



**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. 12/17**

**Date to Members: 24/03/2017**

**Member's Deadline: 30/03/2017 (5.00pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# CIRCULATED SCHEDULE 24 March 2017

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ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK16/4678/CLE	Approve	Chescombe Farm Dodington Road Chipping Sodbury South Gloucestershire BS37 6HY	Westerleigh	Dodington Parish Council
2	PK16/5622/O	Approve with Conditions	Amberley Lodge 4 Broad Lane Yate South Gloucestershire BS37 7LA	Yate North	Yate Town
3	PK16/5673/F	Approve with Conditions	30 Sutherland Avenue Downend South Gloucestershire BS16 6QJ	Downend	Downend And Bromley Heath Parish Council
4	PK16/6186/CLE	Refusal	Land To The East Side Of New Pit Lane Bitton South Gloucestershire BS30 6NT	Bitton	Bitton Parish Council
5	PK17/0158/F	Approve with Conditions	65 Orchard Vale Kingswood South Gloucestershire	Woodstock	None
6	PK17/0206/CLP	Approve with Conditions	56 Templar Road Yate South Gloucestershire BS37 5TG	Yate North	Yate Town
7	PK17/0279/F	Approve with Conditions	Land To The Rear Of 37 To 39 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	Cotswold Edge	Hawkesbury Parish Council
8	PK17/0468/F	Approve with Conditions	66 Park Road Staple Hill South Gloucestershire BS16 5LG	Downend	Downend And Bromley Heath Parish Council
9	PK17/0560/CLP	Approve with Conditions	7 Albert Road Staple Hill South Gloucestershire BS16 5LA	Staple Hill	None
10	PK17/0565/F	Approve with Conditions	Abson Stables Abson Road Wick South Gloucestershire BS30 5TT	Boyd Valley	Wick And Abson Parish Council
11	PK17/0646/F	Approve with Conditions	18 Badminton Road Downend South Gloucestershire BS16 6BQ	Downend	Downend And Bromley Heath Parish Council
12	PK17/0679/AD	Approve	18 Badminton Road Downend South Gloucestershire BS16 6BQ	Downend	Downend And Bromley Heath Parish Council
13	PT16/4976/F	Approve with Conditions	Plot MU5 Land At Junction Of Hayes Way Charlton Boulevard Patchway South Gloucestershire BS34 5AG	Patchway	Patchway Town Council
14	PT17/0210/CLP	Approve with Conditions	44 Hazeldene Road Patchway South Gloucestershire BS34 5DS	Patchway	Patchway Town Council
15	PT17/0540/CLE	Refusal	Homeland Cottage 111 Marsh Common Road Pilning South Gloucestershire BS35 4JU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
16	PT17/0626/F	Approve with Conditions	Heathfield Ram Hill Coalpit Heath South Gloucestershire BS36 2TZ	Westerleigh	Westerleigh Parish Council

**Dates and Deadlines for Circulated Schedule**  
**During Easter Bank Holiday 2017**

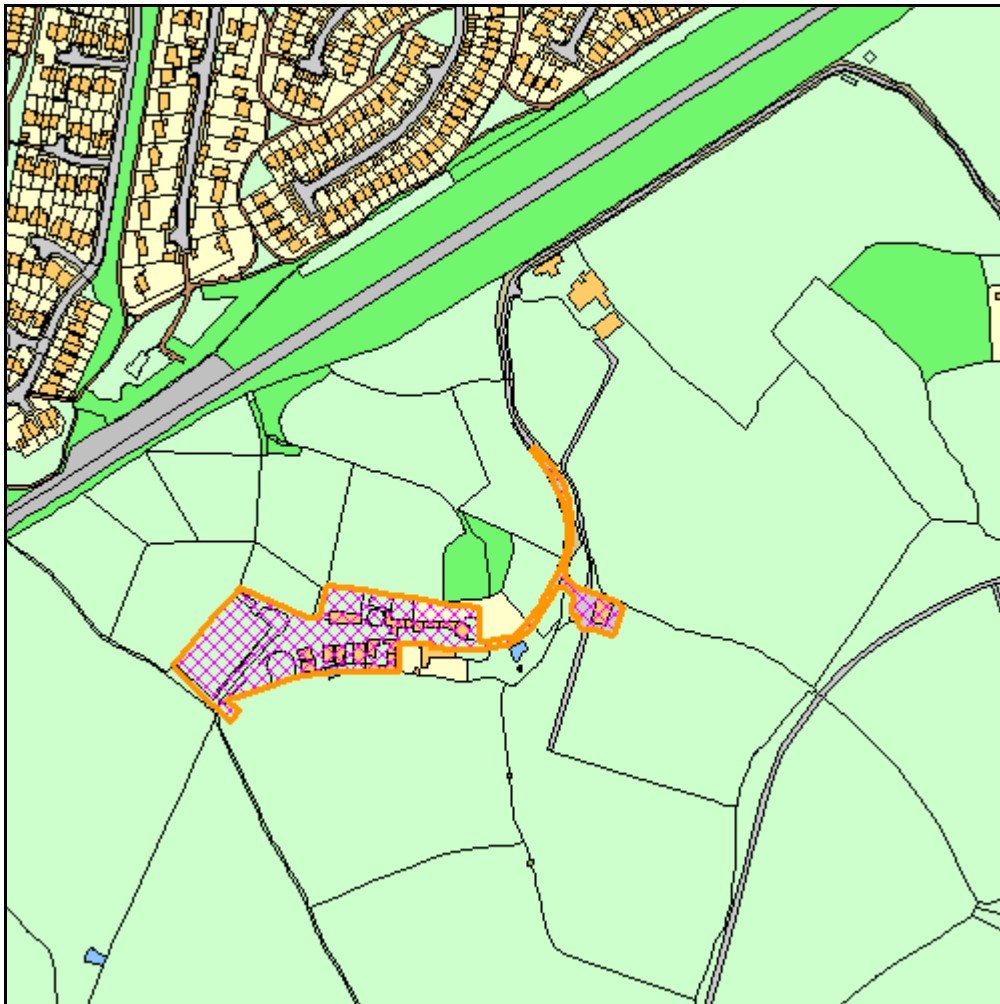
<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline</b>
14/17	9.00 am Thursday 06 April	5.00pm Wednesday 12 April
15/17	09.00am Wednesday 12 April	5.00 pm Thursday 20 April

Please see changed deadlines in **RED**.

All other dates remain as usual until next Bank Holidays in May.

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PK16/4678/CLE	<b>Applicant:</b>	M Gauntlett
<b>Site:</b>	Chescombe Farm Dodington Road Chipping Sodbury Bristol South Gloucestershire BS37 6HY	<b>Date Reg:</b>	4th October 2016
<b>Proposal:</b>	Application for a certificate of lawful use and development of a commercial equestrian yard with ancillary storage, horse walker, sand school, two flats, parking for cars and horse transporters. Conversion of a barn and agricultural building into living accommodation. Confirmation of continued residential use of The Cottage.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	371811 180847	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>		<b>Target Date:</b>	25th November 2016



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PK16/4678/CLE

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

This application is referred to the circulated schedule for determination as it is a matter of process. All applications for certificates are required to appear on the circulated schedule under the scheme of delegation.

### **1. THE PROPOSAL**

1.1 This application seeks a certificate of lawfulness for the existing use and development [as indicated on plan **4777 02** 'Site Layout' dated 8 August 2016] at Chescombe Farm, Dodington Road, Chipping Sodbury for:

- use as a commercial equestrian yard (Sui Generis, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended));
- installation of a sand school [**A**] and sand school shelter [**B**];
- erection of horse walker [**C**];
- erection of horse spa [**D**];
- erection of stable buildings [**G, H, I, J, and K**];
- erection of mare's pen [**L**];
- erection of building for ancillary storage and additional stabling [**N**];
- change of use of part of building **N** to provide ancillary staff living accommodation (Sui Generis);
- conversion of building **M** to 1no. independent residential dwelling (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987);
- use of The Lodge [**E**] as 1no. independent residential dwelling (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987); and
- use of The Cottage [**F**] as 1no. independent residential dwelling (Class C3, as defined in the Town and Country Planning (Use Classes) Order 1987)

1.2 The certificate of lawfulness is sought on the basis that the existing use and development of the land at Chescombe Farm is immune from enforcement action under 171B(1), 171B(2), and 171B(3) of the Town and Country Planning Act 1990 ("the Act") and therefore, in accordance with section 191(2), the use is lawful.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

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

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

3.1 PK16/4992/F *Under Consideration*  
Erection of hay and bedding store and erection of extensions to two stable buildings. (Retrospective).

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

4.1 To support this application, a statutory declaration by Michael Gauntlett dated 2 August 2016 has been submitted. As a summary, this document states:

- farm purchased in 1994 which was being used for the grazing of gypsy ponies and storage of building materials
- farm used for commercial equestrian since 1995
- sand school [A] erected 1999
- sand school shelter [B] erected 2010
- horse walker [C] installed 2006
- horse spa [D] installed 2011
- The Lodge [E] occupied continuously as independent dwelling by a tenant for a period of 7 years
- The Cottage [F] occupied continuously as independent dwelling by a tenant since 1995
- stable building [G] erected 1995
- stable building [H] erected 1999
- stable building extended [I] in 2005
- stable building [J] subject to planning application; date of erection on site not specified
- building [K] used for storage and some stabling; date of erection of site not specified; subject to planning application for extension
- building [L] erected 2011
- building [M] purchased in 2007, occupied as an independent dwelling 2011
- building [N] erected between 2007 and 2009; staff accommodation added after this date

4.2 To support this application, a statutory declaration by Nicholas Gauntlett dated 12 December 2016 has been submitted. As a summary, this document states:

- building [M] purchased in 2007
- building when purchased contained 3 sections: horse related; agriculture related; and, basic bathroom, basic kitchen, and sitting area
- barn occupied between 2010/11 by a temporary resident who assisted in the conversion
- conversion works took place during 2011
- building was occupied by Nicholas Gauntlett from the latter part of 2011

4.3 The local planning authority has aerial photographs of the site dated: 1991, 1999, 2005, 2006, and 2008.

4.4 The local planning authority has access to council tax records.

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

5.1 Correspondence dated 18 October 2016 has been received from David James and Partners on behalf of Mr Good and Ms Franklin. This letter raises the following points (relevant to the evidence of M Gauntlett):

- building [M] purchased from client in 2007
- when sold, the building did not contain basic living accommodation
- building when sold was a pole barn used for the storage of fodder/machinery and occasionally livestock
- building operations for the use of the building as a dwelling were not completed until 2015

5.2 This letter also raises a number of points with regard to the extent of the operations of the site but does not provide any material to be considered contrary evidence.

## **6. OTHER REPRESENTATIONS RECEIVED**

6.1 Dodington Parish Council

No objection in the following circumstances:

- planning permission would be granted for the developments should an application be submitted
- public right of way is kept clear at all times
- CIL receipts are checked

6.2 Local Residents

Correspondence on behalf of a local resident has been received as listed in section 5 of this report.

## **7. EVALUATION**

7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. The test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) the existing use of the land as residential curtilage is lawful.

7.2 Breach of Planning Control

From an investigation of the planning history of the buildings and land connected with this application, there is no evidence of any planning applications having been made or approved for the use of the site for equestrian/residential purposes or the operations consisting of the erection or alteration of a number of the buildings on the site. This would therefore constitute a breach of planning control.

7.3 The use of the land edged in red as shown on plan 4777-02 (except that shown for the residential curtilages of the properties discussed below) is a breach of



- planning control as no express permission has been granted for the use of the land for equestrian purposes.
- 7.4 The use of The Lodge [E], The Cottage [F], and Building [M] as independent residential dwellings does not benefit from express planning permission and therefore this is a second breach of planning control.
- 7.5 The erection/installation of buildings/structures [A to D, G to L, and N] as ancillary buildings/structures to the equestrian use do not benefit from express planning permission and therefore this is a third breach of planning control.
- 7.6 Section 171B of the Act introduces statutory time limits in which enforcement action against breaches of planning control should be taken. If the breach has occurred continuously for the period stated in this section it would become immune from enforcement action.
- 7.7 Certificates of lawfulness for existing uses are covered in section 191 of the Act. Section 191(2) states:
- For the purposes of this Act uses and operations are lawful at any time if -*
- (a) *no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason); [...]*
- 7.8 The applicant is claiming that:
- i. the use of the land referred to in paragraph 7.3 has occurred since 1995. This would constitute *any other breach of planning control* and therefore in accordance with section 171B(3) of the Act, the development would become lawful at the end of a period of ten years beginning with the date of the breach;
  - ii. the change of use of The Lodge, The Cottage and Building M to independent residential units referred to in paragraph 7.4 occurred in 2009, 1995, and 2011 respectively. This would constitute *the change of use of any building to use as a single dwellinghouse* and therefore in accordance with section 171B(2) of the Act, the development would become lawful at the end of a period of four years beginning on the date of the breach;
  - iii. the various operational development carried out as referenced in paragraph 7.5 has occurred at various times between 1995 and 2011. This would constitute *the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land*, and therefore in accordance with section 171B(1) of the Act, the development would become lawful at the end of a period of four years beginning with the date of the breach.
- 7.9 In order for this certificate of lawfulness to be granted it must be demonstrated that, on the balance of probability, the development referenced in the preceding paragraphs has occurred continuously for a period exceeding ten years (for the

change of use of the land) and a period exceeding four years (for the operation development and occupation as independent dwellings) and that there has been no subsequent change of use.

#### 7.10 Assessment of Lawfulness

From the evidence submitted by Mr M Gauntlett and Mr N Gauntlett, in the form of their respective statutory declarations, the following dates are of importance:

- farm purchased in 1994 which was being used for the grazing of gypsy ponies and storage of building materials
- farm used for commercial equestrian since 1995
- sand school [A] erected 1999
- sand school shelter [B] erected 2010
- horse walker [C] installed 2006
- horse spa [D] installed 2011
- The Lodge [E] occupied continuously as independent dwelling by a tenant for a period of 7 years (i.e. since 2009)
- The Cottage [F] occupied continuously as independent dwelling by a tenant since 1995
- stable building [G] erected 1995
- stable building [H] erected 1999
- stable building extended [I] in 2005
- building [L] erected 2011
- building [M] purchased in 2007, occupied as an independent dwelling 2011
- building [N] erected between 2007 and 2009;
- building [M] occupied between 2010/11 by a temporary resident who assisted in the conversion
- conversion works of building [M] took place during 2011
- building [M] has been occupied by Nicholas Gauntlett from the latter part of 2011

#### 7.11 To be found lawful, the evidence must demonstrate that:

- i. the land has been used as for equestrian purposes for a period in excess of 10 years. As a minimum this would be since 04 October 2006 (as that is the date ten years prior to which the application for the certificate of lawfulness was submitted to the local planning authority for consideration);
- ii. the Lodge, Cottage and Building M have been occupied as independent dwellings for a period in excess of 4 years. As a minimum this would be since 04 October 2012 (as that is the date four years prior to which the application for the certificate of lawfulness was submitted to the local planning authority for consideration);
- iii. the various other operational development carried out was in excess of 4 years ago. As a minimum this would be since 04 October 2012 (as that is the date four years prior to which the application for the certificate of lawfulness was submitted to the local planning authority for consideration).

### *Breach 1: Use of Land for Equestrian Purposes*

- 7.12 Taking first the council's own aerial photographs of the site, it clearly shows between 1991 and 1999 that a number of equestrian buildings including stables and the riding arena have been erected. What this demonstrates is that there is some equestrian use on the land. The location of the stables and the arena is beyond that which can be reasonably considered to form part of the residential curtilage of Chescombe Farm. The scale of stabling and the riding arena shown in the photographs in 1999 would be greater than that which can be considered to be incidental and therefore would constitute a material change of use to equestrian (Sui Generis, as defined in the Town and Country Planning (Use Classes) Order).
- 7.13 Evidence held by the local planning authority supports the claims made by the applicant in the statutory declaration of Michael Gauntlett that the equestrian use commenced in 1995. A statutory declaration should be given substantial weight in the determination of a planning application. There is no significant contrary evidence which would outweigh the claims that the equestrian use of the land edged in red started in 1995.
- 7.14 Evidence is also provided that the site employs various staff and that would indicate a form of equestrian business. In terms of land use classification, the land use would be Sui Generis with a description of being equestrian. This would not preclude the land from being used as a commercial venture or used for equestrian purposes without a defined business output.
- 7.15 A certificate of lawfulness should therefore be granted for this aspect of the development on the site.

### *Breach 2: Residential Uses*

- 7.16 There are 3 residential properties subject to this certificate. Taking first The Lodge and The Cottage located adjacent to the main farmhouse, the applicant has claimed in the statutory declaration that Mr P Davies has occupied The Cottage since 1995 and that Ms P Francis has occupied the Lodge in excess of 7 years.
- 7.17 Using the council's council tax it is confirmed that council tax has been paid on The Cottage as an independent dwelling since April 1995 and that council tax has been paid on The Lodge as an independent dwellings since October 1998. This is sufficient evidence to satisfy the planning authority that the properties mentioned have been occupied as independent dwellings and that this is in excess of 4 years.
- 7.18 A certificate of lawfulness should therefore be granted for The Lodge and The Cottage as independent residential dwellings, as shown in green (for The Lodge) and pink (for The Cottage) on the Curtilage Plan received 22 March 2017.
- 7.19 Building M is not as straight forward. Evidence in relation to this building has been provided in the statutory declarations of both Michael Gauntlett and Nicholas Gauntlett. Evidence, although not in the form of a statutory

- declaration (although it was indicated that the provider would be happy to include it in a statutory declaration if necessary), has also been provided from the adjacent landowner.
- 7.20 Building M was purchased from the adjacent landowner in 2007; a point that is agreed in all evidence. It is claimed by the applicant that the building contained rudimentary living accommodation when purchased. This point is contended by the vendor (the adjacent landowner). It is claimed by the applicant that works to facilitate the use of the building as a dwelling were undertaken in 2011 and that Nicholas Gauntlett has occupied the resulting dwelling since. The date of completion is again disputed by the adjacent landowner who claims that this was not completed until 2015.
- 7.21 Whether the building contained any living accommodation on purchase – whether basic in nature or not – is not relevant to the determination of this application. The certificate must either be granted or denied on the basis that that the building has been used as an independent dwelling since 04 October 2012, the date 4 years prior to the submission of the application.
- 7.22 Evidence has been provided by Nicholas Gauntlett in his statutory declaration that the building has been used as his dwelling since the latter part of 2011. The adjacent landowner would disagree with this stating that the building was not used as a dwelling until 2015. Applications for certificates of lawfulness must be determined using the test of ‘on the balance of probability’. This assessment must take into account the strength of the evidence provided.
- 7.23 The applicant has stated that the building was used as a dwelling in a statutory declaration. Including information which is known to be untrue in a statutory declaration would be an offence under the Statutory Declarations Act 1835 and may lead to a challenge to any certificate granted by the local planning authority. The adjacent landowner has indicated that they would submit their claim in the form of a statutory declaration of their own. If such a situation was to occur, the local planning authority would need to determine the application on the balance of probabilities as to which certificate was most likely to be more accurate. Given that the applicant would be more likely to have a more intimate knowledge of the site following its purchase in 2007, more weight would be applied to the applicant’s version of events. Indeed, the applicant’s declaration is also supported by letters of endorsement from persons who assisted in the conversion works. Therefore, whilst the view of the adjacent landowner is fully acknowledged, the decision falls (on the balance of probability) towards supporting the applicant’s claims.
- 7.24 Taking this into account, the local planning authority concludes that the building has been occupied as a dwellinghouse for a period in excess of 4 years and a certificate, on that basis, for the use of Building M and its curtilage as shown in blue on the Curtilage Plan received 22 March 2017, should be granted.
- 7.25 Consideration should also be given to whether the building is a straight forward change of use of a building to form a dwelling, which would be immune from enforcement action under section 171B(2) after 4 years, or whether it was operational development in the form of a new building and residential use

under sections 171B(1) and 171B(3). The council's enforcement officer was asked for a view on this matter given their involvement in the site and it was concluded that the use of the building would be a change of use of a building to a dwellinghouse and should be assessed against the provisions of 171B(2). The conclusion that a certificate should be granted is therefore confirmed.

*Breach 3: Other Operational Development*

7.26 Having established that the use of the site for equestrian is lawful in the preceding sections of this report, the other operational development included in this certificate can be considered to fall under section 171B(1) and is subject to a 4 year immunity period.

7.27 Using the council's aerial photographs, it can be confirmed that the following buildings, for which this certificate is sought, were in place on the following dates:

Building	A	B	C	D	E	F	G	H	I	J	K	L	M	N
Aerial Date	2008 2006 2005 1999	2008	2008 2006 2005	NA	2008 2006 2005 1999 1991	2008 2006 2005 1999 1991	2008 2006 2005 1999	2008 2006 2005 1999	2008 2006 2005	2008 2006 2005	2008 2006 2005	NA	2008 2006 2005 1999	2008

7.28 With the exception of [D] and [L], every building appears on the aerial photographs in 2008, a period of 8 years prior to the submission of this certificate. This evidence is sufficient in its own right to establish that these buildings are lawful. However, for clarity the local planning authority's own evidence is confirmed by the evidence presented in the applicants' statutory declarations.

7.29 This means that there are two buildings, [D] and [L], for which evidence is required from the applicant to demonstrate these buildings are lawful.

7.30 It is stated that building [D], the horse spa, was installed in 2011. This is after the council's most recent aerial photograph of the site and therefore would not conflict with the authority's own evidence. It is also stated that building [L] was also erected in 2011. These dates are provided in the statutory declaration alongside satellite images of the site. Whilst the authority cannot confirm that the satellite images are of the dates purported, the inclusion of this information as part of that statutory declaration must be given weight. There is no counter evidence which would tip the balance against the applicant's statements and therefore it is concluded that the buildings have been on site since 2011 and therefore immune from enforcement.

7.31 Extensions to Buildings J and K; erection of Building O  
The site plan indicates shaded extensions to buildings J and K and shades the entirety of building O. The applicant is not claiming that these buildings are immune from enforcement action. A separate planning application

- (PK16/4992/F) has been submitted to regulate these aspects of the unauthorised development on this site.
- 7.32 For the avoidance of doubt, any certificate granted by shall expressly include the extensions to buildings J and K and building O.
- 7.33 Summary  
It has been found that there have been various breaches of planning control on this site between 1995 and the present day. This certificate seeks to regulate the unauthorised development from 1995 to 2012.
- 7.34 No counter evidence which is sufficiently robust to counter the account provided by the applicant has been submitted and the weight attributed to various sources of evidence has been discussed in detail above. The local planning authority can provide no evidence that there has been any further breach of planning control.
- 7.35 Paragraph 17c-006-20140306 of the National Planning Policy Guidance states:
- In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*
- 7.36 It is therefore considered that the use of the land for equestrian purposes (Sui Generis, as defined in the Town and Country Planning (Use Classes Order) 1987 as amended) would be immune from enforcement action by virtue of section 171B(3) of the Act and under section 191(2) a certificate of lawfulness should be granted
- 7.37 It is therefore considered that the use of The Lodge, The Cottage and Building [M] as independent residential dwellings (Use Class C3 as defined in the Town and Country Planning (Use Classes Order) 1987 as amended) would be immune from enforcement action by virtue of section 171B(2) of the Act and under section 191(2) a certificate of lawfulness should be granted
- 7.38 It is therefore considered that the operational development of buildings [A to D, G to L, and N] (Sui Generis as defined in the Town and Country Planning (Use Classes Order) 1987 as amended) would be immune from enforcement action by virtue of section 171B(1) of the Act and under section 191(2) a certificate of lawfulness should be granted.
- 7.39 Other Matters  
Representations have been received on this certificate from the adjacent landowner. Where these relate to the subject matter of this application, they have been considered in the above analysis. This section will therefore address those which have not been previously covered.

- 7.40 The representation welcomes the submission of this and the accompanying planning application, however it states that the change of use of the land is not included. The change of use has been considered as part of this certificate. It also raises concern that there was no access to the supporting information to the statutory declaration. This contains personal information and therefore is restricted from view to the general public to protect personal data. Planning merit, such as green belt, cannot form part of the consideration. Comments in relation to the breach of planning conditions, such as those on the canter track, are a matter for investigation by the planning enforcement team; for the avoidance of doubt, the certificate is not connected to the canter track. Comments made with regard to the truck business are not relevant as it is not subject to this certificate.
- 7.41 The representation sought clarity over a number of matters including; frequency and number of pony club visits to ensure that there is no further increase; frequency and number of tuition sessions to ensure that there is no further increase; clarity that a certificate is not sought for the use of the farm as a stud; precise number of horses on site should be defined; the use of building [K] should be ancillary to the equestrian operation of the site; use of building [L] not stated; lorries should be ancillary to the equestrian use; accommodation within building [N] should be ancillary to the equestrian operation of the site; staff bedrooms relate solely to building [N].
- 7.42 In response, the certificate cannot be used to define the number of pony club visits, tuition visits, number of horses on the site, or any stud activities – nor can a certificate be used to apply conditions. It is purely an assessment as to whether the use of the site is lawful and it has been found that the use of the site for equestrian purposes would be lawful. This certificate only finds the equestrian use to be lawful, however, this would include ancillary operations such as lorry parking, storage, stabling, and ancillary staff accommodation. Should any of the buildings in the future not be used for purposes ancillary to the equestrian use of the site, planning permission would be required although the extent of operations being ancillary is assessed on a case by case basis.

