials. Clarification is therefore requested in terms of plinth detail, window reveals (min 100mm), boarding (should be recessed - not stuck on), tiles (should be a recon slate product) and brick specification. 2. Closed board fence is not an acceptable boundary treatment to the eastern and northeastern edges and should be further considered. 3. Sustainability objectives are noted within the D&A statement. These are welcome. A simpler statement that sets out more clearly CO2 savings over and above the building regs would be welcome (in accordance with Core Strategy Policy CS1, and addition of electric car charging hook up points, in accordance with CS8)

Highway Structures

If the application includes a structure that will support the highway or support the land above a highway. No construction is to be carried out without first providing the Highway Structures team with documents in accordance with

BD2/12 of the Design Manual for Roads and Bridges that will allow formal Technical Approval of the proposals to be carried out. The applicant will be required to pay the fees associated with the review of the submission whether they are accepted or rejected

Public Open Space Officer

SUMMARY OF TOTAL SECTION 106 REQUESTS	
Off-site POS provision/ enhancement contribution	£53,976.11
Off-site POS maintenance contribution	£72,796.62
POS inspection fees if private management proposed	£52.00 per 100sq.m.plus £500 core service fee

Arts Officer

In the light of this policy basis, if the application is approved, the Council should apply a planning condition for a public art programme that is relevant and specific to the development and/or locality and commensurate with its highly visible location. The programme should be integrated into the site and its phasing plan.

Other Representations

4.3 Local Residents

Two letters have been received from local residents both stating that they are not objection to or supporting the application. The letters raise the following queries:

- are there any plans to widen Sparrowbill Way
- will be yellow hatching applied to the roundabout.
- Will the builders hide unsightly rubbish containers and drains
- Hayes Way should be open to all traffic
- Other parts of Charlton Hayes are not tarmacked
- Drains in Charlton Hayes are too narrow
- Not enough Green Space and lack of community

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As explained in the introduction, this is not a reserved matters application. Instead it is a full and standalone planning permission albeit within the Charlton Hayes development area. In considering this application, it is still necessary to ensure that the proposed development does not prejudice the ability to fully implement the Charlton Hayes Outline permission and also that the proposal complies with the site wide principles and parameters as set out in the approved Design Codes.

5.2 In terms of explaining the site history, outline planning permission for the Charlton Hayes development was approved following the signing of the S106 agreement in March 2008. The original site-wide master plan for parcel MU6

was for mixed use development (residential and employment in an approximate 50/50 split). However, in March 2014, the Development Control West Committee approved an updated Master plan which showed the employment elements of the blocks on parcel MU6 reduced and replaced with a mix of residential units and 4 'Adaptable units' (Adaptable unit means a dwelling with potential for the ground floor to be used for retail or commercial purposes). The proposal now for consideration is purely residential with no commercial elements. It is noted however that the extra care block will generate some limited employment in its own right. Given that the Council has no way of insisting that the 4 'Adaptable units' ever actually accommodate commercial or retail use, it cannot be categorically stated that this application will result in the loss of any commercial floor space. Given that changing economic climate, and the fact that the economic development team raise no objection to the proposal, there is no fundamental objection in principle to this change.

5.3 This is a full planning application and the proposed 60 units are in addition to the maximum number of residential units for Charlton Hayes - which is set at 2,200 dwellings. All consultation responses have been made in full knowledge that the 60 dwellings are in addition to the 2200 and not part of it. Unless the additional 60 units cause an identifiable harm, there is no objection to the principle of the additional units.

5.4 Given the above, it is considered that the principle of development is acceptable. The proposal is therefore acceptable overall subject to the following detailed assessment:

5.5 Use Class

There has been lengthy and detailed discussion through the course of the application as to the appropriate use class. Following the receipt of legal advice, officers are satisfied that subject to stringent conditions and a S106 agreement securing an Operational Management Plan with bi-annual review mechanism and a Pre-assessment mechanism, the Extra care facility does fall within the C2 use class.

5.6 Urban Design and Visual Amenity

The proposal is for a single large horseshoe shaped building with a continuous frontage onto Hayes Way, Charlton Boulevard and Sparrowbill way. The building will vary in height as it follows the natural topography of the land with a focal four storey element where the building faces over the Hayes Way roundabout. The height of the building will then step down in height to a 2 storey section before rising again to three storeys close to the junction with Sparrowbill Way. There would be a single point of access from Sparrowbill Way. Staff, resident and visitor parking would be located to the rear of the building and landscaped gardens would run around the rear and front focusing in a courtyard area to the centre of the horseshoe. The main entrance will also be from the car park through the courtyard. There is no objection to the general form, layout and height of the building which is considered to be in accordance with the amended geographical master plan approved for Phase 1.

- 5.7 The proposed use of buff brick, boarding and render is in general keeping with the Boulevard and Phase 1 design codes and officers are therefore satisfied that the building will integrate successfully with the surrounding built form. It should be noted that the building on parcel MU5 on the opposite side of the boulevard is to be constructed of matching materials therefore ensuring visual uniformity. Through the course of the application the applicant agreed that the materials condition on MU5 should also be conditioned to MU6 and therefore, should the recommendation be for that of approval, the use of these specific materials will be secured via condition. Also to be consistent with the Phase 1 design code and the officer recommendation on MU5, a condition would also be attached to any consent to secure a minimum 75mm window reveal. Closeboard fencing is not considered to be a suitable boundary treatment but this will be covered by the landscaping plan (discussed below)
- 5.8 As initially submitted, the Council's urban design officer expressed some concern about the boundary treatment between the site and the square that defines the northern boundary. Through the course of the application, the wooden fence that was originally proposed has been removed from the plans and replaced with a more aesthetically pleasing rail and hedge. Subject to conditions to secure the details agreed, the Council's Urban Design officer raises no objection to the proposed plans.
- 5.9 Transportation
The plans show the provision of 38 car parking spaces plus separate electric buggy storage. Although no specific cycle store is shown, ample space is available within the buggy store to provide cycle parking sufficient to meet the needs of the development. For a scheme of this size (36 no. 2 bed flats and 24 no.1 bed flats) the residential parking standards SPD requires a minimum onsite parking provision of 84 spaces. In assessing the parking provision, consideration is also given to the fact that the application states that there will be 18 full-time employees on site with potential for further domiciliary care visitors. It is clear therefore that should the application be for standard open market housing falling within the C3 use class, insufficient off street parking is provided to meet the requirements of the Residential Parking Standards SPD.
- 5.10 However, consideration is also given to the fact that the proposed development is specifically designed as an extra care scheme. As confirmed in the Design and Access Statement, the proposal is for an age restricted accommodation with McCarthy and Stone assisted living accommodation being for those aged 70 and over and this would be the subject of a suitably worded condition. Given the age demographic and that the scheme will be marketed for those with a care need, it is entirely reasonable to assume that a significant proportion of the residents will no longer own or drive a vehicle. Subject to the attachment of a condition to restrict the age of future occupants, the level of off street parking is deemed acceptable to meet the needs of the specific development proposed.
- 5.11 The refuse stores for the scheme are located within the building close to the entrance to the site. A pull in area has been designed to allow for refuse vehicles to pull up without blocking the parking spaces or preventing access to and from the site. There is no proposal to widen Sparrowbill Way but this is

acceptable given that a new access was always shown in this location on the wider Charlton Hayes Master Plan.

- 5.12 It is noted that the approved master plan and the previous consent for the parcel both included a footpath along the site frontage whereas now the proposal doesn't include this feature. The main footway link along Hayes Way to the south could still be retained (through a separate application) and adequate pedestrian permeability would still be maintained. As such, the omission of a footway link along the site frontage alone is not sufficient to warrant refusal of the application.
- 5.13 Residential Amenity
To the north and east of the application site residential development is already in situ and this existing development is accurately shown on the proposed layout plans. The site layout has been designed to present parking and gardens towards the boundaries with the neighbouring dwellings therefore providing sufficient separate distance between existing and proposed primary room windows. Officers are satisfied that there is sufficient distance between habitable room windows so as to avoid undue loss of privacy or adverse overbearing impact. The site itself has a layout that ensures the majority of flats has its own small balcony or patio and a well landscaped and attractive garden area. The impact on existing and proposed levels of residential amenity is therefore deemed to be acceptable.
- 5.14 At present, large areas of the site are at a lower level than the surrounding built form and the outline planting plan originally submitted certainly shows some level changes. As no details have been submitted this stage as to the finished floor levels within the building, a condition requiring the submission of this information is deemed necessary both in the interests of visual and residential amenity.
- 5.15 Landscaping
An outline landscaping plan was submitted with the originally prepared drawings but an updated version was not submitted when the revised plans were submitted. Although the principles contained with the originally submitted outline application are considered to be generally acceptable, a detailed planning plan and implementation details would need to be the subject of a condition. Through the landscaping plan, officers would ensure that close boarded fencing was not allowed along the site boundaries and that a row of trees along the Boulevard (as shown in the master plan) is maintained. The landscaping plan would also ensure that sufficient screen planting is provided to the site frontage to provide adequate screening to the necessary sub-station.
- 5.16 Public Open Space S106 requirements
The proposed development is for a care home. It is unlikely that the proposed development would generate need for provision for children and young people or outdoor pitch sports, however it is reasonable to expect the future residents of the proposed development to require access to a range of open spaces. Subject to acceptable design, the minimum policy requirements for Informal Recreational Open Space, Natural and Semi-natural Open Space and Outdoor Sports Facilities and Allotments could be met on site. Using current average

occupancy data we estimate the proposed development of a 60 apartment care home (consisting of 24no. 2-bed apartments and 36no. 1-bed apartments) would generate a total population increase of 72 residents.

- 5.17 Delivery of sustainable communities requires provision of a range of open spaces which support residents' health and social well-being. Such facilities are important for the successful delivery of national and local planning policies as well as many of the objectives of the Sustainable Community Strategy and Council Plan. Requirements for open space are exempt from CIL and are dealt with using S106. Relevant planning policy includes NPPF, NPPG and the adopted Core Strategy. NPPF paragraphs 38, 58, 70, 73 and 74. Paragraphs 006, 014, 015 and 017 of the NPPG are all relevant to facilities and services.
- 5.18 This is a new residential development and it is reasonable to expect the future residents to require access to a range of open spaces. Provision of a range of good quality and easily accessible open spaces is important to reduce physical inactivity; a significant independent risk factor for a range of long-term health conditions. People who are physically active reduce their risk of developing major chronic diseases such as heart disease, stroke and type-2 diabetes by up to 50% and the risk of premature death by 20% - 30%. The relationship between inactivity and obesity is well recognised.
- 5.19 Research carried out by Age Concern 'Staying Healthy in Later Life' suggests that physical activity can develop and improve stamina, strength, flexibility, suppleness, balance and co-ordination. These affect a person's ability to carry out everyday activities, which are vital for maintaining a sense of independence and wellbeing, as well as increasing opportunities for social interaction reducing the risk of isolation.
- 5.20 Green space is linked to greater levels of physical activity and associated health benefits. A study examining obesity levels across a number of European countries found that people living in areas with large amounts of green space were three times as likely to be physically active than people living in areas where there is little green space. The provision accessibility and maintenance of safe and attractive green space is therefore critical.
- 5.21 Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

5.22 In light of the above, and in order to satisfy the requirements of Policy CS24 of the South Gloucestershire Local Plan Core Strategy (Adopted) the following S106 contributions are requested:

Category of open space	Minimum spatial requirement to comply with policy CS24 (sq.m.)	Contributions towards off-site provision and/or enhancement	Maintenance contribution
Informal Recreational Open Space	1008	£24,379.08	£42,972.45
Natural and Semi-natural Open Space	1080	£14,474.70	£24,012.07
Outdoor Sports Facilities (courts and greens)	288	£13,852.22	£4,192.62
Allotments	144	£1,270.11	£1,619.48

Total towards provision and/or enhancement = £53,976.11

Total towards maintenance = £72,796.62

5.23 Affordable Housing

As the use class is accepted as being C2 for this particular scheme, in accordance with policy, no contribution towards affordable housing is being sought.

5.24 Drainage

Despite being a full planning application, information has been submitted to demonstrate that the proposed drainage strategy complies with the Site Wide Drainage Strategy for the Whole of Charlton Hayes. The Lead Local Flood authority still required confirmation as to who will be responsible for maintaining and inspecting the surface water network including the storage tanks and flow control device. This information will be secured through a SuDS condition.

5.25 Other Matters

The site is not covered by any statutory or non-statutory nature conservation designations, although Filton Wood Site of Nature Conservation Interest (SNCI) lies within the North Field/Charlton Hayes Masterplan area. There are no ecological constraints to granting planning permission. Similarly, there are no archaeological issues associated with this application as the archaeological mitigation has already been dealt with as part of the Charlton Hayes outline application.

5.26 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations. Essentially the regulations (regulation 122) provide three statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development;
- Fairly and reasonably related in scale and kind to the development.

5.27 In the case of the planning obligations set out above, and as set out in the heads of terms below, it is considered that they are appropriate mitigation, necessary to make the development acceptable in planning terms, directly related to the development and in scale and kind to the development. As such, all planning obligations set out are considered to pass the CIL Regulation 122 tests.

7. RECOMMENDATION

7.1 That authority be delegated to the Director of Environment and Community Services to grant 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:

Public Open Space

- A contribution of £53,976.11 towards the provision and/or enhancement of Public Open Space
- A contribution of £72,796.62 towards the maintenance of the Public Open Space facilities

Reason – to comply with the requirements of Policy CS24 of the South Gloucestershire Local Plan core Strategy (Adopted)

Operational Management Plan

- An Operational Management Plan with bi-annual review and Pre-assessment details

Reason – to ensure that the building hereby permitted operates within the C2 use class at all times in light of the S106 contributions secured and the level of car parking.

7.2 That the head of Legal and Democratic Services be authorised to prepare and seal the agreement.

7.3 Should the S106 agreement not be completed within 6 months of the date of resolution than the application be refused or a further report prepared for presentation on the Circulated Schedule for further consideration.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The development must be carried out exactly in accordance with the following plans:

Received by the Council on 26th May 2017:
Flood Risk Assessment and Drainage Strategy

Received by the Council on 14th December 2017:

030rev C - Second Floor Plan
034revB - Roof Plan
031revB - Third Floor Plan
040revA - Proposed Elevations and Section
026revA - Proposed Site Layout Plan
029revC - First Floor Plan
POC-SS-0001 - Sub Station
038revA - Proposed Sections
037revB - Proposed Elevation and Section
039revA - Proposed Elevation and Section
6501revP2 - Drainage Layout
028revB - Proposed Ground Floor Plan

Received by the Council on 23rd September 2016:

Planning Statement
Transport Assessment
Design and Access Statement
Noise Assessment
Ecological Appraisal
Archaeological Desk Based Assessment

Reason

In the interests of completeness

3. The extra care accommodation hereby permitted shall only be used for the provision of Assisted Living Dwellings to people in need of care, being a use within Class C2 of the Town and Country Planning (Use Classes) Order 1987, as amended, and for no other purpose.

Assisted Living Dwelling means the dwelling which can accommodate up to a maximum of two occupants and shall be occupied by the Assisted Living Person and where for the avoidance of doubt where there is more than one occupant at least one occupant must be over the age of 70 .

Assisted Living Person shall mean a person who is identified as a person in an assessed need of at least one element of care and or support provided by a registered domiciliary care provider and can be suitably housed in such accommodation in order to maintain independence, health, wellbeing and social inclusion. The owner will not

at any time allow the occupation of the Assisted living Dwelling other than by the Assisted living Person save that where the Assisted Living Person no longer occupies the Assisted Living Dwelling any person living with the Assisted Living Person as his wife/husband/partner may remain in occupation of the Assisted Living Dwelling.

Reason

To ensure that the use of the building remain in a C2 use at all times to ensure the scheme remains policy compliant.

4. There shall be no subdivision of apartments, and communal areas shown on the approved plans shall be provided and retained as such for the lifetime of the extra care accommodation hereby permitted.

Reason

To ensure that the use of the building remain in a C2 use at all times to ensure the scheme remains policy compliant.

5. The extra care accommodation hereby permitted shall be registered for the provision of care with the Care Quality Commission or any Successor body

Reason

To ensure that the use of the building remain in a C2 use at all times to ensure the scheme remains policy compliant.

6. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday, 08.00 to 13.00 on Saturday; 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

In the interests of protecting the level of amenity afforded to neighbouring occupiers during the construction period and to comply with the requirements of the NPPF.

7. The development shall be carried out in strict accordance with the Hydrock Flood Risk Assessment and Drainage Strategy (April 2017) received by the Council on 26th May 2017.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with the requirements of policy CS9 of the South Gloucestershire Core Strategy (Adopted)

8. Notwithstanding the submitted details and prior to the commencement of roof construction, details and samples of the roofing materials shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details submitted shall include a roof plan showing which planes will be finished in each material. Development shall be carried out in accordance with the approved details

Reason

In the interests of the visual amenity of the building and to ensure its successful integration into the wider Charlton Hayes Development. Also to comply with the requirements of the Charlton Hayes approved design codes and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted).

9. Notwithstanding the submitted details, the external walls of the building hereby approved shall be finished with the following materials:
Brick - Wienerberber Eton Buff
Render - Krend SIL FT Champagne
Weatherboard - MarleyEternit Cedral Lap C60 Forest Grey
Mortar colour - Remix Medium (dark Charcoal)

Reason

In the interests of the visual amenity of the building and to ensure its successful integration into the wider Charlton Hayes Development. Also to comply with the requirements of the Charlton Hayes approved design codes and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted).

