



**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. 30/17

Date to Members: 28/07/2017

Member's Deadline: 03/08/2017 (5.00pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

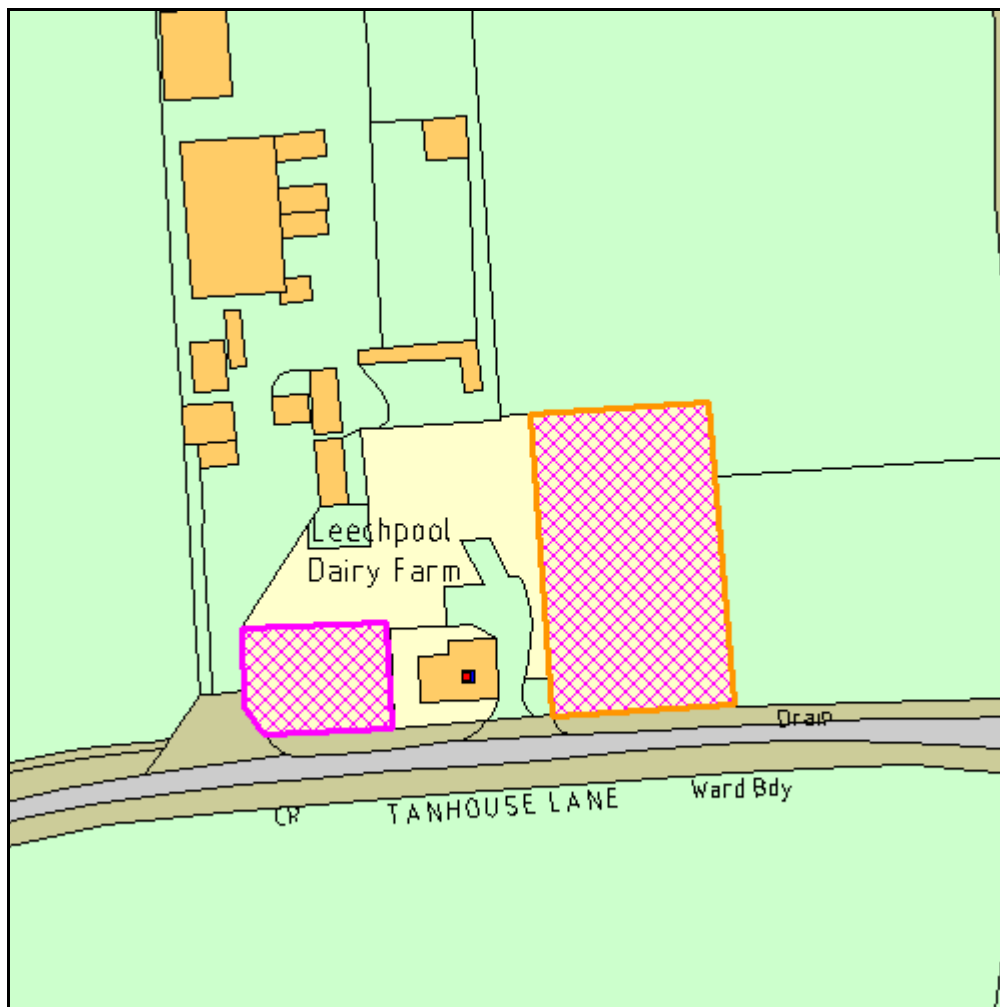
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 28 July 2017

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK17/1173/O	Approve with Conditions	Willow House Tanhouse Lane Yate South Gloucestershire BS37 7QA	Ladden Brook	Rangeworthy Parish Council
2	PK17/2147/F	Approve with Conditions	Ashlea Farm Mapleridge Lane Yate South Gloucestershire BS37 6PW	Cotswold Edge	Horton Parish Council
3	PT16/5369/F	Approve with Conditions	Home Farm Village Road Littleton Upon Severn South Gloucestershire BS35 1NS	Severn	Aust Parish Council
4	PT17/0217/O	Approve with Conditions	Trees R US Filton Road Winterbourne South Gloucestershire BS16 1EJ	Winterbourne	Winterbourne Parish Council
5	PT17/0980/F	Approve with Conditions	Barmers Land Farm Woodlands Road Tytherington South Gloucestershire GL12 8UL	Ladden Brook	Tytherington Parish Council
6	PT17/1351/F	Approve with Conditions	Crantock Filton Lane Stoke Gifford South Gloucestershire BS34 8QN	Frenchay And Stoke Park	Stoke Gifford Parish Council
7	PT17/2101/CLP	Approve with Conditions	Charfield Cp School Wotton Road Charfield Wotton Under Edge South Gloucestershire	Charfield	Charfield Parish Council
8	PT17/2123/F	Approve with Conditions	2 Hazel Gardens Alveston South Gloucestershire BS35 3RD	Thornbury South And	Alveston Parish Council
9	PT17/2375/CLP	Approve with Conditions	Cloud Nine Church Road Severn Beach South Gloucestershire BS35 4NL	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
10	PT17/2456/CLP	Approve with Conditions	8 Redwick Road Pilning South Gloucestershire BS35 4LQ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
11	PT17/2552/F	Approve with Conditions	Quince Corner The Drive Charfield South Gloucestershire	Charfield	Charfield Parish Council
12	PT17/2654/F	Approve with Conditions	Thornbury Castle Castle Street Thornbury South Gloucestershire BS35 1HH	Thornbury North	Thornbury Town Council
13	PT17/2655/LB	Approve with Conditions	Thornbury Castle Castle Street Thornbury South Gloucestershire BS35 1HH	Thornbury North	Thornbury Town Council
14	PT17/2659/CLP	Refusal	34 Penn Drive Frenchay South Gloucestershire BS16 1NN	Frenchay And Stoke Park	Winterbourne Parish Council
15	PT17/2680/F	Approve with Conditions	73 Paddock Close Bradley Stoke South Gloucestershire BS32 0EX	Bradley Stoke North	Bradley Stoke Town Council
16	PT17/2789/CLP	Approve with Conditions	59 Hawkins Crescent Bradley Stoke South Gloucestershire BS32 8EL	Bradley Stoke South	Bradley Stoke Town Council