## **8 RECOMMENDATION**

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

**Contact Officer: Griff Bunce**  
**Tel. No. 01454 863438**

## **REASONS**

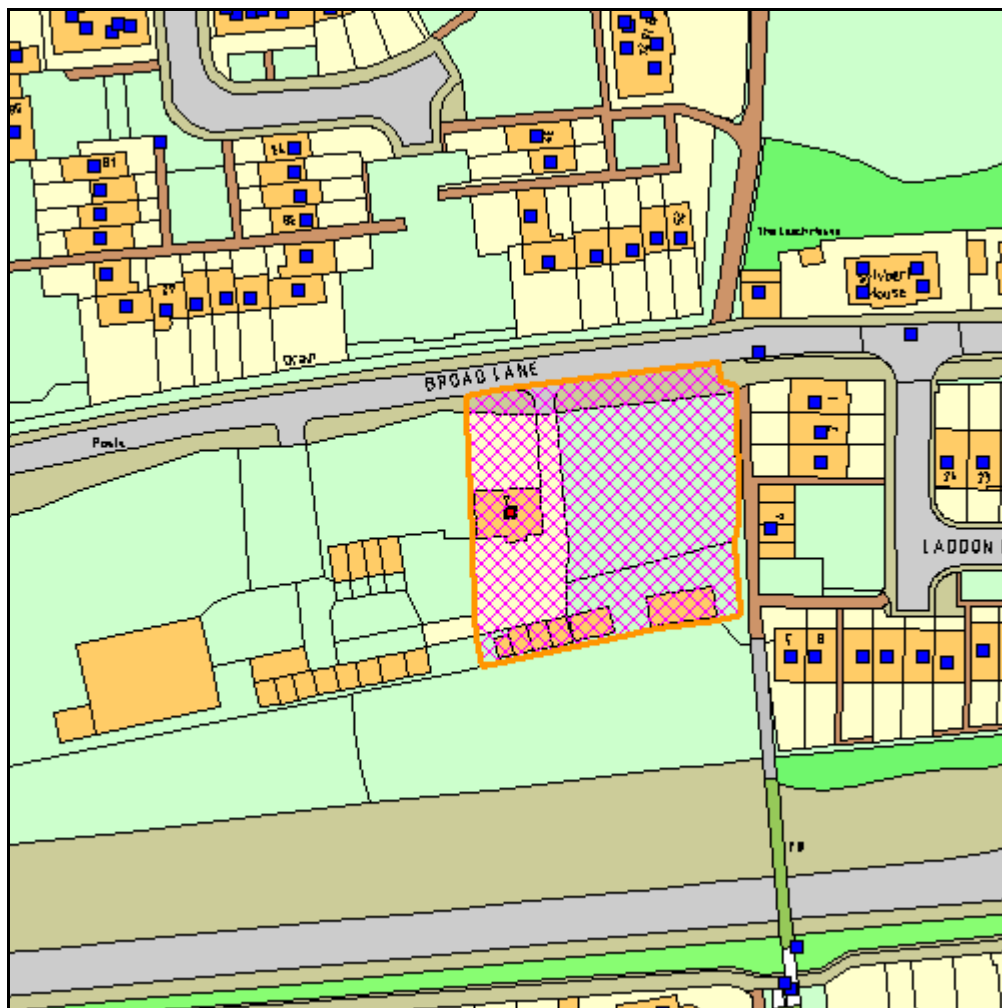
1. Evidence has been submitted which demonstrates that, on the balance of probability: the land edged in red on plan 4777-02 excluding that land edged in blue, pink, and green on the Curtilage Plan, has been used for equestrian purposes for a period in excess of 10 years and there has been no subsequent change of use. The use of the lands as described above is immune from enforcement action by virtue of section 171B(3) of the Town and Country Planning Act 1990 therefore considered to be lawful by virtue of Section 191(2) of the abovementioned Act.

2. Evidence has been submitted which demonstrates that, on the balance of probability, the land and building (identified as Building M) edged in blue, the land and building (identified as The Cottage) edged in pink, and the land and building (identified as The Lodge) edged in green on the Curtilage Plan, have each been used as independent residential dwellings for a period in excess of 4 years and there has been no subsequent change of use. The use of the buildings as described above is immune from enforcement action by virtue of section 171B(2) of the Town and Country Planning Act 1990 therefore considered to be lawful by virtue of Section 191(2) of the abovementioned Act.
  
3. Evidence has been submitted which demonstrates that, on the balance of probability, buildings (identified as A, B, C, D, G, H, I, J (excluding the shaded area), K (excluding the shaded area), L, and N on plan 4777-02) have been erected on site for a period in excess of 4 years. The buildings as described above are immune from enforcement action by virtue of section 171B(1) of the Town and Country Planning Act 1990 therefore considered to be lawful by virtue of Section 191(2) of the abovementioned Act.



## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PK16/5622/O	<b>Applicant:</b>	The Executors Of The Estate Of Mr A E Nicholls
<b>Site:</b>	Amberley Lodge 4 Broad Lane Yate Bristol South Gloucestershire BS37 7LA	<b>Date Reg:</b>	14th October 2016
<b>Proposal:</b>	Demolition of existing dwelling and outbuildings and erection of 5no. dwellings with associated works (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370864 183749	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th December 2016



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PK16/5622/O

## **REASON FOR REPORTING ON CIRCULATED SCHEDULE**

This application appears on the Council's Circulated Schedule procedure, following an objection from Yate Town Council to the contrary of the officer recommendation detailed in the report below.

### **1. THE PROPOSAL**

- 1.1 This application seeks outline planning permission for the demolition of Amberley Lodge at 4 Broad Lane, Yate in order to facilitate the erection of 5 no. dwellings and garages with access to be determined. All other matters are reserved.
- 1.2 The site is situated within the settlement boundary of the town of Yate in an established residential area. A Public Right of Way runs across the front of the site and down the footpath to the east.
- 1.3 During the course of the application, amended plans have been submitted to show a footpath across the front of the site and auto-track details for a waste vehicle. A noise survey and ecological appraisal have also been submitted.

### **2. POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 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  
T7 Cycle Parking  
LC12 Recreational Routes

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

PSP1 Local Distinctiveness  
PSP3 Trees and Woodland  
PSP5 Undesignated Open Areas within Urban Areas  
PSP8 Residential Amenity  
PSP16 Parking Standards

PSP20 Drainage  
PSP38 Development within Existing Residential Curtilages  
PSP43 Private Amenity Standards

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

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

- 3.1 There is no relevant planning history.

### 4. **CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection – overdevelopment. Conditions must be provided to enhance road safety at access as this is a main route to school, to enhance the street lighting on the footpath to Goose Green Way. Need for screening at the property nearest to the footpath as the bridge will be at bedroom height.

4.2 Other Consultees

Police Community Safety  
No comment received.

Sustainable Transport  
No objection subject to condition.

Children and Young People  
No comment received.

Community Services  
No comment received.

Public Rights of Way  
Objection, if development is approved then new 4m shared footway/cycleway should be provided.

Open Spaces Society  
No comment received.

Lead Local Flood Authority  
No objection subject to SUDS condition.

Ecology  
No objection subject to conditions.

Environmental Protection  
No objection subject to conditions.

#### Tree Officer

No objection in principle subject to arboricultural information being submitted as part of the reserved matters.

### **Other Representations**

#### 4.3 Local Residents

No comment received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Development within the existing settlement boundaries is generally supported by the Local Planning Authority as it is a sustainable form of development which makes the most efficient use of land. Policy CS5 allows for development within the existing urban area subject to meeting other criteria such as design considerations, amenity and transport; as does policy H4 of the Local Plan, which states that new dwellings within existing residential curtilages are acceptable in principle. As such the adopted development plan policy would support the provision of housing at this location in principle.

Additional weight is given to the provision of an increased number of units as currently, South Gloucestershire Council cannot demonstrate a five year housing land supply and so paragraph 49 of the National Planning Policy Framework is engaged. This advises that housing development should be approved unless the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, as detailed in paragraph 14 of the NPPF. This advice is considered in the remainder of this report.

### 5.2 Design

This application is for outline planning permission for 5 no. dwellings with only access to be determined, with the layout, scale, appearance and landscaping to be determined at reserved matters stage. An indicative Sketch Plan has been submitted which demonstrates that 5 no. detached dwellings can easily be accommodated within the site, as well as associated parking, garaging and amenity space, in a density which is consistent with other residential development along Broad Lane and Laddon Mead.

### 5.3 Residential Amenity

The closest residential dwellings are situated on the modern development to the east known as Laddon Mead, and they are separated by the Public Right of Way and screened by a significant boundary treatment. The indicative Sketch Plan shows that the dwellings can be accommodated within the site without any window to window intervisibility, and the proposed single storey garages could be sited on the boundary to the closest terrace at Laddon Mead, rather than a double storey dwelling which may be overbearing.

5.4 Adequate private amenity space has been shown for each dwelling proposed. The Town Council has raised concerns that the rear garden of no. 1 would not be private, as individuals using the footbridge over Goose Green Way to the south-east would have views into their garden. Officers consider that the point on the footbridge where this may be possible is a sufficient distance from the

garden for this issue not to have a harmful impact on residential amenity. The location of specific openings will be agreed at reserved matters stage, however it seems feasible that there will be no negative impact on the future occupiers of the site. Concerns were raised by the Council's Environmental Protection team due to the close proximity of the dwellings to Goose Green Way, which is a busy and noisy classified highway, however a noise assessment has been submitted to show that adequate mitigation could be conditioned. There is no objection from a residential amenity perspective.

#### 5.5 Vegetation

A preliminary tree survey (Tree Maintenance, received 12<sup>th</sup> October 2016) has been submitted to support this outline application. The site is bordered by a hazel hedge to the road frontage and mixed hedge to the east, and there are a number of small trees within the site. In order to achieve adequate visibility and provide a footway to the front of the site (the need for which is discussed in more detail within the highway safety part of this report), it is likely that the hazel hedge will need to be removed. This will be mitigated through the submission of a landscaping scheme at reserved matters stage.

- 5.6 The Council's Tree Officer has been consulted and they have confirmed that, whilst they have no objection to the removal of the majority of the trees within the site, which offer little in the way of amenity value, they wish the three holly trees to the west of the proposed entrance to the site to be retained. These three trees have been served with Tree Protection Orders. Whilst layout is a reserved matter, it is feasible for the development to take place without the need to remove or harm the holly trees and so there is no objection to the development, subject to further arboricultural information being submitted at reserved matters stage.

#### 5.7 Highway Safety

Vehicular access to the site will be from Broad Lane, and this will replace the existing vehicular access which is currently located further to the west. This section of Broad Lane is a cul-de-sac and currently serves a small number of dwellings, whilst also serving as an important route to the nearby school (i.e. it is 'safe route to school') and is used heavily by many pedestrians and cyclists - and it also forms, at least in part, a section of the 'Avon' Cycleway.

- 5.8 Outside the application site, the road is relatively narrow (approximately 4.5m wide) with a narrow footway on the northern side of the road. There is no footway along the applicant's site frontage. Currently, this section of Broad Lane outside the application site is almost exclusively used by pedestrians and cyclists with little or no vehicular traffic or conflict. With new development on the site, there will be increased vehicular movements at this location. The nature and volume of traffic using Broad Lane is therefore considered to be key issue in respect of road safety, and the net increase of 4 no. dwellings is considered to justify mitigation in the form of a new shared footway/cycleway.

- 5.9 Amended plans have been submitted to show a 2 metre footpath within the adopted highway verge along the front of the site, connecting with the existing footpath to the east. Ideally this will be increased to 3 metres where possible to allow for a shared footway however this may need to reduce in width on the

westernmost point of the site, where the closest Tree Protection Order has been served on the holly tree. The Tree Officer has confirmed that, as long as a no dig construction method is to be used within the root protection zones of the trees which have TPOs, then there would be no objection to the provision of a footway at this location. A Grampian condition will be applied to the decision notice in the event that the application is approved, requiring the layout details to be agreed at reserved matters stage to include the provision of a new footway/cycleway across the front of the site, and to ensure this is implemented prior to first occupation of the new dwellings.

#### 5.10 Ecology

An Ecological Appraisal completed by All Ecology (August 2016) was submitted in support of this application. It found that the building to be demolished was judged as having low roost potential for bats, and the other buildings were of negligible value to bats. Two species were detected on site. There is also low potential for dormice, hedgehogs and slow worms. The Council's Ecology officer has no objection to the development provided that conditions ensure that it takes place in accordance with the recommendations within the Ecological Appraisal, and ecological enhancement will also be sought in the form of bat boxes in order to replace the habitat being lost. The development is therefore considered to accord with policy L9 of the Local Plan.

#### 5.11 Planning Balance

Currently, South Gloucestershire Council cannot identify a five year housing land supply, and so applications for sustainable housing development should only be refused if the Council considers them to cause significant and demonstrable harm which outweighs the benefits of the scheme. This proposal represents a net gain of 4 no. dwellings, as Amberley House is to be demolished to facilitate the development. This small contribution weighs in favour of the proposal, and it is not considered that any significant and demonstrable harm has been identified. It is therefore recommended that the application is approved, subject to the conditions on the decision notice.

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

**Reason**

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the layout, scale and appearance of any buildings to be erected, and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

**Reason**

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

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

**Reason**

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

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

**Reason**

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

5. Layout details to be submitted as part of condition 2 shall make provision for a new footway/cycleway along the site frontage on Broad Lane. The dwellings shall not be occupied until the footway/cycleway as approved is completed and connected to the existing footway/cycleway to the east of the site in accordance with the approved plans.

**Reason**

In order to prevent conflict between vehicles, pedestrians and cycles in the interests of highway safety, and to accord with policy T12 and LC12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

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

Reason

In order to ensure adequate drainage and to prevent pollution and flooding, in accordance with policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement due to the physical nature of surface water and to prevent remedial works later on.

7. The application for Reserved Matters shall include the submission of an arboricultural implications assessment, an arboricultural method statement, and a tree protection plan for written approval by the Local Planning Authority. Development shall then proceed in accordance with the agreed details.

Reason

In order to ensure the 3 no. holly trees subject to Tree Protection Orders are not harmed and to accord with policy CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development, details of the number, location and type of bat box to be provided within the site should be submitted to and approved in writing by the Local Planning Authority. In the interests of clarity, boxes designed for crevice-dwelling species should be chosen. Development should then proceed in accordance with the agreed details.

Reason

In order to provide ecological enhancement in accordance with policy L9 of the South Gloucestershire Local Plan (adopted) January 2006 and the Biodiversity Action Plan. Information is required prior to commencement to prevent remedial works later on.

9. Development shall proceed in strict accordance with the recommendations made relating to reptiles in Section 4.8 of the submitted Ecological Appraisal (All Ecology - August 2016).

Reason

In order to ensure that reptiles are not harmed by the development in accordance with policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

10. Development shall proceed in accordance with mitigations recommended within section 6 of the Noise Impact Assessment (Matrix Acoustic Design Consultants - 4th November 2016).

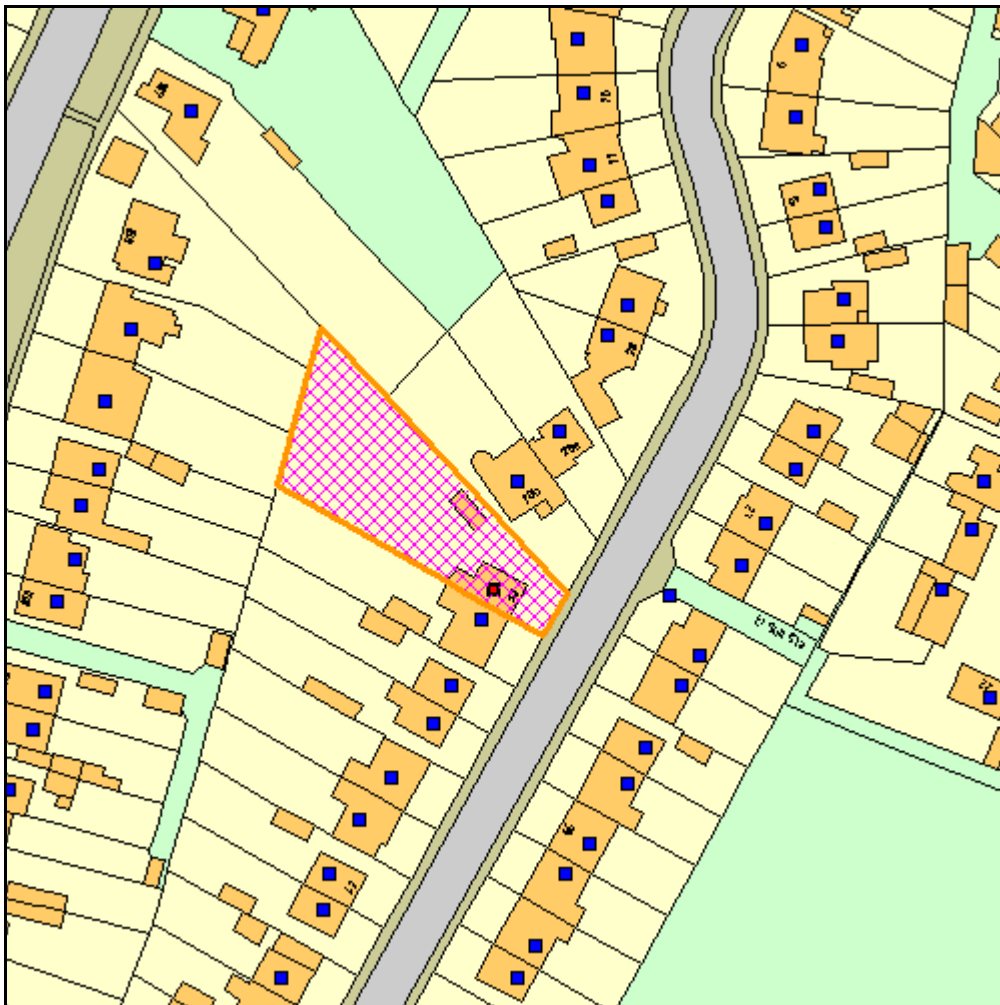
Reason

In order to ensure noise levels do not harm residential amenity, in accordance with policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.



## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PK16/5673/F	<b>Applicant:</b>	Mr And Mrs Price
<b>Site:</b>	30 Sutherland Avenue Downend Bristol South Gloucestershire BS16 6QJ	<b>Date Reg:</b>	7th November 2016
<b>Proposal:</b>	Erection of 1no detached bungalow with access and associated works.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365439 177425	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th December 2016



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PK16/5673/F

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

This report appears on the Circulated Schedule following comments received from local residents contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single dwellinghouse with associated works in the rear garden of No. 30 Sutherland Avenue, Downend.
- 1.2 During the course of the application revised plans were requested and received by the Council to address concerns regarding the parking arrangements to the front of the house for the existing property.
- 1.3 It has also been subsequently pointed out that the application did not identify a tree that is to be removed as part of the development. This has been acknowledged by the applicant, and the Tree Officer has visited the site to make a full assessment.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
National Planning Policy Guidance

#### 2.2 Development Plans

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

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

T7 Cycle parking

T12 Transportation Development Control Policy for New Development

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

CS1 High Quality Design

CS4a Presumption in favour of Sustainable Development

CS5 Location of Development

CS8 Accessibility

CS17 Housing Diversity

CS18 Affordable Housing

CS25 Communities of the North Fringe of Bristol Urban Area

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

South Gloucestershire Residential Parking Standards

#### 2.4 Emerging Plan

##### Proposed Submission: Policies, Sites & Places Development Plan March 2015

PSP1 Local Distinctiveness

- PSP2 Landscape
- PSP5 Undesignated Open Spaces within Urban Areas and Settlements
- PSP8 Settlement Boundaries
- PSP9 Residential Amenity
- PSP12 Development Related Transport Impact Management
- PSP17 Parking Standards
- PSP44 Private Amenity Space Standards

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

3.1 No planning history.

### **4. CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council  
No objection providing access and egress is suitable for emergency vehicles.

4.2 Transport  
Objection:  
Adopted minimum parking standards are met but concerns are raised regarding the steep gradient of the existing driveway and poor visibility splays from the access. The area to the front which includes a porch is likely to overhang the pavement.

#### Updated comments

*Following the receipt of revised plans showing parking for both properties to the rear, and a widening of the drive, there are no objections to the proposal.*

4.3 Drainage Engineer  
No objection subject to an informative regarding the proximity of a public sewer.

4.4 Highway Structures  
No objection

4.5 Tree Officer  
No objection.

### **Other Representations**

4.6 Local Residents  
Eleven letters of objection have been received from local residents. The points raised are summarised as:

Environmental impact:

- on habitat for animal and birds
- ability to grow larger trees

Access

- Safety implications

- Emergency vehicles
- Will increase level of traffic in and around my drive
- Will increase amount of traffic on Sutherland Road where drivers already drive too fast
- Concerned about increased level of on-street parking
- Chippings will spill out onto the street
- Proposed parking and turning area is insufficient for safe turning of vehicles

#### Design:

- Should be in keeping with the surrounding properties
- Bungalow not sited centrally in the plot – front corner very close to our boundary line
- Out of character with the road
- No.33 will lose its 'blending view' befitting the road
- Proposed materials not in keeping

#### Residential amenity:

- The views from our bedroom window will be severely altered by the amount of built form, completely changing our outlook
- Height of the windows will allow full viewing of our conservatory and garden; any future dormer windows could provide unrestricted views into our property
- Residents either side should not be subjected to the view of a dwelling from their property
- Dangerous to anyone walking down the side of our house, in our shed, conservatory or garden
- The public would have access
- Insufficient room for pavements
- Current state of fences and hedges along the boundary already very poor
- Access road is higher than our house and would present flooding issues
- Overbearing
- Loss of privacy
- Car lights shining into my property

#### Other:

- will increase security risk for surrounding properties
- noise and disturbance of vehicles using the proposed gravel drive and additional car fumes
- if granted we want a 7 foot fence the full length of our garden
- potential fire hazard affecting our garden hedge, surrounding gardens and properties
- if accepted will set a precedent
- application is not a relevant change of use for this land
- drop in value of house prices
- drawings have no date, issue number or dimensions
- no reference to tree to be removed

## 5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of one new dwelling.

## 5.2 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. It is acknowledged that South Gloucestershire Council does not have five year land supply of housing. As such paragraph 14 of the NPPF is engaged which states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, 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 Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

5.3 Notwithstanding the above, the starting point for the assessment is the adopted development plan. In this case the principle of additional housing within the settlement boundary is supported in principle. Accordingly the development plan policy would not restrict the supply of housing in this location. Saved Policy H4 of the South Gloucestershire Local Plan and Policies CS1, CS5 and CS25 are relevant to this application.

The policies indicate that the development of new housing within the Bristol North Fringe Urban Area is acceptable in principle. However in light of the absence of a five year land supply for housing, weight is given in favour of the scheme for one additional property. The proposal is subject to the following considerations:

## 5.4 Design and Layout

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013 only permits new development where the highest standards of site planning and design are achieved. This policy requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.5 The NPPF states that good design is a key aspect of sustainable development and should *positively contribute to making places better for people* and development should *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*.

5.6 The emerging Policy Site and Places DPD which is out for consultation (August 2016) supplements Policy CS1 and acknowledges that the policy does not seek to discourage innovative design but development should *promote sustainability and health and wellbeing objectives*.

5.7 The application site is No. 30 Sutherland Road, a two-storey semi-detached property likely to have been built in the 1970s. Properties along this road are generally two-storey but properties to the rear of the site are a mixture of single and two-storey dwellings. The area is characterised by residential dwellings whose front building lines generally follow the shape of the roads. This means that there can be some significant differences in the size and form of the rear gardens. The host property is close to a bend in Sutherland Road and its rear

garden splays out to the northwest. It therefore benefits from one of the larger rear gardens in the area measuring along the north side about 58 metres, 35 metres along the southern boundary and 27 metres along the west (rear) boundary. The proposed single storey dwelling would be located within this large garden and about 42 meters away from the highway and about 18 metres from the rear of No. 30 at its closest point. The access to the new property would be alongside the existing dwelling and would be 3 metres wide along its length of about 19 metres. This driveway would culminate in a large on-site parking and turning area in between the new dwelling and the existing house. Access arrangements relating to this development proposal and the proposed parting arrangements for the existing property are addressed later in this report.