10. Notwithstanding the submitted details, all windows shall have a minimum 75mm reveal.

Reason

In the interests of the visual amenity of the building and to ensure its successful integration into the wider Charlton Hayes Development. Also to comply with the requirements of the Charlton Hayes approved design codes and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted).

11. Prior to the first occupation of the units hereby permitted details of all external illuminations , including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out exactly in accordance with the approved details.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

12. The off street parking (for cars, electric buggies and cycles) and bin storage areas must be provided before the development is first occupied and thereafter retained for that purpose.

Reason

To ensure the provision of an adequate amount of off street parking in the interests of Highway Safety in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) and to satisfy the requirements of the Residential Parking Standards SPD

13. Notwithstanding the submitted plans and prior to the first occupation of any part of the building hereby permitted, a scheme of landscaping which shall include proposed planting, times of planting in relation to the build and occupation programme, 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. Any landscaping that fails within the first five years following planting shall be replaced in the next available planting season.

Reason

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

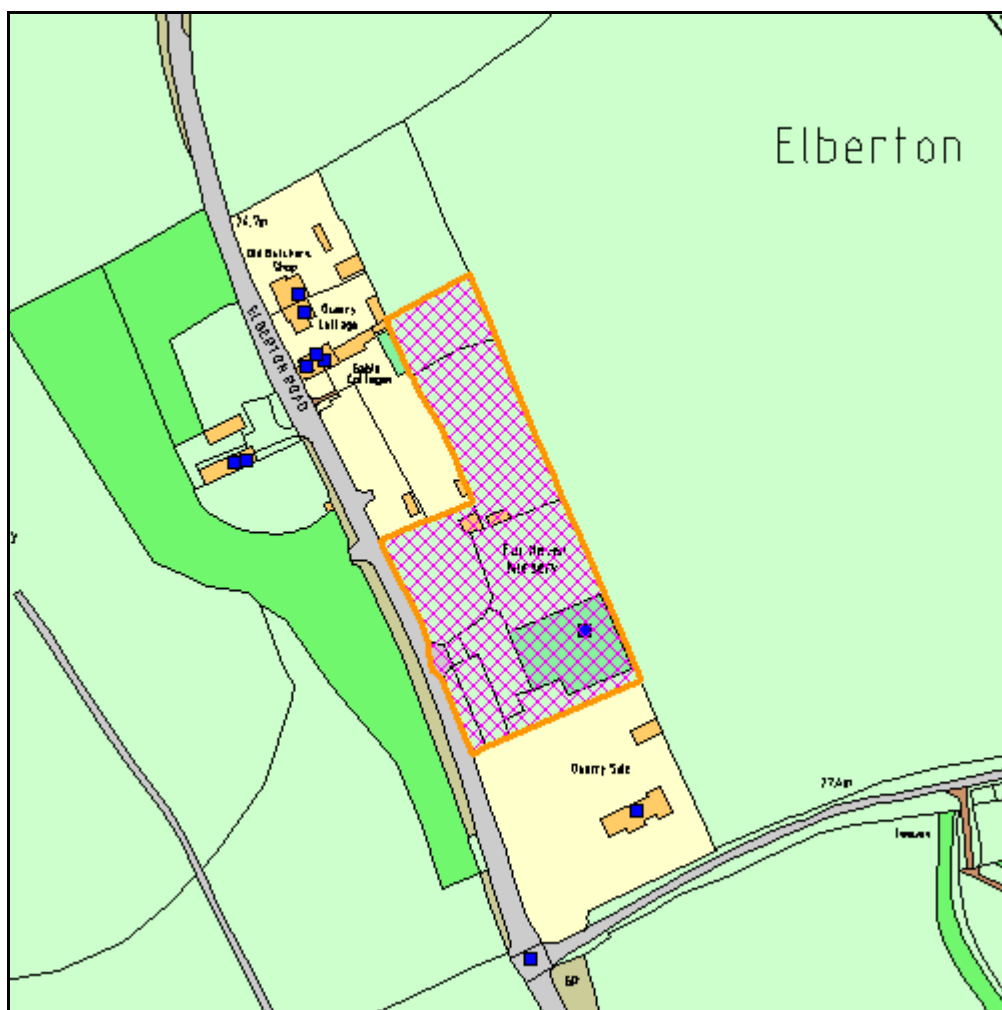
14. Prior to commencement of the laying of the foundations, details of the finished floor levels of the building in relation to the surrounding dwellings shall be submitted to the local planning authority for written agreement. The development must be carried out exactly in accordance with the details agreed.

Reason

Because of the existing level changes on site, it is necessary to establish the exactly floor level in the interests of both visual and residential amenity and to comply with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy and the NPPF.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT16/6161/F	Applicant:	Charm Developments
Site:	Former Blakedown Nursery Elberton Road Olveston Bristol South Gloucestershire BS35 4AB	Date Reg:	18th November 2016
Proposal:	Demolition of existing buildings and storage. Erection of 4no. detached dwellings, garages and associated works	Parish:	Aust Parish Council
Map Ref:	360042 188288	Ward:	Severn
Application Category:	Minor	Target Date:	11th January 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT16/6161/F

INTRODUCTION

The application was referred to the Circulated Schedule due to the receipt of objections and concerns from local residents and the Aust Parish Council.

1. THE PROPOSAL

- 1.1 The site consists of a plant nursery building and a number of storage containers / outbuildings at former Blakedown Nursery, Elberton Road, Olveston. There is a large hard-standing area for parking to the west (front) of the building, and the remaining site is largely used for storage building / landscaping materials. The site is located out the Olveston Village Development Boundary, which is washed over by the Green Belt. The existing access to the site is from Elberton Road. An open field lies to the east of the site, which is adjacent to a number of residential properties. The existing nursery building and outbuildings are not statutorily or non-statutorily protected. However, the site is situated within the setting of the nearby listed buildings, including the grade II* Church of St John, Grade II Old Manor House and Grade II 16th century barn.
- 1.2 The proposed development is to demolish the nursery building / outbuildings and remove the storage containers in order to facilitate the construction of 4 no. detached dwellings. Each dwelling would have a double garage and two parking spaces to the front.
- 1.3 During the course of the application, a number of amendments have been made including the following:
- Moving dwellings 2, 3 and 4 further to the south, house no. 4 has been moved by approximately 16.2 metres to the south
 - The size of the dwellings has been reduced by approximately 1 metre
 - The height of each dwelling has been reduced by approximately 1.5 metres
 - The agent confirms that the overall reduction in volume by approximately 858 cubic metres. (Officer noted that the final proposal represents approximately 3,948 cubic metres, while the existing large nursery building is approximately 3,268 cubic metres, and storage containers is approximately 598 cubic metres, hence the existing volume is approximately 3,866 cubic metres. it should be noted that there are a number of smaller outbuildings within the site.
 - To allow a bigger buffer area for the proposed soft landscaping scheme along the eastern boundary
- 1.4 To support the application, the applicant submitted the following documents:
- Design and Access Statement and its Addendum
 - Arboricultural Method Statement
 - Ecological Appraisal
 - A brief marketing information of the site
 - Planning Statement and its Addendum

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF) March 2012
National Planning Practice guidance (NPPG) including Conserving and Enhancing the Historic Environment
Housing White Paper dated 7 February 2017
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)
Managing Significance in Decision-Taking in the Historic Environment (GPA 2)
The Setting of Heritage Assets (GPA 3)

2.2 Development Plans

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

H3	Housing in Rural Areas
T12	Highway safety
L9	Species Protection
L13	Listed Buildings
LC2	Contributions for Education Facilities
LC1	Contributions for Community Facilities

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS4A	Presumption in favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and developer contributions
CS8	Improving Accessibility
CS9	Heritage and the natural environment
CS13	Non-Safeguarded Areas for Economic Development
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS23	Community Infrastructure and Cultural Activity
CS24	Sport and recreation standards
CS34	Rural Areas

2.3 Supplementary Planning Guidance and other relevant documents

Residential Parking Standards SPD (Adopted 2013)
Affordable Housing and Extra Care Housing SPD (Adopted May 2014)
South Gloucestershire Biodiversity Action Plan (Adopted)
The South Gloucestershire Design Check List SPD (Adopted August 2007)
Trees on Development Sites SPD Adopted Nov. 2005
Waste Collection Guidance for new developments January 2015 SPD

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2016

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Development Related Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets and the Historic Environment
PSP19	Wider Biodiversity
PSP20	Flood Risk, Surface Water and Watercourses Management
PSP21	Environmental Pollution and Impacts
PSP40	Residential Development in the Countryside
PSP43	Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 P97/2212 Use of land and buildings for the cultivation and hire of plants, together with the storage and distribution of horticultural products (retrospective application) Approved dated 27 October 1997
- 3.2 PT03/2086/F Demolition of existing buildings and erection of 5 business units and associated parking and landscaping (change of use from nursery (cultivation and storage of plants) to Class B1. Refused dated 23 October 2003
- 3.3 PT05/2166/F Demolition of existing buildings to facilitate erection of replacement building and associated works for landscaping business. Approved dated 19 December 2005
- 3.4 PT10/2084/EXT Demolition of existing buildings to facilitate erection of replacement building and associated works for landscaping business. (Consent to extend time limit implementation for PT05/2166/F). Approved dated 14 December 2011
- 3.5 PT12/014/SCR Erection of 12 no. dwellings and office development (outline). All matters reserved. Screening opinion for PT12/0635/O. EIA not required.
- 3.6 PT12/0635/O Erection of 12 no. dwellings and office development (outline). All matters reserved. Refused 28.06.2012. The refusal reasons are summarised as follows:
1. *In the absence of legal agreement, the proposal fails to adequately provide a level of affordable housing to meet local needs*
 2. *The proposal would allow the erection of 12 no. dwelling and a new office building within the open countryside beyond the Olveston*

settlement boundary, and this contrary to Policy E6 and H3 of the adopted Local Plan and the NPPF.

- 3. The site is located within the Bristol / Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. No Very Special Circumstances was demonstrated.*
- 4. By virtue of their siting, size and scale would have an unacceptable and harmful impact on visual amenity within the open countryside*
- 5. The proposed development does not achieve a good standard of site planning and design, insufficient information in respect of the siting and overall layout, form and detailing of the proposal, does not sufficiently respect and enhance the character and distinctiveness of the site, and fails to execute a design concept due to a lack of information.*
- 6. Due to its Green Belt location, by reason of the size, scale and siting of the proposed development, the proposal would have an adverse impact on the visual amenity of the Green Belt and harm its 'openness'.*
- 7. Lack of a tree survey and constraint plan*
- 8. Lack of ecological survey*
- 9. In the absence of legal agreement, the proposal fails to provide measures to enhance and maintain open spaces in the local area*
- 10. In the absence of legal agreement, the proposal fails to provide school transport for pupils residents*
- 11. In the absence of legal agreement, the proposal fails to mitigate against additional pressure on the library services*

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council: No objection to the principle of the development, noted that the site is a mess and regret the loss of employment opportunity, but accept that there is little prospect of it being used in that way. However, the Council raise concerns regarding the future ownership / maintenance of the open area, i.e. paddock, fronting Elberton Road, the scale and height of the new dwellings, the use of zinc roofs, which would be an eyesore and inconsistent with the surrounding buildings and rural setting in particular, the new dwellings would be close to the listed St John's Church and no buildings within the of these has a metal roof.
- 4.2 Historic England: No objection to the principle of the development, but are not convinced that this scheme will not detrimentally harm the character of the open countryside, which (whilst the application site requires enhancement) forms an important contribution to the setting of the church and manor group.
- 4.3 Conservation Officer: Objection, concerns that the identikit appearance of the houses, which result in a contrived, suburban appearance, and this would be out of keeping with the rural setting of the listed building. Also they are each very large in size compared with the traditional cottages close by. An organic layout would be more appropriate.
- 4.4 Landscape Officer: Objection, due to the impact upon the character of the site and the locality

- 4.5 Urban Designer Officer: No comment, defer to the Conservation Officer in respect of applications within the setting of listed buildings.
- 4.6 Highway Officer: No objection. The additional details shows that the traffic generation will be modest and the proposal will reduce further traffic movement. Also, there is no record of accidents at the site's access. Therefore there is no highway objection. Regarding the relative remoteness of the site and lack of pedestrian and cycle facilities, the Highway Officer consider these would not sustain an objection.
- 4.7 Highway Structure Team: Advise the requirements for Technical Approval and the responsibility of maintenance of any works / structures adjacent public highway
- 4.8 Arboricultural Officer: No objection, provided that the work to be carried with the submitted Arboricultural Method Statement
- 4.9 Council Ecologist: Support the proposal, this development is a highly commendable proposal which contributing a significant 'net gain' in biodiversity for the local area.
- 4.10 Environment Protection Team: No objection subject to condition seeking site intrusive investigation
- 4.11 Drainage Engineer: No objection subject to condition seeking surface water drainages

Other consultation responses:

4.12 Local Residents

9 letters of objection and 2 letters of supports have been received, the residents' comments are summarised as follows: (Full comments can be viewed from the Council website)

Objection comments

- This is in the green belt and should only be built on in exceptional circumstances, which do not exist here. The green belt should not be invaded
- The total combined built volume will exceed the existing greenhouse and other permanent buildings on site.
- Perpetuating the merging of villages, ribbon development, encroachment on the countryside
- Should be returned to agricultural use
- Loss of any future chance of jobs
- The site provided a lot of employment as a horticultural operation whereas this development cuts that out forever.
- The previous owners were looking to move due to the lack of superfast broadband, which due to available within 12 months
- They are expensive property while we need smaller affordable housing in this district, no effort to offer any affordable or low-cost housing units. Adding to the traffic in Elberton Road
- No storm water or sewage plans
- Detail design do not fit in with the local pattern, our house has stone walls, roman tiled roof and gabled windows
- Intrusive in a rural district

- It is alongside the Harnhill landfill site, would it give any more contamination problems to the residents?
- I do not regard this as a brownfield site
- Far too large, too tall, not in keeping with the local village buildings
- Foreseeing a time when any household with a green space could attempt to build for profit
- Rather see a slightly greater number of slightly smaller properties that might attract a greater number of interest / diversity into the village

Support comments:

- The site is an eyesore and detracts from the village of Elberton
- Small developments in Villages add to the attractiveness of whole area
- There are only a few houses, will not change the community of Elberton
- There is a strong argument to support gentle and appropriate growth of the housing stock in Elberton
- Elberton has many substantial houses and most smaller houses have been extensively extended, thus Elberton is a community of predominately large houses
- Small houses are usually built in higher density than desirable here to ensure the cost viability of development.
- the proposal offers an appropriate design and layout for a most welcome and tasteful development to replace the eyesore left after previous quasi 'industrial' use of this land
- the density and alignment of the properties is unobtrusive and landscaping attractive

5. **ANALYSIS OF PROPOSAL**

- 5.1 The development consists of the demolition of the existing nursery building / outbuildings and storage containers on the site and the construction of four dwellings with access onto Elberton Road, Olveston. Each dwelling has a double garage and two off street parking spaces. The site is outside the Olveston Village Settlement Boundary which is washed over by the Green Belt. There are a group of listed buildings to the south east of the site including Grade II* listed St Johns Church, Grade II Elberton Manor and Barn, and a number of grade II chest tombs.

- 5.2 Prior to the discussion the principle of the development, it should be noted that there are a number of fundamental differences between the current application and the previous refusal proposals. The key differences are:

PT12/0635/O	PT16/6161/F
Outline application with all matters reserved	Full application with all details are submitted including design, scale, appearance, means of access, landscaping, etc.
Proposals for 12 dwellings and a new office	Proposals for 4 dwellings with the retention of paddock to the frontage and the creation of orchard in plot 4
A mix of dwellings with different design and scale	Identical design and materials

5.3 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to the saved policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in this report are broadly in compliance with the NPPF.

- 5.4 The Annual Monitoring Report (December 2016) shows that South Gloucestershire Council does not have a five year land supply. As such paragraph 49 of the NPPF is engaged and Policy CS5 is considered out of date. Paragraph 49 declares that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 14 of the NPPF goes on to state that proposals that accord with the development plan should be approved without delay, and where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF. Notwithstanding the above, the adopted development plan is the starting position.

- 5.5 In this proposal, of particular relevance is that the former Blakedown Nursery is situated in a rural area which is identified by the adopted Core Strategy, Changes to Policies Map and the site is situated outside the defined settlement boundary of Olveston (which is identified by the adopted Local Plan. Therefore the site is in the open countryside where development is strictly controlled. This is emphasised under paragraph 55 of the NPPF which the avoidance of isolated homes in the countryside unless there are special circumstances. Saved Policy H3 of the Local Plan expressed the same spirit. The Core Strategy Inspector confirms in his Report (paragraph 63) that he supports the Council's view that a dispersed pattern of development in the rural areas is not sustainable. Although it is acknowledged that Policy CS5 is out of date due to the lack of 5 year land supply, the principle of limiting development in the countryside is embodied in Policy CS5 (Location of Development) and also in CS34 (Rural Areas) of the Core Strategy. Emerging PSP 40 also restricts rural

development and these policies set the context for which development affecting a rural area must be assessed against.