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PK17/1173/O	Applicant:	Ms Karen Powell
Site:	Willow House Tanhouse Lane Yate Bristol South Gloucestershire BS37 7QA	Date Reg:	17th March 2017
Proposal:	Erection of 3no. dwellings (Outline) with access to be determined. All other matters reserved.	Parish:	Rangeworthy Parish Council
Map Ref:	370567 185195	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	9th May 2017



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 100023410, 2008. **N.T.S.** **PK17/1173/O**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as comments have been received which are contrary to the officer recommendation

1. THE PROPOSAL

- 1.1 The site is located immediately to the North of Tanhouse Lane and immediately to the South of Leechpool Dairy Farm and is made up of existing residential curtilage of Willow House. The site is located in open countryside. The North Yate New Neighbourhood is located to the South of the application site. Tanhouse Lane forms its' Northern Boundary and this is within 100 metres of the application site.
- 1.2 The application is submitted in outline with access to be determined at the outline stage. The development site (enclosed in the red line) is split into two areas either side of the existing dwelling (Willow House) and area of curtilage to remain after development (enclosed in the blue line). The proposed development would utilise approximately 0.16 hectares (the site area).
- 1.3 Access to the site is arranged with a access to a single dwelling positioned to the West of Willow House and access to two proposed dwellings to the East of Willow House. The second access would also provide access to Willow House (the existing access would be removed).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS4a	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS34	Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1	Landscape
L9	Species Protection
L11	Archaeology
L16	Protecting the Best Agricultural Land
T12	Transportation

H3 Residential Development in the Countryside

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

PSP11	Transport Impact Management
PSP16	Parking Standards
PSP40	Residential Development in the Countryside

- 2.3 Supplementary Planning Guidance
Design Checklist SPD (Adopted) August 2007
Residential Parking Standard SPD (Adopted) December 2013
Affordable Housing and Extracare SPD (Adopted) May 2014
Waste Collection SPD (Adopted) January 2015

3. RELEVANT PLANNING HISTORY

Application Site

- 3.1 PT07/2064/F Erection of a two storey side and rear extension to form additional living accommodation.

Approved 14th August 2007

Adjacent Site – the adjacent site is not associated with or in the same ownership as the application site

- 3.2 PT08/0417/F Change of use of vacant agricultural building to form storage (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Refused 14th March 2008

- 3.3 PT11/2001/F Change of use from dairy farm to the use of land for the siting of 12no. residential gypsy caravan pitches, with associated hardstandings, landscaping, access and works. Erection of 12no. associated utility/day rooms. Provision of 2no. transit pitches and erection of 2no. transit shower rooms. Erection of site managers office. Retention of buildings for Agricultural Use (Sui Generis).

Refused 6th January 2012

Allowed at appeal (appeal reference APP/P0119/A/12/2178258) 1st March 2013

The following planning permission relates to the North Yate New Neighbourhood as referred to in this report.

- 3.4 PK12/1913/O - Mixed use development across 100.76 hectares of land comprising up to 2,450 new dwellings (Use Class C3), extra care housing (Use Class C2), 4.63 hectares of employment land (Use Class B1,B2) provision of a local centre, two primary schools, together with the supporting infrastructure and facilities including new vehicular and pedestrian accesses, public open

space and landscaping and proposal to underground the electricity powerlines. Outline application including access with all other matters reserved.

Approved 17th July 2015.

4. **CONSULTATION RESPONSES**

4.1 Rangeworthy Parish Council

Supports the application on the following grounds;

This site is outside of the village settlement boundary, and the proposed buildings could also be assessed as over-development of the site. However, this application could be considered for approval in mitigation for the detrimental effect the proximity of the traveller site has had on the value of Leechpool Dairy Farm, and as such has become virtually unsellable. The design and access statement gives many valid reason for allowing it; not least the SGC transport office had no problems with the additional vehicle movements that traveller site would generate, so presumably the same criteria would apply to this application. Also, inspite of the high water table in this area, no sewerage problems were perceived for the traveller site and the need for a private drainage system. The traveller site was granted on Appeal and although mitigating circumstances regarding the value of a neighbouring property is not a valid planning reason, morally at least, it should be taken into account

4.2 Wickwar Parish Council

No objection.

4.3 Yate Town Council

Objection. The site is located on a quiet country lane which is inappropriate for more development. The application is contrary to policy as this lane is on the edge of the urban development and any further development on the other side of the lane would set a precedent.

4.4 Highway Authority

No Objection. The submitted information demonstrates the access to the site is acceptable. Conditions requiring further detail relating to the surfacing of the access and construction of the culverts.

4.5 Ecology Officer

Initial comment requested that a bat survey be submitted for review prior to the determination of the application. This is noted in reflection of the potential for the site and surrounding locality to contain bats which are European Protected Species.

The applicant has submitted an appropriate bat survey. The ecology officer has confirmed that this is acceptable and raises no objection in ecological terms. This is subject to suggested conditions relating to the provision of bat boxes on the site; and in relation to works to existing hedges.

4.6 Lead Local Flood Authority

No objection in principle. The method of foul and surface water drainage is queried.

4.7 Housing Enabling Team

No Objection. The revised site plan is noted and it is confirmed that the proposed development does not trigger affordable housing. However, the Housing Enabling Officer has set out that in the event that any further housing comes forward on the area of land now enclosed in the blue line (in the ownership of the applicant) then this will be considered for provision of affordable housing in line with CS18 of the South Gloucestershire Core Strategy. An informative is suggested in the event that the application is approved.