- 5.8 The proposed 2 bed single storey dwelling would sit almost centrally in this rear garden area with the parking/turning to the front and its principal garden to the rear (west). It would have a 'T' shape footprint with its main openings in the east and west elevations. Materials would be a rendered exterior and concrete roof tiles, samples of which would be conditioned. Comments have been received from local resident questioning the appropriateness of the materials and its impact on the street scene. However, it must be noted that the bungalows and houses to the west are of a rendered finish and given the proposed bungalow would be in between houses on Sutherland Road and Badminton Road, the materials would not be inappropriate. Furthermore, given the siting only very limited glimpses of the new dwelling would be seen from the main highway and therefore it cannot be said that the property would have an adverse impact on the existing street scene. The dwelling would be separated from neighbouring dwellings by fencing and by planting.
- 5.9 It is considered that in terms of design, scale, massing and appearance the proposal accords with policy and can be supported.
- 5.10 Residential Amenity.  
The application site is the rear garden of 30 Sutherland Avenue. Neighbouring gardens are separated by appropriate boundary treatments including fencing and hedges and planting. The proposed new dwelling would furthermore be separated from No.30 by close boarded fencing of about 1.8 metres in height. This is considered acceptable.
- 5.11 Concern has been expressed regarding the potential for overlooking, loss of privacy, overbearing and loss of views. Neighbours to the south the other half of the semi, would be about 19 metres away from the new dwelling, separated by the 1.8 metre high fencing; those to the west at No. 176-180 Badminton Road would be between about 35 and 45 metres away and those to the northeast at No. 28b Sutherland Avenue about 10.5 metres away, separated by fencing and planting and orientated slightly away to the southwest. It is acknowledged there would be changes for these neighbours but regard must be given to the single storey nature of the proposed new dwelling and its distance from closest neighbours. National planning policy encourages the use of land in existing built up areas and guidelines indicate that the proposal would be positioned at an acceptable distance from existing dwellings so as not to cause adverse impacts on neighbours. The new dwelling would therefore not be overbearing in terms of its scale, would not result in unacceptable levels of overlooking or

impact on privacy. In addition there is no right to a view so that issue cannot be taken into consideration in the determination of this application,

- 5.12 Garden space to the rear of the new dwelling would be over 200 sq metres with over 120 sq meters left to serve the existing dwelling. These levels accord with the standards in the emerging Policy Sites and Places DPD.
- 5.13 Noise and increase in disturbance has been given as matters of concern. However, this would be a two-bed residential property situated within an established residential area. It is acknowledged that during construction there would be certain disturbance to neighbouring dwellings and therefore it is appropriate that a condition limiting hours of work be attached to the decision notice. However, the amount of development would be limited to the construction of a single house and the associated level of disruption would not be sufficient reason for refusal. In addition as two-bed property it is considered that the level of noise generated from future occupants would not be dissimilar to existing levels and again not unacceptable in an urban location.
- 5.14 Transportation  
Policy T12 deals with highway impact and parking issues. The NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.  
During the course of the application the parking for the main house and the visibility from the driveway to the north side of the existing property were raised as issues of concern. The Council's minimum residential car park standards, as set out in the Residential Parking Standards SPD adopted in December 2013, indicate that two bedroom properties must be provided with at least one car parking space. The information provided by the applicants suggests that this property has the appropriate provision and so conforms to these standards
- 5.15. The new dwelling would be accessed from Sutherland Avenue via the existing driveway to number 30 and provision would be made for parking and for vehicles to turn around before reaching the public highway, these aspects of this proposal are acceptable.
- 5.16 However, the parking for the existing dwelling was originally proposed to the front where firstly, the relatively steep gradient of the existing driveway and secondly, the fact that it appears to have very limited visibility due to a large hedge present in the neighbouring property, caused concerns. In addition a front porch was proposed which further reduced the area to the front of the property. The applicant entered into discussions with the LPA and a revised plan showed the existing front garden was to be retained and not made into a parking area and three parking spaces, two for the existing house and one for the new dwelling, would be provided to the rear. This arrangement is considered on balance to address concerns raised. It is noted that the porch has also been removed from these plans.
- 5.17 Comments from local residents are noted. In particular concern has been expressed regarding on-street parking, speed of traffic, materials spilling out onto the road, increased amount of traffic, disruption from vehicle lights and

access for emergency vehicles. Taking each point in turn the proposed two bed bungalow would provide sufficient off-street parking, in line with the Council's adopted parking standards and is therefore acceptable. Speed of traffic using the road is not a planning matter but one which should be referred to the appropriate authority, in this instance the Police Authority. A condition will be attached to the decision notice to ensure the extended driveway will be of an appropriate bound surface so as to avoid such circumstances. It is accepted that there will be an increase in traffic but given the scale of the development being one small dwelling with two bedrooms the level of increase in vehicle movement is considered to be small and would not be sufficient to warrant a refusal of the proposal. Lights shining into the property opposite would only happen on limited occasions depending on the time of travel and is not considered sufficient to refuse the application. With regard to access by emergency vehicles, the new dwelling would be about 42 metres from the road but with onsite turning facilities, a small fire tender or other emergency vehicles would be able to access the new bungalow. This is therefore acceptable.

5.18 It is considered that although there would be changes due to the introduction of a new dwelling at this location, given the small scale of the development the impact on highway safety and on-street parking, for example from visitors would be acceptable and as such there are no transport objections.

5.19 Drainage Matters

One neighbour has commented that the access driveway would be higher than their house. It is acknowledged that the proposed site slopes up from the north to the south, but the difference in levels is not sufficient to cause concern and the Drainage Engineer raises no in principle objection to the scheme.

5.20 Other matters

Some neighbours have commented on the loss of garden space and the impact both on wildlife and on the opportunity for growing larger trees. On the whole, in cultivated gardens in urban areas, where development is encouraged, the amount of wildlife using this space is likely to be limited. On this basis there can be no reason to refuse the scheme. Similarly, the growing of large trees in residential gardens is personal to the individual occupants. The loss of opportunity to grow such specimens is not a matter for debate in the context of a planning assessment. Following a visit to the site, the Council's Tree Officer has confirmed that the trees that would be removed to facilitate the development are not worthy of protected status. There can therefore be no objections to the removal of the tree from this residential garden. Decrease in property value has been cited as an objection but this is not a planning matter and as such cannot form part of this report.

5.21 Other comments have cited the proposal as a fire hazard, as a security risk for existing properties, presenting a danger to people in the adjoining garden due to poor boundary treatment in between. The house will have to pass Building Regulations which include fire standards; security issues would be matters for individuals and advice could be sought from the Policy Authority. There would be sufficient room for vehicles to enter and leave the site in forward gear and adequate space on the driveway for these vehicles to manoeuvre safely.



5.22 Comments have stated the revised plans do not have sufficient information such as reference numbers or dimensions. Plans were sent direct to Officers and uploaded onto the website, identified as being amended. Although dimensions are not included on the plans, the plans are to scale. The reference on the plans *do not scale from this drawing* is to the builders during construction and the subsequent sentence to this note makes this clear by stating *all dimensions must be checked on site prior to commencement of any work*. It is considered that there is sufficient information upon which to make a reasonable assessment of the proposal and its likely impact.

5.23 Planning conclusion

The proposal is for a single dwelling to be located within an existing built up area. Given the lack of five year land supply some weight can be given to the contribution that this one dwelling would bring. It is recognised that backland development can have challenges and only very few instances are successful due to concerns and impact on the amenity of existing and future occupants and adverse effects on highway safety and parking. On this occasion, given the distance between the proposed new dwelling and its neighbours, the amount of amenity space proposed for the new and existing properties would be suitable and appropriate on-site parking provisions for both have been secured. On balance the benefit of the proposed new is considered to outweigh the perceived harm and the proposal can be recommended for approval.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the proposed development is **APPROVED** subject to the conditions written on the decision notice.

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

## CONDITIONS

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

Reason

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

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

Reason

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

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan Site Plan as Proposed received on 6.3.16 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

4. For the avoidance of doubt the first 5 metres of driveway shall be of permeable bound surface.

Reason

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

## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PK16/6186/CLE	<b>Applicant:</b>	Mrs Sherraleen Ann Shearn
<b>Site:</b>	Land To The East Side Of New Pit Lane Bitton South Gloucestershire BS30 6NT	<b>Date Reg:</b>	28th November 2016
<b>Proposal:</b>	Certificate of lawfulness for the existing use of land for the stationing of a caravan.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	368644 170801	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	19th January 2017



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PK16/6186/CLE

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

This application is referred to the Circulated Schedule in accordance with the Council's scheme of delegation as it is for a certificate of lawfulness.

### **1. THE PROPOSAL**

- 1.1 This application seeks a certificate of lawfulness for the siting of a caravan used for shelter/rest for the users of the application site.
- 1.2 The application site regards land to the east of New Pit Lane in Bitton. The site is within the Bristol/Bath Green Belt and also the open countryside.
- 1.3 A certificate of lawfulness is sought on one ground as stated within Section 9 of the submitted application form. This ground states that the caravan should be immune from enforcement action by virtue of section 171B(1) of the Town and Country Planning Act 1990 ("the Act"). Therefore, it is claimed that in accordance with section 191(2) of the Act the siting of the caravan is lawful.
- 1.4 A site location plan was submitted with the application which identifies the location of the caravan within a red line, and the wider site within a blue line.
- 1.5 Over the course of the application there have been two agents for this application, both of which have stated they are no longer acting for the applicant. As such officers proceed with the understanding that the applicant is acting with regard to this application for a certificate of lawfulness.
- 1.6 Further to this, officers were originally under the impression that the application was regarding a residential caravan. However, after reviewing the application in more detail and also discussing with the applicant and the agent who were acting for the applicant at the time, it is understood that the applicant is seeking a lawful development certificate for the stationing of a caravan for shelter/rest for the users of the application site.
- 1.7 The existing field consists of the following:
  - a fenced riding arena with the subject caravan situated to the west of the arena;
  - two paddock-like sections; and
  - an area adjacent to the access consisting of two stables and number of cars.
- 1.8 For clarity the lawful use of the site with regard to records held by the Council is agricultural.

### **2. POLICY CONTEXT**

- 2.1 National Guidance
  - i. Town and Country Planning Act 1990: s171B and s191
  - ii. Town and Country Planning (Development Management Procedure) (England) Order 2015

- iii. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)
- iiiii. National Planning Practice Guidance

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

- 3.1 PK16/5567/F Pending Determination  
Replacement of existing caravan with timber clad mobile home.
- 3.2 PK16/2813/F Refusal 19/08/2016  
Change of use of land for siting of 1no static caravan for use as holiday home. (Class C3). Refusal Reasons:
1. *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. Furthermore it is considered that the proposed development would conflict with the purposes of the green belt and containing land within it. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the green belt should be overridden. It is considered that the proposed development would result in significant and demonstrable harm to the green belt which outweighs the limited benefit of the proposal. The proposal is therefore not considered to be sustainable development as defined in the National Planning Policy Framework and would be contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.*
  2. *The site lies outside of any defined settlement boundary where development is strictly controlled. It is considered that, if permitted, the development would result in an isolated new dwelling in the countryside. The proposed dwelling does not fall into any of the exception categories listed in paragraph 55 of the National Planning Policy Framework where new isolated dwellings in the countryside may be permitted. The creation of a new isolated dwelling in the countryside has been found to have a significant and demonstrable harm that outweighs the benefit of the proposal. The proposal is therefore not considered to be sustainable development as defined in the National Planning Policy Framework and would be contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.*
  3. *The proposal would introduce a form of development that is not considered to be informed by, respect or enhance the rural character, distinctiveness and amenity of the locality. The proposed building lacks permanence and would have a harmful visual impact on the appearance of the area. Given the prominence of the site on the hillside, the proposal would fail to integrate into the character of the wider agricultural landscape. The impact of the development on the visual amenity of the area has been found to be harmful and the harm identified significantly and demonstrably outweigh the limited benefit of the proposal. The proposal is therefore not considered to be sustainable development as defined in the National Planning Policy Framework and would be contrary to the provisions of Policy CS1, CS9 and*

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

4.1 To support this application, the following evidence has been submitted by the applicant:

- Three undated photographs of the application site depicting a caravan within each photograph along with a number of horses, a grass riding arena and stables.
- A statutory declaration signed by the applicant, its contents are summarised below:
  - o The applicant states she has owned the site since the 21/03/2011 – the applicant refers to an attached map which corresponds with the site (included within the blue line) within the submitted site location plan;
  - o The applicant states the mobile home at the site was installed in the Spring of 2011;
  - o The mobile home has been continuously used since the Spring of 2011 to the present date;
  - o No verbal or written objection from any statutory authority has been received in relation to the mobile home.
- A covering letter from the applicant's solicitor requesting an application for a lawful development certificate for the parking of a caravan be submitted.

4.2 The LPA also has access to aerial photographs of the site from 1991, 1999, 2005, 2006, 2008/9, and 2014 – officers would rather reserve judgement with regard to these records for the evaluation section of this report i.e. at this point the evidence is considered to be neutral. Notwithstanding this, officers have summarised the records for the period of 2005 – 2014 below:

- 2005 – Agricultural character, two structures within the field, no caravan evident, two animals within the field which could be horses.
- 2006 – Identical to 2005 record, however, there are no animals within the field.
- 2008 – very similar to 2006 record, no evidence of an equestrian use.
- 2014 – the field is now partitioned into unequal quadrants consisting of:
  - o a fenced riding arena with the subject caravan situated to the west of the arena;
  - o two paddock-like sections; and
  - o an area adjacent to the access consisting of two stables and number of cars;
  - o In summary the 2014 record is largely consistent with the onsite conditions from when the case officer visited the site.

## 5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 The LPA has no contrary evidence; however, a number of local residents have submitted comments of objection in relation to this application, their views could constitute contrary evidence. Such comments are summarised within Section 6 of this report.

## 6. OTHER REPRESENTATIONS RECEIVED

### 6.1 Bitton Parish Council

Neutral comment – ‘the Council is not in a position to comment on this application.

### 6.2 Local Residents

Two comments were received from nearby residents, both of which were in objection to this development:

- The development has only been in place since 2011 (5 years);
- The development must have been continuously used for a minimum of 10 years;
- Queries regarding why the Council’s Planning Enforcement Team have not taken action against this unauthorised development in the green belt;
- The site was set up after June 2007 – shorter than ten years;
- No cars stay overnight;
- Horses are never led or rode out of the field;
- Never hear music in the evening that indicates no one lives at the site;
- Never seen lights in the caravan;
- Do not often see cars or people at the site every day.

## 7. EVALUATION

- 7.1 An application for a certificate of lawfulness is not a planning application: it is purely an evidential test and therefore should not be determined against planning policy or on planning merit. In accordance with the application submitted, the test to be applied is whether the application has demonstrated, through precise and unambiguous evidence, that (in this instance) a breach of planning control, relating to the siting of a caravan, has been in situ for a period in excess of four years.

### 7.2 Relevant Legislation to this Application for a Certificate of Lawfulness

Section 191(1) of the Act states that a person may make an application to the LPA to ascertain whether:

- (a) Any existing use of buildings or other land is lawful;
- (b) Any operations which have been carried out in, on, over or under land are lawful; or
- (c) Any other matter constituting a failure to comply with any condition or limitation subject to which planning permission has been granted is lawful.

7.3 The applicant has made an application under section 191(1)(a) given the contents of Section 9 of the submitted application form. The applicant has sought this certificate of lawfulness on the grounds that the caravan has been in situ at the site for more than four years before the date of this application. Section 10 of the application form states that the caravan has been in situ since 21/03/2011.

7.4 With this in mind, there are two tests to apply with regard to the time limit of immunity – the grounds which this certificate is sought. Such time limits are set out within section 171B of the Act.

7.5 Section 171B(1) states:

*Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of four years beginning with the date on which the operations were substantially completed.*

7.6 Accordingly, if the siting of the caravan to be assessed under this certificate application is considered to be ‘a breach of planning control’ and it has been in situ for four years or more, the certificate should be granted with regard to the siting of this caravan.

7.7 There is an exception to the time limits set out under section 171B, these are listed within section 171BC(1)(a) of the Act. This exception is where the breach of planning control has been concealed such that the LPA could not have been aware of the breach and taken the required enforcement action within the prescribed period. In such cases the LPA has six months, beginning on the date when it had sufficient evidence to apply to the Magistrates’ Court for a planning enforcement order enabling it to take enforcement action against the breach.

7.8 When assessing applications for certificates of lawfulness, the onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. Advice contained within the Planning Practice Guidance (PPG) states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt”. The PPG gives further guidance:

*In the case of applications for existing use, if a local planning authority has not evidence itself, nor any from others, to contradict or otherwise make an applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.*

7.9 The remaining report will assess the application with regard to sections 171 and 191 of the Act. When assessing available evidence, officers will consider the advice contained within the PPG.



#### 7.10 Assessment

The first test which must be applied is whether the aspects of the certificate applied for constitute a breach of planning control. Section 171A(1) of the Act defines a breach of planning control, with regard to this development as *carrying out development without the required planning permission*.

#### 7.11 Section 55(1) of the Act defines development as:

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

#### 7.12 The carrying out of building is considered to be indifferent to building operations, section 55(1A) of the Act defines building operations. Further to this, section 336 of the Act defines building as:

*Any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building.*

#### 7.13 These definitions fail to include the stationing of caravan, hence it must be considered if the stationing of a caravan is development. The Act does not include an interpretation of a caravan within section 336, however, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), known hereafter as ‘the GPDO’ does. Article 2 of the GPDO states that a caravan has the same meaning as the purpose of Part 1 of the 1960 Act (caravan sites)(b), this defines a caravan as:

*“caravan” means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include—*

- a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- b) any tent.*

#### 7.14 From these definitions, officers find that the stationing of caravan does not in itself constitute operational development, this is on the proviso that the caravan in question is ‘capable of being moved’. Officers have reviewed relevant appeals and case law in order to provide further guidance on making this assessment. An Inspector in an appeal in Tandridge District Council in 1997 tackled the issue of whether a caravan constituted operational development (appeal ref. T/APP/C/96/M3645/644831/P6). The Inspector stated:

*‘At my site inspection, I saw that the unit in question was some 13 metres long, just over 3 metres wider and 2.75 metres high. It was supported on metal legs resting on concrete blocks and did not appear to be attached to the ground other than by way of its water supply and waste pipes and power supply, all of which could be readily disconnected...A timber porch and covered way at the*

*side of the unit were partly supported by the adjoining fence and the former apple store and appeared only to be attached to the outer wall of the unit by means of nails or screw. Given the relative size of these attachments, and the fact that they appears to be readily dismountable, I am satisfied that the unit remains capable of being moved and transported from the site by a motor vehicle. I therefore find that it is a caravan within the meaning of 1960 Act as amended.'*

- 7.15 The Inspector went onto to state that the development therefore did not constitute operational development. From this decision it appears the key factor to consider is if the caravan/structure could be readily moved, from this decision it is clear that even if works are required to remove attachments etc. the caravan is still capable of being moved.
- 7.16 The caravan subject to this development is a large touring caravan. The caravan is bound to the north by stables; to the east by a horse riding arena flanked with post and rail timber fencing. Despite the immediate difficulty in moving the caravan, it could nonetheless be moved were the applicant to remove a number of posts that appear to be just set within the ground. Hence officers find the subject caravan to be *capable of being moved from one place to another*, meaning the caravan subject to this assessment is a caravan within the meaning of the definition provided within the 1960 Act.
- 7.17 Accordingly, the siting of the caravan subject to this assessment is not considered to constitute operational development. Notwithstanding this, this is not to assume that the siting of the host caravan does not constitute a breach of planning control. The lawful use of the land known to the LPA is agricultural land. However, from reviewing the available photographic records for the site and also from visiting the site, it is clear that the field in which the caravan is sited operates as one planning unit within an equestrian use. This represents a breach of planning control at the site in accordance with section 171A(1) of the Act.
- 7.18 The use of the caravan for 'shelter/rest for the site users and for storage' in association with the existing use is therefore considered to be a continuation of the breach of planning control. With this in mind, the only way in which a lawful development certificate can be granted for the stationing of a caravan in association with the existing use at the site, would if the LPA found the use of the land to be lawful.
- 7.19 Use of the Land  
In accordance with section 171B(3) of the Act, if a breach of planning control is evident and a period of ten years from the date of this breach occurs with no enforcement action occurring, no enforcement action may be taken. If this breach is continuous in accordance with the time limit stated within 171B(3), a certificate would be found successful in relation to section 192(2) of the Act.

- 7.20 According to LPA aerial photographic records, the field appears to be agricultural in character within the period of 2005 to 2008, the 2014 record presents a field that is equestrian in character due to the existence of a riding arena, caravan, two stables and two paddocks. Officers are therefore of the opinion that the field changed use to an equestrian use between 2008 and 2014.
- 7.21 The applicant has submitted a statutory declaration which states the site was acquired in March 2011 and the existing mobile home was brought to the site in Spring 2011, and from this date has been used continuously. No evidence has been submitted by the applicant to suggest the field has been used in an equestrian use, apart from a number of photographs that depict a number of horses and a riding arena. Indeed, when discussing the application with the applicant, the applicant refused to acknowledge the LPA's assessment of the use of the land, stating that the land is within an agricultural use, rather than an equestrian use.
- 7.22 The only externally submitted information that could be considered to support the use of the field is from a member of the public who has suggested that the site was 'set up' after June 2007. This is ambiguous as it does not confirm what the site consisted of, as such it constitutes little weight to persuading the LPA that the site has been in an equestrian use for 10 years or more, especially as the member of the public has stated the site was set up after June 2007 which is less than 10 years ago.
- 7.23 Assessment Findings  
In summary officers find that whilst it is likely that the subject caravan has been situated at the site for in excess of 4 years, the siting of the caravan itself does not constitute operational development. Section 8 of the application form states that that the caravan has been 'used for shelter/rest for the site users and for storage' in connection with the use of the site. From the information available to the officers the field appears to have been in an equestrian use since at least 2014, the siting of a caravan used in association with this use therefore represents a continuation of a breach of planning control – the unlawful use of the site. On the balance of probabilities the equestrian use of the field, which the siting of this caravan is considered to be ancillary to, is not immune from enforcement action by virtue of section 171B(3) of the Act. The use of the land is therefore considered to be unlawful, and by nature of this the stationing of a caravan ancillary to this use is also considered to be unlawful. As a result of this, in accordance with section 191(1) of the Act the stationing of the subject caravan at this site is unlawful, and a certificate of lawfulness should not be granted.

## **8 RECOMMENDATION**

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

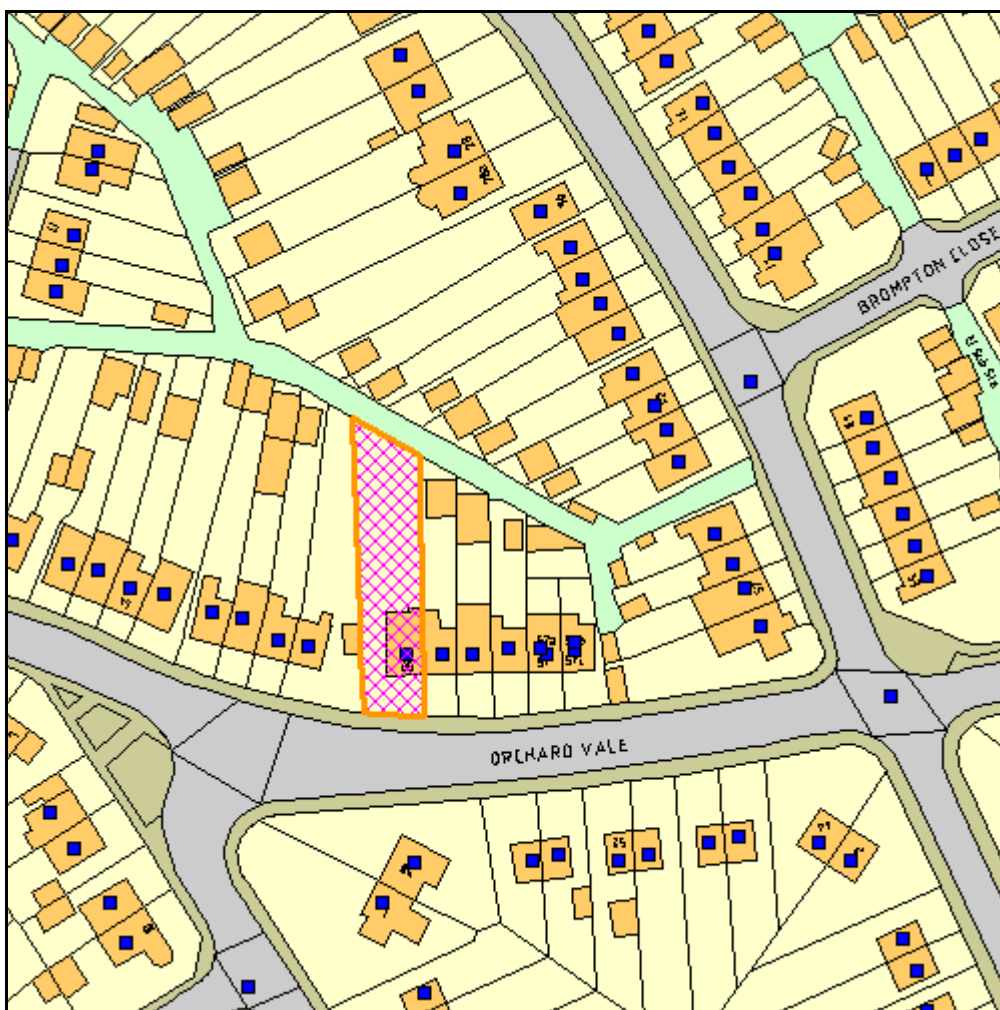
**Contact Officer: Matthew Bunt**  
**Tel. No. 01454 863131**

## **REASONS FOR REFUSAL**

1. Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the stationing of a caravan, identified within the submitted Site Location Plan (outlined in red), on the existing use of land is immune from enforcement action by virtue of Section 171B of the Town and Country Planning Act 1990, the stationing of the caravan is therefore not considered to be lawful in accordance with Section 191 of the Act.

## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PK17/0158/F	<b>Applicant:</b>	Mr S Reubin
<b>Site:</b>	65 Orchard Vale Kingswood Bristol South Gloucestershire BS15 9UL	<b>Date Reg:</b>	17th January 2017
<b>Proposal:</b>	Conversion of existing dwelling and single storey front and rear and two storey side and rear extension to form 4 no. flats, new access and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	365889 173496	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th March 2017



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PK17/0158/F

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

This application has been referred to the Circulated Schedule following the receipt of letters of objection/concern from 2no. local residents; some of the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to this end of terrace house in the urban area of Kingswood. The proposed flats would be facilitated by the erection of a two storey side and rear extension and a single storey rear extension. Each flat would have a garden and between one and two parking spaces each with access of Orchard Vale and the rear access drive which leads to Fairview Road.
- 1.2 It is proposed to form 2no. self-contained, 2 bedroom flats and 2no. 1 bedroom flats.

### **2. POLICY CONTEXT**

#### National Guidance

The National Planning Policy Framework (NPPF) 27<sup>th</sup> March 2012  
National Planning Practice Guidance (NPPG) 2015

#### Development Plans

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

L1	Landscape Protection and Enhancement
L9	Species Protection
H5	Residential Conversions, Houses in Multiple Occupation and Re-Use of Buildings for Residential Purposes.
T7	Cycle Parking
T12	Transportation Development Control Policy for New Development

##### South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec 2013

CS1	High Quality Design
CS4A	Presumption in Favour of Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS29	East Fringe Urban Area

#### Emerging Plans

##### The Proposed Submission Policies Sites and Places Plan June 2016

PSP1	- Local Distinctiveness
PSP2	- Landscape
PSP8	- Residential Amenity

PSP16 - Parking Standards  
PSP17 - Wider Biodiversity  
PSP34 - Public Houses

Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD)

The South Gloucestershire Council Residential Parking Standards (Adopted) 2014

Waste Collection : Guidance for New Developments SPD Adopted Jan. 2015

The Local List (SPD) Adopted Feb. 2008

**3. RELEVANT PLANNING HISTORY**

3.1 K2519 kitchen – single storey approved Nov 1978

3.2 PK08/2047/F erection of two storey side an rear extension and installation of rear dormer to facilitate subdivision into four flats.

**4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
Not a parished area

4.2 Other Consultees

Transportation D.C.

No objection – parking complied with standards - subject to conditions requiring a bound surface and that the parking is provided.

Housing enabling

With regards to Core Strategy Policy CS18 there is not a requirement for affordable housing.

Highways Structures

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

Lead Local Flood Authority

No objection

Ecology

Hedgehogs are a priority species and as such retention of hedges is desired to facilitate free movement of the species.

**Other Representations**

4.3 Local Residents

One letter of objection has been received from local residents; the concerned raised are as follows:

- The unmade road is not designed for increased traffic

- The house was designed to be a one family house – surely there are other development areas for such development.

- 

Another letter is more positive of the scheme to reuse the house for flats as the longstanding empty damp house has implications on their house but raised the following concerns.

- concerns about having to maintain fences instead of retain the existing hedge boundaries
- Hedgehogs visit the garden regularly and fences would inhibit this
- Writer is prepared to help rescue any hedgehogs at the site.

## 5. **ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Para. 14 of the NPPF states that decision takers should approve development proposals that accord with the development plan without delay; where the development plan is absent, silent or relevant policies are out-of-date, 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 Framework taken as a whole; or
  - specific policies in the Framework indicate development should be restricted.
- 5.2 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
- 5.3 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that, Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
- 5.4 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.5 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households; as evidenced by local needs assessments and strategic housing market assessments.



- 5.6 It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings'. The NPPF encourages efficient use of land and paragraph 47 requires the need to 'boost significantly the supply of housing'.
- 5.7 Core Strategy Policy CS16 seeks efficient use of land for housing. It states that: Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.
- 5.8 Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.9 Five year land supply  
The Council's Annual Monitoring Revue (AMR) reveals that the Council cannot currently demonstrate a 5-year housing land supply. As there is provision for windfall sites in the calculation, this weighs in favour of the proposal, which would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so (such as the provision of new housing towards the 5yr HLS) are not significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the urban area associated with Kingswood/Warmley where new residential development is acceptable in principle.
- 5.10 On this basis, there is a presumption in favour of approving this application. However, it is necessary to consider the benefit of this proposal against any adverse impact. The issues for consideration are discussed as follows:
- 5.11 Design  
The site lies within the urban area and is a previously developed site. As such there is a presumption in favour of sustainable development which makes efficient use of such sites for residential development.
- 5.12 Design and visual amenity  
The host dwelling is in a poor state of repair and the garden until cleared recently has clearly been left to its own devices since the property was left unoccupied some considerable years ago. Policy CS1 only permits development where the highest possible standards of design and site planning are achieved. Criterion 1 of CS1 requires development proposals to demonstrate that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.13 It is considered that the form of the extension is acceptable as it continues the form of the original house sideways and reflects the fenestration sizes of the original house. The rear part of the extension is 3.3m deep and is single storey were it is directly adjacent to the attached house. As such this relates well with the attached dwelling. A hipped roof ensures that the proposal is in keeping with the design of the terrace.
- 5.14 In design terms, officers have no objection in principle as the proposed conversion and the garden is sufficient size to allow a small garden to each flat which meets the emerging policy of private amenity space. The property would also be brought back into use and therefore have a more prosperous appearance in the streetscene. The flats require bin storage and this is achieved with the provision of four enclosed bins stores close to the front of the site which would be suitable for the proposal and accessible to all occupants.
- 5.15 Transportation Issues  
The location is sustainable being within the urban area. In terms of traffic generation, it is considered that the increase in traffic generated by four small flats is not so different from that expected by a large house and would not result in loss of amenity or cause a severe highway hazard. As such the increase in dwellings is considered acceptable.
- 5.16 In respect of parking and according to the SG Council's Residential Parking Standards SPD, the parking requirement for 2-bed dwellings/flats is 1.5 spaces each, rounded down and one bed flats shall have one space per unit. Therefore, the total parking requirement for this development is 5 spaces. The layout plan submitted with the application shows 5 spaces on site and this meets the Council's parking standards – as such there is no highway objection to this application on parking grounds. Furthermore adequate bin and cycle storage facilities are located within the scheme, all of which could be secured by condition.
- 5.17 Vehicular access to the site would remain the same from the front and be widened at the rear to facilitate independent parking. Visibility from the site access on to the public highway is considered acceptable. It is concluded therefore that the access is safe.
- 5.18 In view of all the above mentioned therefore, there is no highway objection to this application, subject to a planning condition to provide and maintain the car parking and turning areas, and bin and cycle storage facilities on site in accordance with submitted layout plan and prior to the first occupation of any of the flats.
- Impact on Residential Amenity
- 5.19 The house is vacant at present and causes issues as a result for the neighbouring occupier. Reuse would likely update and maintain the site which would benefit the neighbour in this regard. Notwithstanding this the proposal is designed such that it does not cause an overbearing impact or loss of privacy to any adjacent neighbour. There would therefore be no significant adverse impact on residential amenity.

#### 5.20 Ecology

The site is not in a designated area but wildlife has used the site perhaps more than it would normally do as a result of its unkempt state until recently. The applicant has noted the concerns of the neighbour for hedgehogs and their desire to keep the boundary hedging and as such the hedgehogs shall have free access to each garden as a result of the boundary hedges being retained and forming the outer boundaries of the site. This does not apply to the garden at flat one which is completely fenced off and as such a condition is proposed to facilitate a hedgehog gateway/fence design for that garden. As such the site has mitigated for the sub-division of the garden space.

#### 5.21 Affordable Housing

The proposal is for 4no. new dwellings only, which is below the Council's threshold for affordable housing provision.

#### 5.22 Community Services

The proposal is for 4no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

### 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 NPPF para. 49, is clear that housing applications should be considered in the context of the presumption in favour of sustainable development. According to the Framework, at paragraph 14, that means that when, as here, there is no five-year housing land supply and relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies indicate that development should be restricted.
- 6.3 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation the provision of 3no. new dwellings must carry weight in its favour, albeit that 3no. flats would only represent a modest contribution to the 5-year housing supply. The economic benefits for local house builders and suppliers of building materials and for local services would be a further small benefit to which only moderate weight can be afforded. The proposal lies in a highly sustainable location and makes the most efficient use of the site for housing in the Urban Area which is a further benefit. The proposal brings back to to productive use an otherwise unoccupied building and provides an acceptable form of developemtn not unlike the flats at the othr end of the terrace. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' are only afforded neutral weight as it is little more than might be expected of a large house extension in this position.

- 6.4 There is therefore nothing to significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework as a whole or specific Framework policies.
- 6.5 On balance therefore officers consider that the proposal is sustainable development that should be granted planning permission without delay.
- 6.6 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the conditions listed below.

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

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

4. The garden to flat one shall have at least one hedgehog friendly fence panel to facilitate free access of the species into the garden.

Reason

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

5. This application shall proceed in accordance with the plans identified below:

Site location plan

Proposed floor plans

Existing floor plans

Existing elevations

Proposed floor plans received 16/1/2017

Bin store details 7 received 7/2/17

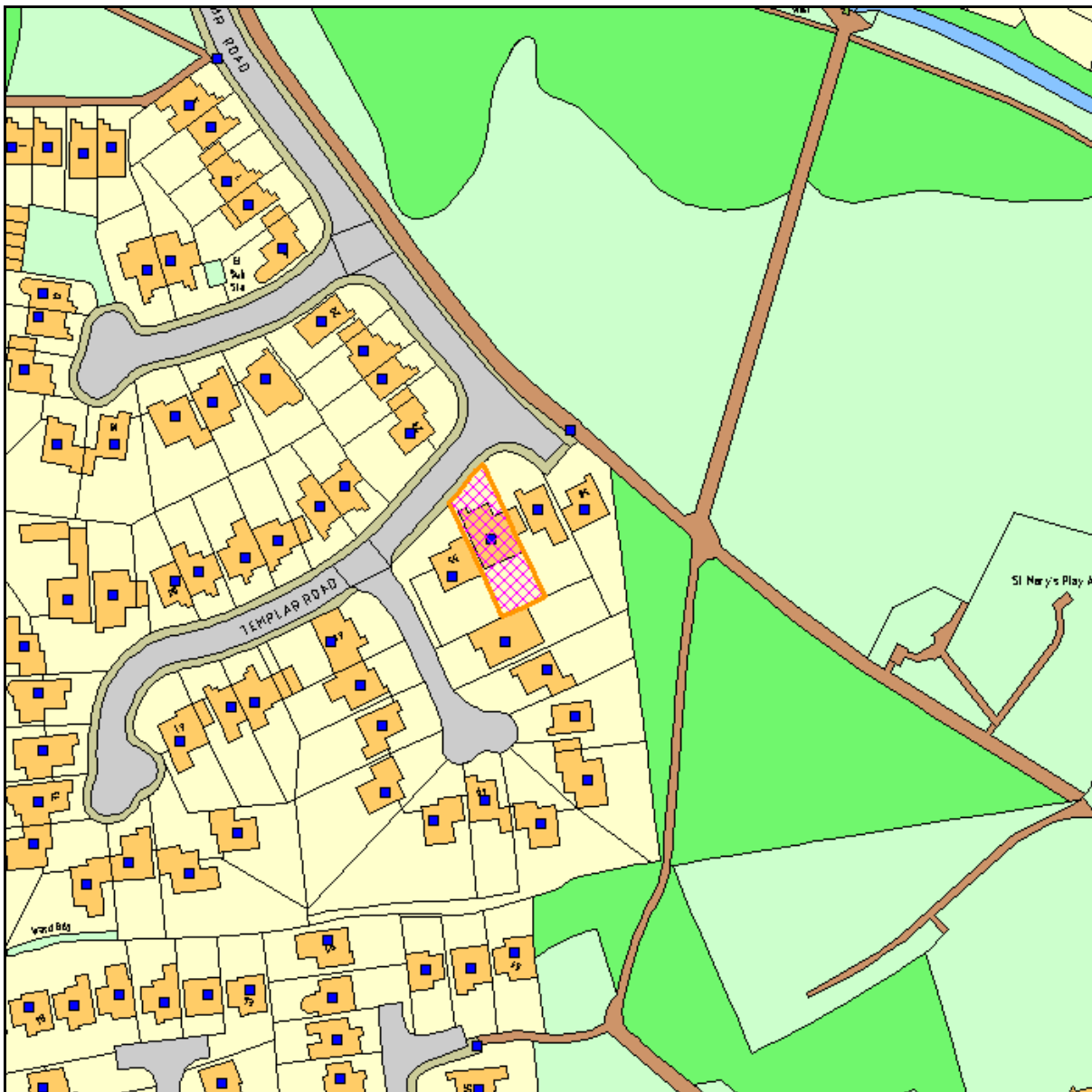
Proposed Site Plan 5A received 7/2/17

Reason

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PK17/0206/CLP	<b>Applicant:</b>	The Aurora Group
<b>Site:</b>	56 Templar Road Yate Bristol South Gloucestershire BS37 5TG	<b>Date Reg:</b>	19th January 2017
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed use as Children's Residential Care Home (Class C3b) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371228 182932	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	15th March 2017



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

The application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure. Furthermore, 18no. objections from local residents, and an objection from the town council were received contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness in respect of the proposed use as a Residential Care Home for 4no Children (Class C3b) as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended) at 56 Templar Way, Yate. The host property is currently used as a Class C3a dwellinghouse.
- 1.2 The application site relates to a two storey, detached property which is located in a cul-de-sac, within a built up residential area of Yate.
- 1.3 This 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

The Town and Country Planning (Use Classes) Order 1987 (as amended)

This 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 P88/3162                      Approval                      04.01.1989  
Erection of two storey rear extension to provide dining room and breakfast room with two bedrooms above.

### **4. CONSULTATION RESPONSES**

#### 4.1 Yate Town Council

Objection. Concerns as follows:

- Parking and Highway Safety
- Overdevelopment

#### **Other Representations**

#### 4.2 Local Residents

18no. objections were received from local residents. A summary of concerns as follows:

- Parking, Access, Highway Safety and Congestion concerns
- The proposal would result in additional vehicle movements to that of a C3a dwellinghouse. Examples given include; family visitors, GPs, nurses, gardeners.
- The cul-de-sac already suffers parking issues, and this application will worsen the situation.
- This application needs full assessment under a formal planning application.
- Noise, safety, security, and other residential amenity concerns.
- This certificate of lawfulness will result in a commercial/profitable business and is not suitable in residential area.
- Full details of tenants/residents are not submitted, concerns there could be a threat to nearby resident safety.
- House prices will decrease as a result of this proposal
- The residents/tenants and carers would not form a 'family'. They would be from different background and families and as such this would constitute a different concept to 'family'.
- One objector stated that they had spoke to a member of staff relating to the applicant who had stated that they could not guarantee that the two resident carers would remain the same. The objector concluded that therefore the residents/tenants did not meet the definition of a family.
- Concerns that a single planning officer will make the decision
- Assessment needs to be made as to whether the property would be a safe environment for residents/tenants.

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

### 5.1 Supporting Statement

Received by the Council on 26<sup>th</sup> January 2017

### 5.2 Email 1

Received by the Council on 12<sup>th</sup> February 2017

### 5.3 Email 2

Received by the Council on 21<sup>st</sup> February 2017

## **6. ANALYSIS OF PROPOSAL**

### 6.1 Principle of Development

This application seeks a Certificate of Lawfulness for the proposed use as Residential Children Care Home (Class C3b) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).

6.2 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.

6.3 The key issue to consider is whether the proposed use of the dwelling (as a children's residential care home) would remain within the C3 use class, when assessed under The Town and Country Planning (Use Classes) Order 1987 (as amended).

6.4 Explanation of Use Class C3

The Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO) puts uses of land and buildings into various categories known as 'Use Classes'. Class C3 relates to dwelling houses and comprises three parts. Planning permission is not required to move between these three parts provided that the use remains within the overall C3 classification.

6.5 C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child. The existing dwelling falls within this category.

6.6 C3(b) allows for up to six people living together as a single household and receiving care. Examples are considered to comprise supported housing schemes such as those for people with learning disabilities or mental health problems. The applicant reasons that the proposal would fall into this classification.

6.7 For the sake of completeness, C3(c) allows for groups of people (up to six) living together as a single household. A small religious community may fall into this section, as could a homeowner living with a lodger.

6.8 For the purposes of this application, it is also considered appropriate to address use class C4 (Houses in multiple occupation) given that it might be reasoned that the proposal falls within this class. If this were the case, planning permission would be required. Class C4 covers small shared dwelling houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.

6.9 The Proposal

Supporting information submitted as part of this application advises that the property would provide a home for 4 children who require 'special educational needs', and who would be in receipt of care. The residents would have their own bedrooms but would share the remainder of the domestic facilities.

The agent states that the residents would have no specific health requirements, and the use would not require any specific professional or medical visits beyond that which family house would be expected to have.

- 6.10 C3(b) allows for up to six people living together as a single household and receiving care. In order to form a 'household', the persons who live together need not be related as family members. However, it was held in *North Devon DC v Southern Childcare Ltd (QBD 30.01.03 Collins J)* that a household needed more than just children, as children: "need to be looked after. They cannot run a house. They cannot be expected to deal with all the matters that go to running a home...children are regarded as needing full-time care from an adult, someone to look after them, someone to run their lives for them and someone to make sure that the household operates as it should". Accordingly, only in the case that a children's care home has resident carers can it be considered as living together as a household.
- 6.11 Care would be provided to the residents by two permanent staff who would reside at the property. Accordingly, the agent states that there will be a single household comprising the two resident staff and four residents being cared for.
- 6.12 Having regard to the above, it is considered that the proposed use would fall within Use Class C3b as defined as "not more than six residents living together as a single household where care is provided for residents" under the UCO. As such, the proposal as described would, on the balance of probabilities, constitute a C3(b) use and thus remains within the overall C3 use class. No permission is required for this as a result.
- 6.13 Other matters  
It is noted that a number of concerns have been raised by local residents and the town council. However, Certificate of Lawfulness applications are not planning applications, they are determined on the evidence presented not an assessment of merit. Therefore if on balance the evidence shows the use is lawful there is no further consideration of the matters raised. Accordingly, those concerns in relation to parking, highway safety, congestion noise, safety, security cannot be taken into consideration when determining this application.
- 6.14 By way of clarification of the decision making process for this type of application is via the Circulated Schedule procedure.

## 7. RECOMMENDATION

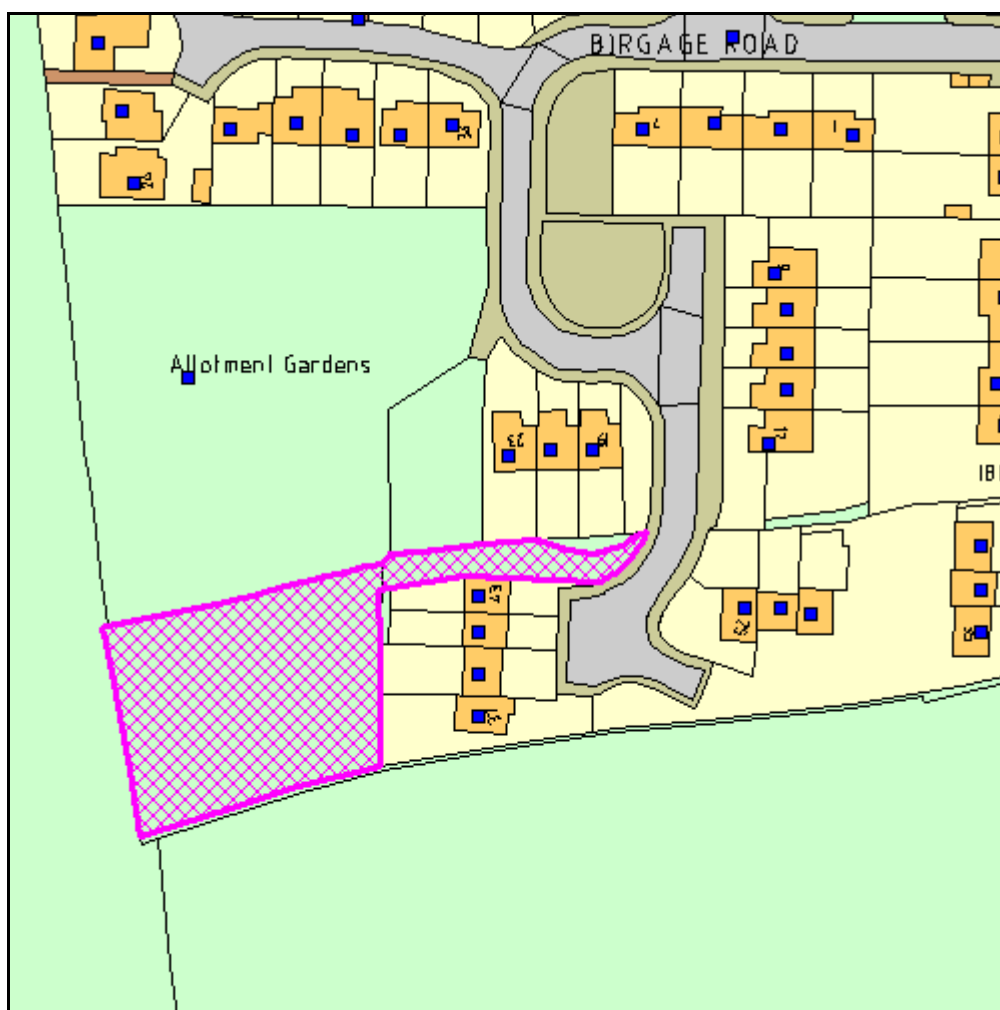
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that on the balance of probabilities, the proposed use remains within the C3 use class, as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).

**Contact Officer:** Lucy Paffett  
**Tel. No.** 01454 863436

## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PK17/0279/F	<b>Applicant:</b>	Messrs Bendeaux And Starling
<b>Site:</b>	Land To The Rear Of 37 To 39 Birgage Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	<b>Date Reg:</b>	31st January 2017
<b>Proposal:</b>	Erection of 2no. detached bungalows with attached garages, parking and associated works	<b>Parish:</b>	Hawkesbury Parish Council
<b>Map Ref:</b>	377890 186636	<b>Ward:</b>	Cotswold Edge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th March 2017



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

The application appears on the Circulated Schedule following comments from local residents and from the Parish contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 2no. detached bungalows with attached garages, parking and associated works. The application site relates to a green field site adjacent to the village of Hawkesbury Upton. The site therefore lies in open countryside and in the Cotswolds AONB.
- 1.2 The site is located behind a small terrace of dwellings No. 37-39 Birgage Road, Hawkesbury Upton. These properties were part of a small development of 10 dwellings granted permission in 1995 as a rural exception site which provided low cost housing to the area. It was on this basis that the application for dwellings outside the settlement boundary was allowed. That application excluded the parcel of land subject of this application and therefore the current site is in the open countryside and not within the village of Hawkesbury Upton.
- 1.3 It is noted that there have been two recent planning applications on this site for the erection of new dwellings. Both have been for three houses with the most recent one in 2014 being dismissed at appeal. The main difference is that this application is for only two units, they would be single storey and not restricted to any persons of a certain age group.
- 1.4 During the course of the application revised plans were received to show a 2 metre wide footpath running alongside the western boundary plus two stiles, one at each end of this strip of footpath.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

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

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

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

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

2.4 Supplementary Planning Guidance

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

**3. RELEVANT PLANNING HISTORY**

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

Refused 1.4.14

Reason:

The application site lies outside of the defined settlement boundary. Policy CS19 of the Core Strategy (Adopted) which relates to rural exceptions sites, allows for proposals for permanent affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and therefore would be contrary to Policy CS19 of the Core Strategy (Adopted). Policy H3 of the South Gloucestershire Local Plan states that 'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following - Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.' The application is for three retirement dwellings and therefore the proposal does not fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3 of the Adopted Local Plan and CS5 of the Core Strategy (Adopted).