5.6 Paragraph 55 of the NPPF deals with development in rural areas stating that in order to promote sustainable development housing should be located where it will *enhance or maintain the vitality of rural communities* but that local planning authorities *should avoid new homes in the countryside unless there are special circumstances*. These can include:

- the essential need for rural workers to live near their place of work; or
- where it would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- be of exceptional quality or innovative design

5.7 Although the site is situated within the rural area, the site is situated reasonably close to residential properties bounding the adjacent field to the east and it is also located reasonably close to the settlement boundary of Olveston, where amongst other facilities there is a post office, additional bus stops, allotments, place of worship, public house. The site is approximately 700 metres (approximately 9 mins walking distance and 1 min driving distance) from the Olveston Church of England Primary School, which is just outside the Olveston settlement boundary. The site is approximately 400 metres from Redhill Lane, where there are a number of bus stops for public transport services between Severn Beach and Castle Upper School (Thornbury), via Thornbury Leisure Centre, Rock Street. As such, it is considered that there is evidence to demonstrate that the proposal would maintain the vitality of the rural communities, such as Olveston. As such the site can be considered as a reasonably sustainable location. On this basis the site could not reasonably be called isolated, and would not read as open countryside as such. Accordingly there is no significant or demonstrable harm on this basis to resist the presumption in favour of residential development.

5.8 Green Belt

The site is located within the Olveston Village Settlement Boundary which is washed over by the Green Belt. Paragraph 79 of the NPPF sets out that the ‘fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open’ and that ‘the essential characteristic of Green Belts are their openness and their permanence’. Paragraph 80 of the NPPF goes on to provide the five purposes of including land within the Green Belt. These are;

- i) to check the unrestricted sprawl of large built up areas;
- ii) to prevent neighbouring towns merging into one and other;
- iii) to assist in the safeguarding of the countryside from encroachment;
- iv) to preserve the setting and special character of historic towns; and,

- v) to assist in urban regeneration by encouraging the recycling of derelict and other urban land.
- 5.9 Paragraph 89 of the NPPF provides, however, the limited categories of development that is appropriate within the Green Belt. These categories of appropriate development include the 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.'
- 5.10 Additionally, the previous officers highlighted that the site has an extant permission for its 'remodelling' as a landscape business. Planning permission PT10/2084//EXT is an extension of time limit application to PT05/2166/F that granted consent for a scheme that has a greatly reduced impact on the green belt and landscape than what previously existed on the site at that time. The applications were approved on the finding of 'very special circumstances' which was in line with the prevailing green belt policy at that point in time. That permission allows a solitary, single storey replacement building in the south east corner of the site and the building was to be 7 metres and 33 metres long. It should also be noted that this permission has not been implemented, as such it has lapsed. Moreover, your case officer also reviewed the historical aerial photos of the site, and it reveals that the outside storage area to the north of the building has been extended further near the northern boundary. The 1991 aerial photos show there was a clear boundary restricting the storage area and the 2014/2015 aerial photos show materials were kept closer to the tree group at the north eastern corner.
- 5.11 The current proposal shows a number of differences, and it proposes to demolish the existing buildings / outbuildings, remove the existing storage containers to erect 4 no. detached dwellings comparing the previous proposal for 12 no. dwellings. Whilst the proposed development does not entirely sit within the existing footprint of the nursery building, the dwellings sit closer to the south east corner of the site in order to retain the existing paddock, which fronts Elberton Road, and to create a large orchard garden for plot 4, as a result, the proposal would declutter the site and enhance the appearance of the site by creating an outdoor amenity space. Furthermore, the proposal would replace existing nursery buildings, outbuildings and containers, which have no historical or architectural merit in themselves. Moreover the majority of the site would be considered as previously developed land or "brownfield land" on this basis. Officers conclude that the proposed development is appropriate development in the Green Belt.
- 5.11 Policy CS13 of the adopted Core Strategy seeks to protect non-safeguarded economic development sites and gives a priority to alternative uses to a mixed use scheme. The agent has confirmed that the site has been marketed by a property consultants for approximately 6-7 years. The previous 2012 application has confirmed the site has been marketed and the last round of marketing commenced in November 2015. Given the site was marketed by the

previous owner, the agent is unable to provide further marketing results of the site.

Given the special extant use of the site and its proximity of residential properties, it is unlikely that a tenant will be found for the unit. Moreover, it is noted that an application was refused for the demolition of existing buildings in order to provide 5 no. business units due to the inappropriate development in the green belt, increase traffic movement and restricted visibility. Although the existing building is large in scale and it might be used for other purposes, given the building is designed as a plant nursery this somewhat restrict likely future users. Furthermore officers are mindful that other more intense commercial users are likely to generate additional traffic movement within the locality. Officers therefore accept that there is limited potential for the building to be retained for employment uses that compliment the rural setting given the constraints of the site.

- 5.12 Regarding the potential mixed use of the scheme, the previous application proposed a mix of an industrial use and a residential use and such proposal has been refused. In this instance, officers have no objection to the proposed residential uses.
- 5.13 Density
The site is approximately 0.67 hectares and the proposal would result in an additional 4 units to the housing supply. This would equate to a density of approximately 6 houses per hectare. This represents a very low density development in the locality. Nevertheless, given that it is located within the Bristol / Bath Green Belt, where the national policy would only allow appropriate re-development provided that it would not adversely affect the openness of the Green Belt, it is considered that the proposed density is appropriate and can be justified. Moreover, any higher density development would be very likely encroach upon the paddock and the proposed orchard in plot 4. Also, the site is surrounded by a number of residential properties which also benefit a reasonable sized garden as such the proposal would reflect the general density of the locality.
- 5.14 A further reason for questioning the appropriateness (or otherwise) of the density is in relation to whether there is an attempt to avoid affordable housing triggers. This is not considered to be the case here as will be seen from the following section.
- 5.15 Affordable housing
Policy CS18 deals with the need for affordable housing provision to meet housing need in South Gloucestershire. This application seeks planning consent for demolition of existing buildings and storage and erection of 4 detached dwellings and associated works. The site is within the village of Elberton which has no defined settlement boundary. It is noted that the previous application PT12/0635/O for 12 no. dwellings was refused.
- 5.16 The proposal is in a rural area and the site size is 0.67 hectares which would trigger the threshold for Affordable Housing under Policy CS18 of the Council's adopted Core Strategy Development Plan Document. The Affordable Housing

- and Extra Care Housing SPD provide further guidance on this policy. On this application the Affordable Housing Requirement would equate to 1 affordable home.
- 5.17 Enabling would draw attention to policy CS16 which requires all housing developments to make an efficient use of land, maximising provision whilst meeting the requirements of high quality design and compatibility with the character of the local area as set out in policy CS1.
- 5.18 A Planning statement has been submitted as part of the application. Under the heading Affordable Housing and Vacant Building Credit the agent acknowledges the requirement for 35% Affordable Housing and has also referred to Vacant Building Credit as there are a number of vacant buildings on the site. It is noted that at the time of the application being submitted the buildings had not yet been vacant for 6 months, however at the date of these comments the 6 month period has passed and vacant building has therefore been applied.
- 5.19 The applicant has now confirmed the existing gross internal floorspace of the dwellings to be demolished is 1217m² and the proposed gross internal floorspace of the 4 dwellings as 1050m². It is understood the proposed footprint of the buildings has been redesigned due to its sensitive location. In light of vacant building credit being applied based on these amended floorspace figures, the Enabling Team confirms that there is no requirement to provide Affordable Housing in this instance.
- 5.20 Setting of historic assets, design and visual amenity
The site is currently occupied by a large redundant glasshouse and smaller storage units which were associated with the former commercial nursery use of the site. Residential properties are located to the north and south. The application site is situated within a group of listed buildings to the south east of the site including Elberton Manor and Barn (both grade II), and St Johns Church (grade II*) and a number of chest tombs (grade II). The west frontage of Elberton Manor faces the application site. This is an impressive three storey triple gabled frontage built in the local gabled vernacular, but with the unusual addition of a central roof cupola. Joseph Sturge, the prominent Quaker and abolitionist was born at Elberton Manor. On the opposite side of the road to the site a number of historic buildings have been lost through the development of Harnhill Quarry. The former Vicarage, as well as an entire farmstead known as Jemmy's Farm have all been demolished. It is also noted that there are public rights of way to the east of the site. The section which runs between Elberton Manor and the site allows clear views between the two. Those footpaths located further to the east on higher ground, provide views over the manor and church with the site beyond. Views from the scheduled ancient monument at Elberton Camp are particularly important.
- 5.21 Historic England do not object to the principle of the development, but is concerned that the scheme may alter the appreciation of open countryside as viewed from the proximity of the Grade II* listed Church of St John, and associated Grade II Manor House and barn. In particular, the rooftops will be visible. Although a substantial level of tree screening was observable on site,

this will not be the case year round. Views out to the rural countryside from the church drive will be impacted upon by a series of zinc-topped roofs. The Council Conservation Officer raises similar concerns and advises that the proposed layout for four large modern built form detached houses and detached garages with identical form and massing would result in a contrived, suburban appearance and would be out of keeping in this rural context.

5.22 Similar concerns are also raised by the residents and the parish council and your case officer also took into consideration the comments raised by Historic England and the Council Conservation Officer. Although the proposed dwellings would be different from other nearby traditional cottages in terms of design and scale, your officer considers that the proposal would not cause significant harm to the rural setting of the listed buildings, but clearly this is a matter of judgement. In that judgement the presence and impact of the existing building and site is a relevant consideration. It is important to note that the existing nursery building is large in size with little historic or architectural merit and the existing evergreen trees are not protected, as such they can be removed anytime. Although the design of new dwellings does not replicate the design and scale of the traditional cottages, it is of a high quality of design – and certainly not typical of a sub-urban location in form for density. The proposal would replace the existing large unsightly nursery building, outbuildings and storage containers, as such, it would only improve the appearance of the site and the wider context, including the setting of the listed buildings. The proposed dwellings would represent a simple form of design, finishing with stone work under a dual pitched roof. An installation of full height glazing would represent an architectural element of barn conversion. Although the proposed dwellings would be repetitive in design and scale, in particular, such repetitive form would be visible from the nearby listed buildings or public footpath, given that there would be a row of native trees planting along the western boundary to screen the site partially, such visual impact upon the locality and the nearby listed building would not be significant. It is acknowledged that the proposal would increase its prominence, however, it is not considered the development would create a dominant or alien features in the locality to cause an unacceptable impact upon the setting of the nearby listed buildings. Your case officer however acknowledge the comments regarding the proposed zinc roof, which is not common material in the locality, therefore a planning condition is suggested seeking alternative roof materials on the proposed dwellings whereby this can be explored further.

In conclusion whilst some reservations have been expressed the development proposal would be categorised as having less than substantial harm to designated heritage assets by those specialist consultees. In those circumstances the NPPF indicates that the harm should be weighed against the public benefits of the proposal. Your case officer when weighing the relative factors in this case finds the proposal to be an improvement over the existing arrangement, and that the finer details of the finishes can be considered in greater depth by using a planning condition.

5.23 Landscape assessment

The proposed development is for the demolition of a large greenhouse and removal of storage units and replacing with four five bedroom dwellings and four detached garages. The site was formerly a landscape contractor's yard

and nursery. It is located to the south of the main centre of the village of Elberton. The village has a scattered form but is principally clustered at the road junctions to the north. The site is located within the Green Belt but has no other landscape designations. The Church of St John, which is a grade II* listed building, is located on elevated ground to the south east and forms a distinctive landmark influencing local views. There are a number of public footpaths crisscrossing the open landscape with clear views of the site to the north east, east and south east.

- 5.24 The proposed site is located towards the south of the scattered dwellings of Elberton with only a bungalow immediately to the south and a separate cluster of dwellings around the church further to the southeast. With regards to the impact on the landscape character of the surrounding area the development needs to be considered with regards to the rural character of Elberton Road, views from the footpaths in the open countryside to the north east, east and south east and any impact on the setting of St Johns Church.
- 5.25 From the open countryside to the east the current development is almost entirely screened by the tall leylandii and mixed native hedge. The leylandii hedge is considered to be an incongruous element in the rural landscape and its removal would enhance the landscape character of the area. The applicant is proposing to remove the leylandii and plant groups of trees and the Council Landscape Officer suggests that wild cherry, field maple and oak would be appropriate. However the he remains concerned that the site layout, large footprint and appearance of the new dwelling would be out of keeping with the character of the settlement and would appear incongruous in views from the open countryside.
- 5.26 Your case officer acknowledges that the new tree planting would take a number of years to reach their maturity and they would not necessarily provide effective screening during the winter months, nevertheless, the replacement of the existing leylandii hedges with native species would secure a long term enhancement of the landscape character at this point and assist in mitigation. A good tree planting scheme along the eastern boundary would help the proposed dwellings successfully integrate with the surrounding rural character. As such, your case officer does not consider that the proposal would cause a significant harm to the landscape character of the site and the locality. Nevertheless it should be subject to a condition requiring a detailed tree planting and soft and hard landscaping plan including small trees in the gardens and to help soften and partially screen views of the development from the nearby public footpaths.
- 5.27 Residential Amenity
The nearest residential dwellings to the proposal are Quarryside to the south, No. 1 and 2 Gable Cottages and Quarry Cottages adjacent to the west / northwest corner of the site.
- 5.28 The proposal is to erect 4 no. detached dwellings and each dwelling would have a double garage. All dwellings would be approximately 8.8 metres by 16.5 metres and approximately 7.8 metres to its ridge (3.8 metres to its eaves). The rear elevation of the proposed dwelling at plot 1 would be approximately 20

metres from its side boundary abutting the boundary of Quarryside. The dwelling at plot 4 also allows a reasonable distance from the nearby cottages, as such, the proposal would not cause significant overbearing impact upon the neighbouring properties.

- 5.29 Regarding the overlooking or inter-visibility issues, the proposed dwellings would retain a reasonable distance among them. Plot 1 and 2 would have some bedroom windows looking over their own private garden, given that they would be 20 metres away from the southern boundary, the overlooking impact upon Quarryside would not be significant. Plot 3 would have a bedroom window looking over the adjacent Paddock, as such, there would not be any overlooking concerns in relation to this plot. Officers note that there would be a bedroom window on the west side elevation on proposed dwelling at plot 4, given that it would be in close proximity to the neighbouring boundary, a condition is required to restrict this window to be non-opening obscured glazed to safeguard the amenity of the neighbouring residents.
- 5.30 In the event that this application is approved, officers recommend that a 'working hours condition' is applied that would act to control working hours and delivery times. This would ensure that no working is carried on during sensitive hours. Similarly, officers would recommend that a 'construction management plan' is agreed by condition. This would allow the Local Planning Authority to agree appropriate parking procedures for site workers; dust control and site storage.
- 5.31 Policy PSP43 of the Proposed Submission: Policies, Sites and Places Plan (DPD) provides minimum standards for external amenity spec in respect of new dwellings. In this instance, the DPD carries limited weight in the determination of this planning application. Nonetheless, in this case, each of the proposed dwellings would have a generous amount of outdoor garden area, officers are satisfied that the proposed development would provide adequate private amenity space for use by the occupants of the proposed dwellings.
- 5.32 Having regards to the above, officers therefore consider that the proposed development would not have an unacceptable impact in residential amenity terms.
- 5.33 Access and Transportation issues
Paragraph 32 of NPPF states that improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residential cumulative impacts of development are severe.
- 5.34 Concerns are raised regarding the highway safety on Elberton Road. The Highway Officer was concerned that the site is outside easy walking distance to any significant facilities and not served by public transport within the proximity of the site, therefore the development would be highly car-dependent.
- 5.35 To address the officers' concerns, the applicant provided additional information to indicate the vehicular trip generation of the site would be modest and the

implementation of the proposal would reduce the number of vehicular movements further. In the applicant has demonstrated there is no record of accidents at the site's access and the proposal would not change the vehicular access, therefore there is no objection from public highway safety perspective.

5.36 Whilst officers remain somewhat concerned about the relative remoteness of the site and the lack of pedestrian and cycle facilities on Elberton Road, it is not considered these would warrant a refusal of this application given the scale of the development.

5.37 Ecology

An Ecological Appraisal has been submitted in support of the proposed application. The report indicates that the following findings:

Bats – two pine trees and one beech were considered to offer moderate roosting potential for bats, however these trees will be retained in the development. The site was considered to offer low foraging and commuting potential for bats. Static detectors and transects recorded five species commuting or foraging over the site; common and soprano pipistrelle, Daubenton's, noctule and serotine.

Great crested newt (GCN) – the site contains suitable terrestrial habitat for GCN. Two ponds were identified within 250m of the development and both achieved a score of 'poor' using the Habitat Suitability Index. GCN are considered unlikely to be on site.

Nesting birds – no breeding behaviour was observed during the survey although the site does provide suitable habitat.

Reptiles – the site offers potentially suitable habitat to common reptile species.

The Council Ecological supports the proposals and therefore no ecological objection subject to condition seeking the implementation of the recommendation suggested in the Ecological Appraisal report. The improvements to habitat would weigh in favour of the proposal.

5.38 Drainage and Flood Risk

A concern is raised regarding the drainage of the site. The site is not situated within an area at high risk of flooding. The Council Drainage Engineers have considered the proposal and raised no drainage objection to the proposal subject to a condition securing details of surface water drainage proposal.

5.39 Environmental Issues

A concern is raised regarding the potential contamination risk. The Council Environmental Protection Team has considered the proposal. The site has historically been used as a horticultural nursery which may have caused contamination which could give rise to unacceptable risks to the proposed development. Additionally the site is also less than 250m from Harnhill Landfill site which could give rise to unacceptable risks to the development. Whilst officers have no objection to the proposal, it would be necessary to impose a condition requiring a site investigation and mitigation works (if any contaminations are found) to be submitted prior to the commencement of development.