Other Representations

4.8 Local Residents

7 sets of comments have been received. 1 comment is made in objection to the application, whilst the remainder are made in support of the application. These are summarised as follows;

Objection

Concern about the impact on the visibility splay, access and egress onto the adjacent land.

Concern is raised about effluent discharge from the existing house onto third party land and the method of addressing this as part of the development (including the existing house).

Existing disused foul drainage running from the site onto third party land should be isolated.

The existing perimeter fence should be maintained and repaired. This is not currently undertaken by the owner of the site.

Additional screening between the development site and the adjacent site should be provided.

Support

There is demand for housing in the locality.

There is significant demand for self-build plots

The development would help local young people to stay in the area

The proposed development would not affect privacy

There is potential for the development to be of a high standard of design

The area surrounding the site is being developed.

The site is in a sustainable location

The proposed development would not add significantly to traffic in the area

The development would enhance the viability of local schools

A precedent has been set for development outside settlement boundaries including within the Green Belt.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks outline planning permission for the erection of 3 dwellings on land off Tanhouse Lane. The site is not within a settlement boundary.
- 5.2 Principle of Development
Policy CS5 of the South Gloucestershire Core Strategy directs development to the existing urban area and the defined settlements. The development of this site would not accord with the locational strategy and therefore would not normally be considered acceptable. However, at present the authority cannot demonstrate a 5 year supply of deliverable housing sites. Paragraph 49 of the National Planning Policy Framework (NPPF) states that in such circumstances policies in the development plan which act to restrict the supply of housing should be considered out of date and applications for residential development should be assessed against the presumption in favour of sustainable development.
- 5.3 Paragraph 14 of the NPPF makes a presumption in favour of sustainable development and sets out that development should be approved unless doing so would conflict with other policies and guidance which would seek to resist the development or the impacts of permitting the proposal would significantly and demonstrably outweigh the benefits of the proposal.
- 5.4 The proposed development is considered in that context as set out below.
- 5.5 Sustainability and Location Considerations
Although it is currently out of date, the scope of policy CS5 of the South Gloucestershire Local Plan is to ensure that new residential development is dispersed in a sustainable way throughout South Gloucestershire and to locations where there is access to services to meet the needs of the occupants of the proposed development in a sustainable way. Similarly, Paragraph 55 of the National Planning Policy Framework seeks to avoid the development of isolated new homes in the countryside as this would not represent sustainable development.
- 5.6 The application site is located on Tanhouse Lane in a position relatively close to other residential development on Tanhouse Lane and this includes the host dwelling (Willow House) and a Gypsy and Traveller site immediately adjacent to the site. Access to a bus service (associated with North Road) is available approximately 800 metres to the West of the site. Engine common has limited services, but this includes pubs, post office and a primary school.
- 5.7 The site is approximately 100 metres from the North Yate New Neighbourhood. This is situated immediately to the South of Tanhouse Lane almost opposite the application site. The North Yate New Neighbourhood is substantial new

- mixed use development that includes residential development, areas for employment, a local centre and school and other services; as well as accessible links to cycle and public transport networks giving access to Yate Town Centre and Train Station.
- 5.8 Whilst officers note that the North Yate New Neighbourhood is a recent planning permission and development has not yet commenced, it is anticipated that the new neighbourhood will be implemented in the short term. This factor is given significant weight in respect of the determination of this planning application.
- 5.9 On this basis, it is considered that the development of the application site would not result in the provision of isolated dwellings and as such does not conflict with the scope of paragraph 55 of the National Planning Policy Framework.
- 5.10 Self-Build (Custom Build) Dwellings
The planning application (Community Infrastructure Levy (CIL)) form shows that the proposed development would be made up of 3 self-build dwellings.
- 5.11 The Self-build and Custom Housebuilding Act 2015 requires local authorities from the 1st April 2016 to keep a 'self-build register' and to have due regard to the register when undertaking planning functions, which includes decision-taking. South Gloucestershire Council has now opened a self and custom build register.
- 5.12 The self-build register for South Gloucestershire is now open and has been marketed on social media. As of the end of April 2017, there are 546 individuals on the register. Officers acknowledge that the proposed development would provide a limited number of dwellings towards the potential need identified in the current register.
- 5.13 Policy PSP42 of the June submission draft of the Policies Sites and Places document is supportive self-build dwellings, however, following the PSP Plan Examination in Public (EIP) (March 2017) the Planning Inspector has indicated that the policy should be subject to amendments. Therefore at this time the policy carries limited weight in planning decisions. Accordingly, this factor is given limited weight in the determination of this planning application.
- 5.14 Affordable Housing
In this instance, the applicant has clarified the development site providing a revised site location plan. This shows the development site (the red line) arranged in two parts with the remainder of the site being retained in the ownership of the applicant (the blue line). For the avoidance of doubt, officers are satisfied that the site area is 0.16 hectares. This is below the site area threshold (as set out in Policy CS18 of the South Gloucestershire Local Plan, Core Strategy (adopted) November 2013) to trigger a requirement for affordable units on the site. Similarly, the number of dwellings is below the number threshold (five dwellings) to trigger a requirement for affordable units on the site. On this basis, the proposed development does not trigger a requirement to provide affordable housing.