### **Appeal dismissed: 13.8.14**

#### **Inspector's finding summarised as:**

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

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

Refused

7.8.13

Reasons:

- 1 Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy (which relate to rural exceptions sites) allow for small scale proposals for affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and therefore would be contrary to Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy. Policy H3 of the South Gloucestershire Local Plan states that 'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.' The application is for three retirement dwellings and therefore the proposal does not fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3 of the Adopted Local Plan and CS5 of the Core Strategy.
- 2 Because of the massing and height of the proposed bungalow closest to No's 37 to 49 Birgage Road, its proximity to the existing boundary fence and the fact that it will span almost the entire rear boundary of numbers 37 and 39 Birgage Road, it is considered that the proposed development will have an overbearing impact on the existing level of residential amenity afforded to these properties. The rear wall of the proposed bungalow will be less than 13.5 metres from the rear extension on No. 37 and less than 18 metres from the main rear wall of No. 39. Windows and doors are shown in the rear elevation of the proposed dwelling facing towards No's 37 and 39 and due to the lack of sections and the existing change in ground levels, your

officer cannot be certain that the existing boundary treatment will obstruct visibility. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

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

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

1 The development as submitted fails to demonstrate that there is sufficient need for the size of units proposed from people identified as being in housing need. Furthermore, the site does not lie within or adjoining the village boundary as defined in the South Gloucestershire Local Plan (Revised Deposit Draft) and no justification has been provided to show that the need can not be met from the development of a site within or adjoining the boundary of the village. The proposal is therefore contrary to Policy RP7 of the adopted Rural Areas Local Plan and Policies H3 and H7 of the South Gloucestershire Local Plan (Revised Deposit Draft).

2 The proposed development by virtue of the proposed access, highway works, boundary arrangements, landscaping, layout and design fails to preserve or enhance the character and appearance of Hawkesbury Upton Conservation Area contrary to Policy RP43 of the adopted Rural Areas Local Plan, Policy L13 of the South Gloucestershire Local Plan (Revised Deposit Draft) and guidance contained within the Supplementary Guidance Note regarding Hawkesbury Upton Conservation Area.

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

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

4.1 Hawkesbury Upton Parish Council  
The Parish Council do not support applications outside the Village development boundary line

4.2 Other Consultees

##### Drainage Comments

No objection subject to further details regarding the soakaways.

#### Public Rights of Way comments

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

#### Highway Structures

No objection subject to informatives

#### Sustainable Transport

No objection

#### Ecologist

No objection

#### Landscape Architect

Objection: in principle objection due to location outside settlement boundary

### **Other Representations**

#### 4.3 Local Residents

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

- Overlook my property
- Reduction in value of my property
- The first time these plans were put forward as retirement properties
- Views from the village have already been affected by development but still possible to see over the allotment gardens part of the Cotswold Way and Monarchs Way – this will close off views to the countryside
- Observed foxes, deer and birds and this is an important part of the residential amenity of our property
- Access will run alongside my house causing disruption and has poor visibility - Concern to welfare of children and residents who live between 9-43 Birgage Road
- Views will be spoilt
- Land around Birgage Road was deemed green belt
- In favour of affordable housing but Birgage Road and Highfields have had more than their fair share - Traffic has trebled as a result

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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



### *Five year land supply*

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

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

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

5.4 Officers are tasked with the delicate balancing exercise of weighing up the pros and cons of any scheme of development. Appropriate weighting must be given to all relevant policies. On the one hand it has been shown that CS5 and H3 are out of date only and therefore only limited weight can be given to these policies. Conversely, given the current lack of housing supply, the more recent NPPF guidance must be heeded and greater weight must be awarded to the benefit the introduction of two new dwellings would have to the housing shortfall. The impact on the AONB and the landscape in general, ecological matters, impact on impact on neighbours and on highway are also assessed and given appropriate weightings.

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

### *Residential Development in the Open Countryside*

5.6 Policy H3 of the South Gloucestershire Local Plan states that '*proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.*' The application is for two 'open market' dwellings and therefore the proposal does not fall within one of the three limited categories of development and would therefore in the first instance be contrary to the requirements of Policy H3.

5.7 However, Policy H3 is out of date due to the absence of a five year land supply of housing. The presumption in favour of sustainable development and the guidance within the NPPF therefore takes precedence and must be given significant weight. Paragraph 55 states that isolated housing in the countryside

should be avoided and housing in rural areas should be located where it will enhance or maintain the vitality of rural communities. In this instance, the site is close to the village of Hawkesbury Upton which is well served by bus services and has community facilities such as a school, a pub and shops. The site can be said to be in a sustainable location and weight is given in its favour for this reason.

- 5.8 Sustainable development has three strands: environmental, economic and social. In terms of environmental the site would utilise an area of agricultural land which has the capacity of supporting wildlife. Some weight is given against the use of the site not being previously developed land but the ecological assessment, given elsewhere in this report, concludes it is poor in ecological terms. Overall neutral weight is given to the environmental harm this proposed development could have on this small site. In terms of economic benefit the construction of two new houses could use the services of local tradesmen but given the development is of such a minor scale this benefit can only be afforded limited weight in its favour. With regards to the social benefit, again two bungalows could only have a small impact in terms of community contribution to the village, but nevertheless some limited weight can be awarded in favour of the scheme for this reason. Overall the scheme would comply with the three strands of sustainable development.

*Visual Amenity/Area of Outstanding Natural Beauty*

- 5.9 The site is located on the southern edge of Hawkesbury Upton and plans indicate it is located outside the settlement boundary in the AONB. The NPPF recognises that AONB have the highest status of protection and great weight should be given to conserving such important landscapes. An assessment must therefore be made in terms of the landscape value of this particular site. The site is south of an allotment area and west of a group of 10 houses built as low cost housing in 1994. Some of the submitted plans at the time identify this area of land, but ultimately was not included in the final red edge or built on. It forms a square of rough grazing land with a public footpath running along its western and southern edges. The footpath matches the western village boundary and also runs along the edge of the aforementioned 10 houses. It would therefore seem quite logical for this small piece of land to be included within the settlement boundary given the presence of these physical features.
- 5.10 It is noted that the open and exposed character of the surrounding landscape make it potentially sensitive to change. The proposed development would be viewed against the back drop of the existing modern dwellings currently forming the settlement edge of Hawkesbury. The South Gloucestershire Landscape Character Assessment has noted that "More recent built development, such as at Hawkesbury Upton, is situated on higher ground on the edge of the older village core, where the new rooftops break the skyline and there is little tree cover, making it visually prominent within the wider landscape."
- 5.11 It is considered that the proposed bungalows have little architectural merit and will not enhance the visual amenity of the settlement edge or be in character with the rural character of the surrounding countryside. However, there is scope to improve the southern approach to Hawkesbury with hedge and tree planting which would help to screen, soften and integrate the settlement edge

within the surrounding landscape. Consequently, there is scope for the development to enhance the settlement edge of Hawkesbury Upton. Submitted plans, however, do not indicate that there will be sufficient planting on the boundary to achieve this and as such would require a condition to address this matter. Any planting on the boundary should be mixed native hedging, but not the hornbeam, hawthorn and beech as proposed as this would have a domesticating effect on the rural landscape character.

- 5.12 Overall the location of the application site has been identified as being outside the settlement boundary, but due to the lack of five year land supply of housing the NPPF has more weight and the site has overall been found acceptable. Given its edge of village location potential harm to the AONB has been identified. But its precise position bound by public footpaths, allotment gardens and existing development have been considered as special circumstances and, an appropriate landscape condition would satisfactorily mitigate against the visual impact on the landscape and the development would thereby not have a significant and demonstrable harm to the AONB.

#### Design

- 5.13 The application site is a roughly square shape piece of land bound by walls and stock proof fencing. It is a backland plot, accessed from an existing agricultural lane/track situated to the side of No. 43 Birgage Road. The proposed two dwellings would be single storey, positioned at right angles to one another and 'handed' in their appearance. Plot One would have its front facing north with a single storey garage attached to its east elevation while Plot Two would have its front facing east and its corresponding garage to the north elevation.
- 5.14 Each would have a footprint of about 13 metres by 9.4 metres, plus the garage of 3.3 metres by 6.2 metres. A height to eaves of 2.5 metres is proposed and the overall height to ridge of the dwellings would be about 5.5 metres. The dwellings would be constructed of natural stone and have slate roofs. Overall the single storey dwellings would not be in-keeping with the immediate area of two-storey late twentieth century houses. These properties are acknowledged as not being of exemplar architectural merit and notwithstanding the difference in the appearance of the existing houses and those proposed, no objection can be upheld for this reason. In terms of design, scale, massing and materials the proposed single storey dwellings are considered acceptable and some weight is therefore given in favour of the scheme.

#### Impact on residential amenity

- 5.15 Emerging policy PSP 38 gives suggested levels of residential amenity space according to the number of bedrooms in a property. The proposed units have two bedrooms plus a study. The study measures about 6.21 sq metres which is below the nationally described space standards in the Technical Housing Standards (March 2015) for a single bedroom. The properties are therefore 2 beds with a study. For a two bed property the suggested amount of residential amenity space is 40 sq metres of private, usable space. It is noted that the submitted plans do not show the boundary treatment in between the two units. The plans have treated the garden in the same way as the previous 2014 application where the plans appear to show that the dwellings will share the garden space with no formally defined private gardens. This area could be

divided and if the application is to be approved then the residential split could be conditioned. In this way sufficient and appropriate amenity space could be achieved for each property.

- 5.16. Moving on to the impact on the neighbouring properties, the east side of Plot 1's garage will be about 15 metres from the rear of No. 37, the closest residential property to the site. No openings would be in this opposing elevation and given the boundary treatment of 1.8 metres vertically boarded fencing, it is considered that there would be no issues of inter-visibility or overbearing. It is acknowledged that there would be changes for the closest neighbours as currently there is no solid built form in the field but given the house would be single storey with a north-south orientation and therefore side on to No. 37 there can be no objection in amenity terms.
- 5.17 Comments have been received objecting to the scheme on the basis that it would impact on the immediate and wider views. A right to a private view is not a planning matter and as such cannot be taken into consideration within this report.

#### Public Right of Way

- 5.18. It was noted that the originally submitted plans could have adversely affected the public use of the legally defined route of footpath LHA103. The route of the footpath enters the field by way of two stiles, both it is noted require improvement, and runs along the western boundary of the site. The plan recognised the footpath but further details on the width of the path and the boundary treatment adjacent to it were requested.
- 5.19 Revised plans indicate that the two stiles would be repaired or replaced and the footpath would be 2 metres in width. Plans still indicate that the perimeter hedging would be of thorn hornbeam and beech mix. The use of these species is not acceptable and a suitably worded landscape to include details of the boundary treatment and planting will be attached to the decision notice to mitigate the potential harm of the development.

#### Ecology

- 5.20 The field is used as pasture for sheep grazing and as such, floral species diversity and structure is limited. No ecological information has been submitted in support of the application but it is highly unlikely that this field supports protected species.

#### Bats

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

#### Birds

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

The site is of low ecological value and therefore, there is no ecological objection to the scheme but as there is a possibility of sensitive features on site (birds) protective measures should be employed should the application be approved. This will be covered by suitably worded conditions.

- 5.21 Comments received by the Council state wildlife has been observed in the area. The presence of wild animals is to be expected in this rural location, but given the site is adjacent to open countryside, the impact on wild animals of such a relatively small scheme would not be sufficient reason to refuse the proposal.

Sustainable Transport

- 5.22 Relevant planning history of this site shows that there have been two planning applications for housing development on this site in 2013 and 2014 (i.e. ref no. PK13/2240/F and PK14/0143/F) – both applications were for three dwellings. Whilst the Council refused both earlier applications, the refusal reasons did not include highway objection. The application in 2014 was subject to a planning appeal decision and it is noted that the Inspector also did not raise any highway objection to it.

- 5.23 This current application is for two new dwellings on the same site with the same access that was previously considered acceptable by the Council. Plans submitted show there is adequate off street parking for both properties on the site and there is suitable manoeuvring space area to allow vehicles to access and egress the site entrance in forward gear. In view of this therefore, there are no highway objections to the scheme.

- 5.24 Neighbour comments are noted expressing concern for safety citing poor visibility from the site and the increase in traffic. Highway engineers have assessed the site and raise no concerns with regard to the visibility from the site entrance/exit. Furthermore, it must be noted that the proposal is only for two dwellings and so the level of traffic movements generated are unlikely to be excessive or to raise such concerns as to refuse the application.

Drainage matters

- 5.25 There are no objections to the proposed development in drainage terms but had the application been acceptable then further details regarding the position of the proposed soakaways, the number of soakaways and their location would have been requested.

Other matters

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

5.27 Overall planning balance

It is acknowledged that South Gloucestershire Council does not have a five year land supply of housing and the introduction of two new dwellings would assist the shortfall. Weight is attributed to the proposal for this reason. Similarly, given the supply of housing situation, housing policies in the adopted local plan and in the Core Strategy are considered out of date and the NPPF takes precedence. This promotes sustainable development unless significant

and demonstrable harm can be shown to result from the proposal. In this instance the scheme has been acceptable in terms of design, neutral in terms of impact on residential amenity and neutral in terms of impact on highway safety. Some harm to the visual amenity of the landscape and the AONB has been identified but this could be overcome by appropriate conditions. Overall the planning balance is in favour of the scheme and it is recommended for approval.

## 6. CONCLUSION

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

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

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

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to protect the character and appearance of the area and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

3. Prior to the first occupation of the approved dwellings the dry stone boundary walls shall be repaired or reinstated in accordance with a specification previously agreed with the LPA.

Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to protect the character and appearance of the area and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

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

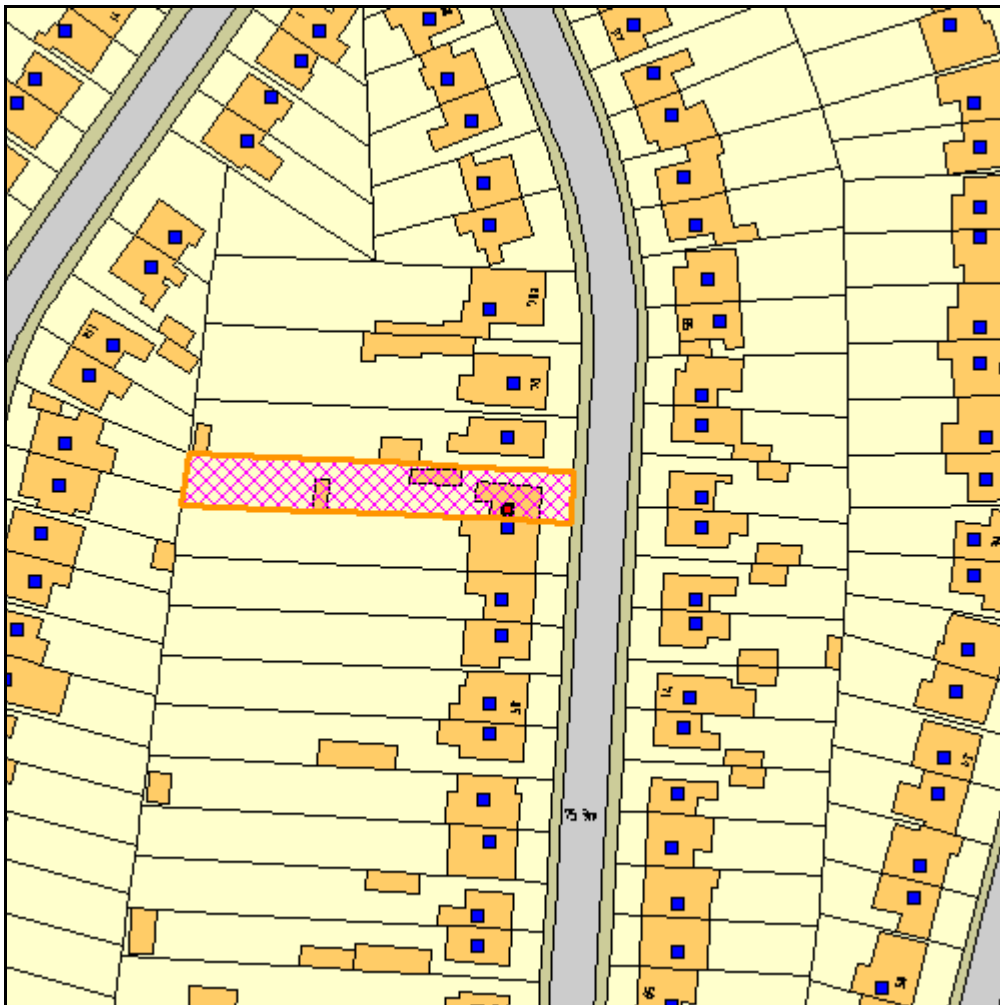
Reason

This is a pre-commencement condition to avoid any unnecessary remedial action in future and to protect the character and appearance of the area and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and the National Planning Policy Framework.

## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PK17/0468/F	<b>Applicant:</b>	Mr S Box
<b>Site:</b>	66 Park Road Staple Hill Bristol South Gloucestershire BS16 5LG	<b>Date Reg:</b>	6th February 2017
<b>Proposal:</b>	Erection of detached garage.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365319 176409	<b>Ward:</b>	Downend
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th March 2017

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PK17/0468/F



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a detached garage at No. 66 Park Road, Staple Hill.
- 1.2 The application site consists of a post-war semi-detached property set towards the front of a long narrow plot. The application site is located in the urban fringe area of Staple Hill. The main dwelling appears to have been recently refurbished, and is finished in red brick and render, with a hipped roof with side dormer.
- 1.3 Following correspondence with the agent, a revised block plan was submitted on 7<sup>th</sup> March 2017, indicating the access to and from the proposed garage.

### **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 eventually 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 towards the end of 2017. Accordingly, with regard to the assessment of this planning application limited weight is attached

to the policies within the PSP plan at this time – weight grows as the plan progresses.

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

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

3.1 PK14/3287/PNH

Erection of single storey extension which would extend beyond the rear wall of the original house by 6 metres, for which the maximum height would be 4 metres and the height of the eaves would be 2.3 metres.

No objection: 23.09.2014

### 4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council

*Original comments*

Insufficient information regarding the detached garage, for a recommendation to be made.

*Updated comments*

Objection on the following grounds - no dimensions shown for size of garage.

#### **Other Representations**

- 4.2 Local Residents  
No comments received

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

5.1 Principle of Development

The application seeks permission for the erection of a detached garage. Policy H4 of the Local Plan permits extensions and alterations to existing dwellings within established residential curtilages subject to an assessment of design, amenity and transport. As well as the criteria of policy H4, the proposal will be considered 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 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.

- 5.3 The proposed garage would form a relatively large structure, with an overall width of approximately 7 metres and depth of approximately 9 metres; spanning the majority of the width of the rear garden. The garage would incorporate a pitched roof with an eaves height set at approximately 2.5 metres and a ridge height of approximately 4.5 metres. The garage would be finished in either facing blocks or render.
- 5.4 The proposed garage would be located towards the very rear of the plot, approximately 50 metres from Park Road. As such, the proposed garage would only be very partially visible from the public areas offered along the highway. As such, it is not deemed that the proposed garage would impact upon the streetscene of the character and distinctiveness of the immediate surrounding area.
- 5.5 Additionally, due to the separation between the garage and the host dwelling (approximately 40 metres), it is not considered that the proposed garage would significantly impact upon the character and distinctiveness of the host dwelling. Furthermore it is not considered that the proposed garage would look out of keeping in relation to the rest of the application site. Overall, the proposal is deemed to conform to design criteria outlined in policy CS1 of the Core Strategy and H4 of the Local Plan.
- 5.6 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.
- 5.7 When considering the impacts of the proposal on the residential amenity of the occupiers of neighbouring properties, the main properties under consideration are; the adjacent properties to the north and south at No's. 68 and 64 Park Road respectively; and the property to the rear of the application site at No. 17 Salisbury Gardens.
- 5.8 The proposed structure would be single storey in nature, and would not incorporate any windows. As such it is not considered that the erection and usage of the proposed garage would result in a loss of privacy at neighbouring properties through an increased sense of overlooking. Due to a ridge height of 4.5 metres, the roof of the proposed garage would protrude above the boundary treatments separating the site from neighbouring properties. As such the proposed garage would be visible from neighbouring rear gardens. However due to the pitched nature of the roof, it is not deemed that the structure would have any significant overbearing or overshadowing effects on neighbouring properties.
- 5.9 It is recognised that the gravel pathway providing access to and from the proposed garage would run within close proximity to the northern boundary of the application site. However, as the levels of vehicular movement up and down the pathway would be relatively minimal, it is not deemed that any vehicular movement would have a detrimental impact on the residential amenity of No. 68 Park Road to the north.

5.10 Whilst it is noted that the construction of the proposed garage would result in a loss of outdoor private amenity space at the site, the property benefits from a large plot, and as such it is deemed that sufficient space would remain following the implementation of the proposal. Overall, with regard to impacts on residential amenity, the proposal is deemed to conform to policy H4 of the Local Plan.

5.11 Transport

The existing parking arrangements at the site would not be affected under the proposal. In addition to this, the proposal would not result in an increase in the number of bedrooms at the property. The proposed garage is of sufficient size as to provide an additional parking space at the site. However it has been stated that the proposed garage will be used to house an antique vehicle. As such, a narrow gravel pathway will be used as a means of moving the vehicle to and from the garage. As this access is less suitable for everyday use, the proposed garage is not considered to count towards parking provision. That said, it is deemed that the existing parking arrangements at the site are acceptable.

5.12 It is noted that the access to the rear garden along the side of the property is relatively narrow. However as the vehicular use of this access is unlikely to be very regular, it is not deemed that it would pose any risk to highway safety. Overall, it is not deemed that the proposal would give rise to any significant transport related issues.

5.13 Parish Council Comments

Original comments outlined that the Parish Council felt that insufficient information had been submitted as part of the application, for a recommendation to be made. Following the submission of a revised block plan indicating access to the proposed garage, the Parish Council were notified of the submission of this further information. With regard to updated comments – objecting to the proposal on the basis that no dimensions have been submitted indicating the size of the garage, it is deemed that the submitted proposed plans and elevations (Drawing No. 3623), sufficiently indicate the scale and dimensions of the proposed garage.

## 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**

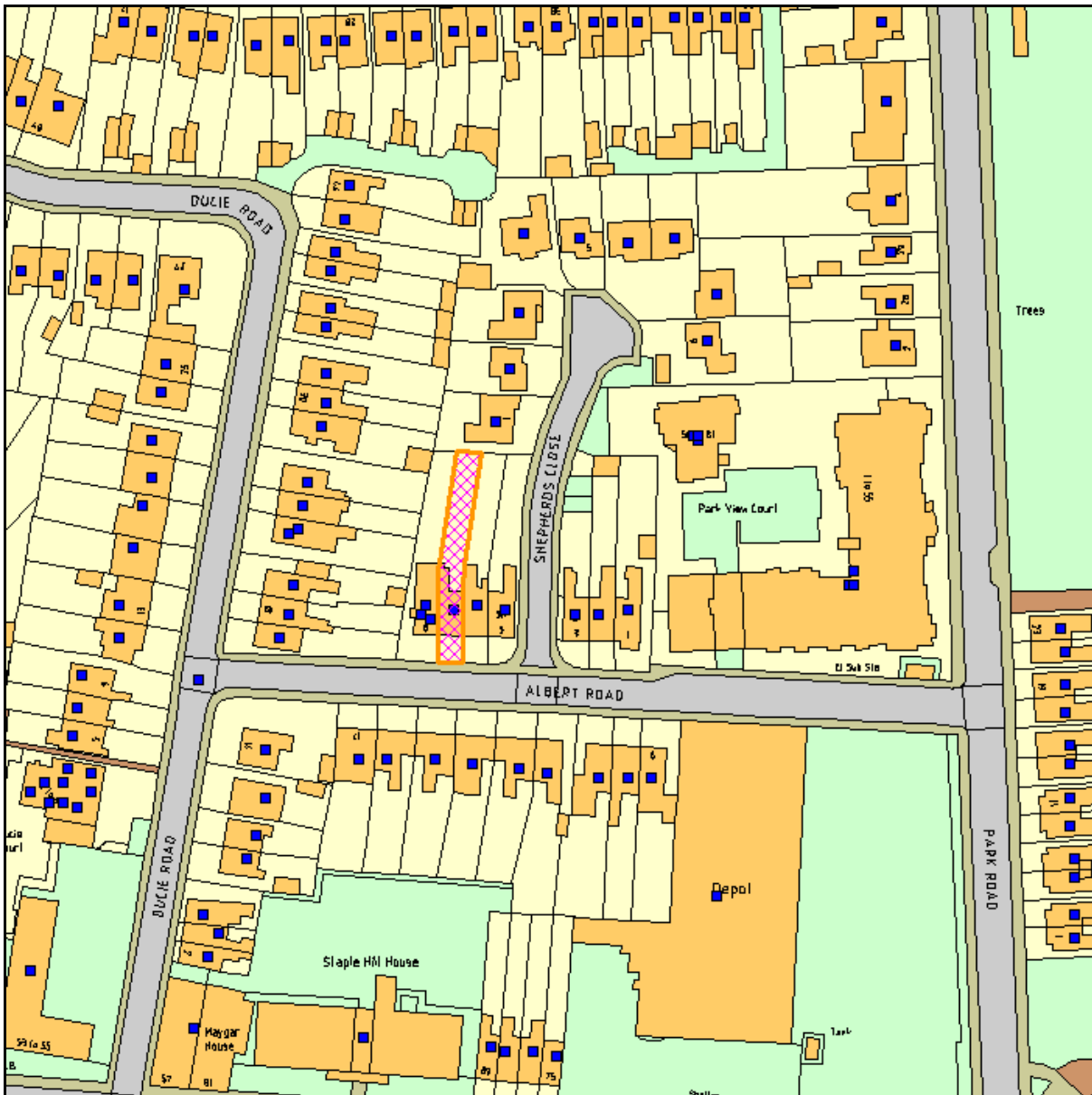
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PK17/0560/CLP	<b>Applicant:</b>	Mrs Claire Whitlock
<b>Site:</b>	7 Albert Road Staple Hill Bristol South Gloucestershire BS16 5LA	<b>Date Reg:</b>	10th February 2017
<b>Proposal:</b>	The proposed installation of a rear dormer to facilitate loft conversion.	<b>Parish:</b>	None
<b>Map Ref:</b>	365228 176008	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	4th April 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer to facilitate a loft conversion at No. 7 Albert Road, Staple Hill would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class 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 The application site has no planning history.