5.40 Public Open Space

Policy CS6 of the adopted Core Strategy seeks to secure the necessary infrastructure, services and community facilities to be provided for all new development of a “sufficient scale”.

Olveston is a designated rural area here a lower threshold of 5 units or less applies, based on the submitted details, the proposed development would not trigger the requirement for the provision and the maintenance of public open space.

5.41 Library services

Officers noted that previous application was refused on the lack of financial contribution to mitigate against additional pressure on the library services. As the Community Infrastructure Levy was introduced in August 2015 to allow the council spending on infrastructure such as library services, therefore the previous financial contribution requirement would not applicable on this application.

5.42 The Planning Balance

As set out above, the Annual Monitoring Report has demonstrated that South Gloucestershire Council does not have a five-year supply of deliverable housing land and as such more weight is given to the advice in the NPPF than the fact that the proposal lies outside of the settlement boundary for Olveston as identified in the Development Plan. Nevertheless the sustainability of the site has been considered in some depth in this report and the relative benefits and concerns weighed in the balance. On the one hand the proposal would result in a loss of an employment building in the rural area, but evidence presented indicates there is little commercial interest in the existing site. On the hand the proposal would provide a positive and modest contribution in meeting the shortfall identified in respect of the five-year housing land supply. Moreover the design and impact on landscape character is considered to be of good quality, and would represent an overall improvement to the current site arrangement and incongruous leylandii planting. The site is within reasonable distance of the village of Olveston and the facilities there, but it is acknowledged occupants are likely to rely on the private car as a primary means of transport. There would be ecological improvements as a result of the scheme. The scheme has been considered in line with the ‘presumption in favour of sustainable development’ set out in paragraph 14 of the National Planning Policy Framework.

5.43 As set out above, officers consider that in all other respects the development is acceptable and on this basis is representative of sustainable development. Paragraph 14 of the National Planning Policy Framework sets out that policies are out of date, the Local Planning Authority should grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

5.44 The proposal is for the erection of 4 no. new dwellings. The benefits of new housing to the housing supply is given reasonable weight. It is considered that the proposal represents a sustainable development in terms of the NPPF three strands (social, economic and environmental). Whilst it is acknowledged that

some impact would occur in respect of the setting of the listed buildings, visual impact upon the locality from the public domain, the loss of an employment building, officers consider that these are not to a degree where it would significantly and demonstrably outweigh the benefit; which is the provision of new housing and that there are no significant or demonstrable harms that outweigh the benefit such that the presumption in favour should be resisted. On this basis, officers consider that there is considerable weight in favour of granting planning consent in respect of this application.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be granted subject to the following conditions:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. The development shall proceed strictly in accordance with the plans listed below;

General Arrangement Plan, RF-049-001 Revision I
Site Sections - Proposed, RF-049-002 Revision D
Illustrative Landscaping Plan, RF-049-003 Revision C
Planting Plan, RF-049-200 Revision E, prepared by Roundfield, as received by the Local Planning Authority on 12 June 2016.

Location Plan (as Existing), 185 LC01 Revision B
Block Plan (as Existing), 185 LC01 Revision B
Site Plan (as Existing), 185 SUR01 Revision D
Site Plan (as Proposed), 185 PL01 Revision D, all prepared by Emmett Russell Architects, as received by the Local Planning Authority on 12 June 2016.

Site sections (as Proposed), 185 PL02 Revision C, prepared by Emmett Russell Architects, as received by the Local Planning Authority on 23 May 2017

Site sections / Elevations (as Existing), 185 SUR02 Revision A,
House 1 Garage, 185 PL31 Revision A
House 2 Garage, 185 PL32 Revision A
House 3 and 4 Garage Plan and Elevations, 185 PL33 Revision A
all prepared by Emmett Russell Architects as received by the Local Planning Authority on 22 March 2017

House 1, Ground Floor Plan, 185 PL10 Revision C
House 1, First Floor Plan, 185 PL11 Revision C
House 1, Roof Plan, 185 PL12 Revision C
House 1, Elevation, 185 PL13 Revision C
House 1, Elevation, 185 PL14 Revision C

House 2, Ground Floor Plan, 185 PL15 Revision C
House 2, First Floor Plan, 185 PL16 Revision C
House 2, Roof Plan, 185 PL17 Revision C
House 2, Elevations, 185 PL18 Revision C
House 2, Elevations 185 PL19 Revision C

House 3, Ground Floor Plan, 185 PL20 Revision C
House 3, First Floor Plan, 185 PL21 Revision C
House 3, Roof Plan, 185 PL22 Revision C
House 3, Elevations. 185 PL23 Revision C
House 3, Elevations, 185 PL24 Revision C

House 4, Ground Floor Plan, 185 PL25 Revision C
House 4, First Floor Plan, 185 PL26 Revision C (as received on 26 May 2017),
House 4, Roof Plan, 185 PL27 Revision C
House 4, Elevations, 185 PL28 Revision C
House 4, Elevations, 185 PL29 Revision C
Typical House Sections, 185 PL30 Revision C
all prepared by Emmett Russell Architects, as received by the Local Planning Authority on 23 May 2017.

Reason

To safeguard the amenity of the locality and for the avoidance of doubt.

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

Reasons: In order to safeguard the openness of the Bristol / Bath Green Belt and to minimise the adverse impact upon the setting of the nearby listed buildings, and to

safeguard the amenity of the neighbouring properties, and to accord with Policy CS5, CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the National Planning Policy Framework.

4. Contamination Investigation (Pre-commencement condition)

Prior to the commencement of the development hereby permitted, the following details shall be submitted to and approved in writing by the Local Planning Authority.

A) Desk Study - Previous historic land uses(s) both on and off-site site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably competent person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.

B) Intrusive Investigation - Where potential contaminants are identified under (A), prior to the commencement of development (excepting necessary demolition works), an investigation shall be carried out by a suitably competent person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks (Remediation Strategy). The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures. (Note (A) and (B) may be combined if appropriate).

C) Verification Strategy - Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.

- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reasons: This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future. To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Construction Management Plan (Pre-commencement condition)

Prior to the commencement of the development hereby approved a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the Local Planning Authority.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

Thereafter the development shall proceed in accordance with the agreed details.

Reason: This is a pre-commencement condition to ensure that the control required is secured from the beginning of the construction phase. To prevent residential parking and access conflict with local residents in the local area and in the interests of the residential amenity of the occupants of nearby dwellings.

6. Drainage details (Pre-commencement condition)

Prior to the commencement of the development details of surface water drainage including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory) shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the details shall include a detailed development layout showing surface water and SUDS proposals.

Reasons: This is a pre-commencement condition in order to avoid any unnecessary works in the future. In safeguard flood prevention; pollution control and environmental protection, 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.

7. Soft and Hard Landscaping Plan (Pre-commencement condition)

Notwithstanding the submitted drawings including General Arrangement Plan, Illustrative Landscape Plan and Planting Plan, prior to the commencement of development a full details of hard and soft landscaping work shall be submitted to and approved by the Local Planning Authority. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes, proposed numbers/densities where appropriate; implementation programme and a 5-year maintenance programme. In addition, the details of the hard landscaping works shall also show the boundary treatment between the primary garden area for the proposed dwelling and the proposed Orchard at plot 4. The approved scheme shall be implemented in accordance with the approved plan with the agreed implementation programme.

Reasons: This is a pre-commencement condition in order to avoid any unnecessary remedial works in the future. In the interests of the character, visual amenity of the area, residential amenity, crime prevention, and public highway safety to accord with Policy CS1, CS8 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and saved Policy L1, Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Tree Protection

The tree protection works shall be carried out in accordance with the submitted Arboricultural Method Statement dated November 2016, prepared by First Ecology, unless approved by the Local Planning Authority otherwise.

Reason: In the interest of the health and amenity of the trees and to accord with Policy 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.

9. Implementation of Ecological Appraisal

The proposed development must proceed in strict accordance at all times with the recommendations made in Section 4 of the Ecological Appraisal (First Ecology, November 2016), unless approved by the Local Planning Authority otherwise.

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

10. External materials

Notwithstanding the submitted details, samples of all external facing materials and hard surfacing materials shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of above ground elements of the development hereby approved. For the avoidance of doubt, the proposed roof materials shall be of traditional roof materials, such as clay tiles. Thereafter the development shall proceed in accordance with the agreed details and shall be retained as such.

Reason

In the interests of good design and the character and visual amenity of the site and the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

11. Construction Hours

The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday and 08:00 until 13:00 on Saturday; 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 prevent working on site at sensitive times of the day and in the interests of the residential amenity of the occupants of nearby dwellings.

12. Implementation of parking and turning spaces

The development shall not be occupied for residential purposes until the vehicular parking has been provided in a completed condition. Thereafter the development shall be retained as such.

Reason: In the interests of highway safety, and to accord with the adopted South Gloucestershire Residential Parking Standards Supplementary Planning Document, and Policy CS8 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

13. First floor window at plot 4

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

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

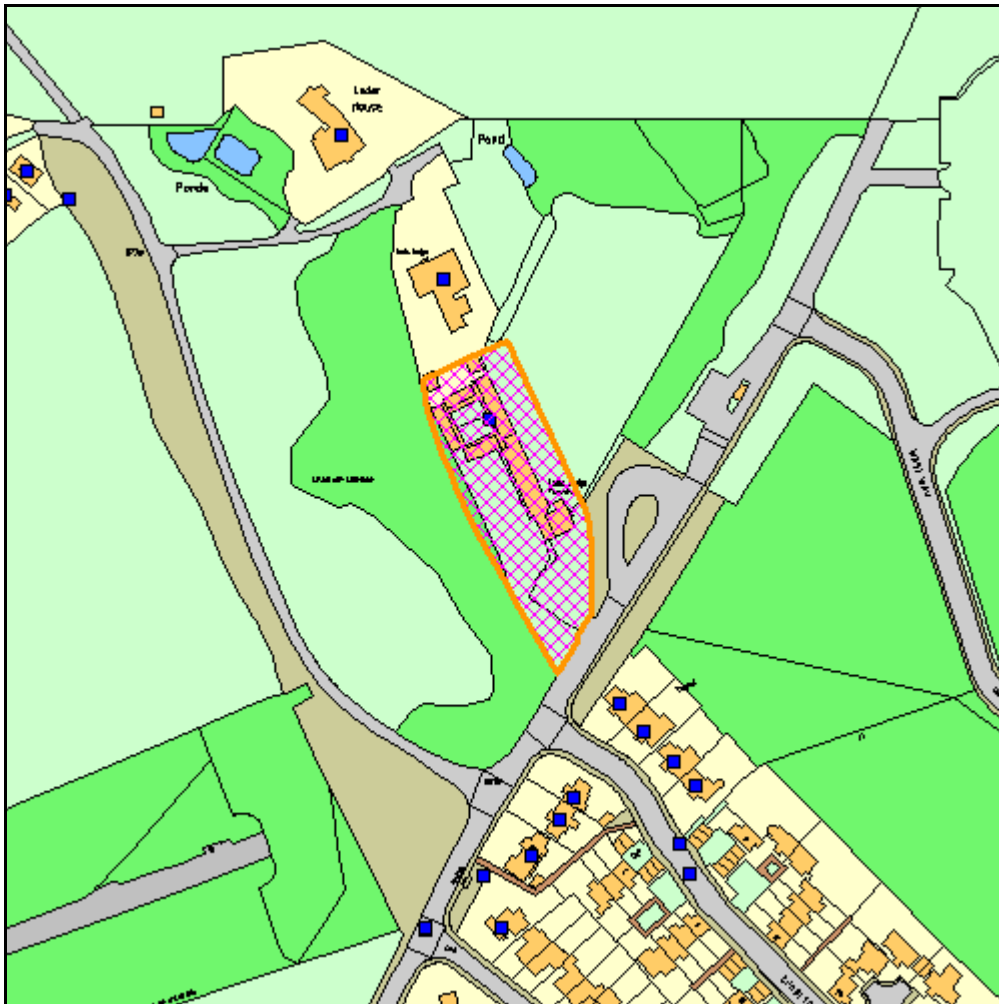
14. Retention of the paddock

The paddock located at the west of the site shall be permanently retained for wildlife habitat and no structure or any means of enclosure shall be erected without a prior consent from the local planning authority.

Reason: To safeguard the wildlife habitat of the site and the openness of the Bristol / Bath Green Belt, and to accord with Policy CS5 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT16/6845/RM	Applicant:	JEHDI Limited
Site:	Kennels Cedar Lodge Charlton Common Brentry Bristol South Gloucestershire BS10 6LB	Date Reg:	21st December 2016
Proposal:	Erection of 13 no. dwellings with appearance, landscaping, layout , scale and associated works (Approval of reserved matters to be read in conjunction with PT13/0404/O)	Parish:	Almondsbury Parish Council
Map Ref:	358779 179941	Ward:	Patchway
Application Category:	Major	Target Date:	20th March 2017



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT16/6845/RM

CIRCULATED SCHEDULE

This report appears on the circulated schedule following a comment from a local resident.

1. THE PROPOSAL

- 1.1 This application is for the Local Planning Authority to determine the 'reserved matters' connected with outline planning permission PT13/0404/O for the erection of 13no. dwellings at Cedar Lodge, Charlton Common, Brentry, Bristol.
- 1.2 This Reserved Matters application is to consider the appearance, landscaping, layout, scale and associated works.
- 1.3 The application relates to an area of land of about 0.32 ha formerly used as a kennels and cattery with a number of outbuildings on site. The site lies within the settlement boundary of the New Neighbourhood Cribbs /Patchway.
- 1.4 The outline application was subject to a s.106 agreement for the provision of 4 affordable housing units and a contribution for 4 school places, signed on 9.5.14.
- 1.5 During the course of the application revised plans have been submitted to address issues raised with regards to landscape and highway concerns.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
L5 Open Areas within Existing Urban Areas
L9 Protected Species
EP2 Flood Risk and Development
EP6 Contaminated Land
T7 Cycle Parking
T12 Transportation

- 2.3 Supplementary Planning Guidance
CIL and Section 106 Planning Obligations Guide (Adopted) March 2015
Affordable Housing and Extra Care Housing SPD (Adopted) March 2014
Residential Parking Standards SPD (Adopted) 2013
Design Checklist SPD (Adopted) 2007

New neighbourhood

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|--|
| 3.1 | PT13/0404/O | Erection of 13 no. dwellings (Outline) with access to be determined. All other matters reserved (Resubmission of PT11/1805/O).
Approved
2.1.14 |
| 3.2 | PT12/3853/F | Demolition of buildings to facilitate change of use of land to caravan storage (sui generis) as defined in the Town and Country Planning (Use classes) Order 1987 (as amended). Alterations to vehicular access and erection of security gates and fencing.
Approved
23.4.13 |
| 3.3 | PT11/1805/O | Erection of 13no. dwellings (Outline) with access to be determined. All other matters reserved.
Refused
14.8.12 |

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection

- 4.2 Other Consultees

Landscape Officer

Objection:

No tree or shrub planting is shown on the submitted plans therefore the scheme is not in accordance with Policy L1 or CS1.

Updated comments:

No objection to the planting scheme subject to a condition attached to the decision notice.

Sustainable Transport

Following extensive negotiations and revised plans there are no objections to the scheme subject to a condition being attached to the decision notice.

Housing Enabling

Additional information has confirmed the position and size of the proposed affordable housing units and as such there are no objections to the scheme.

Arts and Development

No comment

Waste Engineer

No objection:

The provision of bins and the access for the collection vehicle is acceptable

Ecology

Comments associated with PT13/0404/O still apply. The development will take place on an area of hardstanding and kennels that have no nature conservation value. The buildings are unsuitable for roosting bats. However, vegetation clearance should be completed outside the breeding bird season (March to August inclusive) and buildings should be demolished with care, bearing in mind that bats can occur in any small gap if bad weather or other circumstances interrupt their travel between roosts and feeding area. No objection subject to an informative.

Tree Officer

No comment

Highway Drainage

Insufficient information has been submitted for the Lead Local Flood Authority to make a drainage and flood risk assessment.

Updated comments:

No objection in principle following the submission of additional information subject to an informative and condition to be attached to the decision notice.

Environmental Protection

No objections subject to a condition regarding potential contamination on site

Highway Structures

No objection subject to an informative

Other Representations

4.3 Local Residents

One letter of objection has been received by a local resident.

- not clear if 13 dwellings mean houses, owners or multiple occupants
- how many of the houses will be affordable?
- will the Council decide who lives in the affordable housing and be responsible for any vandalism or mis-use of the property and amenities and be able to evict any such residents

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application seeks approval of the matters reserved from the outline planning permission PT13/0404/O for the erection of 13no. dwellings with garages and associated works. Four of the dwellings are to be affordable housing units as agreed under the s 106 agreement.

5.2 Principle of Development

The proposed development is acceptable in principle as outline planning permission was granted under PT13/0404/O. This application seeks to approve the 'reserved matters' of: appearance, landscaping, layout and scale.

5.3 Scale, layout and appearance

The area of land at Cedar Lodge has most recently been occupied by buildings formerly associated with kennels. The application site area to the south of the application site falls under Bristol City Council

5.4 The proposed development of 13 no. houses would be in linear format, having an east/west orientation. This would comprise groups of semi-detached with one group of three properties. The group of three houses would be the social rented properties and another one to the south of this group would be the shared ownership property. The houses would be 3 bed properties with off-street parking to the front, apart from plots 2 and 3 which have the opportunity of parking to the sides of these houses. The small estate would have open plan front gardens and enclosed rear gardens.