- 5.15 Notwithstanding the above, officers note that the combined area of the application site and the remaining area in the ownership of the applicant is 0.36 hectares. In the event that any part of the adjoining land contained within the blue line comes forward for further residential development this will be considered in the context of the whole site area and may trigger the requirement for affordable housing at that time. An informative can be added to the decision notice in the event that this application is approved.
- 5.16 Design and Layout
The design and layout of the proposed development are matters reserved for consideration at a later stage. However an indicative layout has been provided by the applicant which shows two dwellings positioned to the East of Willow House and a single dwelling to the West. Officers are satisfied that this demonstrates that three dwellings would be achievable with a good prospect of being well design and laid out through further consideration with the submission of reserved matters.
- 5.17 Residential Amenity
Again, the design and layout of the proposed development will be considered at a later stage and this would inform the position and aspect of the buildings as well as the position of windows in relation to surrounding residential development (including the adjacent Gypsy and Traveller site). At this stage officers are satisfied that the design and layout of individual dwellings can adequately address potential overlooking and general amenity of the future and existing occupants.
- 5.18 Drainage Considerations
Officers acknowledge the concerns raised by the neighbour in respect of existing historic drainage systems currently present in the ground across the subject site and the adjacent land. This matters are civil matters and cannot be considered as part of this planning application.
- 5.19 Nonetheless, the future drainage of the development is a material planning consideration. It is noted that the Lead Local Flood Authority consider that the development is acceptable in principle in respect of drainage. On this basis, officers are satisfied that an acceptable sustainable drainage measures can be provided as part of the development. Further information would be required in respect of the detailed design of the drainage scheme at the point that the proposed dwellings are constructed. However, this would not be known until the layout of the development is finalised at the reserved matters stage. Given the scale of the development, specific drainage matters would be controlled by Building Control Legislation and as such it is not necessary to agree the methods for the drainage of the site at this stage.
- 5.20 Ecological Issues
Ecological surveys of the site have revealed that there is limited ecological value and that there are no ecological constraints that would otherwise restrict the proposed development. However, in order to improve the ecological value of the site, conditions are suggested in the event that the application is approved that will secure the provision of Bat Boxes as part of the proposed development. It is noted that the Ecology Officer has suggested that a condition

is imposed to prevent hedgerow removal during the bird nesting season. However, officers considered that an informative that highlights the requirements of specific wildlife and habitat regulations in relation to nesting birds is appropriate in this instance.

5.21 Transportation and Highway Safety

The principle of the development of this site has been considered above and officers have concluded that the development would not lead to the provision of isolated homes. In transportation terms it is acknowledged that there is limited public transport options associated with Tanhouse Lane at this time; and that the only means of accessing the site in respect of the wider locality is generally by private car. However, the site is located off a recognised cycle/recreational route (Avon Cycle Way) and as such there is good access to the wider cycle network. This factor does bring about some mitigation in sustainable transport terms.

5.22 As set out above, the North Yate New Neighbourhood now has the benefit of outline planning permission. This is situated due South of the application site and is in close proximity. The New Neighbourhood would facilitate good quality walking and cycling routes from Tanhouse Lane into the New Neighbourhood(including accessible connection to the Avon Cycle Way) and to Yate. Furthermore, the application site would be in relative close proximity (and easy walking distance) to new bus routes and services associated with the New Neighbourhood. These services will provide wider access to Yate and the wider area.

5.23 Accordingly, whilst officers acknowledge that there is limited access opportunities at this time, the North Yate New Neighbourhood will provide good sustainable links to and from the application site in due course and as such it is considered that the proposed development is acceptable in transportation terms.

5.24 This outline application was initially submitted with all matters reserved. However, officers consider that it is necessary to consider 'access' in order that the impact of the development in highway safety and amenity terms can be adequately considered. Accordingly, the Local Planning Authority have served an 'Article 5 Notice' requiring that access is considered at the outline stage. The applicant has agreed and has provided relevant information to allow this issue to be considered.

5.25 Currently, the site is access from a single point of access on to Tanhouse Lane and this is positioned centrally in the frontage of the site. Access to the Gypsy and Traveller site (location to the North of the application site) is positioned approximately 50 metres to the West, onto Tanhouse Lane. The proposed development would close the existing access to the site and introduce a new shared access for Willow House and two dwelling plots position in the Eastern part of the site. A further point of access would be provided for a single dwelling plot on the Western Part of the site.

5.26 Officers acknowledge the concern raised in respect of the relationship of the proposed access with the access associated with the adjacent Gypsy and

Traveller site. Specific detail has been submitted to the Local Planning Authority by the applicant that demonstrates that adequate visibility is available from the proposed development and the adjacent site to allow the safe interaction and movement of vehicles to and from the application site and the adjacent site. Traffic generation from the proposed development would be relatively low given the amount of dwellings proposed. Whilst officers acknowledge that there would be an overall increase in vehicular movements compared to the existing situation, this would be limited. Although Tanhouse Lane relatively narrow and includes a narrow bridge, the general character of the lane is such that two vehicles can pass along the majority of its length. The level of movements resulting from this proposal is not considered to result in a significant impact in highway safety and amenity terms.

5.27 Notwithstanding the above, further specific details are required in respect of the nature and structure of the culvert that is required for the proposed new access to the development, together with details of the surfacing where the access crosses the highway verge. These issue are adequately addressed by way of appropriately worded planning conditions.

5.28 Other Matters

The comments made by Rangeworthy Parish Council are noted and in particular officers note that the Parish Council support the development as a means to mitigate the loss of property value resulting from development in close proximity to the existing residential property associated with the application site. Property values are not a material planning consideration and as such no weight is given to this factor as part of the assessment of this planning application. Similarly, it is not appropriate to consider the potential mitigation against any loss of property value that this development may bring. Again this factor is given no weight in the consideration of this planning 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 Outline Planning Permission is granted subject to the following conditions;

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. Reserved Matters

Approval of the details of the layout, scale and appearance of the buildings, 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. Reserved Matters

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. Submit Reserved Matters

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

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

4. Overall Time Limit for Outline

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. Provide Visibility Splays

The visibility splays as shown upon drawing numbered X/KPLeechpool.1/01 (as received by the Local Planning Authority on 28th March 2017) shall be provided prior to the first occupation of the development hereby approved and thereafter retained as such.

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.