### **4. CONSULTATION RESPONSES**

#### **4.1 Ward Councillors**

No comments received

#### **4.2 Town/Parish Council**

The area is un-parished

#### **Other Representations**

#### **4.3 Local Residents**

No comments received

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

- 5.1 Site Location Plan  
Plans, Section & Elevation (Drawing No. 01)

## 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 installation of a rear dormer. This development 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 or Q of Part 3 of this Schedule (changes of use)**

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

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

The proposed dormer window would not exceed the highest part of the roof, and therefore meets this criterion.

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

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



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

The property is a terrace house and the proposal would result in an additional volume of no more than 40 cubic meters (Approximately 28 cubic meters).

- (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 would include none 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;**

The submitted plan (Plans, Section & Elevation) indicates that the dormer will be finished in tiles to match existing roof tiles in texture and appearance. As such the proposal is deemed to comply with this condition.

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

The rear dormer would be approximately 0.25 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.**

The proposal does not include the insertion of any windows to a side elevation of the dwellinghouse.

## **7. RECOMMENDATION**

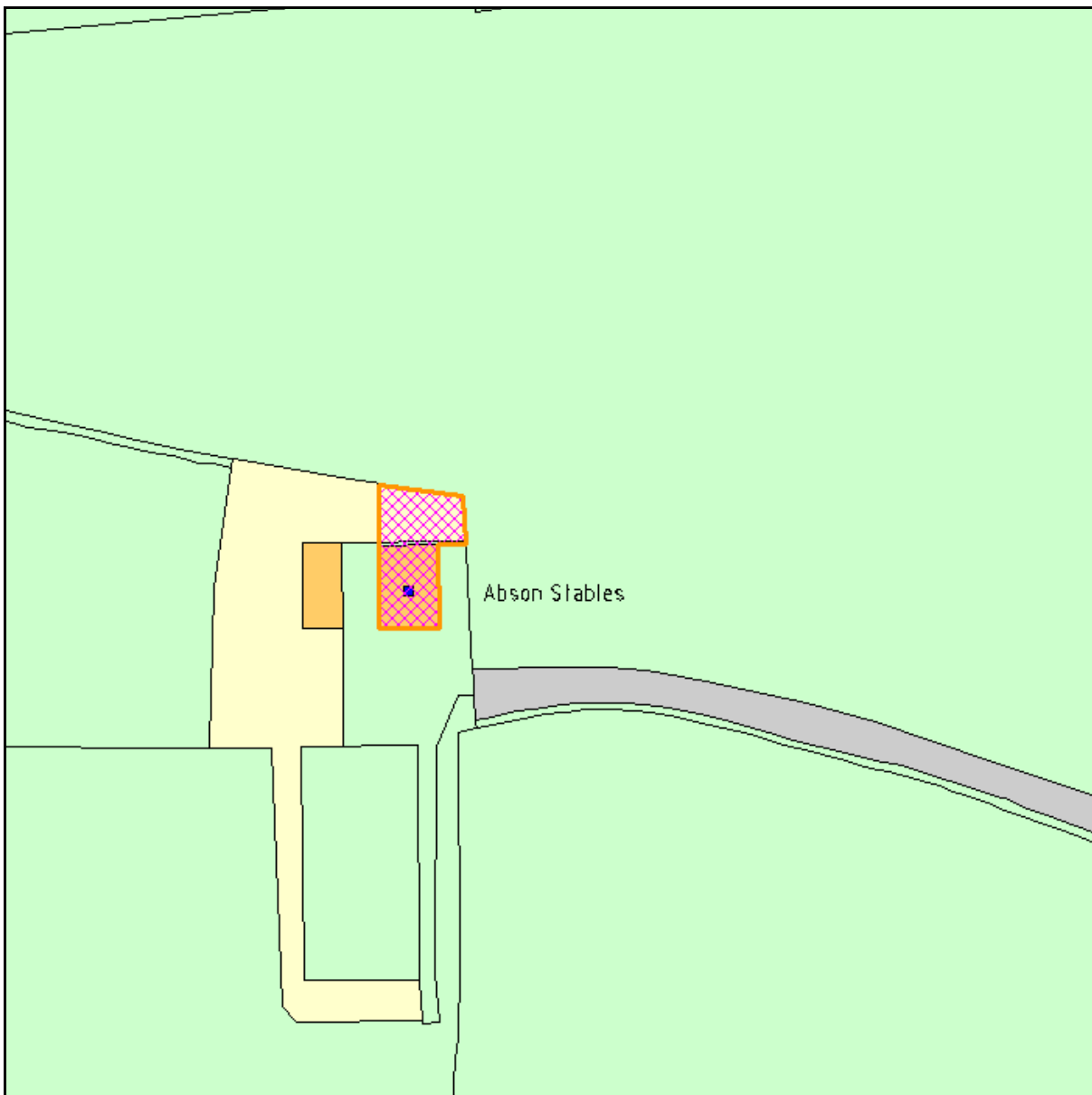
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the reasons listed below:

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

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

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PK17/0565/F	<b>Applicant:</b>	Mr And Mrs Moulder
<b>Site:</b>	Abson Stables Abson Road Wick South Gloucestershire BS30 5TT	<b>Date Reg:</b>	10th February 2017
<b>Proposal:</b>	Change of Use of remaining part of Equestrian building to residential Use (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to form extension to existing dwelling.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370130 175251	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th April 2017



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the change of use of part of remaining part of Equestrian building to residential use (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) to form extension to existing dwelling.
- 1.2 The application site relates to a large agricultural-looking building located within the open countryside and the Bristol/Bath Green Belt. Under previous certificates part of the building was granted residential use whilst the remainder is used for stables (Ref. PK11/0956/CLE) and the proposed erection of a two storey rear extension (Ref. PK12/2532/CLP).
- 1.3 The residential element is contained within the northern end of the stables, with four stalls retained in the southern end. This application would result in the entire building being used as a single residential dwelling. There is also a smaller stable building to the west of the dwelling and an arena to the south.

### **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  
CS5 Location of Development  
CS9 Environmental Resources and Built Heritage  
CS34 Rural Areas

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

H3 Residential Development in the Countryside  
T12 Transportation Development Control

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

PSP1 Local Distinctiveness  
PSP2 Landscape  
PSP7 Development in the Green Belt  
PSP8 Residential Amenity  
PSP16 Parking Standards  
PSP38 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
PSP43 Private Amenity Standards

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

### 3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0811/F Change of use of part of Equestrian building to residential use (Class C3) as defined in the Town and Country Planning (Use Classes) Order 2005  
Approved 16.04.14
- 3.2 PK12/2532/CLP Application for Certificate of Lawfulness for the proposed erection of a two storey rear extension.  
Approved 28.09.12
- 3.3 PK11/0956/CLE Certificate of lawfulness for an existing use of stables as dwelling house  
Approved 21.09.11
- 3.4 PK04/3628/F Conversion of barn to stable (retrospective) and erection of barn. Relaxation of conditions 5 and 8 attached to previously approved PK03/1769/F.  
Approved 05.04.05
- 3.5 PK03/1769/F Change of use from agricultural to the keeping of horses. Erection of stable block and agricultural store and riding arena.  
Approved 18.08.03
- 3.6 PK02/3242/F Change of use from agricultural to the keeping of horses. Erection of stable block and riding arena.  
Refused 12.12.02

### 4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council  
Objection on the grounds of inappropriate development within the greenbelt.
- 4.2 Other Consultees  
  
Community Enterprise  
No comment received.

### Ecology

The building is considered to offer negligible potential as a bat roost, therefore further surveys are not required.

There is no ecological objection to this application.

### Sustainable Transport

We note the proposal to convert the remaining section of the former stables building into residential use, following previous part conversions. The application form suggests no bedrooms and the plans show no additional bedrooms above the existing four bedrooms, and therefore the proposal to maintain the existing provision of three car parking spaces accords with the Council's minimum parking requirements.

As for the previous application, we consider there is sufficient off-street parking and manoeuvring space and have no highway related objections to the part conversion.

### Other Representations

#### 4.3 Local Residents

One objection from a local resident received:

Objection on the way that the applicant has applied for permission, this stable block should remain as it is and not be allowed to extend just because they have had another child. Should permission be granted, can a condition be added saying that no alteration to the outside of the stables can be made and must always be the same colour, materials and design to look like a stable block?

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed using the policies listed above. The application seeks planning permission for the conversion of part of an existing equestrian block into residential accommodation. This will mean the entire building, formerly a barn/stable block, will now be a single residential dwelling. Given the location of the dwelling within the open countryside and the Green Belt, an assessment of the impact on the Green Belt will be considered. In addition, 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 to design against policy CS1 of the Core Strategy. The development will therefore be considered in terms of its impact on the openness of the Green Belt, design and residential amenity.

### 5.2 Green Belt Assessment

Paragraph 90 of the NPPF states that "the re-use of buildings provided that the buildings are of permanent and substantial construction;" are appropriate development within the Green Belt.

The proposal is for the internal conversion of part of the existing stables which already has a domestic use at one end of the building. The proposed works would remove the existing four stalls on the ground floor. The proposed conversion would create a large open living room on the ground floor, with an additional staircase and mezzanine first floor. The existing large door opening in the stable block would be replaced with a large glazed elevation, as well as grill-type ventilation windows on the east and west elevations being replaced by windows and a door; this is the extent of the external physical works. The proposed works are not substantial and would not encroach or effect the openness of the Green Belt as they are contained within the existing building. In this respect, the internal conversion and replacement glazing is not considered to be inappropriate development and would not impact on the openness of the Green Belt.

### 5.3 Design and Visual Amenity

The application site has been the subject of recent planning applications which firstly granted part of the building to be used as a residential dwelling and then subsequently an application which granted an extension to increase the size of the residential part of the building. The garden is located to the north of the building, to the extent of the boundary fence with the neighbouring field. It was observed during the site visit that the garden has been extended to the west and south with the presence of play equipment; this matter has so far been raised with the agent to resolve this breach of planning control.

5.4 Externally, the building has changed from having a simple agricultural appearance as a four-bay steel-framed building with grill-type windows, to one of painted rendered block work with domestic windows and a large two-storey rear extension to accommodate the residential living space. The proposed development would increase the amount of living space for the dwelling to the full extent of the building, on both ground and first floors.

5.5 The proposed conversion and extension of the building has been incremental as such. This application would remove any equestrian use and appearance of the building. Given the change of use of the building has taken place over the last 13 years and the external works would only affect the windows and door openings, the proposal has a limited visual impact. The largest area of glazing in the south elevation, which faces into the site and across to the arena. Previous application Ref. PK14/0811/F removed the permitted development rights associated with the building to ensure the openness of the Green Belt and prevent any future inappropriate development.

5.6 The building is located in the open countryside and has been domesticized over the years, the majority of the works relate to the internal layout of the building. Overall, the proposal is considered acceptable and would be in keeping with the rest of the building.

### 5.7 Residential Amenity

The proposed alterations are largely internal as well as the replacement of grill-style windows and the large stable block opening. There are no nearby residential properties that would be negatively impact by the proposed works.

## 5.8 Sustainable Transport

The proposal would not create any addition bedrooms (there are currently four). It is considered that there is sufficient off-street parking, manoeuvring and turning on site and as such there are no highway objections to the scheme.

## 5.9 Ecology

The walls of the building are breezeblock up to approximately 2m, and then the metal frame is clad with corrugated metal. The corrugated metal also covers the roof with occasional skylights. The Ecology Officer is considers the construction is not suitable for bats and therefore no further survey or information is required. There is no ecological objection to this application.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

**Contact Officer: Katie Warrington**  
**Tel. No. 01454 864712**

## CONDITIONS

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

Reason

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

2. The development shall be implemented strictly in accordance with the following plans: Elevations As Existing (2519/03); Location Plan (2519); Plans As Proposed (2519/04); Elevations As Proposed (2519/05); Site Plan (2519/01); Plans As Existing (2519/02); received by the Council on 8th February 2017.

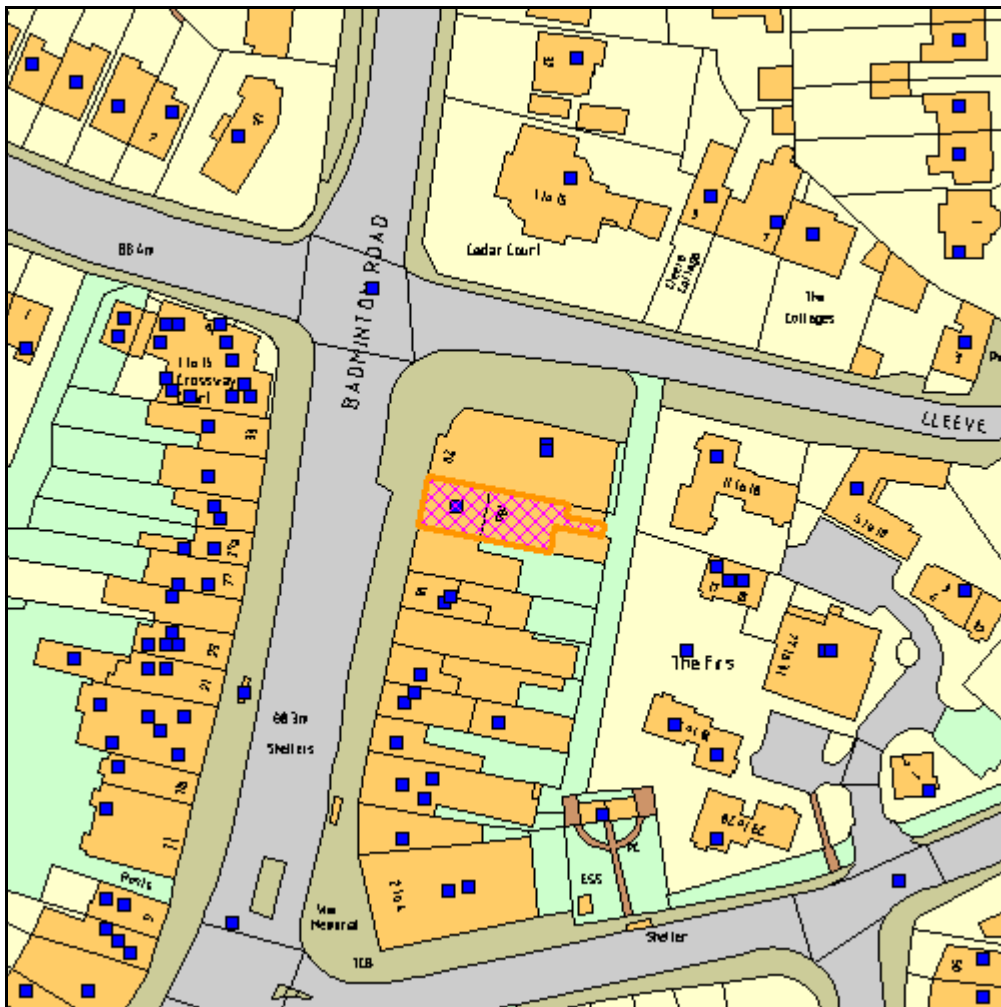


#### Reason

To ensure that the development is carried out in accordance with the plans and drawings as assessed in the application and in the interests of the visual amenity of the site and the surrounding locality; and the residential amenity of the surrounding locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PK17/0646/F	<b>Applicant:</b>	Bournemouth Coffee Co.
<b>Site:</b>	18 Badminton Road Downend South Gloucestershire BS16 6BQ	<b>Date Reg:</b>	16th February 2017
<b>Proposal:</b>	Installation of new shopfront.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365184 176797	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th April 2017



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

This application appears on the circulated schedule list due to objections received by local residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the installation of a new shopfront at 18 Badminton Road, Downend. The site is the ground floor of the former NatWest Bank, situated in a varied rank of shops in Downend and is identified as being part of primary shopping centre.
- 1.2 The premises benefits from class A3 and D2 use permitted under a previous application PK16/0642/F which changed the former bank premise to a Play Café. Alongside this application to change the shop front an application for advertisement consent for the display of 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign is being considered separately.

### **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 (Adopted) January 2006 (saved policies)

T12 Transportation  
E3 Criteria for Assessing Employment Development  
RT8 Small Scale Retail Uses

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

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS14 Town Centres and Retail

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

PSP1 Local Distinctiveness  
PSP8 Residential Amenity

#### 2.3 Supplementary Planning Guidance

Design Checklist Supplementary Planning Document (adopted) August 2007  
Shopfronts and Advertisements Supplementary Planning Document (adopted) April 2012

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

- 3.1 PK17/0679/ADV Display of 1no. internally illuminated fascia sign and

		12no internally illuminated projecting sign
	Pending	
3.2	PK16/0642/F	Change of Use from Bank premises (Class A2) to Play Cafe (Class A3 and D2) as defined in Town and Country (use Classes) Order 1987 (as amended).
	Approved	6.4.16
3.3	PK16/0252/F	Conversion of existing first and second floor residential unit into 2no. self contained flats, and change of use of part ground floor from retail to residential garage.
	Approved	7.3.16
3.4	P98/4628/A	Display of internally illuminated fascia and projecting signs. Display of non-illuminated flat letters
	Approved	9.10.98
3.5	P96/4159	Installation of 90CM diameter satellite dish to side elevation
	Approved	12.6.96
3.6	K7763	Installation of service till
	Approved	25.8.94

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

- 4.1 Downend and Bromley Heath Parish Council  
No objection
- 4.2 Sustainable Transport  
There are no highways or transportation issues with the installation of a new shopfront.

#### **Other Representations**

- 4.3 Local Residents  
Four letter of support have been received. The points raised are summarised as:
- Would not look out of place with the other shops
  - The new coffee shop will bring jobs and growth
  - Will have a positive effect on the high street

Twenty letters of objection. The points raised are summarised as:

- No need for large chain coffee shop – direct competition with existing local and independent businesses; Detrimental to ethos and feel of area; potential to drive existing establishments out of business
- Impact on parking and dangerous to pedestrians at a busy junction; increase in traffic pollution
- Already have 4 cafes covering a very small area

- Council should support family run local businesses
- Shop front will overpower all the existing signs – not sympathetic

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance would be the impact on the character of the building and the area in general. It is noted that the site is within a primary shopping frontage and Policy CS1 of the Core Strategy exists to make sure developments enhance and respect the character, distinctiveness and amenity of the site and its context. Impact on residential amenity, impact on parking and highway safety will all be taken into consideration.

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

### 5.2 Background

National policy as shown in the NPPF is supportive of economic growth and building a strong and competitive economy to create jobs and prosperity. In particular supporting the vitality and viability of centres is emphasised.

5.3 Given the level of objection this proposal and its associated advert consent has attracted from local residents, the current situation is worth discussing in a little more detail to provide some background context.

5.4 In April 2016 an application for the change of use of the former bank premises to a play café (Class use A3 and D2) was granted permission. This was granted on the basis of the business case put forward by the applicant at the time. Officers are aware that the change of use to a play café took place and was used for that purpose. It is assumed that the business case for such a use was not successful and the business has moved on. Given that the current class use is for a café a change of use for a new café occupier is not required and as such this application is only considering the physical changes to the shop frontage. Although a number of objections have been received by the Council objecting to the change of ownership, primarily from an independent trader to a large chain franchise concern, there can be no material planning objection on this basis.

### 5.5 Design and Visual Amenity

The proposal is for changes to the shop front in terms of the pattern of fenestration. Whereas currently the entrance door is to one side under this scheme the doorway would be positioned centrally and the windows either side would be full height. A variety of shopfronts can be seen along this road and the proposal would not be out of keeping with the design. There is therefore no objection to the proposed new shop front in terms of impact on visual amenity or adverse impact on the character of the immediate area.

5.6 Accordingly, it is judged that the proposal is of an acceptable standard of design and is considered to satisfy policy CS1 of the adopted Core Strategy.

### 5.7 Residential Amenity

It is noted that the area is mixed in terms of the type of businesses along this road and that residential accommodation is to be found above many of the units here. It is considered that the proposed changes to the shop front would not have an adverse impact on the residential amenity of existing or future occupants and is therefore acceptable.

### 5.8 Highways

The site is located within the Downend shopping area where there is good access public transport and there are car parks in the vicinity of the site. On that basis, there is no transportation objection to the proposed development.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the application is **APPROVED** with conditions.

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

## CONDITIONS

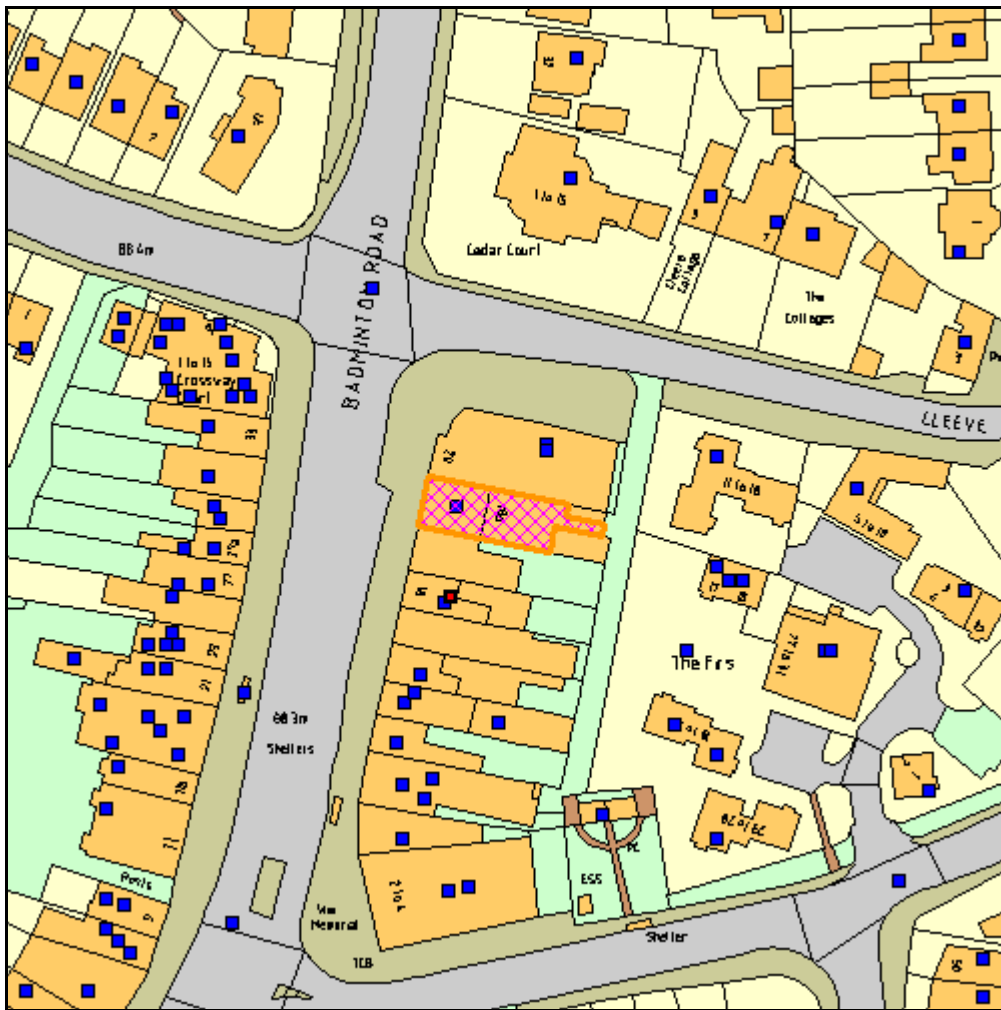
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PK17/0679/ADV	<b>Applicant:</b>	Bournemouth Coffee Co.
<b>Site:</b>	18 Badminton Road Downend South Gloucestershire BS16 6BQ	<b>Date Reg:</b>	16th February 2017
<b>Proposal:</b>	Display of 1no. internally illuminated fascia sign and 1no. internally illuminated projecting sign.	<b>Parish:</b>	Downend And Bromley Heath Parish Council
<b>Map Ref:</b>	365184 176797	<b>Ward:</b>	Downend
<b>Application Category:</b>	Minor	<b>Target Date:</b>	11th April 2017



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## 1. THE PROPOSAL

- 1.1 The applicant seeks consent for the display of 1 no. internally illuminated fascia signs and 1 no. internally illuminated projecting signs.
- 1.2 The application site is 18 Badminton Road, Downend, situated in a varied rank of shops and is identified as being part of primary shopping centre.