5.5 Plans show that the proposed development would be of a contemporary design using a palette of warm colours predominantly tones of browns with yellow brick detailing. In terms of scale the houses would measure about 5.5 metres by 8.8 metres, with eaves of about 5.5 metres and a height to ridge of 8.8 metres. Each would have an attic room accommodated by a dormer window to the front but the floor patterns indicate these would be average sized family homes, appropriate to their individual plots and the location in general. Good quality materials will contribute to the individual style of this small development.

5.6 In terms of design, scale and massing the new dwellings are considered acceptable to this location and the character of the area.

5.7 Residential Amenity and noise protection

It is noted that the permission for 13no. houses was granted in 2014. Since that time work has progressed on residential amenity standards and it is suggested in the emerging PSP DPD that three bed properties should have private amenity space of around 60 square metres. This policy has not yet been adopted so does not carry full weight. One of the gardens, that associated with Plot 2 would be the smallest and falls slightly below this suggested level. However, given that this property and its attached partner would be stepped to the west, it has one of the longest driveways which is positioned to the side of this property. There is therefore opportunity for changing the design of the amenity space. On this basis the private amenity space for all 13no. houses is considered acceptable.

5.8 Plans also indicate that the western boundary (rear) of the whole site would be adjacent to Charton Common but for the sake of privacy, fencing would enclose gardens. In a similar manner boundary fencing would separate each of the gardens to ensure privacy. Given that closest properties to the south are on the other side of the main road and the main part of the other closest property to the north, Cedar Lodge is separated by a distance of over 25 metres, the

- privacy of these existing residents and future occupants of this new development is ensured.
- 5.9 Openings for the properties have been designed with the main fenestration to the fronts and rears. Windows to the sides, ensure the privacy of neighbours by being small and for the most part serving bathrooms, apart from secondary openings for ground floor kitchen/dining areas which will be screened by the proposed boundary fencing.
- 5.10 The proposal is considered to accord with residential amenity policy and can be supported.
- 5.11 Landscape
It was noted that the outline planning permission indicated that the boundary to the east of the site would be a small strip of landscape to distinguish it from the neighbouring site and to improve privacy. In addition it was stated that trees would be planted around the site to assist with sight lines, ensure privacy and create an attractive area. Plans submitted with this application have had to change slightly to accommodate highway requirements and so a strip running the full length of the eastern boundary has not been possible. Given the small area available for planting, the growing conditions will need to be optimised and a condition will be attached so that full details of the beds and tree pits are submitted. The degree and variety of proposed trees and shrubs within the site is considered acceptable
- 5.12 Sustainable Transport
During the course of the application detailed discussions between the applicant and the transport officer have resulted in some changes to the submitted plans.
- 5.13 These changes have resulted in the removal of the initially proposed 'build-outs' on Charlton Road that would have created an obstruction on the proposed strategic public transport route serving the Cribbs Patchway New Neighbourhood. The revised design does however include pedestrian crossing facilities, and as such is considered acceptable.
- 5.14 It is noted that the approved site access (under the outline permission) could cause some difficulties for refuse vehicles not being able to turn left onto Charlton Road in the future when this area is eventually built out as proposed. But it must be acknowledged that the outline planning permission was granted in 2014 before other details such as the Waste Management SPD was adopted with the larger refuse vehicle specification. The situation is not sufficient to warrant an objection to the scheme as the refuse vehicles are able to turn on nearby roads.
- 5.15 Other matters such as the amount of on-site turning space and off-street parking spaces for vehicles have been confirmed and in this respect the proposal is considered to meet appropriate adopted standards and is therefore acceptable.

5.16 Obligations

The Section 106 agreement associated with the outline permission (PT13/0404/O) signed on 9.5.14 secured the following:

1. Housing enabling

4 affordable homes in accordance with policy. 3 of the dwellings to be Social Rented - Plots 9, 10 and 11 and 1 shall be Intermediate Housing - Plot 8.

The affordable housing will be built to meet the development standards as set out in the SPD.

2. School places

A payment of £51,316 as a contribution to the cost of providing four additional primary pupil places.

5.17 Other matters

Comments from a local resident are noted. The above report has confirmed that 9 of the houses will be open market housing with three being for social renting and one shared ownership. This is as per the signed S106 agreement. The comment has implied possible future issues with anti-social behaviour. This is not something that can be covered under the remit of a planning report. Any future issues would need to be discussed with the appropriate authorities such as the relevant Housing Association.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the relevant part of development details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

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

We would expect to see the following details when discharging the above conditions:

- o Confirmation from Wessex Water of their acceptance of the proposed connection for surface water disposal and the agreed discharge rate.
- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation and/or flow control devices where applicable.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of the building or off site in 1 in 100 year plus an allowance for climate change storm event.
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus allowance for climate change storm event.
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding where applicable.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as attenuation features and flow control devices where applicable.

Reason:

To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

4. Prior to first occupation of any dwelling on site technical details shall be submitted for approval with the development proceeding in accordance with the approved details as indicated in principle on plan number 10873-0011b (including pedestrian crossing facilities).

Reason:

In the interests of highway safety and to comply with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and saved Policy T12 of South Gloucestershire Local Plan (Adopted) 2006.

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

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to ensure the longevity of the trees and shrubs and to protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure a satisfactory standard of external appearance/mitigation of both the lane and the field side of the development and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

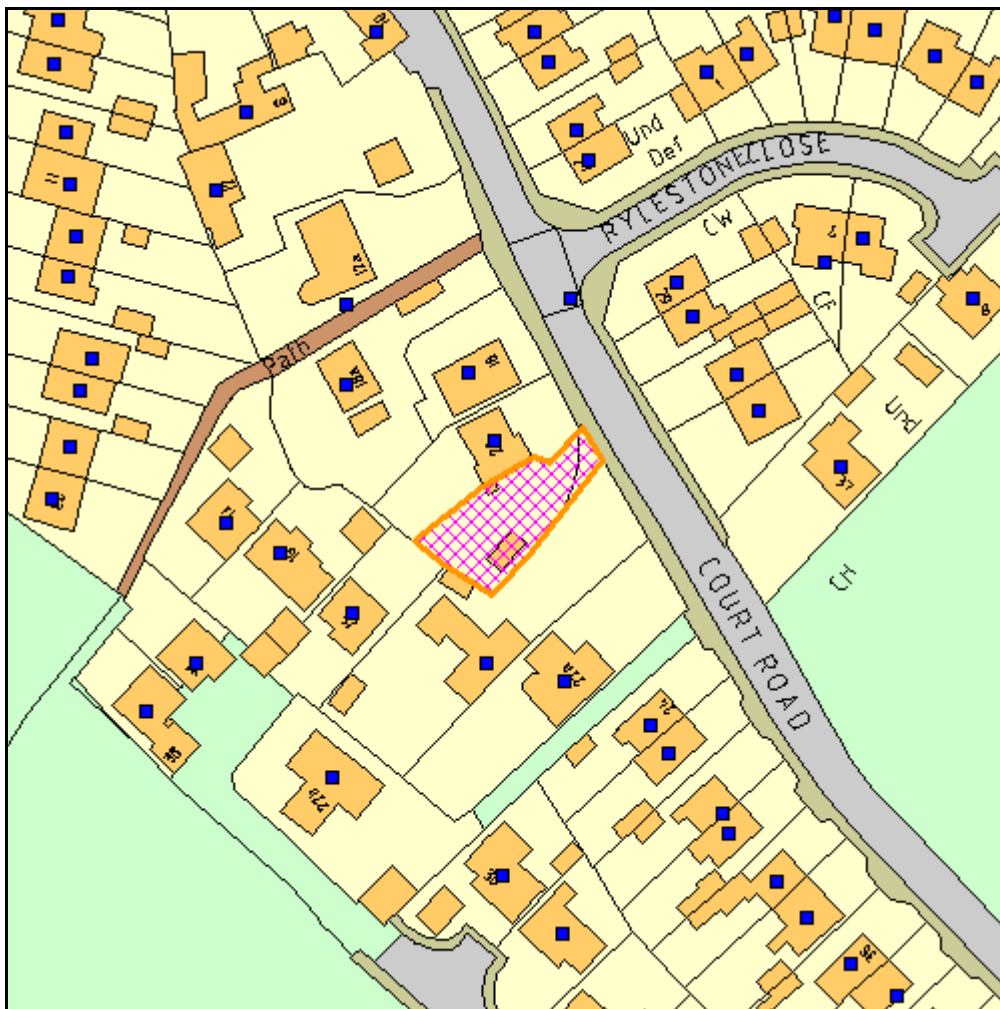
7.
 - a) Potential contaminants have been identified on the site. Prior to the commencement of development (excepting necessary demolition works), a report shall be submitted for the written approval of the Local Planning Authority setting out what mitigation measures are proposed to address unacceptable risks. The resulting Remediation Strategy shall include a schedule of how the works will be verified (Verification Strategy). Thereafter the development shall proceed in accordance with any agreed mitigation measures.
 - b) Verification Strategy - Prior to occupation, a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - c) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing with the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Reason

This is a pre-commencement condition to avoid any necessary remedial action in the future and to ensure adequate measures have been taken to mitigate against contaminated land and to accord with Policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/0997/F	Applicant:	Mr Mathew Hemmings
Site:	Land At 20 Court Road Frampton Cotterell Bristol South Gloucestershire BS36 2DE	Date Reg:	24th March 2017
Proposal:	Demolition of existing garage, and erection of 1no. detached dwelling with new access and associated works.	Parish:	Winterbourne Parish Council
Map Ref:	365805 181677	Ward:	Winterbourne
Application Category:	Minor	Target Date:	17th May 2017



© South Gloucestershire Council 2007. all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT17/0997/F

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 Planning permission PT16/6147/F has been granted and remains extant for the demolition of an existing garage, extension of the main house and construction of 1no. detached dwelling but no work has yet commenced in respect of this scheme. However, the proposal now entails only the demolition of the garage and erection of the house.
- 1.2 The case officer understands that the applicant has put this application in for non-planning reasons and they intend to implement either this permission or PT16/6147/F. However, if they only implement the extensions to the main dwelling under PT16/6147/F, it is not considered that they would impact upon the new house being approved here because it is essentially the same as the previous approval.
- 1.2 The application site consists of the side garden area of no.20 Court Road, situated within the defined settlement boundary of Frampton Cotterell.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport Impact Management
PSP16 Parking Standards
PSP38 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013
Waste Collection SPD (Adopted) 2015

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT16/6147/F
Demolition of existing garage. Erection of two storey front, two storey rear extensions and installation of 1no front and 1no rear dormers to facilitate loft conversion. Erection of 1 no detached dwelling and associated works. – approved with conditions.
08.02.2017

4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council
No comment

- 4.2 Other Consultees

Winterbourne Parish Council

Objection:

- Overdevelopment
- Request call in to DC West Committee

Highway Structures

No objection subject to informative

Lead Local Flood Authority

No objection

Sustainable Transport

No objection

Archaeology Officer

No objection

Planning Enforcement

No comment

Other Representations

- 4.3 Local Residents
None received

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development
The principle of the site's use for residential development has been established through planning permission PT16/6147/F for the demolition of an existing

garage, extension of no. 20 and construction of 1no. detached house. The proposal now only seeks to demolish the garage and erect the dwelling. Pertinent issues therefore to consider are residential amenity, highway safety, design and the environment.

5.2 Design

When compared to the previously approved application, the current submission proposes to erect a taller house on the same footprint. The overall design and detailing would however, remain as previously approved.

5.3 The approved extensions to the host would have brought it to the same height as the new house however, the revised proposal is to now erect a 7.2m high house a metre away from the existing 5.65m high bungalow. The result would be a step-down effect in the street scene from 2-storeys to one.

5.4 It is considered that, although higher than the host, the proposed development, would positively contribute to the range and variety of building styles, forms and appearance of housing in the local area. A few features, such as spacing, the building line and general form, will help the visual transition, but overall it would add visual interest in the local street scene and remain in keeping with the character and appearance of the local area. There are therefore no objections to the amendments on grounds of design.

5.5 Residential Amenity

It is not considered that the increased height of the new dwelling would have a materially greater impact on the amenity of surrounding occupiers than the previous approval due to the layout of the surrounding development. Conditions controlling working hours and obscure glazing are again recommended as per the previous approval. The main consideration is therefore the impact on the host occupiers.

5.6 The new layout would result in the rear elevation of the dwelling extending beyond the host's by 4.7m; the roof pitch would remain as previously approved. It is recognised that there would be changes in outlook and natural lighting to the spaces at the rear, especially from late morning through to mid afternoon, but the sun would then move around and the rear would still benefit from a full westerly aspect.

5.7 A number of small high level windows serving a mix of primary living accommodation and secondary spaces are proposed in the northwest elevation. Such window types are considered sufficient to protect the amenity of both existing and future occupants.

5.8 The amount of private amenity space remains acceptable for each. The proposed amendments therefore raise no concerns in terms of residential amenity.

5.9 Highway Safety

The parking layout for the development remains as previously approved and as such there are no objections on grounds of highway safety.

5.10 Other Matters

The principle of the development has been established within application PT16/6147/F. The revised layout affords sufficient distances from existing homes to avoid any problems of loss of privacy, overshadowing, or loss of sunlight, and the residents of the host and new house would enjoy larger than average rear gardens. For these reasons, the case officer does not consider the proposal amounts to overdevelopment of the site.

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: Helen Braine

Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

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

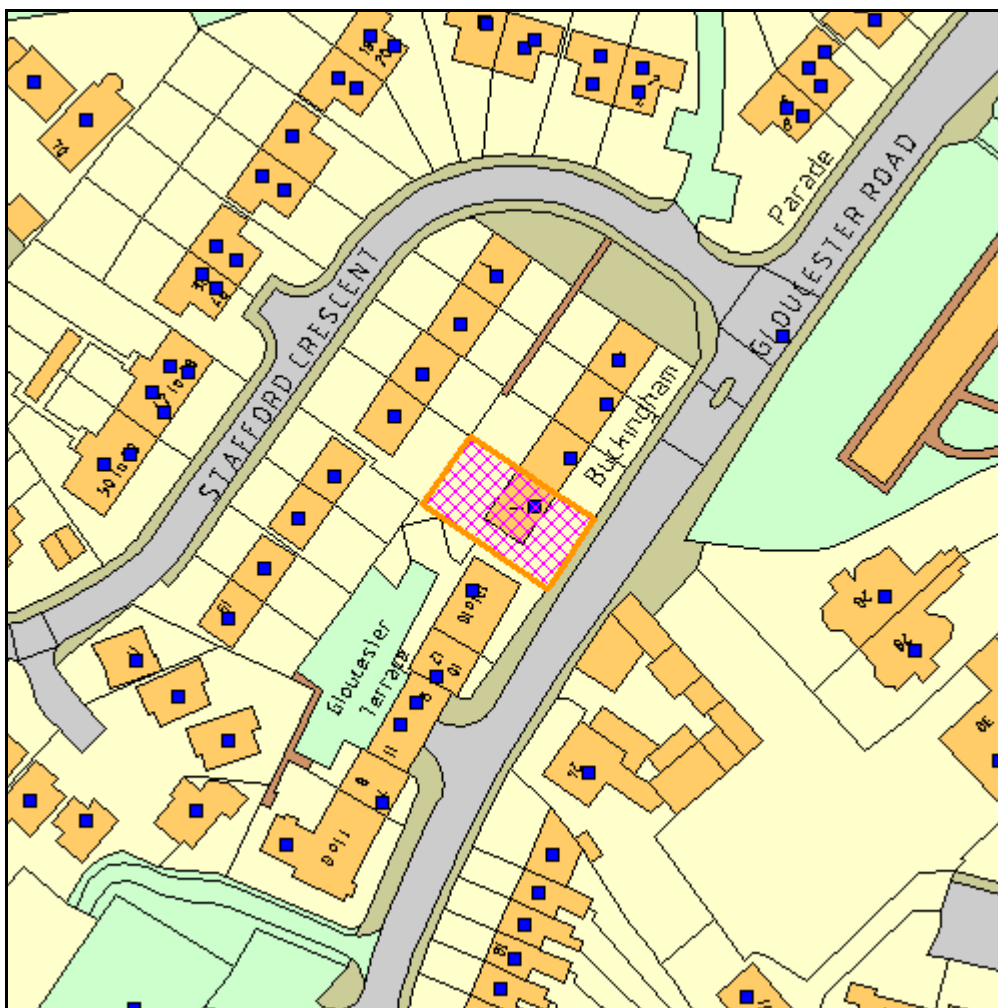
3. Prior to the use or occupation of the new house hereby permitted, and at all times thereafter, the proposed first floor dormer bathroom windows on the southwest rear elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the windows being above 1.7m above the floor of the room in which they are installed.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/1318/F	Applicant:	Mr John Fox
Site:	1 Buckingham Parade Gloucester Road Thornbury Bristol South Gloucestershire BS35 1DQ	Date Reg:	5th April 2017
Proposal:	Dropping of kerb to create new vehicular access and construction of concrete hardstanding to form parking area.	Parish:	Thornbury Town Council
Map Ref:	363801 190318	Ward:	Thornbury North
Application Category:	Householder	Target Date:	29th May 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT17/1318/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

Whilst no definitive objection to the development has been raised, the concerns raised by Thornbury Town Council are considered to amount to representations contrary to the findings of this report. Under the current scheme of delegation the application 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 dropping of a kerb to create a new vehicular access, and the construction of an area of concrete hardstanding to form a parking area at no. 1 Buckingham Parade, Thornbury.
- 1.2 The application site consists of a bungalow attached to the south-westerly end of a terrace row. The property sits centrally within a moderately sized plot, and is situated within the defined settlement boundary of Thornbury.
- 1.3 Planning permission is required as the proposed access would be on to a classified highway (B4061), and due to the fact that a Certificate B of Ownership has been submitted by the applicant.