6. Surface Treatment to Highway Edge

Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, full details demonstrating the design and method of the first six metres from the back edge of the highway for the new access to the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and retained as such

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.

7. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, full details demonstrating the design and method of providing culverts for the new access to the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details and retained as such.

Reason

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

This information is required prior to the commencement of the development as the culverts and access points are required in order to provide the bridging of the existing highway ditch and to facilitate the construction of the development.

8. Provide Bat Boxes

Prior to the first occupation of the development hereby approved, the location and type of three bat boxes shall be submitted to and agreed in writing by the Local Planning Authority and installed as agreed. Thereafter the bat boxes shall be retained as such.

Reason;

In order to improve the biodiversity of the site in the interest of ecological value and to accord with saved policy L9 of the South Gloucestershire Local Plan (adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013.

9. Construction Working Hours

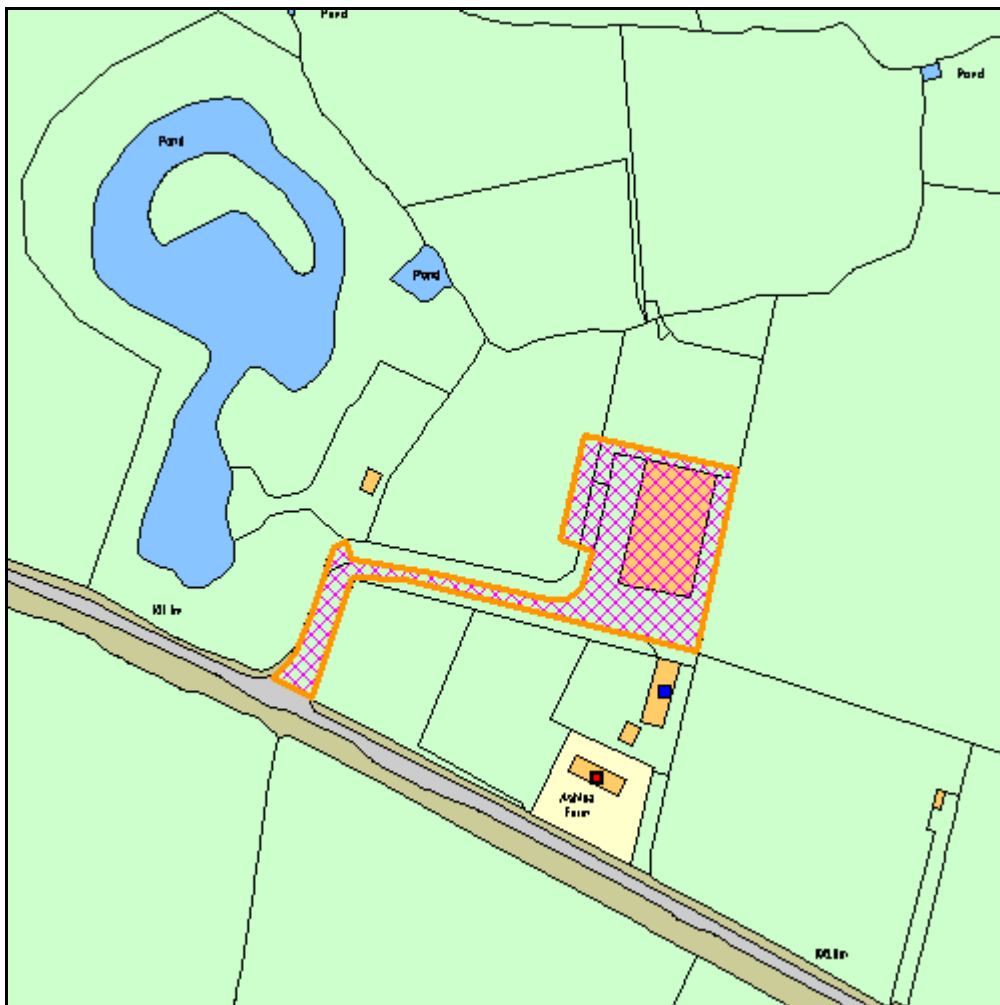
The hours of working on site during the period of construction shall be restricted to 07.30 and 18.00 on Monday to Friday and 08.00 to 13.00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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

To minimise disturbance to occupiers of nearby dwellings and to accord with saved Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan, Core Strategy (adopted) December 2013 and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PK17/2147/F	Applicant:	Mr And Mrs M Robertson
Site:	Ashlea Farm Mapleridge Lane Yate Bristol South Gloucestershire BS37 6PW	Date Reg:	31st May 2017
Proposal:	Change of use of agricultural building to storage (Class B8) with ancillary office space (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and infilling of pit to create a car parking area.	Parish:	Horton Parish Council
Map Ref:	374195 184875	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	7th July 2017



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PK17/2147/F

REASON FOR APPLICATION REPORTING ON CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due comments received from Horton Parish Council which imply they are concerned about the volume of traffic on Mapleridge Lane, given its current state and that they do not want to see any further agricultural buildings on the site.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of agricultural building to storage (Class B8) with ancillary office space (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended) and infilling of pit to create a car parking area.
- 1.2 The application site relates to an existing agricultural unit situated within the open countryside. To the south is the main farmhouse. There is an existing silo pit to the immediate west, which will be partially-infilled to create a parking area next to the building. The pit is no longer required for agricultural purposes.

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
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

E6 Employment Development in the Countryside
E7 Conversion and Re-use of Rural Buildings
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy

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

PSP1 Local Distinctiveness
PSP8 Residential Amenity
PSP11 Transport
PSP16 Parking Standards
PSP21 Environmental Pollution and Impacts
PSP27 B8 Storage and Distribution Uses
PSP28 Rural Economy

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1306/F Erection of extension to existing agricultural Building
Approved 30.05.14
- 3.2 PK02/3711/PNA Prior Notification of erection of agricultural Building
No objection 10.01.03

4. CONSULTATION RESPONSES

- 4.1 Horton Parish Council
The Parish Council note that they have some concerns over the volume of traffic given the current state of the road (Mapleridge Lane) and also that they would not like to see any further agricultural buildings added to this site.
- 4.2 Community Enterprise
No comments received.
- 4.3 Landscape
Given that the converted building is largely remaining the same there is no objection in terms of the visual landscape. It is suggested that a tree planting scheme be submitted in line with policy CS1.
- 4.4 Sustainable Transport
No objection.