## 2. POLICY CONTEXT

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) August 2007  
Shopfront and Advertisements Design Guidance SPD (Adopted) April 2012

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK17/0646/F            New shop front  
Pending
- 3.2 PK16/0642/F            Change of Use from Bank premises (Class A2) to  
Play Cafe (Class A3 and D2) as defined in Town and  
Country (use Classes) Order 1987 (as amended).  
Approved                6.4.16
- 3.3 PK16/0252/F            Conversion of existing first and second floor  
residential unit into 2no. self contained flats, and change of  
use of part ground floor from retail to residential garage.  
Approved                7.3.16
- 3.4 P98/4628/A            Display of internally illuminated fascia and projecting  
signs.            Display of non-illuminated flat letters  
Approved                9.10.98
- 3.5 P96/4159                Installation of 90CM diameter satellite dish to side  
elevation



	Approved	12.6.96
3.6	K7763	Installation of service till
	Approved	25.8.94

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

4.1 Downend and Bromley Heath Parish Council  
No objection

4.2 Transportation  
No Objection

#### **Other Representations**

4.3 Local Residents

Three letters of support have been received by the Council. The points raised are as follows:

- Signs in-keeping with the surrounding area and businesses
- Similar signs in the area; will not look out of place

Nine letters of objection have been received for this application but only two letter refer to the signage, the other seven refer to the associated application PK17/0646/F. For the sake of completeness all the comments have been summarised here.

Objection to signage:

- Large and overpowering

Other objections covered under application PK17/0646/F:

- Another coffee shop is not needed – there is a reason the previous owner did not get far with their business
- Negative increase in parking, deliveries etc on busy high street
- Do not need large corporate coffee chain

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

5.1 Principle of Development

As stated in the NPPF, the government attaches great importance to the design of the built environment, citing good design as the key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. It specifically states that poorly placed advertisements can have a negative impact on the appearance of the built environment and should be subject to control in the interests of amenity and public safety, taking account of cumulative impacts. The proposal is deemed to accord with the principle of development and this is discussed in more detail below.

## 5.2 Visual Amenity

The requirement is now for 1 no. internally illuminated fascia sign and 1. Internally illuminated projecting sign.

- The externally illuminated projecting sign would be double sided polycarbonate panel in red with white writing *COSTA* and having an internal white LED illumination. This would be positioned to the northern side of this front elevation. It would measure about 0.6 metres by 0.15 metres.
- The proposed fascia sign would measure about 8.4 metres in length and be 1 metre wide filling in the existing fascia area. It would be of a powder coated grey with the lettering *COSTA* in white outlined in red positioned centrally. The letters would be foamex backed with white LED illumination of about 450mm in height. In addition flat cut fascia lettering in white matt stating *EST. 1971* would be positioned in the lower southern corner
- In addition, new door vinyls advertising opening times and a coffee bean motif are to be included on the new fenestration

Both signs would have an illuminance level of 300.00 cd/m<sup>2</sup>. Guidance indicates that this brightness level is appropriate for urban locations.

In terms of visual appearance, the signs would not be out of keeping with the area. Similar signs can be seen in very close proximity. As such, the proposal is considered appropriate to the location and thereby acceptable.

## 5.3 Public Safety

Given the signage is to be located on the building set back off the road by a wide pavement, the proposed signs and graphics are considered not to adversely encroach on the public highway nor to obstruct a driver's view in any way and are consequently, acceptable in highway terms.

## 5.4 Cumulative Impact

The signs relate to the unit and are within an area which already has a number of similar advertisements in terms of design and scale. Overall the size of the signs, the writing and luminance levels are considered acceptable and appropriate given their position and location and not to result in any harmful cumulative impact.

## 5.5 Other matters

The objection comments from local residents with regards to application PK17/0646/F are noted and have been dealt with under that referenced application which has been referred to the Circulated Schedule.

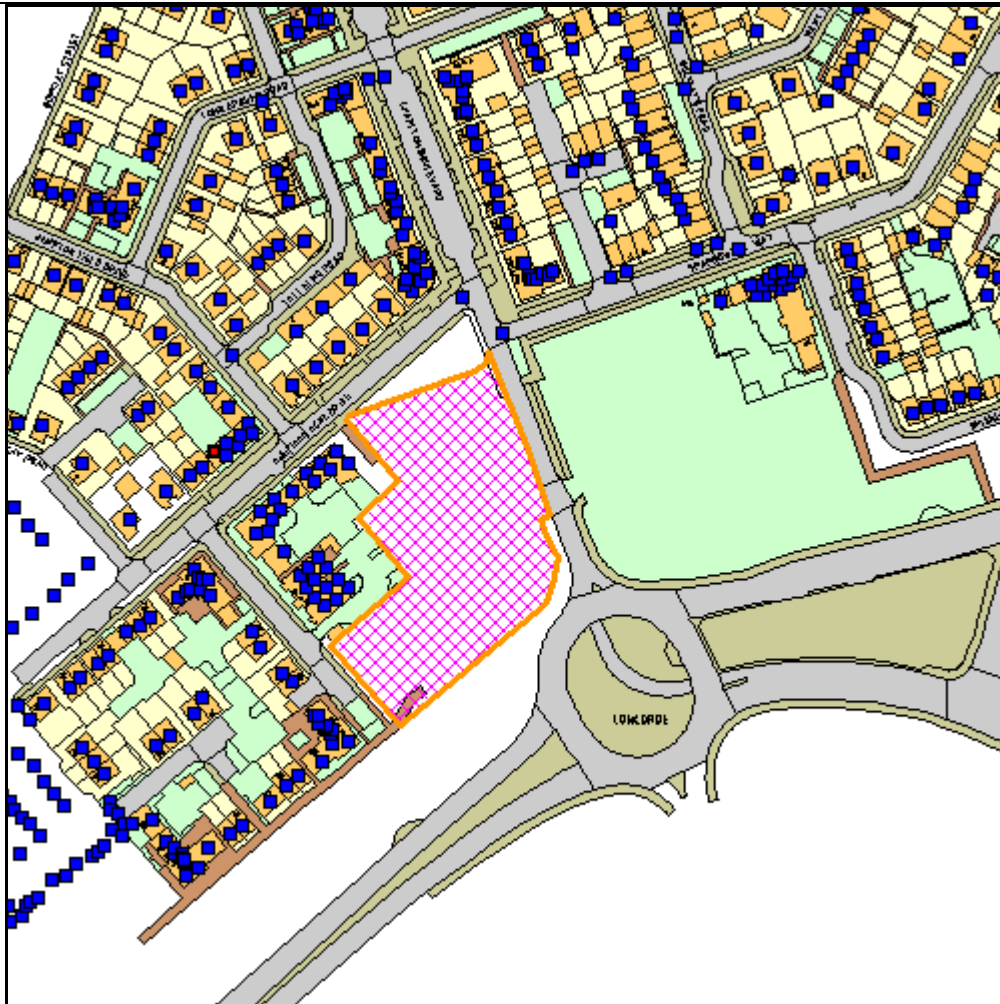
## 6. RECOMMENDATION

- 6.1 That the advertisement consent is **APPROVED** subject to the standard conditions for advertisement consent set out in the Regulations.

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

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PT16/4976/F	<b>Applicant:</b>	McCarthy And Stone Retirement Lifestyles Ltd
<b>Site:</b>	Plot MU5 Land At Junction Of Hayes Way Charlton Boulevard Patchway South Gloucestershire BS34 5AG	<b>Date Reg:</b>	16th September 2016
<b>Proposal:</b>	Erection of a part three, part four and part two storey building comprising 42no. Retirement Living apartments with associated communal lounge, guest suite, house managers office, refuse and electric buggy store, sub-station and communal landscaped grounds accesses and parking.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360077 181029	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Major	<b>Target Date:</b>	14th December 2016



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 100023410, 2008. N.T.S. PT16/4976/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 has been subject to a viability appraisal.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of 42 no. retirement flats falling within the C3 use class. The application includes landscaping and car parking and a new vehicular access onto Charlton Boulevard just to the North of the proposed bus gate. 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 MU5 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.
- 1.3 During the course of the application, amended plans have been received to address issues raised by officers. The revised plans have resulted in a different access point, an increase in the number of flats from 40 to 42, changes to the car parking and also a change to the red line of the application site to ensure that it incorporates all of the land necessary to create the access. Full re-consultation has been carried out on all revised plans.
- 1.4 As the application is subject to a viability appraisal, contact has also been made directly with the Town Council and the ward members during the course of the application.

### **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 21<sup>st</sup> 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

In accordance with policy, the preferred option is for the applicant to provide 35% affordable housing on-site. Given the viability case demonstrated, an offsite sum in lieu of an on-site provision can be accepted in this case.

### Conservation Officer

Notes that the principle of development is considered to have been approved as part of the wider new neighbourhood and that as part of this, the impact on the setting of the listed hangars would have been considered. Raises no objection but would prefer to see the massing of the building reduced through the removal of the pitched roofs.

### Wessex Water

Have no comment to make

### Environmental Protection (Contaminated Land)

No objection

### Archaeology

The site, which is part of the former Filton Airfield site has already been extensively evaluated and very limited archaeology survived, due to extensive lowering of ground levels across this part of the airfield. The archaeological desk top study is an excellent one which records the previous work and I share its conclusion that no archaeology is likely to survive. No further archaeological work required.

### Economic Development

No Objection

### Lead Local Flood Authority

The proposal to connect into the existing surface water line and discharge at a restricted rate of 12.0 l/s is acceptable to us as it meets the set discharge rate set within the Charlton Hayes Surface Water Drainage Strategy (PBA, May 2014).

Further information we will require is drainage calculations for the drainage system to demonstrate how it operates during the various storm events. No flooding should occur in the 1in30 year event and no flooding to buildings during the 100 year plus allowance for climate change event. We will also require 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 can be secured through a SuDS condition.

#### Landscape Officer

Confirms that the updated planting plan has been revised in accordance with my comments and marked up plan of 3 January 2017; the proposals shown on Swan Paul dwg.no.2020 Rev D are therefore now acceptable.

#### Public Rights of Way

PROW have no objection as there are no rights of way through or adjacent to the outlined area.

#### Transportation

No objection but comments that given that due to the bus gate there will be no opportunity to turn right out of this access or conversely turn left into the access then the access should be altered to both reflect this and also reinforce the TRO for the bus gate. In doing so there is an opportunity to provide priority to pedestrians at this location rather than utilising a 'traditional' access design.

#### Highways England

No Objection

#### Urban Design

No objection in terms of the amendment to the layout (access arrangements) and consequent impact on the elevations (closing the drive through etc). Clarification is still however sought in respect of other previous comments i.e. in respect of point 1 - detailing and materials, point 2 - boundary treatments, and point 3 - electric car hook up points. Clarification is welcome in terms of the Energy statement. I would also suggest that the new entrance has a clear change in materials to create a 'threshold' at the entrance and would encourage a row of trees being provided along the northern boundary providing enclosure to the square.

#### Waste Engineer

The bin store will require a dropped kerb between car parking bays 18 and 41 to allow the movement of bins. The bin store itself is considered small to serve 42 apartments although waste generation per apartment is expected to be low. The spacing between the bins is limited and the doorway may not allow enough clear space for the 1100 litre bins. Access for the refuse collection vehicles is good.

#### Highway Structures

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

#### Public Open Space Officer

To be policy compliant the following contributions are requested to be secured through a S106 legal agreement:

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	742	£17,945.72	£31,632.50
Natural and Semi-natural Open Space	795	£10,654.99	£17,675.55
Outdoor Sports Facilities (courts and greens)	212	£10,196.78	£3,086.23
Allotments	106	£934.94	£1,192.12

Total towards provision and/or enhancement = £39,732.43  
Total towards maintenance = £53,586.40  
(Total = £93,318.83)

### **Other Representations**

#### 4.3 Local Residents

One letter of support has been received stating that we need more retirement housing in South Gloucestershire.

## **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 MU5 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 reduced and replaced with a mix of residential units, one



ground floor commercial unit, and 8 '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 retirement block will generate some limited employment in its own right. Given that the Council has no way of insisting that the 8 'Adaptable units' ever actually accommodate commercial or retail use, the scheme for consideration would only result in the loss of one guaranteed ground floor commercial unit. 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 The proposal in terms of perimeter block accords with the updated Master plan for phase one. Notwithstanding that this is a full application, the proposal for 42 units on parcel MU5 would not exceed the maximum number of residential units for Charlton Hayes (which is set at 2,200 dwellings) and this issue therefore needs no further discussion in this report.
- 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 Urban Design and Visual Amenity  
The proposal is for a single large 'L' shaped building with a continuous frontage onto both Hayes Way and Charlton Boulevard. 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 away from the 4 storey section. There would be a single point of access from Charlton Boulevard to the north of the proposed bus gate. Staff, resident and visitor parking would be located to the rear of the building and landscaped gardens would run around the rear and front. The general form, layout and height is in accordance with the amended geographical master plan approved for Phase 1.
- 5.6 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. Samples of the brick and boarding have been submitted to the Council during the course of the application and are acceptable – the use of these specific materials will be secured via condition. The applicants have also agreed to a condition requiring a minimum 75mm window reveal, again to be in accordance with the Phase 1 design code.
- 5.7 As initially submitted, the Councils 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 Councils Urban Design officer raises no objection to the proposed plans.

## 5.8 Transportation

Access arrangements to the site have evolved extensively through the course of the application. As initially submitted, the proposal showed a main access point to the south of the proposed bus gate with a secondary service and emergency vehicle link to the north of the bus gate. For various reasons including rat running through the site, this was not considered suitable and negotiations were entered into. As a result of the negotiations, the access arrangements were changed to have one single vehicular access point to the north of the bus gate. This entrance would serve all residents, staff and service vehicles. As vehicles would only be able to travel in a northern direction when leaving the site, officers consider that the junction should be re-designed to reinforce the fact that the access is really only one-way. The agent agreed through the course of the application that this should be the subject of a suitably worded condition.

5.9 The plans show the provision of 41 car parking spaces plus separate bicycle and electric buggy storage. For a scheme of this size (22 no. 2 bed flats and 20 no.1 bed flats) the residential parking standards SPD requires a minimum onsite parking provision of 61 spaces. In assessing the parking provision, consideration is also given to the fact that the application states that there will be one full time employee on site and, given the intended age of the residents, it is not unrealistic to expect that there will be domiciliary care visitors. It is clear therefore that should the application be for standard open market housing, 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 to serve retired residents. The apartments would only accommodate people aged 60 and over (or in the case of a couple one occupant shall be over 60 and the other over 55). Information submitted by the applicant advises that actually between 60-70% of occupants are aged 78 or more with about 30% aged 80 or more. Given the age demographic, it is entirely reasonable to assume that at least some 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 Residential Amenity

To the north and west 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 each flat 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.

#### 5.12 Landscaping

The Councils landscape officer is satisfied with the landscaping plan and planting details submitted. Detailed landscaping and planning drawings have been submitted with the application that show attractive landscaped gardens, with walkways, seating areas and a Boules Court. In accordance with the Phase 1 master plan, the landscaping plan shows Lime tree planting along the eastern and southern site boundary to continue the tree boulevards envisaged across the development. Planting of two limes and smaller tree species will also be secured along the northern boundary with the square. Importantly, the proposal also makes provision for the continuation of the Hayes Way Swale footpath that runs along the front of the site that will run partway on this site and partway on land owned by Bovis.

5.13 A detailed boundary fence plan has been submitted with the application that is generally acceptable in principle (and will be listed in the plans condition). However, this plan shows a close boarded fence to run along the top western boundary of the site up to the boundary to Eighteen Acre Drive (to the west of parking space 27 and the access drive). This is considered unacceptable as a 1.8m high wooden fence in this location would be visually jarring and unattractive when viewed from Eighteen Acre Drive. A condition will therefore be attached to ensure that notwithstanding the submitted plans, for a distance of 10 metres from the north-western pint of the site, the 'rear boundary fence' type shown on the submitted drawing is changed to a 'front boundary fence type' with hedge (to match the boundary treatment along the very northern boundary).

#### 5.14 S106 Contributions

As this is a full planning application, the application is liable to CIL and S106 contributions. Although sheltered retirement applications attract a nil CIL charging rate, S106 contributions have been requested for both Public Open Space and Affordable Housing. The S106 requests were put to the applicants and in response a detailed viability appraisal was submitted. The viability appraisal has been scrutinised by an independent valuer appointed by the Council who has concluded that the site is not viable if all S106 contributions are met.

#### 5.15 Public Open Space S106 requirements

The proposed development is for retirement living apartments. 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. 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.

- 5.16 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.
- 5.17 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.
- 5.18 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.
- 5.19 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.
- 5.20 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	742	£17,945.72	£31,632.50
Natural and Semi-natural Open Space	795	£10,654.99	£17,675.55
Outdoor Sports Facilities (courts and greens)	212	£10,196.78	£3,086.23

Allotments	106	£934.94	£1,192.12
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Total towards provision and/or enhancement = £39,732.43

Total towards maintenance = £53,586.40

(Total = £93,318.83)

5.21 Affordable Housing

Officers note this land forms part of that included in planning application PT03/3143/O and is bound by the same s.106 agreement. Plan 5 of the Deed of Variation to this s.106 dated 20<sup>th</sup> May 2011 does not include parcel MU5. Therefore this parcel remains bound to the original s.106 agreement. However the applicant has submitted a new Full Planning application proposing 42 homes built as a retirement housing scheme and as such should provide 35% affordable housing in line with policy CS18 of the Council's adopted Core Strategy Development Plan Document.

5.22 The policy presumption is that affordable housing should be delivered on site as part of this scheme. Policy CS18 confirms that if exceptional circumstances are proven then an off-site financial contribution equivalent in scale could be accepted. This off site contribution would then be set aside for the provision of affordable housing elsewhere in South Gloucestershire. The applicant has proposed that there are exceptional circumstances for this scheme and therefore offer an off-site sum.

5.23 Viability Appraisal

Prior to the preparation of this Circulated Schedule report, contact was made with the ward members and the Town Council to open up discussions about the viability appraisal for this site. The recommendations below were presented to ward members and the Town Council for comment before any formal recommendation was made. No comments, objections or suggestions have been received and therefore the officer recommendation is as follows:

5.24 The applicants have provided full open-book financial details to the District Valuer (the independent valuer appointed by the Council to consider the viability claim). The figures submitted have been subject to rigorous review and scrutiny. Whilst full financial details are confidential, the conclusion of the viability report is that the scheme is not viable should 35% on site affordable housing and the full POS contribution be made.

5.25 The viability appraisal concludes that the site is viable with a total S106 contribution of £252,877. Given that the affordable housing policy makes allowances for viability review, your officer recommendation is that the S106 contribution is split in the following way:

- A policy compliant contribution of £93,318.83 is secured toward Public Open Space maintenance and provision
- The remaining contribution of £158,558.17 is secured toward off- site affordable housing.

5.26 Given that the viability appraisal is based on current costs and values, it is accepted that these may change in the future which would affect viability

further. For this reason, the agent has agreed to a shortened timescale for implementation – a condition will be attached to ensure that development commences within 18 months of the issuing of the decision rather than the standard three years. Given the small size of the proposed development, and that there is no reason to suggest that the developer will not build out in a timely fashion, no viability review mechanism will be included in the S106 agreement. The applicant has agreed that the contribution for the provision of affordable housing will be secured by way of an obligation via a S.106 agreement, and that a trigger for payment prior to first occupation will be secured. This contribution will be index linked from the date of the agreement.

#### 5.27 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 proposal to connect into the existing surface water line and discharge at a restricted rate of 12.0 l/s is acceptable.

5.28 Further information we will be required including drainage calculations for the drainage system to demonstrate how it operates during the various storm events. No flooding should occur in the 1in30 year event and no flooding to buildings during the 100 year plus allowance for climate change event. Confirmation will also be required 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.

#### 5.29 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.

#### 5.30 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.

5.31 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 £39,732.43 towards the provision and/or enhancement of Public Open Space
- A contribution of £53,586.40 towards the maintenance of the outdoor sports facilities

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

### Affordable Housing

- A contribution of £158,558.17 toward off-site affordable housing

Reason – to comply with the requirements of Policy CS18 of the South Gloucestershire Local Plan Core Strategy (Adopted) as far as possible following the outcome of the detailed viability appraisal.

- 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 eighteen months from the date of this permission.

### Reason

To ensure that the development commences in a timely manner given the viability appraisal undertaken and also 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 22nd March 2017:

009 - Boules Court Detail

005.1revF - Detailed Planting Plan 1 of 2 (including maintenance, aftercare and losses annotations)

005.2revF - Detailed Planting Plan 2 of 2 (including maintenance, aftercare and losses annotations)

007revF - Fences, Steps and Rails

002revF - General Arrangement  
004revE - Kerbs and Edges

Received by the Council on 24th February 2017:

024revJ - Proposed Site Layout  
001revA - Site Location Plan

Received by the Council on 23rd January 2017:

008revD - Planters, Seating and Street Furniture

Received by the Council on 15th December 2017:

POC-SS-0001 - Sub-Station Detail  
040revA - Proposed Section  
037revA - Proposed Elevations  
039revB - Proposed Section  
026revA - Proposed Roof Plan  
029revD - Proposed First Floor Plan  
027revC - Proposed Lower Ground Floor Plan  
038revA - Proposed Elevations  
028revD - Proposed Ground Floor Plan  
030revD - Proposed Second Floor Plan  
031revC - Proposed Third Floor Plan

Received by the Council on 27th September 2016:

Planning statement  
Archaeological Desk Based Assessment  
Ecological Appraisal  
Noise Assessment  
Design and Access Statement  
Air Quality Assessment  
Transport Assessment  
Geotechnical Report

Received by the Council on 31st August 2016:

002 - Existing Site Layout

Reason

In the interests of completeness.

3. 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.



4. All residents shall comply with the following age restriction: The minimum age limit for a single or eldest partner is 60 years with a minimum age limit of 55 years for a second person living in the same apartment

Reason

The amount of on site parking is specifically tailored to meet the needs of a later living development. Occupation of the properties on an un-restricted basis would require further consideration of the impact on parking provision and the provision of adequate private and useable amenity space. In accordance with the requirements of Policies CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted)

5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. The details submitted shall specifically include drainage calculations for the drainage system to demonstrate how it operates during the various storm events and details of who will be responsible for inspecting and maintaining the surface water network including storage tanks and flow control device. Development shall be carried out in accordance with the approved details.

Reason

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

6. 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 and as a minimum, all visible roof slopes shall be finished with reconstituted slate. 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).

7. Notwithstanding the submitted details, the external walls of the building hereby approved shall be finished with the following materials:  
Brick - Wienerberger Bookhurst Yellow Multi  
Render - Krend SIL FT Champagne  
Weatherboard - MarleyEternit Cedral Lap C60 Forest Grey  
Render colour - Khaki

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).

8. 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).

9. 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.

10. Notwithstanding the submitted plans, full details of a revised vehicular access onto Charlton Boulevard to reinforce the fact that vehicular access is to the North only, shall be submitted to the Council. If acceptable, the Council will give written agreement to the details submitted. All development must be carried out exactly in accordance with the approved details which must be fully implemented prior to the first occupation of any of the units hereby approved.