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 PSD (Adopted) 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 **PT01/1049/R3F**
Construction of 16 off road car parking spaces
Deemed Consent: 25.06.2001

4. **CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council
Whilst there is sympathy with the applicant's desire to access their property more easily, there was concern regarding concreting over a grassy area and the risk of setting a precedent for nearby properties to do the same, leading to an increased flood risk, and concern regarding highway safety and visibility as vehicles would need to reverse on to Gloucester Road where visibility is restricted by a wall.

- 4.2 Other Consultees

Sustainable Transport

Original comments

The applicant seeks to create a new vehicular access and construct a concrete hardstanding to form an off street parking space. The parking space would be accessed directly from Gloucester Road, examples of other driveways being accessed in the same way can be found a short distance away. The proposed location of the parking space has poor visibility and as such is not acceptable. An alternative is to locate the parking space to the far right of the garden (when looking at the property) which would provide an acceptable level of visibility. Should the applicant wish to do this they would need to provide a scale plan showing the location of the proposed parking space. The applicant would also need to contact SGC Streetcare Department in order to obtain specifications for dropping the kerb.

Updated comments

There are no transportation objections to the revised plans.

Archaeology

No comment

Street Care

No comments received

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the dropping of a kerb to create new vehicular access and construction of concrete hardstanding to create a new parking area. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of policy H4, the proposal will be considered with regards transportation impacts against policy T12 of Local Plan, and with regards to design against policy CS1 of the Core Strategy. The development is acceptable in principle but will be determined against the analysis set out below.

5.2 Transport

Policy T12 of the Local Plan advises that development will be permitted provided that, in terms of transportation, development provides; adequate, safe, convenient and attractive access, and; would not create, or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety. The concerns of the Town Council regarding visibility and vehicles reversing on to the highway have been taken in to account, and help to inform the transport assessment.

- 5.3 Access to the proposed parking space would be gained off of Gloucester Road (B4061). Whilst this does form a classified road, it is noted that the speed limit is 30mph. The proposed access would be located centrally along the south-eastern boundary of the plot; the point at which the site adjoins the designated highway. At its nearest point, the proposed access would be located approximately 2.5 metres from a boundary wall to the south-west, which incorporates a height of 1.2 metres. It is considered that the levels of separation are sufficient as to not significantly impede visibility. It is noted that a lamp post which also forms a bus stop is located between the proposed access and the wall. However it is not considered that the lamp post would significantly impede visibility. Whilst the location of a bus stop nearby is not an ideal situation, given the likely volume of vehicles using the new access, it is not considered that the creation of the new access would pose a significant risk to highway safety.

- 5.4 It is also acknowledged that due to the size of the proposed parking space, vehicles would be required to either enter or egress the site in reverse gear. However it is considered that any potential risk to highway safety is sufficiently mitigated by the 30mph speed limit along the road, as well as the sufficient levels of visibility to the south-west and north-east.

- 5.5 It is also noted that under application PT01/1049/R3F, 16 parking spaces were granted deemed consent at nearby properties. However the subject property did not benefit from one of the parking spaces. It has also been taken in to account that the parking space is required to provide improved disabled access

to the property. At present the property does not benefit from any on-site parking spaces, and as such residents are required to walk some distance from their car to the property. It has also been acknowledged that the resident of the property is a blue badge holder, and could park on double yellow lines to the front (south-east) of the site. However residents have refrained from doing so in the interests of highway safety. On balance, it is considered that the creation and use of the new access would pose a reduced amount of risk in terms of highway safety than parking on the double yellow lines to the front of the property.

5.6 Overall, it is not considered that the dropping of the kerb and creation of a new access would have an unacceptable effect on road, pedestrian and cyclist safety. Furthermore, the creation of a new on-site parking space would reduce the requirement for off-street parking. For these reasons, the proposal is considered to accord with the transportation requirements set out in policy T12 of the Local Plan.

5.7 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.

5.8 The proposed development would involve the construction of an area of hardstanding to create a parking space within the front garden of the property. It is noted that this has not been implemented at any other properties along the terrace row. Whilst the proposed area of hardstanding would not necessarily be-in-keeping with the surrounding landscape, it is not considered that its construction would amount to a significant harm to the character, distinctiveness or amenity of the locality. The proposed parking space would not hold a prominent position along the street, and would be set in the corner between the boundary wall and the host dwelling.

5.9 Furthermore, the fact that the proposed hardstanding could ordinarily be implemented as permitted development (planning permission required due to Certificate B of Ownership), is considered to form material consideration.

5.10 Overall, it is considered that the proposed development sufficiently respects the character, distinctiveness and amenity of the site and immediate locality. The proposal is considered to satisfy 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 proposed parking space would be set away from neighbouring properties to the north-east. Furthermore, the application site is separated from

neighbouring properties to the south-west by a boundary wall. Overall, it is not considered that the proposed development would detrimentally impact the residential amenity of neighbouring residents. Whilst the development would result in the loss of some outdoor private amenity space at the site, sufficient space would be retained following the implementation of the proposal. Overall, the proposal satisfies criteria relating to impacts on residential amenity, as set out in policy H4 of the Local Plan.

5.13 Flood Risk

The concerns of the Town Council regarding increased flood risk have been taken in to account, and help to inform the assessment of flood risk. Submitted plans indicate that a soakaway will be located to the west of the proposed parking space. Furthermore, the proposed space will be largely surrounded by grass. It is considered that this sufficiently reduces the risk of flooding at the site.

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

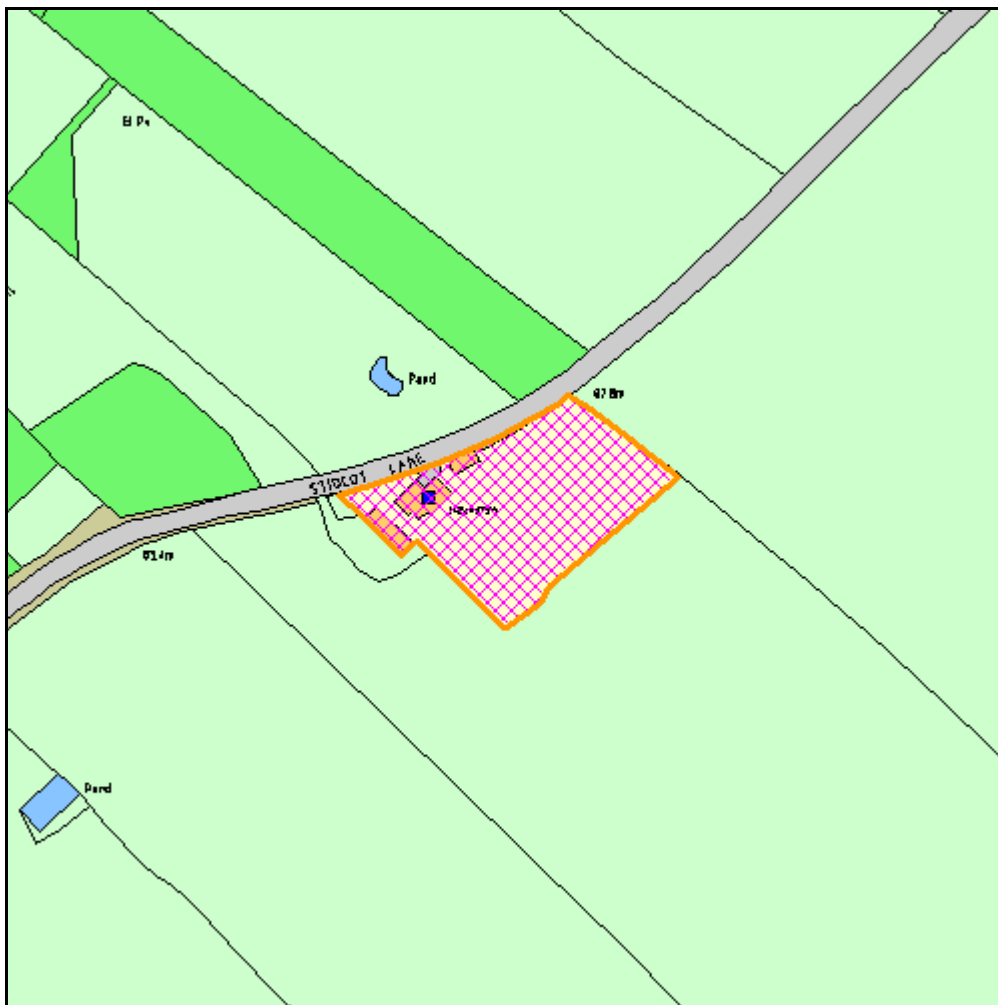
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/1655/F	Applicant:	Mr William Floyd
Site:	Hawkins Stidcot Lane Tytherington South Gloucestershire GL12 8QR	Date Reg:	25th April 2017
Proposal:	Erection of two storey rear and single storey link side extension to form additional living accommodation. Installation of pitched roof to existing garage and alteration of vehicular access onto Stidcot Lane (resubmission of PT17/0128/F)	Parish:	Tytherington Parish Council
Map Ref:	367615 188378	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	2nd June 2017



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT17/1655/F

APPLICATION TO APPEAR ON THE CIRCULATED SCHEDULE

This application is due to appear on the Circulated Schedule this week due to the receipt of two comments of support from local residents, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two storey rear and single storey link side extension to form additional living accommodation, installation of pitched roof to existing garage and alteration of vehicular access onto Stidcot Lane (resubmission of PT17/0128/F).
- 1.2 This application relates to a detached two-storey house, that was originally a traditional farm house cottage that has been extended over the years with various additions to the rear and side elevations. The dwelling benefits from a large residential curtilage, with two detached outbuildings and access and parking area to the immediate west.
- 1.3 The property is located on the south side of Stidcot Lane, approximately ½ mile from the village of Tytherington. The property is located within the open countryside and there are no neighbouring properties. The site is not covered by any statutory or non-statutory designations.
- 1.4 This application is a resubmission of PT17/0128/F, which was withdrawn in March 2017 following extensive discussion and feedback between the Applicant, Officer and Transportation DC Officers concerning issues with the proposed design and access arrangements. The application was withdrawn in March, in order for the Applicant to address the issues raised and to amend the proposal accordingly. Disappointingly, the Officers advice has not been taken into account in the resubmission and the only material difference between the proposals is a slight reduction in the height of the garage roof.

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
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation Development Control

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

PSP1 Local Distinctiveness

PSP8 Residential Amenity

PSP16 Parking Standards

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/0128/F Erection of two storey side extension and two storey side and rear extensions to provide additional living accommodation.
Withdrawn 08.03.17
- 3.2 PT02/2607/F Erection of extension to rear dormer.
Approved 01.10.02
- 3.3 P91/1961 Erection of pitched roof over existing flat roof.
Approved 21.07.1991

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comment.
- 4.2 Archaeology
No objection.
- 4.3 Sustainable Transportation
No objection.

Other Representations

- 4.4 Local Residents
Two comments of support have been received from local residents:
- Application takes into consideration the existing structure with the proposed design sympathetically adjusting the property to take into account modern living;
 - Re-design adds structure and flow to the property, which is currently missing as a result of previous poor design and modifications (i.e. lack of a main entrance);
 - Revised access will dramatically reduce the risk to drivers joining the highway, giving better visibility and the ability to turn a car around instead of having to reverse into the road;

- Design of the proposed linking of the buildings will not be detrimental to neighbours and will give improved amenity for the residents of the property which at present is badly designed;
- Proposal will restore the building back to its original façade, contribute to an improved appearance over and above the existing appearance of the building.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the adopted Local Plan allows for the extension and other alteration of existing dwelling subject to an assessment of design, amenity and transport. The overall design and impact on the character of the areas is an important element of the assessment (Policy CS1). Full weight is given to Policy CS1 which controls the quality of new development within South Gloucestershire. The development is acceptable in principle, but will be determined against the analysis set out below.

5.2 Design Considerations

The application site takes the form of a 4-bedroom detached dwelling, located in the open countryside. There are no nearby neighbouring properties. The property is located close to Stidcot Lane and the front elevation is angled towards the north-west. The original modest two bedroom dwelling has been extended over the years with the addition of a two-storey rear extension, two storey side extension (entrance/utility room), and single storey rear extension (garden room). The dwelling also benefits from a large curtilage with two detached outbuildings located on either side of the dwelling. The proposal includes the erection of a two storey rear and single storey link side extension, installation of a pitched roof to existing garage and alteration of vehicular access. The proposal aims to address the previous additions failings and to modernise the internal living space.

5.3 As indicated in the introduction of this report, the previous application was withdrawn following the Officer's extension feedback and a meeting with between the Applicant, Planning Officer and Transportation DC Officers. The Officer raised a number of concerns about the proposed design and the cumulative impact of the proposal, in particular the replacement of the flat roof on the existing outbuilding to a pitched roof, which included a link extension to the main dwelling and infill roof extension to create a larger loft bedroom. The link extension would include an entrance hall to the main house, as well as a larger utility room, WC, larder and porch. It is unclear if there was an error on the proposed layout plans, but there is not external door to the porch. The main entrance would remain, with a new internal staircase to the first floor and there will be an additional kitchen/dining room. The layout of the first floor would remain largely unaltered. The number of bedrooms would remain four, but with the increase in size of the master bedroom with an ensuite bathroom. The second floor bedroom would be increased in size and include an ensuite bathroom. There have already been a number of extensions to the property and the Applicant is now seeking to address layout issues. I shall address each part of the proposal in turn below:

Pitched roof on outbuilding and link extension

- 5.4 There is an existing outbuilding to the north-east of the dwelling, which is proposed to be used as a garage, following the use of an alternative vehicular access off Stidcot Lane. The outbuilding measures 9.1 metres in length, with an eaves height of 2.5 metres and proposed pitched roof height of 4.8 metres. The outbuilding currently has a flat roof and measures approximately 2.6 metres in height, but in order for vehicles to be able to park in the garage, it is necessary to increase the roof height. In addition, the proposal includes a link extension between the outbuilding/garage to the existing main entrance. The linking extension will almost be at a 45 degree angle with the garage outbuilding in order to link it. The link extension would measure approximately 8.4 metres (at its widest point), with a roof height of 5.2 metres. The garage, link extension and main dwelling would be one continuous built form along the front boundary next to the road.
- 5.5 The garage outbuilding would have a slightly lower pitched roof compared to the link extension by only 350mm; this is the only material difference between the previous application Ref. PT17/0128/F and the re-submission. Although the roof height of the proposed garage and linking additions would be significantly lower than the existing dwelling, this does not have a subservient effect and only serves to create a collection of additions with varying roof heights and designs. The existing main entrance extension is already an odd addition, with a steep pitched roof and horizontal cladding. The existing poorly design main entrance side extension has not been addressed or improved in the proposal which the Officer considers to be a missed opportunity. By joining the garage to the main dwelling via the link extension the resulting built form appears out of keeping with the host dwelling and as a jarring addition to the street scene. It is considered that the main issue with this part of the proposal is the link extension, which should appear as a subservient and ancillary addition but rather dominates even the garage.
- 5.6 Whilst the Agent has submitted a photo montage of other local examples of traditional ranges of buildings, they are not considered to compare to this proposal. The existing outbuilding is detached and is not considered to be located close enough to warrant a natural link extension. The stepping of roof heights from the garage building up to the main dwelling appears clumsy and unsympathetic. The overall effect of the link extension to the main dwelling appears contrived and does not sit comfortably in this rural context. Therefore, it is considered that the combination of the roof pitch extension to the outbuilding and single storey link extension fail to complement the existing dwelling and result in poorly designed and contrived extension, contrary to Policy CS1. As full weight is given to Policy CS1, these elements of the proposal are considered unacceptable.

Two storey rear extension and valley in-fill

- 5.7 Part of the proposal includes a two storey rear infill extension in the south-west corner of the main dwelling. The proposal would replace an existing single storey garden room, which is currently used as the rear entrance from the parking area. The proposed extension would 'square up' this corner of the main dwelling and would create a larger master bedroom with ensuite bathroom on the first floor. The proposed extension would have a pitched roof and would

remain in keeping with the existing design of the dwelling. Additional velux windows would be included in the rear elevation roof to serve the second floor bedroom. It is considered that a two storey extension of the scale and massing of that proposed sufficiently respects the proportions of the host dwelling, and would not detract from the appearance of the property. Overall, this part of the proposal is considered to be a sensible and considered addition that would comply with Policy CS1 of the adopted Core Strategy.

- 5.8 As part of the proposed two storey rear extension, the plans include an valley in-fill extension to the second floor loft bedroom. The valley infill would increase the size of the fifth bedroom and creating a flat roof addition between the south elevation to the north elevation chimney. Whilst this proposed infill seems like an uncomfortable and excessive addition, given the existing and proposed extensions, it is unlikely to be visible from the public realm given the angle of the existing dwelling to the road. Although the Officer queries how the proposed valley infill would be clad in tiles as it appears the side elevations would not be pitched.

Alteration to vehicular access

- 5.9 The proposal includes the use of an existing access for vehicles to the east of the existing dwelling. The existing access and parking area are wedged between the main dwelling and an outbuilding to the west. The parking area provides parking for approximately three vehicles, however there is little visibility out of the existing access. The proposed change to the vehicular access would provide the Applicants with enough room to manoeuvre off the road and park their vehicles in a garage, formalising the parking arrangement. The alteration to vehicle access and parking would not harm the visual amenity of the area and would remain in keeping.