Other Representations

- 4.5 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy E6 of the adopted Local Plan (2006) states that proposals for new employment (B1, B2 and B8 uses) outside the existing urban areas and boundaries of settlements will not be permitted, with some exceptions, including conversion and – re-use of existing rural buildings. In addition, development must not have an unacceptable impact on the environment, on residential amenity or traffic generation. Policy E7 follows on, advising that buildings should be of permanent construction and structurally sound and capable of conversion, in keeping with their surroundings, and any alterations, intensification or extensions would not have a harmful effect on the character of the countryside or the amenities of the surrounding area. Full weight is given to both policies.
- 5.2 Emerging policy PSP28 states that sustainable new development which promotes a strong rural economy will be acceptable in rural areas. Proposals for business development outside the defined urban areas and settlement

boundaries will be acceptable in the case of new buildings or uses, given the proposal complies with a number of criteria set out. Of particular relevance is that the development relates well to settlements or existing groups of buildings, and the development makes efficient use of the land in relation to its location, layout, accessibility and surroundings. Accordingly the proposal accords with the rural economic policy and emerging policy; and this attracts weight in its favour.

5.3 Design considerations are made against policy CS1 which requires 'the highest possible standards of site planning and design'.

5.4 Design/Visual Amenity

Matters such as the size of the planning unit, proposed design/materials used in the conversion of the building, landscaping, and boundary treatments need to be considered. These should remain in keeping with the rural character of the area. Layout is an important factor in achieving a high quality environment.

5.5 The application site involves the largest agricultural building on Ashlea Farm. The building is located to the rear of the farmhouse, located on Mapleridge Lane. To the rear of the application site there are two smaller agricultural buildings and a yard area, these will remain in agricultural use. The proposal seeks to convert the building into four units for B8 Storage with ancillary B1 Offices. The units range from 274 sqm up to 407 sqm. The proposal will provide diversification of the farm enterprise through rental income.

5.6 The east and west have concrete panels on the lower half, which will be replaced with profiled cladding to match the rest of the building. Door and window openings will be contained in the east, south and west elevations. Parking will be located to the west. The proposed conversion of the building would retain its simple, agricultural design and would remain suitably in-keeping with the rural setting and farmstead.

5.7 Landscape

The application site is located in the open countryside. The application site is currently used for agricultural purposes and is located in a rural setting, with an established hedgerow on the eastern boundary separating the site from open fields. The proposed plans do not include any landscaping as such, although the agent has advised that they would be accepting of any proposed landscaping. The Landscape Officer has advised that in accordance with policy CS1 clause 6 requires some soft landscaping to form an integral part of the design for the site and to seek a net contribution to tree cover in the locality. Therefore, it is suggested that a tree planting scheme be conditioned.

5.8 Residential Amenity

Another consideration is the impact of the proposed development on the residential amenity of neighbouring occupiers. All new development is expected to protect residential amenity, of the neighbouring occupiers. Development should not result in any overbearing impact, overshadowing, or loss of privacy.

5.9 The existing building is located on a large parcel of agricultural land. The nearest dwelling is the main farmhouse located to the south over 50 metres away. The proposed use is B8 Storage with ancillary offices; a condition will be

attached restricting the use of the units for these purposes. Given the proposed level of works and the distances of neighbouring properties, it is unlikely the proposal would negatively impact on the existing levels of residential amenity.

5.10 Transportation and Parking

The layout of the site would also have to provide adequate parking to meet the needs arising from the proposal. The proposal includes ample parking with 13no. spaces adjacent to the building on part of the existing silo pit which will be infilled as it will no longer be required. Additionally, Officers are satisfied that there is sufficient off street parking and manoeuvring area on site to accommodate the parking need for the proposed use.

5.11 The proposal will use the existing agricultural access directly off Mapleridge Lane, the highway connecting the main Sodbury Road to the village of Horton and accommodating existing commercial traffic to the farm. The removal of dairy farming from the holding will likely reduce daily vehicle movements. The applicant also confirms that the 2 remaining agricultural buildings to the rear of the site will be adequate to service the ongoing farm business. The Transportation DC Officer has advised that the proposed change of use has potential to increase traffic movement including HGVs to and from this site. However, it is considered that any additional traffic from this, above and beyond the existing level by the agricultural use, would be small and would not result in a negative impact on the existing highway safety. The existing access is considered acceptable and there is adequate visibility splays on to the public highway.

5.12 In light of the above mentioned, it is considered that conditions relating to the provision of off-street parking and turning area prior to the occupation of the building and no outside storage are required. Overall, the proposal is considered to have adequate access, parking and turning area to serve the proposed change of use.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Katie Warrington
Tel. No. 01454 864712

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the units, the off-street parking spaces and turning area shown on the approved plan (50254/14/101, received by the Council on 5th May) shall be provided and permanently retained thereafter.

Reason

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

3. No outside storage of materials/goods/waste or plant shall take place at the premises.

Reason

In the interests of visual amenity and to accord with Policies E6 and E7 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

4. Prior to the commencement of development a tree planting scheme, which shall include details of all existing trees and hedgerows on the land and details of any to be retained; and proposed planting (and times of planting); shall be submitted to the Local Planning Authority for approval. Development shall be carried out strictly in accordance with the agreed details.