Reason

Given the future siting of a Bus Gate immediately to the South of the proposed site entrance, the junction should be re-designed to reinforce the one way only nature of the exit. In the interests of highway safety and to comply with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

11. 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

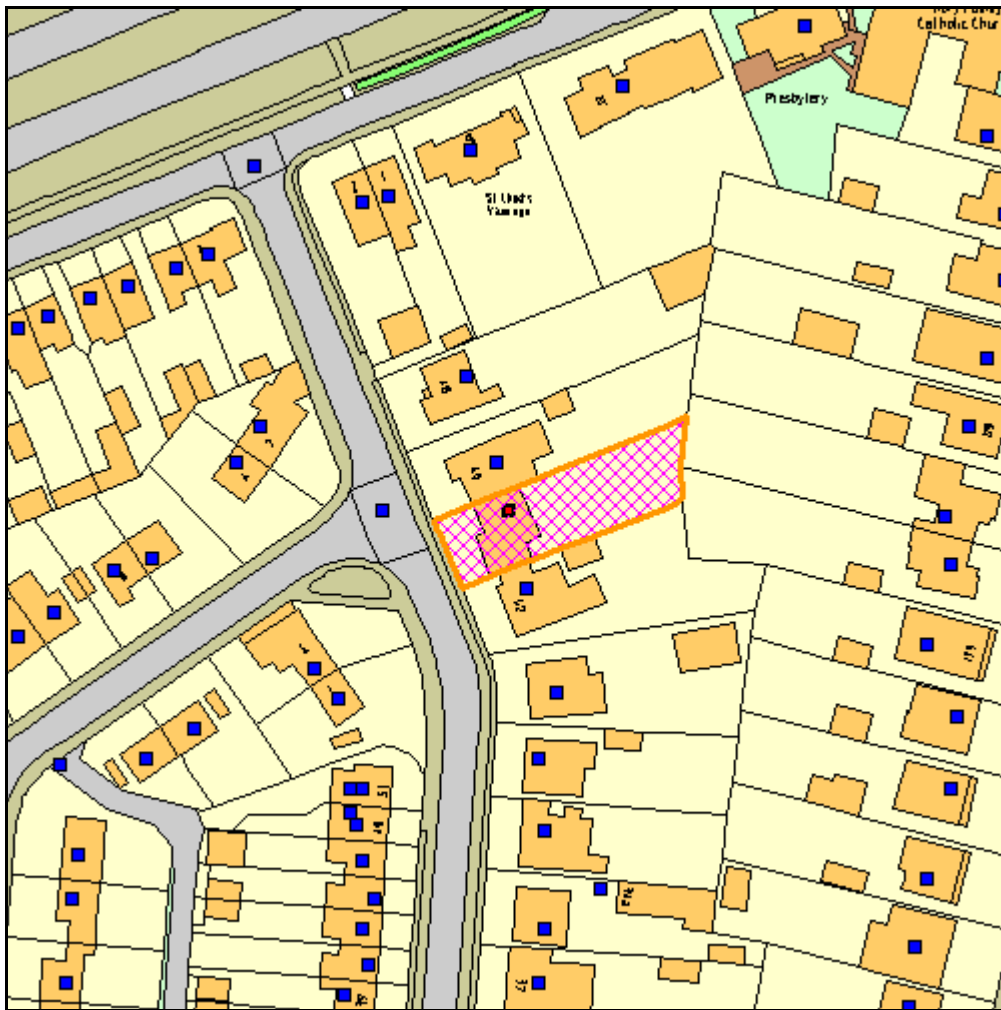
12. Notwithstanding the submitted plans, the western boundary of the site (between parking space 27 and the neighbouring residential units) shall be changed to a 'front boundary fence type' with hedge rather than the 'rear boundary fence' type. This change in boundary treatment shall only apply for a distance of ten metres in a south-eastern direction starting from the boundary with Eighteen Acre Drive.

Reason

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

**CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017**

<b>App No.:</b>	PT17/0210/CLP	<b>Applicant:</b>	Mr Michael Beaven
<b>Site:</b>	44 Hazeldene Road Patchway Bristol South Gloucestershire BS34 5DS	<b>Date Reg:</b>	27th January 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey side extension.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360474 181504	<b>Ward:</b>	Patchway
<b>Application Category:</b>		<b>Target Date:</b>	21st March 2017



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

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension at 44 Hazeldene Road in 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.

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 PT16/5654/PNH Refusal 30.11.2016  
Erection of single storey rear extension which would extend beyond the rear wall of the original house by 2.8 metres for which the maximum height would be 3.2 metres and for which the height of the eaves would be 3 metres.
- 3.2 PT16/2709/PNH No objection 06.06.2016  
Erection of a rear conservatory which would extend beyond the rear wall of the original house by 4.5 metres, for which the maximum height would be 3.8 metres and the height of the eaves would be 2.8 metres

### **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No comments received

#### **Other Representations**

- 4.2 Local Residents  
No comment received.

## 5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

### 5.1 Proposed Floor Plans Layout and Details

Plans received by the Council 24<sup>th</sup> January 2017

Site Location and Block Plan

Plan received by the Council 26<sup>th</sup> January 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 a single storey side extension. This development would fall within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Not applicable.

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

The extension would be single storey.

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

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

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

The extension would extend beyond a wall forming a side elevation of the original dwellinghouse. However the extension would not exceed 4 metres in height, would not have more than a single storey, and would not have a width greater than half the width of the original dwellinghouse.

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

The development would not include any of the above.

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

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

- (c) **the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.**

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

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

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

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

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

Not applicable.

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

Not applicable.

## **7. RECOMMENDATION**

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

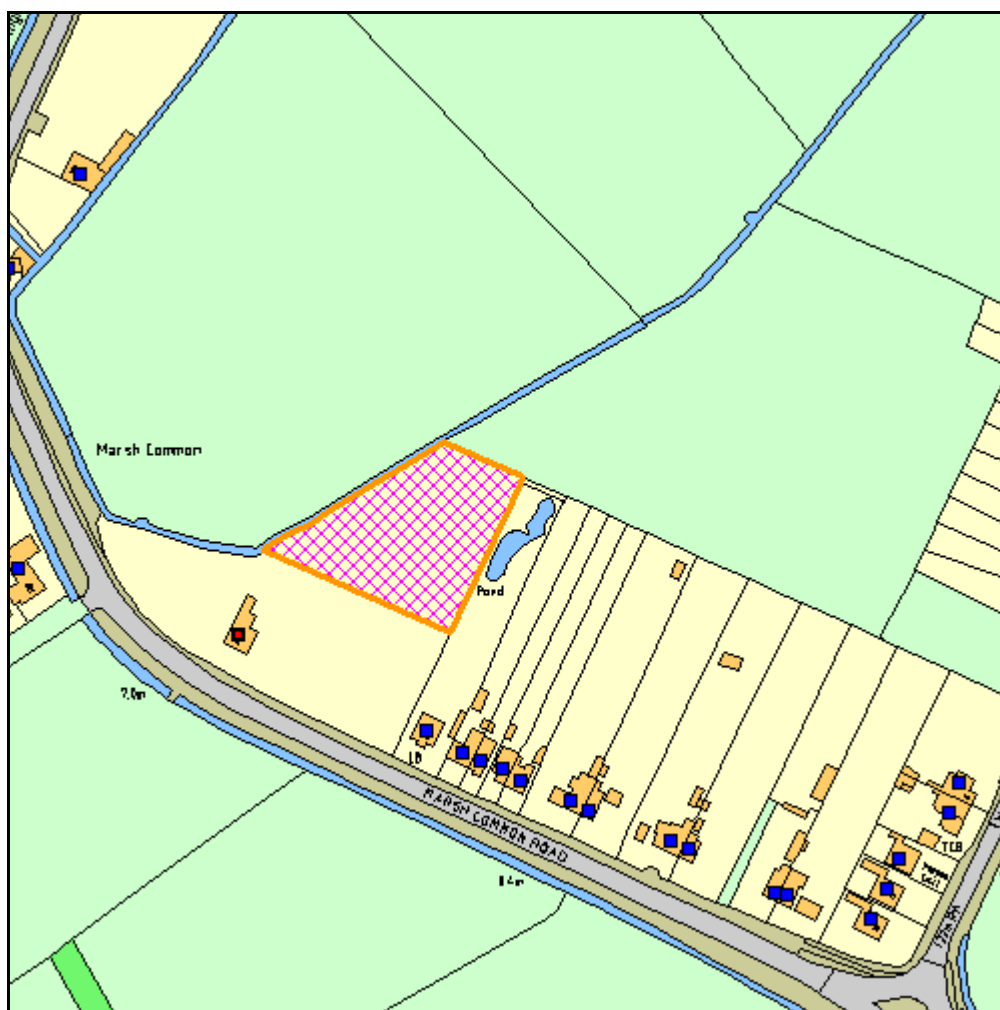
Evidence has been provided to demonstrate that on the balance of probabilities the proposed single storey side extension falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Lucy Paffett**  
**Tel. No. 01454 863436**



## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PT17/0540/CLE	<b>Applicant:</b>	Mr Terry Whittingham
<b>Site:</b>	Homeland Cottage 111 Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	<b>Date Reg:</b>	13th February 2017
<b>Proposal:</b>	Application for a certificate of lawfulness for existing use of land as residential curtilage (Use Class C3).	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	356285 183522	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>		<b>Target Date:</b>	7th April 2017



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

This application is for a certificate of lawfulness, and as such, under the current scheme of delegation, is to be determined under the Circulated Schedule procedure.

### **1. THE PROPOSAL**

- 1.1 The application is for a certificate of lawfulness for the existing use of the land edged in red as residential (Use Class C3) from 10<sup>th</sup> February 2007 for a period of 10 years.
- 1.2 The application site consists of a plot of land situated to the north east of Homeland Cottage, 111 Marsh Common Road, Pilning.
- 1.3 The site is situated within the open countryside, and within the Bristol/Bath Green Belt. It is also within Flood Zone 3.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2015
- III. National Planning Practice Guidance 2014

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

- |     |   |         |            |
|-----|---|---------|------------|
| 3.1 | PT16/6094/CLP   | Refusal | 10/01/2017 |
|     | Application for certificate of lawfulness for the proposed erection of 3no. domestic outbuildings |         |            |

*Refusal reasons:*

*1- It is concluded that the development is proposed on land outside of the lawful residential curtilage of the dwellinghouse (Homeland Cottage). Accordingly, the development would not constitute permitted development within Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.*

*2 - It is concluded that, on the balance of probabilities, the proposed development could not reasonably be described as for purposes incidental to the enjoyment of the dwellinghouse (Homeland Cottage) due to the scale and location of the proposed buildings. The likely uses in relation to the modest size of the dwellinghouse would go beyond that which may be considered incidental. Accordingly, the development would not constitute permitted development within Part 1 Class E of the Town and Country Planning (General Permitted Development) Order 2015.*

- |     |   |         |            |
|-----|---|---------|------------|
| 3.2 | PT14/1086/CLP   | Approve | 02/05/2014 |
|     | Application for certificate of lawfulness for the proposed erection of a detached swimming pool building. |         |            |
| 3.3 | PT12/3227/CLE   | Approve | 10/05/2013 |

Application for Certificate of Lawfulness for existing alterations and extensions to property and garage, not in accordance with planning permission PT06/2521/F dated 6th October 2006.

- 3.4 PT06/2521/F Approve with conditions 06/10/2006  
Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop.
- 3.5 PT05/2349/F Refusal 27/10/2005  
Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop (Resubmission of planning application PT04/3582/F).
- 3.6 PT04/3582/F Refusal 17/12/2004  
Partial demolition of existing dwelling to facilitate two storey and single storey extension to form kitchen, breakfast room, living room and conservatory with 2 no. bedrooms, 3 no. bathrooms and balcony over. Complete demolition of outbuildings to facilitate erection of detached garage with workshop.

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

- 4.1 Statutory declaration from Mr Terry Whittingham of Homeland Cottage, 111 Marsh Common Road, Pilning. The declaration states the following points:
- Mr Whittingham has owned and lived at the property since 2006.
  - At the time of purchase, the area was used as a domestic garden within the curtilage of Homeland Cottage, including use for the housing of pet ponies
  - The area in question has never been used for agriculture or non-domestic purposes
  - Since 2006, the following activities have taken place; mowing the grass, planting trees, pruning ornamental trees where required, re-turfing the whole site in 2007, additional garden maintenance
  - The site plan for PT04/3582/F shows the area labelled as 'grassed area'
  - Aerial photographs of the site from 1999, 2005, 2006 and 2008, which Mr Whittingham states shows consistency in appearance with other areas of established garden to the front of the property
- 4.2 A covering letter from the agent has also been received which includes a number of aerial photographs from 2005, 2006 and 2007.

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

- 5.1 No contrary evidence has been received from third parties, other than a consultation response from the Parish Council summarised in section 6 of this report.
- 5.2 The Council's own evidence consists of the following:

- Aerial photographs for the following years: 2005, 2006, 2008-2009, 2014-2015

## 6. CONSULTATION RESPONSES

### 6.1 Pilning and Severn Beach Parish Council

Strongly object because the land has not been used for garden for the time period required for the Certificate of Lawfulness. The previous owners kept hens and sold the eggs to passers-by which included parish councillors. The land prior to the current owners owning the land was not used as a garden.

### Other Representations

### 6.2 Local Residents

- None received.

## 7. EVALUATION

7.1 The application is for a certificate of lawfulness for the existing use of the land as residential garden. The application therefore seeks to demonstrate that the land has been in residential use for a continuous period of at least 10 years prior to the date of the submission. It is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether in this case the land has been in a consistent residential use for not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The guidance contained within the National Planning Practice Guidance 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

### 7.3 Assessment of Evidence

The applicant is seeking to prove that the land edged in red has been in residential use for a continuous period of not less than 10 years forming part of the residential curtilage of Homeland Cottage. A statutory declaration including a number of aerial photographs has been submitted by the applicant to support the application, and further photographs are stated within the covering letter from the agent.

7.4 A previous Certificate of Lawfulness for 3 no. proposed outbuildings was refused in January 2017, as the officer did not consider the land to be within the residential curtilage. The officer report stated the following:

*"No planning application to change the area from agricultural to residential curtilage has been received or approved by the Council, and it is unclear what point between 2006 and 2008 the change took place...as it stands the Local*

*Planning Authority cannot be sure that the area on which the proposed outbuildings are to be sited is lawfully residential curtilage.”*

- 7.5 The Statutory Declaration of Mr Whittingham states that, upon purchasing the property in 2006, the land was in use as a domestic garden within the curtilage of Homeland Cottage. He goes on to state that the land has been maintained as such, during which time the whole site re-turfed in 2007, which is indicated in aerial photographs from 2008 onwards. Prior to 2008 photographs submitted by the applicant and held by the Council, the land presented itself as a field that may have had occasional recreational use. A small agricultural building or stable building was sited in the corner until 2006, which may be consistent with the previous use of the site to keep horses by the previous owners. The change of use of the land must be firstly, identifiable and secondly, must have materially changed from its lawful designated use. No residential paraphernalia can be seen in any of aerial photographs until the appearance of the tennis courts in mid-late 2007 (the applicant states the site was turfed in 2007 but it still has the appearance of a paddock in aerial photographs from April 2007).
- 7.6 Since the applicant purchased the property, they have confirmed within the declaration that the following activities have taken place; mowing the grass, planting trees, pruning ornamental trees where required, and additional garden maintenance. It is not disputed that the site is owned and maintained by the applicant, however these activities are not necessarily evidence of use of the site as residential curtilage. The photograph submitted showing the site in April 2007 clearly shows it to be unmaintained, and separated from the dwelling by a boundary treatment. The site does not appear to be mowed, and no residential paraphernalia can be seen. Officers therefore consider that the change to residential curtilage did not take place until the installation of the tennis courts in late 2007, which is less than 10 years before the date this application for a Certificate of Lawfulness was submitted for consideration.
- 7.7 Overall and in conclusion to the above assessment it is considered that on the balance of probability the use of the land as residential has not been proven. This is because the evidence provided does not clearly or unambiguously demonstrate the use of the land as residential for a consistent period of at least ten years. This application for a certificate of lawful development for an existing use is therefore refused on these grounds.

## 8. CONCLUSION

- 8.1 Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land has been in residential use for a consistent period of at least ten years.

## 9. RECOMMENDATION

- 9.1 That the Certificate of Lawfulness is **REFUSED**.

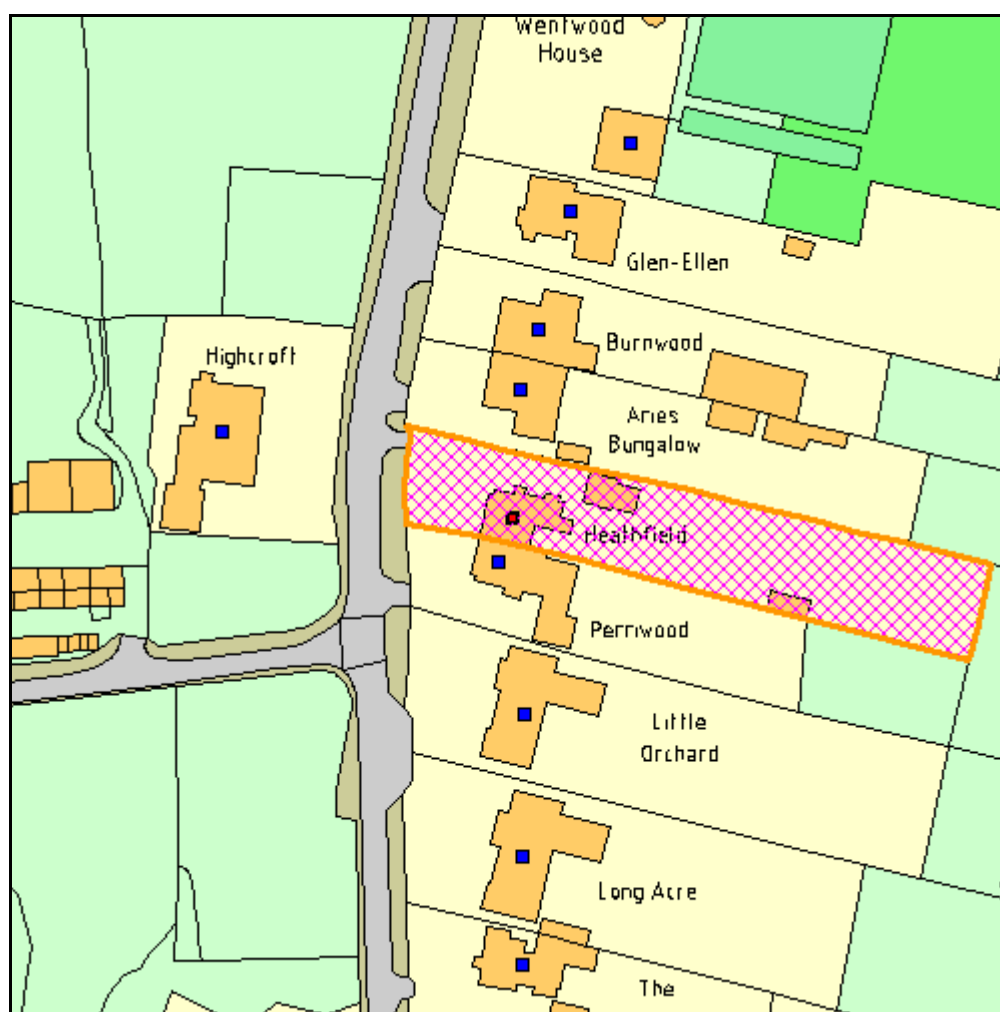
Contact Officer: **Trudy Gallagher**  
Tel. No. **01454 862217**

## **REASONS FOR REFUSAL**

1. Insufficient evidence has been submitted to precisely or unambiguously demonstrate that, on the balance of probability, the land edged in red on the Site Location Plan (001) has been in residential use for a consistent period of at least ten years.

## CIRCULATED SCHEDULE NO. 12/17 – 24 MARCH 2017

<b>App No.:</b>	PT17/0626/F	<b>Applicant:</b>	Mr Tony Jonas
<b>Site:</b>	Heathfield Ram Hill Coalpit Heath Bristol South Gloucestershire BS36 2TZ	<b>Date Reg:</b>	16th February 2017
<b>Proposal:</b>	Erection of single storey side extension and two storey rear extension to provide additional living accommodation. Installation of 1no side dormer window.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367833 179870	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th April 2017



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## 1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey side extension and two storey rear extension to provide additional living accommodation and the installation of 1no side dormer window.
- 1.2 The application site relates to Heathfield, Ram Hill, Coalpit Heath, a single storey semi-detached property situated outside the settlement boundary and within the Bristol/Bath Green Belt.
- 1.3 This application follows pre-application advice which was supportive of the proposal.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990

### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control

### 2.3 Supplementary Planning Guidance

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

## 3. RELEVANT PLANNING HISTORY

- |     |             |                             |
|-----|-------------|-----------------------------|
| 3.1 | PT14/0451/F | Erection of detached garage |
|     | Approved    | 25.3.14                     |

## 4. CONSULTATION RESPONSES

### 4.1 Westerleigh Parish Council

No comment received

### 4.2 Other Consultees

Sustainable Transport



No objection

## **Other Representations**

### 4.3 Local Residents

One letter of objection has been received by a local resident as follows:

- As the owners of the adjoining bungalow we would bring to your attention the inadequate acoustic insulation between the residences. The proposed development will provide accommodation above the existing ceiling height where the dividing wall, between the two properties, is single brick in places. This will exacerbate the situation. Since this application is a major development we would request some form of acoustic insulation is considered in the design

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material considerations. Of particular importance is the location of the site within the Green Belt where development is restricted. National planning policy is supportive of additions to existing buildings providing the result is not disproportionate to the original dwelling and does not impact on the openness of the Green Belt. The overall appearance will be carefully considered so that it does not adversely impact on the character of the house or the area in general. Similarly, the proposal must not have a negative effect on neighbours or on highways.

The proposal is considered to accord with policy and this is discussed in more detail below.

### 5.2 Green Belt

The NPPF (2012) does not specify what would be a disproportionate addition and so the South Gloucestershire SPD: Green Belt (Adopted) 2007 is a good guide. This states that additions of up to a 30% increase in volume are acceptable, those between 30% and 50% need to be assessed carefully and those of over 50% are unacceptable and would be refused. In this instance the main dwelling already benefits from a number of extensions. As part of this application certain elements will be demolished to accommodate the proposal and these can be used to offset the increase.

5.3 The existing property benefits from an existing flat roof single storey extension to the rear, a small pitched roof extension to this structure, labelled greenhouse and a small porch to the side. These three would be demolished to accommodate a side and rear extension to the property.

5.4 The structures to be demolished are of little architectural merit and although no specific details of the volume of the structures to be removed or erected have been provided, Officers have used the respective footprints as a guide. The proposed rear addition would roughly equate to the existing structures to be demolished and in volume terms this is acceptable. Part of the side extension is therefore additional new volume but overall the resulting development would

not appear to be a disproportionate addition to the dwelling and in these terms complies with the guidance within the NPPF.

5.5 When viewed against those elements being removed and against the existing built form the addition would not appear visually out of proportion and can on this basis be supported.

5.6 Design and Visual Amenity

Heathfield is situated along Ram Hill, part of a row of mostly single storey dwellings. The development here is linear and buildings are present on both sides of the road. It is clear that many have benefitted from substantial additions, including the application site. Properties here tend to be stepped back from the main road within good size plots. The proposed alterations would entail the removal of structures currently attached to the side and rear and these would be replaced by the proposed two-storey and single rear and side additions. The single storey element would measure about 2.4 metres in width and extend along the full length of the property. It would have eaves and a ridge height to match the existing dwelling. The proposed rear addition would be about 7.8 metres in length and 4.2 metres deep. This would create a gable feature to the rear of the property which could accommodate a first floor and a dormer would be introduced to the side elevation to also serve this new room. Openings would be to the three sides with a first floor Juliet balcony to the rear for the new bedroom. Full height doors would serve the ground floor dining area and a side window would serve the kitchen. The dormer would also be in this first floor side elevation as would additional roof lights to the proposed stairs and bedroom area.

5.7 The proposals would facilitate a large bedroom and en-suite on the first floor, an open plan dining/kitchen area on the ground floor and allow a general reconfiguration of the internal living arrangements. Good quality materials to match the existing property would be used and in terms of its overall design, scale and massing the proposal is considered appropriate to the host property and the area in general.

5.8 Residential Amenity

Heathfield benefits from having a substantial rear garden which backs onto open fields. Properties either side are extended single storey dwellings and in particular the impact on the attached dwelling Perriwood must be assessed. The rear addition would extend out from the eastern elevation stretching across for about 7.8 metres, leaving a gap of about 2.2 metres between the application site and its attached neighbour. Concern has been expressed by a local resident with regards to the necessity for acoustic insulation. This is not a planning matter to be assessed under the remit of this report but is something that would be dealt with under Building Regulations. No openings would be in the opposing elevation closest to Perriwood. With regards to the proposed side extension this would be closest to neighbours to the north at Aries Bungalow and a dormer window is also proposed in this side elevation. The neighbouring property is set forward of the application site, is separated by the applicant's driveway and the neighbour's garage. Aries has no openings in this side elevation. It is considered there would be no adverse impact on neighbours

from inter-visibility or overlooking. Sufficient garden space would remain and given the above the residential amenity assessment is acceptable.

#### 5.9 Sustainable Transport

The site benefits from a large driveway and triple bay garage to the rear. The proposed development would not increase the number of bedrooms and it is furthermore noted that the driveway can accommodate up to 4no. vehicles. On this basis the on-site parking provision accords with the adopted parking standards and there are no objections to the scheme.

### 6. CONCLUSION

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

6.2 The recommendation to **grant** 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).