Cumulative

- 5.10 Overall, it is deemed that the design of the proposal fails to sufficiently respect the character, distinctiveness and visual amenity of both the site and its context. The traditional farm house has already been extended a number of times, and the proposed further additions are considered to be out of scale and would fail to remain in-keeping with the character and setting of the dwelling. The link extension is not considered to form a natural range of buildings. As such, the individual elements of the proposal are considered to have a cumulative harm and would fail to comply with design policy CS1 of the adopted Core Strategy.

Residential Amenity

- 5.11 Policy H4 of the adopted 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 Due to the relatively isolated position of the application site, it is not considered that the proposed works would impact upon residential amenity at any other properties. The proposal is considered to be acceptable in terms of residential amenity and would not negatively impact on existing levels.

Transport

- 5.13 As part of the proposal, the number of bedrooms at the property would not increase. The property currently had five bedrooms, a number of which will be increasing and gaining ensuite bathrooms. South Gloucestershire Residential parking Standards SPD outlines that 5-bedroom dwellings must make provision for a minimum of 3 parking spaces. The proposed garage would provide two parking spaces and there is adequate room in front of the garage for additional vehicles. Overall, the provision of parking is considered to be acceptable.
- 5.14 The proposal would involve the alteration of vehicular access on to Stidcot Lane. The current access to the west elevation of the existing dwelling has limited visibility. The alternate vehicular access is located further along the front boundary to the east. It would be a significant improvement in terms of visibility splays and would provide a garage for vehicular parking. The access is existing, would not prejudice highway safety and would still have a close relationship with the main dwelling.
- 5.15 Concern regarding the use of both the existing and proposed access have been raised by Transportation DC Officers whom have suggested a condition limiting the use of the use of the primary access only for agricultural machinery in order for the Applicants to maintain the land opposite and shall not be used for domestic purposes. However, given there is an existing outbuilding (to the west) and the proposed vehicular access is a significant improvement in terms of highway safety, it would be unreasonable to condition the use of the existing access for solely domestic purposes. It would also likely be difficult to enforce how the access is used and for what purposes. In this respect, the improvement in alternative main access arrangements, additional parking and manoeuvring space is considered acceptable and would comply with adopted Policies T12 and CS8.

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

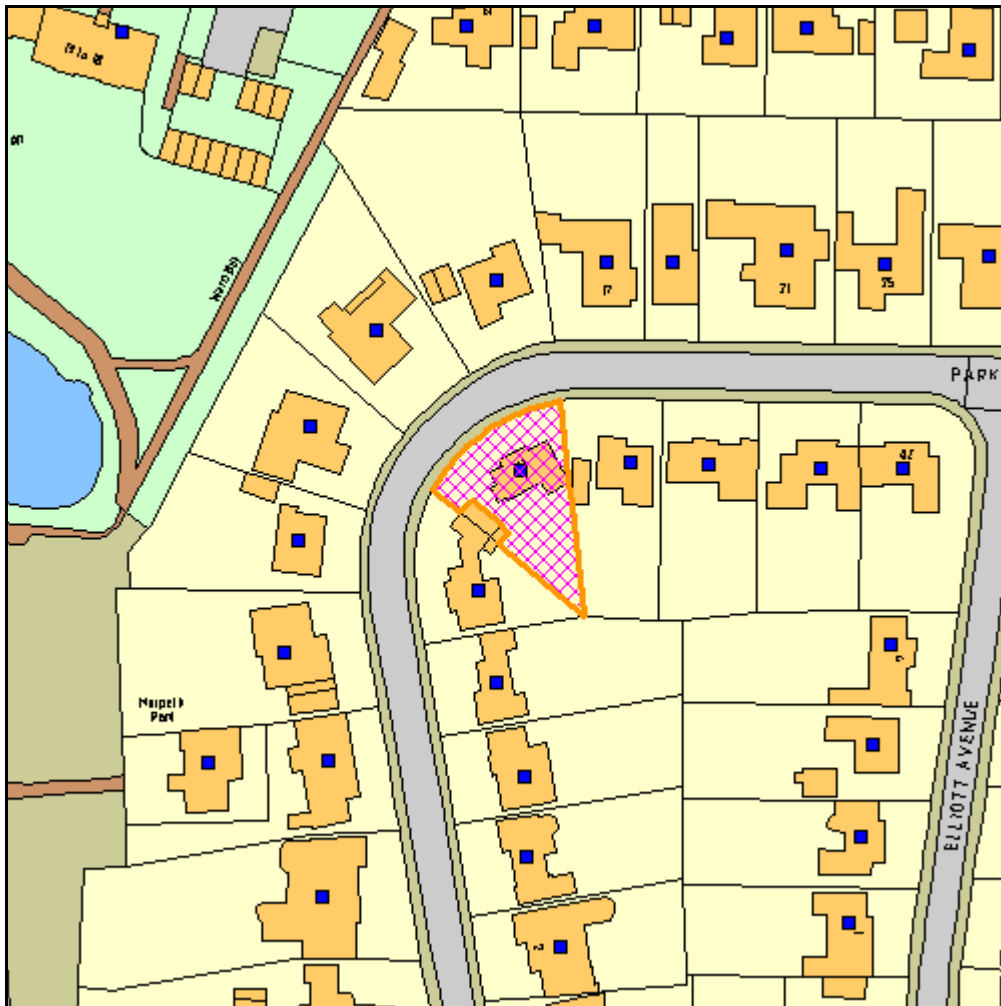
- 7.1 That planning permission is **REFUSED**.

Contact Officer: Katie Warrington
Tel. No. 01454 864712

1. The proposed development would fail to respect or enhance the character, distinctiveness and visual amenity of both the site and its rural context. Cumulatively, the number of proposed extensions and alterations are considered to be out of scale with the existing dwelling and would appear as contrived and unsympathetic additions. The development would therefore fail to reach the highest possible standards of design and site planning and is contrary to Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the provisions of the National Planning Policy Framework March 2012.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/1764/F	Applicant:	Mr & Mrs Allen
Site:	12 Park Crescent Frenchay Bristol South Gloucestershire BS16 1PD	Date Reg:	10th May 2017
Proposal:	Erection of two storey and single storey side extension, installation of dormer window to form loft conversion and erection of front porch.	Parish:	Winterbourne Parish Council
Map Ref:	364252 178217	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	4th July 2017



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. N.T.S. PT17/1764/F

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 installation of a dormer window and the erection of a front porch and a double storey and single storey side extension.
- 1.2 The application relates to a detached dwelling situated within a residential area of Frenchay.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

- H4 Development within Existing Residential Curtilages
- T12 Transportation

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP11 Transport Impact Management
- PSP16 Parking Standards
- PSP38 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

No objection

Other Consultees

Sustainable Transport

No objection subject to informative

Other Representations

4.3 Local Residents

1no. letter of objection has been received from a local resident; comments summarised below:

- Overlooking
- Side windows out of keeping

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the installation of a dormer window and the erection of a front porch and double storey and single storey side extension. Saved policy H4 of the SGLP (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

5.2 Residential Amenity

The application relates to a double storey detached dwelling located on the inside of a bend in Park Crescent. The application proposes the erection of a gabled front porch, a double storey side extension on the southwest elevation, a single storey lean-to to the northeast elevation, and the installation of a rear gabled dormer.

5.3 It is considered that the proposed porch and lean-to addition, by virtue of their scale and location would not have a prejudicial impact on neighbouring occupiers. The main consideration is therefore the impact of the double storey extension on the occupiers of no.10 Park Crescent. It is noted that these residents have raised concerns at the consultation stage regarding loss of privacy.

5.4 The host is set at an angle to the prevailing pattern of plots in the area and the proposal, as originally configured, would have brought habitable room windows at ground and first floor level 3.4m closer to no.10. The ground window would have views across the drives, but the first floor openings would have afforded views towards the rear of no. 10, albeit at oblique angles. The relatively short distance in-between and the fact this angle is not particularly acute would have increased the sense of overlooking for the occupants of this property. Presently the area closest to the rear of this property, the most sensitive area, is not overlooked nor is their side windows. The proposed development would have increased the opportunities for overlooking to occur and made the privacy of those parts of the property feel compromised, materially detracting from the

living conditions enjoyed by the occupants of this property. In response, the applicant has put forward an amendment of using two high level windows at a height of 1.8m instead. Although the effectiveness would, to some degree, be based upon the height of the occupant of the dwelling, officers are satisfied that the proposal would not longer result in unacceptable overlooking.

5.5 The proposal includes the installation of 1no. rear gabled dormer to facilitate the conversion of the roof to form a bathroom and bedroom. It is acknowledged that the dormer allows a wide field of view from within the bedroom, but officers must consider that there is a greater than theoretical possibility that a permitted development dormer would be constructed as a fallback position. This would have the same effect on the living conditions of neighbouring occupiers. The possibility of this taking place is therefore given substantial weight as there is nothing to prevent such an addition being constructed and it would provide the majority of the accommodation sought.

5.6 Given the orientation of the site and the proximity to the boundary it is unlikely the proposed extension would appear overbearing and oppressive when seen from no.10 or result in a significant degree of overshadowing.

5.7 Design

The application building is a two-storey, detached house. To its southwest is a linked gabled garage. The proposal is for the expansion of the site to create a front porch and double storey and single storey side extension plus the installation of a dormer window. Many of the adjoining traditional properties are substantial, but with a noticeable vertical emphasis created by double height bays, often topped with large gables, which are a notable feature of the area. In this context the width of the extensions would not therefore appear excessively great. The additions would be faced in stone and topped with concrete tiles, reflecting the dominant elements in the local palette of materials. Existing local detailing is also respected, adding further articulation to the building frontage, and creating noticeable vertical features. For these reasons, the officer concludes that the siting, massing and design of the proposal would not result in a form which would appear excessively bulky in its setting, nor that it would appear as a conspicuously incongruous and discordant feature within the street scene. It would not therefore harm the character and appearance of the area.

5.8 The officer has had regard to the local resident's comments which were put forward, and consider that, while the street scene remains strongly characterised by blank gable ends with chimney stacks, small features breaking up the stone walls would not appear out of keeping with the general surroundings or interrupt any sense of uniformity in the street scene.

5.9 Highway Safety

The application proposes to increase the number of bedrooms within the dwelling from three to four. The Residential Parking Standards SPD (Adopted) 2013 states that a four-bed house must have a minimum of two off-street parking spaces. The existing drive is capable of accommodating 2no. vehicles, but a third space plus new access is also proposed. No objection is raised to a third space, but it is not a necessity as sufficient off-street parking is provided

on the drive. Subject to a dropped kerb informative, there are no transportation objections.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is APPROVED subject to the following conditions:

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/1774/F	Applicant:	Mr Burt
Site:	722 Southmead Road Filton Bristol South Gloucestershire BS34 7QT	Date Reg:	10th May 2017
Proposal:	Erection of single storey side and rear extensions to provide additional living accommodation. Conversion of garage to form games room.	Parish:	Filton Town Council
Map Ref:	359958 178965	Ward:	Filton
Application Category:	Householder	Target Date:	3rd July 2017



© South Gloucestershire Council 2007. all rights reserved.

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

100023410, 2008.

N.T.S.

PT17/1774/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The proposal seeks to erect a single storey extension to the side and to the rear of 722 Southmead Road, Filton.
- 1.2 The host dwelling is a mid-20th century semi-detached dwelling over 2 storeys with a hipped roof, rendered elevations and a single storey rear extension and conservatory. To the rear of the curtilage is a detached garage structure that has been converted to incidental living accommodation in the form of a 'games room.'
- 1.3 The proposal would create a wrap-around lean-to extension and would replace an existing conservatory and lean-to extension.
- 1.4 The property is situated in the built up residential area of Filton.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages
T12 Transportation

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

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

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/3318/CLP – Lawful Development – 28/11/2011 – Application for Certificate of Lawfulness for the proposed construction of side and rear dormers to facilitate loft conversion.

4. CONSULTATION RESPONSES

- 4.1 Filton Parish Council
No Comment Received

- 4.2 Other Consultees

Archaeological Officer
No Objection

- Transport Officer
No Objection

Other Representations

- 4.3 Local Residents
Two comments received objecting to the proposal. Both are concerned with the developments impact on existing structures. One of which notes the proposal would be less dominating were it reduced in depth. In addition there is concern over being able to carry out works to nearby structures in the future.

5. ANALYSIS OF PROPOSAL

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

- 5.2 Design and Visual Amenity
The proposal seeks to create a single storey side and rear extension and replace the existing projections to the rear of the property. There are a number of similarly sized extensions to properties nearby and the proposal will replace existing additions of a similar scale. In addition the subject property is in relatively close proximity with its neighbour to the south-west and as a result

- the proposal site is relatively discreet. There is no objection to the appearance of the proposed extension.
- 5.3 An objecting party has indicated concern over the proximity to their property and suggest that the proposals visual impact would be lessened by reducing the depth of the proposal from 4 to 3 metres. It should be noted that the property is replacing an existing additions and is located to the side and rear of the property in a relatively discreet location. In addition were it only a side extension that did not project to the rear proposed, no express planning permission would be required and this would have the same material impact due to proximity. Furthermore the proposal is for a rear and side extension and is not of an unusual size or appearance and there are a number of extensions nearby that project a similar distance and in some cases further
- 5.4 The proposal will utilised materials of a similar appearance to those in the existing dwelling and there is no objection in this regard.
- 5.5 Two objections have been received from local residents. These are concerned over the impact of the proposal on structures in joint ownership or outside the curtilage of 722 Southmead Road. One of the commenter's note that cracks have appeared in their property following historic works and it is assumed by the individual that these works were the reason for the cracks forming. In addition the objectors are concerned with the proximity to other structures and ability to carry out works in the future. These issues are covered by legislation outside of planning control and on this basis are not considered relevant to the planning consideration. It should however be noted that were the neighbour to carry out works to the side elevation of 720 Southmead Road, it is assumed they would require permission from 722 Southmead Road for access to their land under the Access to Neighbouring Land and Party Wall Acts and were permission not granted by the objector this decision would likely be reciprocated by the residents of 722 Southmead Road and would potentially result in a mutually obstructive stalemate where neither property can carry out their intended works.
- 5.6 The proposal also seeks retrospective permission to convert the existing garage to the rear of the property into incidental living accommodation. This structure does not appear to have benefitted from any express planning consent and would be in excess of the limits of Schedule 2 Part 1 Class E to the General Permitted Development Order 2015. That said according to information available, the structure has been standing since at least 1999 and by virtue of this length of time could be granted a certificate of lawfulness for an existing use. In addition enforcement were notified of the historic changes to the doors to provide double doors in place of the garage door and it was found the works were not considered to be operational development. On this basis no permission is required for the change of use from a garage to a 'games room'.
- 5.7 Overall, it is considered that the proposed extension would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and are considered to accord with policies CS1 and H4 the criteria in the adopted Local Plan.

5.8 Residential Amenity

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

5.9 The host dwelling is semi-detached and the proposal will replace an existing conservatory and lean-to extension. The proposal would project approximately 1 metre further than the existing additions and is considered to have the same material impact on its adjoining neighbour with regard to overbearing, outlook and loss of light. The dwelling directly to the rear is oriented perpendicular to the host dwelling and as a result will not be impacted by the proposals.

5.10 The dwelling to the south-west is in relatively close proximity. As previously noted a side extension of the size of the proposal without any rear projection could be erected without the requirement of express planning consent. In addition a 3 metre extension could be erected to the rear without any express planning consent and this has been considered to have the same material impact on the amenity of this dwelling. The massing and scale of the proposal is considered acceptable and on this basis the proposal has been considered to have an acceptable impact on the amenity of this dwelling.

5.11 The proposal would occupy a proportion of outdoor amenity space but sufficient outdoor space would remain following development and there is no objection in this regard.

5.12 Objection has indicated concern over the application causing unwanted stress to an elderly individual. In a residential situation within a settlement it is expected that construction works will take place from time to time and development within residential curtilages is acceptable in principle. That said it has been seen as reasonable to attach a condition restricting when construction can be carried out to protect the amenity of nearby occupiers during development.