Reason

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

5. The development shall be implemented strictly in accordance with the following plans: Site Location & Existing Plans (502/14/001); and Proposed Plans, Elevations & Block Plan (50254/14/101); received by the Council on 5th May 2017.

Reason

For the avoidance of doubt.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT16/5369/F	Applicant:	Mr & Mrs R Taylor
Site:	Home Farm Village Road Littleton Upon Severn Bristol South Gloucestershire BS35 1NS	Date Reg:	12th October 2016
Proposal:	Stationing of a mobile home for a temporary period of three years. Renewal of lapsed consent (PT11/1597/F) to facilitate ongoing barn conversion works (retrospective).	Parish:	Aust Parish Council
Map Ref:	359628 189804	Ward:	Severn
Application Category:	Minor	Target Date:	2nd December 2016



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PT16/5369/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule as the recommendation to grant permission constitutes a departure from the policy of the Development Plan on Green Belt.

1. THE PROPOSAL

- 1.1 This application seeks temporary planning permission for a period of three years for the retention of a mobile home used as an agricultural worker's dwelling, which was originally granted a three year permission in 2012. The applicant has an extant permission for the conversion of a barn on the farm to form a permanent dwelling, which has been commenced and is in the process of conversion, but it is anticipated that the conversion will take quite some time to be completed. The permission is sought for a further temporary period on the basis of the continuing functional need for a dwelling on the site, and to allow for the conversion works to be completed.
- 1.2 Home Farm is a 200 acre farm in Littleton Upon Severn. The mobile home is located to the rear of an existing complex of farm buildings, on a pre-existing area of hardstanding. The mobile home is approximately 12m x 6m. The mobile home is to accommodate the applicants, who are employed full time on the land.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H8 Agricultural Workers Dwellings
L1 Landscape protection
T12 Transportation Development Control

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

PSP41 Rural Worker Dwellings
PSP1 Local Distinctiveness
PSP2 Landscape
PSP7 Development in the Green Belt

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/1597/F – Stationing of a mobile home for the exclusive use of an agricultural worker with access and associated works for a temporary period of three years (retrospective) APPROVED 13th January 2012
- 3.2 PT15/3978/PNGR – Prior notification of a change of use from Agricultural Building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). APPROVED 29th October 2015

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
The Council supports the application on the basis that it is temporary while the conversion at the barn is carried out.
- 4.2 Other Consultees
Highway Structures – no comment
Lead Local Flood Authority – no objection
Transportation DC – no comment
Public Rights of Way – no objection
Agricultural Consultant – detailed appraisal attached to the planning file but no objection.

Other Representations

- 4.3 Local Residents
1 local resident – no objection provided the mobile home is removed when the applicants move into the barn conversion.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved Local Plan policy H8 and emerging Policies Sites and Places DPD policy PSP41 establish that agricultural workers dwellings are acceptable in principle provided that certain criteria are met (these are assessed in the following sub-sections of this report). The site is located within the Bristol and Bath Green Belt. Core Strategy policy CS5 states that development in the Green Belt will need to comply with the provisions of the NPPF in that regard. The development does not fall within any of the limited categories of appropriate development within the Green Belt. As such it has to be considered to be inappropriate development, and should not be approved unless very special circumstances exist to outweigh the harm to the Green Belt, and any other harm.
- 5.2 Green Belt and openness
The mobile home is located on an existing concrete base located at the rear of the complex of buildings. The introduction of the mobile home inevitably diminishes openness to some extent, but its location is closely related to those existing buildings, and as it is stationed within a large existing area of

hardstanding its impact on openness is lessened. As such the harm to openness is considered to be relatively limited.

5.3 Established Functional need?

The Council's agricultural consultant carried out an appraisal of the farm enterprise and concluded that there is a functional need on the grounds of animal welfare. Additionally he concluded that there is a clearly identified requirement for more than one full time equivalent labour unit, and therefore the business is of sufficient scale to justify a dwelling on site.

5.4 Financially sound?

Both saved Local Plan policy H8 and emerging policy PSP41 ordinarily require the rural business to have been established for at least three years, have been profitable for at least one, and be financially sound. However they make allowance for temporary accommodation while businesses are still being established. While the farming business has been established for some time, the agricultural consultant notes that there was a significant change in enterprise in 2013 from dairy to suckler herd, and therefore this effectively represents a new and establishing business. The consultant found that although a bona fide business does exist, a profit has not been adequately demonstrated, and so viability has not been fully demonstrated. While a permanent permission might be refused on that basis, as the application is for a further temporary permission this is considered to be acceptable.

5.5 Can the need be met by another existing dwelling or building capable of conversion?

The agricultural consultant carried out a search and found that there were no properties available for rent within a half mile of the postcode. The applicants have permission under Schedule 2, Part 3, Class Q of the permitted development order for the conversion of a barn on the site to form a permanent dwelling. As only temporary permission is sought while that conversion is carried out to meet their long term needs, there is no conflict with this criteria.

5.6 Suitably sited?

The temporary dwelling is located within the farm and therefore it is considered to be appropriately sited in relation to the farming enterprise for which it is required. It is sited within the existing complex of farm buildings, and is also located within close proximity to the hamlet of Littleton Upon Severn. It is therefore considered to be suitably sited.

5.7 Design

The dwelling is a temporary mobile home and, as such, it is accepted that it will not be practical or reasonable to require it to fit into the character and appearance of the other dwellings or buildings within the area. The mobile home is situated away from other dwellings, and within the complex of utilitarian farm buildings, which form its immediate visual context. As permanent permission is not sought and the mobile home will be required to be removed at the end of the temporary period, there is no objection on design grounds.

5.8 Transportation

There is ample parking on site and no objection has been raised by the Transportation Development Control team. The mobile home has been in-situ for several years and no transportation or highway safety issues have been raised with the Local Planning Authority (LPA).