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

5.14 Sustainable Transport and Parking Provision

Currently the property has an area of hardstanding to the front. Given the proposal will not include additional bedrooms, it will not require any additional parking space nor will it have a negative impact on highway safety or the retention of an acceptable level of parking provision, meaning the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Hanni Osman
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

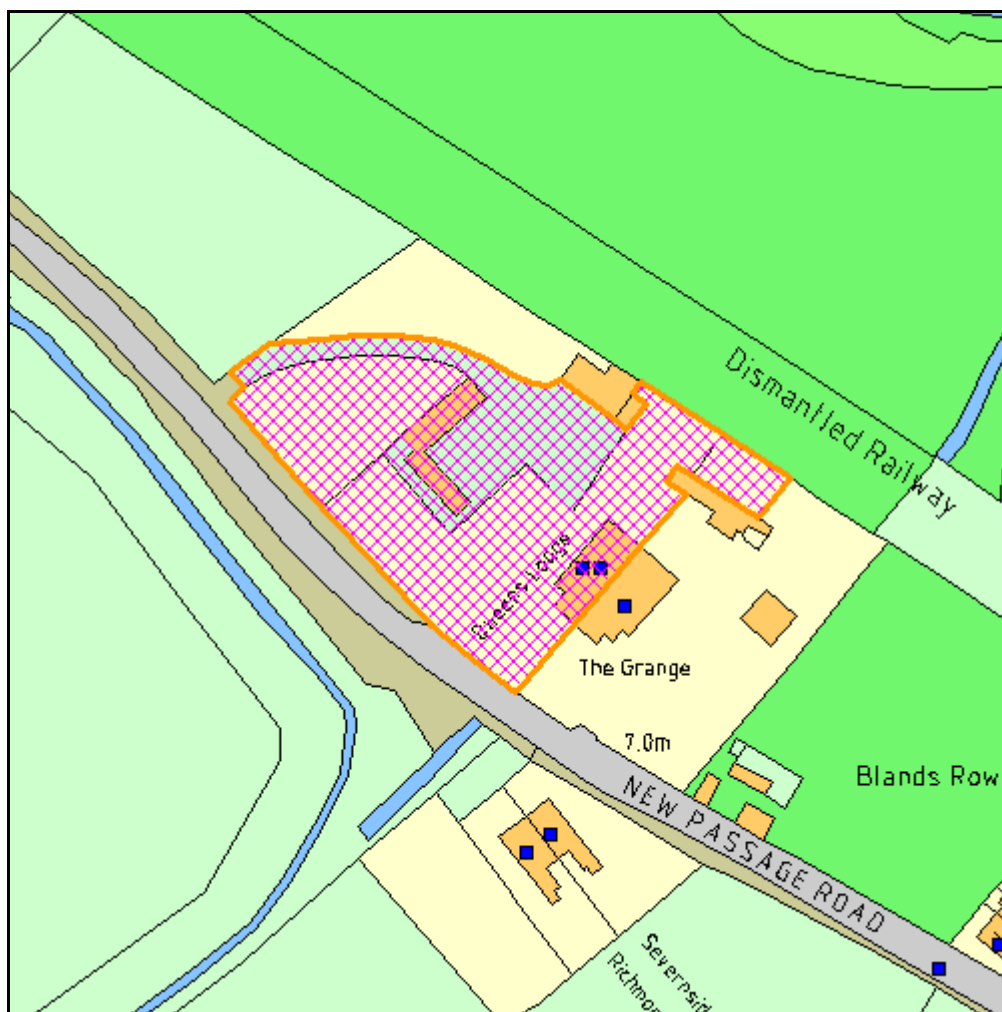
2. The hours of working on site during the period of construction shall be restricted to 07:30 - 18:00 Monday to Friday; 08:30 - 13:00 Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

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

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/1781/CLP	Applicant:	Mr Peter Brown
Site:	Queens Lodge New Passage Road Pilning Bristol South Gloucestershire BS35 4LZ	Date Reg:	8th May 2017
Proposal:	Application for a certificate of lawfulness for the proposed erection of a garage.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354606 186160	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	3rd July 2017



© South Gloucestershire Council 2007. all rights reserved.

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

100023410, 2008.

N.T.S.

PT17/1781/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a large detached garage at Queens Lodge, New Passage Road, Pilning, would be lawful. The basis of the applicants case is that it would fall within the remit of permitted development rights afforded to dwellinghouses 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 E

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 PT16/6607/NMA
No Objection (03.01.2017)
Non Material Amendment to planning permission PT16/1052/F to alter the external appearance of the approved dwelling.
- 3.2 DOC16/0385
Discharge of Conditions Decided (16.12.2016)
Discharge of condition no. 3 (Residential Curtilage) and 4 (Residential Parking) attached to planning permission PT16/1052/F for Demolition of existing garage to facilitate erection of 1no. dwelling.
The former planning unit has now been subdivided to form two new curtilages; one for the new dwelling and a revision of the curtilage for Queens Lodge.
- 3.3 PT16/1052/F
Approved with Conditions (05.07.2016)
Demolition of existing garage to facilitate erection of 1no. dwelling.

This development has commenced, as witnessed by the case officer on 15th June 2017.

- 3.4 PT13/1505/F
Approved with Conditions (05.07.2013)
Erection of single storey side extension to existing outbuilding
- 3.5 PT13/1044/NMA
Objection (24.04.2013)
Non material amendment to PT10/0787/F to the profile and materials of the roof of the proposed extension to be level with the attached garage and a minor change to the windows to include additional boarding.
- 3.6 PT11/0876/F
Approve with conditions (24.05.2011)
Installation of 15 no. photovoltaic panels on garage roof
- 3.7 PT10/0787/F
Approve with conditions (02.06.2010)
Erection of single storey extension to existing outbuilding
- 3.8 PT09/5691/CLP
Withdrawn (17.12.2009)
Certificate of lawfulness for the proposed use of an outbuilding to form ancillary residential accommodation
- 3.9 PT01/2025/F
Approved with Conditions (01.10.2001)
Erection of extension to existing cat kennels
- 3.10 P90/2331
Refusal of Full Planning (26.09.1990)
Change of use of premises from dwelling house to form eight bedsit units.
- 3.11 N2330/4
Refused (22.04.1982)
Erection of a single storey dwelling in connection with existing cattery.
Extension to existing cattery. Construction of a new access (Outline).
- 3.12 N2330/3
Refusal (22.01.1981)
Demolition of existing shed and greenhouse and erection of detached dwelling.
(Outline).
- 3.13 N2330/2
Refusal (21.06.1979)
Erection of detached dwelling (Outline).
- 3.14 N2330/1
Refusal (08.03.1979)
Erection of a dwelling and garage (Outline).

- 3.15 N2330
Refusal (11.03.1976)
Erection of a detached dwelling (Outline).

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

"Pilning & Severn Beach Parish Council feel that whilst the garage is far too big and can only be described as over development of the site, these are not valid concerns given this is a certificate of lawfulness application.

However, if it is possible for the Council to place a restriction on the application that the building may not be used for residential in the future this would be most suitable".

4.2 Lower Severn Drainage Board

None received.

4.3 Environment Agency (South West)

None received.

Other Representations

4.4 Local Residents

None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site Location Plan

Plan received by the Council on 15th April 2017

Garage Plan as Proposed (QL-0317-013 Rev A)

Plan received by the Council on 8th May 2017

Proposed Elevations (QL-0317-014 Rev A)

Plan received by the Council on 8th May 2017

Existing Site Layout (QL-0317-015 Rev O)

Plan received by the Council on 15th April 2017

Proposed Layout Plan (QL-0317-016 Rev O)

Plan received by the Council on 15th April 2017

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts

presented. The submission is not an application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The recent new dwelling (PT16/1052/F) has created a separate planning unit which has PD rights removed by condition.
- 6.3 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015; which permits the erection of buildings incidental to the enjoyment of a dwellinghouse, provided it meets the criteria set out.

Use

- 6.4 The proposed layout plan (Drawing No. QL-0317-016 rev O) shows the proposed detached garage. The proposal is situated next to a large outbuilding that is unlabelled on the drawing, or any drawings submitted with the application. A site visit by the case officer on 15th June 2017, and an onsite verbal conversation with the applicant on the same date has suggested this outbuilding to be an operational cattery. Additionally, a previous application for Queens Lodge, noted in point 3.3 of this report (PT16/1052/F); also shows this large outbuilding to be a cattery (drawing number P011, job number 3100, Jan 2016; received by the Council on 4th March 2016).
- 6.5 Research by the case officer has shown the cattery to be a business operating under the name of New Passage Cat Kennels. This business has the address Queens Lodge, New Passage, Pilning, Bristol BS35 4LZ as shown on their website www.newpassagecatkennels.co.uk (accessed 15.06.2017).
- 6.6 The cattery, due to its size and scale (17.5 metres wide and 15.5 metres deep); is not considered to be ancillary C3; it is sui generis.
- 6.7 Drawings submitted with this application show the outbuilding now known as the cattery operating under the name 'New Passage Cat Kennels' to be within the curtilage of Queens Lodge Pilning, BS35 4LZ and not within its own curtilage. Furthermore, previous applications noted in points 3.3; 3.4; 3.6; and 3.7 also show the cattery to be within the curtilage of Queens Lodge Pilning, and not within its own curtilage. Moreover, the application in point 3.9; for the erection of an extension to existing cat kennels, also shows the cattery to be within the curtilage of Queens Lodge; and not within its own curtilage. These applications range from 1st October 2001; to 8th May 2017.
- 6.8 In *Wallington v Secretary of State for Wales* [1991] JPL 942, the 'material change of use' of a dwellinghouse was considered. Namely the keeping within the curtilage of the dwellinghouse of 44 dogs. The Inspector regarded the pivotal question as being whether as a matter of fact and degree it was

'reasonable' to regard the keeping of 44 dogs as a purpose incidental to the enjoyment of a dwellinghouse. In rejecting the argument and dismissing the appeal, Slade LJ, used what people *normally* do in dwellinghouses to decide whether, as a matter of fact and degree the keeping of 44 dogs would be regarded as incidental to the enjoyment of the dwellinghouse.

- 6.9 In the Wallington case the Inspector had expressly accepted that to impose a specific limiting number on the amount of dogs being kept at a dwellinghouse before a 'material change of use' had occurred; would be 'arbitrary'. However, went on to state that the keeping of up to 6 dogs on the premises would be allowed without the need for planning permission.
- 6.10 Applications in points 6.3, 6.4 and 6.5 show that the cattery and Queens Lodge are operating from the same site, within one curtilage. Thus, the land associated with Queens Lodge, Pilning is not being used for solely residential use. Consequently, the land associated with Queens Lodge, including the outbuildings; and Queens Lodge itself is one planning unit; use class sui generis, not C3 dwellinghouses.
- 6.11 As Class E applies only to C3 dwellinghouses, and Queens Lodge falls under the use class sui generis, as evidenced in this report; Class E does not apply. Therefore Queens Lodge, New Passage Road, Pilning Bristol, South Gloucestershire BS35 4LZ does not benefit from Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

7. RECOMMENDATION

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

The evidence provided has been insufficient on the balance of probabilities to demonstrate the proposed detached garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the planning unit at Queens Lodge is in a sui generis (mixed use) rather than a Class C3, due to the cattery.

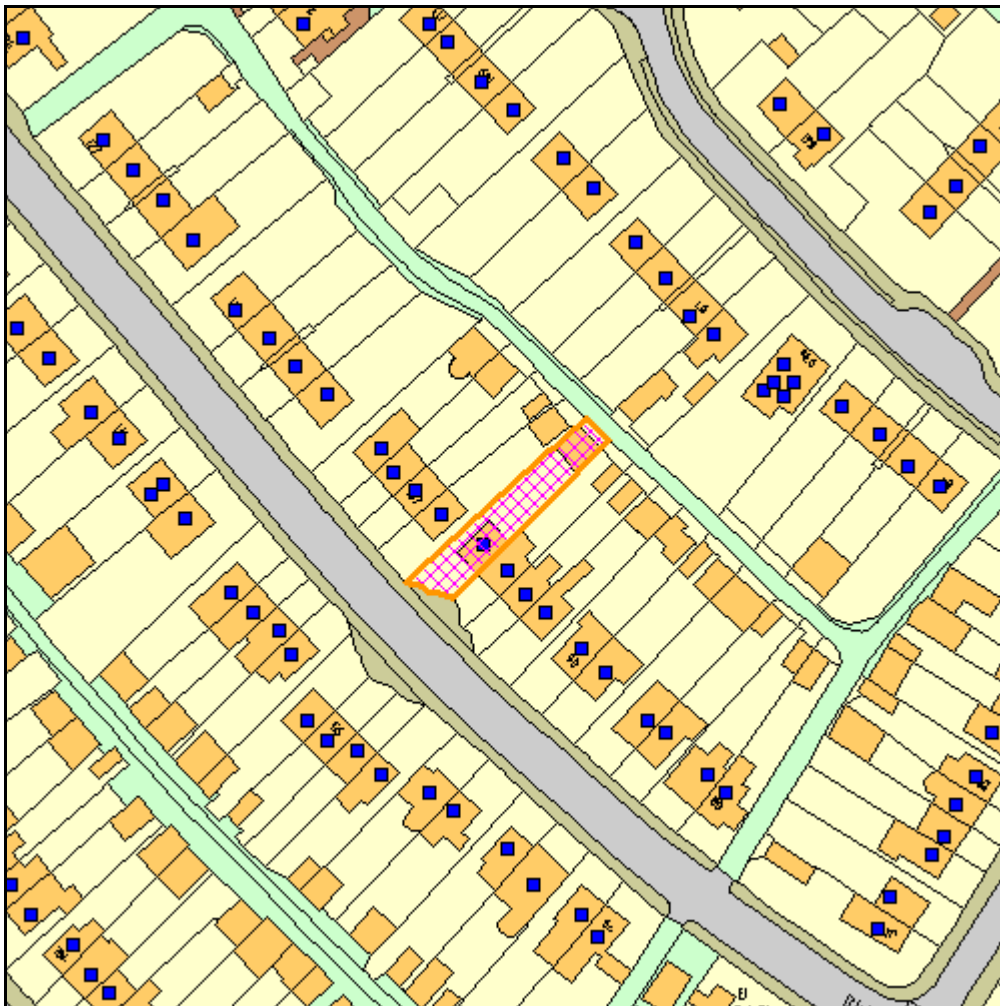
Contact Officer: David Ditchett
Tel. No. 01454 863131

REASONS FOR REFUSAL

1. The evidence provided has been insufficient on the balance of probabilities to demonstrate the proposed detached garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the planning unit at Queens Lodge is in a sui generis (mixed use) rather than a Class C3, due to the cattery.

CIRCULATED SCHEDULE NO. 25/17 – 23 JUNE 2017

App No.:	PT17/2196/CLP	Applicant:	Eleanor Hewitt
Site:	98 Durban Road Patchway Bristol South Gloucestershire BS34 5HN	Date Reg:	22nd May 2017
Proposal:	Application for a Certificate of Lawfulness for a proposed erection of a single storey rear extension, alterations from hip to gable roof with 1no rear dormer to facilitate loft conversion.	Parish:	Patchway Town Council
Map Ref:	359731 181870	Ward:	Patchway
Application Category:		Target Date:	6th July 2017



© South Gloucestershire Council 2007.all rights reserved.

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

N.T.S.

PT17/2196/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension, alterations from hip to gable roof and installation of a rear dormer to facilitate a loft conversion at 98 Durban Road, Patchway would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 (As Amended) 1990 section 192 Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Schedule 2, Part 1, Class A and 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 None

4. CONSULTATION RESPONSES

4.1 Patchway Town Council

"Please be advised that at a Patchway Town planning committee held on 23 May 2017 it was decided to "call in" the above planning application request PT17/2196/CLP, raising concerns of overdevelopment".

Other Representations

- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing Floor Plans
Dated 30.03.2017
Received by the Council on 9th May 2017

Existing Elevations
Dated 31.03.2017
Received by the Council on 9th May 2017

Site Location and Block Plan
Dated 28.04.2017
Received by the Council on 9th May 2017

Proposed Floor Plans
Dated 28.04.2017
Received by the Council on 9th May 2017

Proposed Elevations
Dated 28.04.2017
Received by the Council on 9th May 2017

6. **ANALYSIS OF PROPOSAL**

6.1 Principle of Development

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

6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1 of the GPDO 2015.

6.3 The proposed alterations from hip to gable roof and the installation of 1no rear dormer to facilitate a loft conversion would fall within Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof. This allows dormer additions and roof alterations subject to the following:

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

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

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

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

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

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

The proposal would only extend from the rear and side elevations.

- (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 an end-terrace house and the proposal would result in an additional volume of approximately 35 cubic metres as shown on the Proposed Elevations drawing Dated 28.04.2017 and Received by the Council on 9th May 2017. This figure was verified by the case officer.

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

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

The proposal does not include any of the above.

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

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

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

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

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

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

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

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

- (bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and**
- (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and**

The hip-to-gable alteration is excluded as per point (b)(i). The rear dormer would not impact the eaves; it would be 0.2 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.

- (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.**

As noted on the Proposed Elevations drawing, dated 28.04.2017 and received by the Council on 9th May 2017 the side window would be obscure glazed and non-opening below 1.7 metres.

- 6.4 The proposed development also consists of a single storey rear extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which permits the enlargement, improvement or other alterations of a dwellinghouse subject to the following:

A.1) Development is not permitted by Class A if –

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

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

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

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

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

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

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

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

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

The extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse,**
(ii) or exceed 4 metres in height;

The proposal does not extend beyond the rear wall of the original dwelling house by more than 3 metres, or exceed 4 metres in height.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
(ii) exceed 4 metres in height;

Not applicable.

- (h) The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
(ii) be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed rear extension would be single storey.

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

The extension would be within 2 metres of a boundary; however the eaves would not exceed 3 metres.

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

Not applicable.

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

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

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

The proposed rear extension does not include any of the above.

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

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

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

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

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

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

The submitted information indicates that the proposal will be finished in materials similar to those used in the exterior finish of the existing dwellinghouse

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

Not applicable.

- c) Where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the originalmdwellinghouse.**

Not applicable.

- 6.5 No. 98 Durban Road, Patchway has no planning history that restricts the erection of a single storey rear extension, alterations from hip to gable roof or construction of a rear dormer to facilitate a loft conversion.

6.6 Other matters

The case officer understands the concerns of Patchway Town Council. However, objections to a Certificate of Lawfulness application can only be considered on lawful grounds. Consequently, the comment in 4.1 has not been taken into consideration when determining this application.

7. RECOMMENDATION

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

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

Contact Officer: David Ditchett
Tel. No. 01454 863131

CONDITIONS

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