5.9 Residential Amenity

The mobile home is located away from any other residential properties, and is not considered to have any impacts in that regard. The mobile home has been in-situ for several years and no issues have been raised with the LPA.

5.10 Planning balance

While the development amounts to inappropriate development in the Green Belt, the actual harm in terms of impact upon openness is limited by the location amongst other existing buildings, its stationing on an existing area of hardstanding, and temporary nature of the permission sought. The development has been found to be otherwise acceptable against planning policy and material considerations, and therefore there is no other harm identified. As permission exists for the conversion of a barn on the site, and that conversion has commenced, there is a very real prospect that there will be no further requirement for the temporary dwelling beyond the three year period currently sought. Should these circumstances change, as the permission would be limited to 3 years by condition, a further application would be required to retain it beyond that time, at which point all considerations could be reassessed. Given the short-term nature of the permission sought, and the implications for the establishing rural enterprise should permission be refused, it is considered that the unique set of circumstances in this case do clearly outweigh the harm by reason of inappropriateness, so as to amount to the very special circumstances necessary to justifying approving the 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 subject to there being no further representations in respect of the departure notification, the proposed development is approved subject to the conditions set out in the officer report.

Contact Officer: Neil Howat
Tel. No. 01454 863548

CONDITIONS

1. The mobile home hereby permitted shall be removed and the land restored to its former condition within 3 years of the date of this decision, in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The permission has been granted solely having regard to the special circumstances of the case; any further grant of permission would require the further consideration of the Local Planning Authority in the light of the Development Plan, and any other material considerations.

2. The occupation of the mobile home shall be limited to persons solely or mainly working, or last working, in agriculture, or a spouse, widow or widower of such a person, and to any resident dependants.

Reason

The site located within the Green Belt, and the development has been permitted solely because it is required to accommodate persons working in agriculture, and to accord with the criteria set out in policy H8 of the South Gloucestershire Local Plan 2006 (adopted)(saved policies)

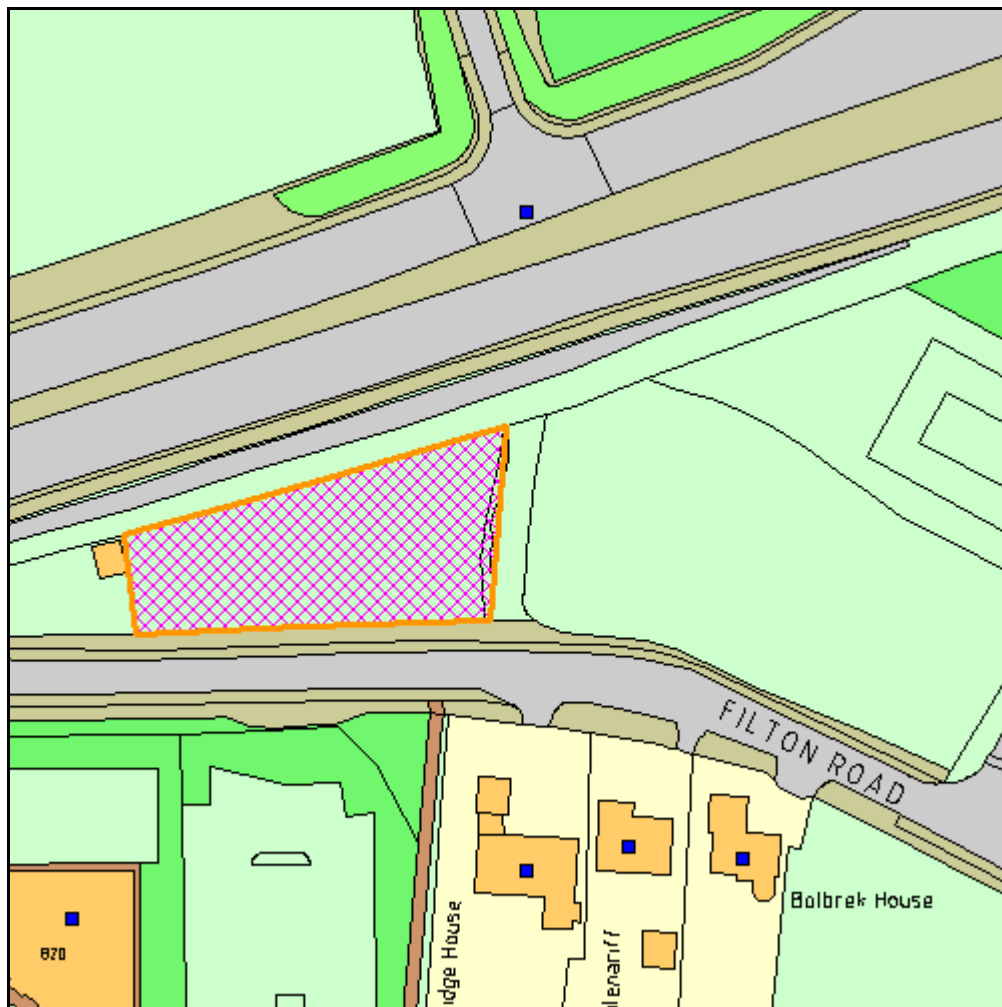
3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E and F), or any minor operations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

Reason

To ensure that the accommodation is limited to that which is commensurate with the established need, to limit the impact upon the openness of the Green Belt and in light of the fact that the permission is for a temporary period of three years.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/0217/O	Applicant:	Premier Building Contracts (Bristol) Ltd Premier Building Contracts (Bristol) Ltd
Site:	Trees R US Filton Road Winterbourne South Gloucestershire BS16 1EJ	Date Reg:	20th January 2017
Proposal:	Erection of four storey building (Outline) to form 20no. student cluster flats (sui generis) providing 92no. bedrooms with access, layout and scale to be determined. All other matters reserved.	Parish:	Winterbourne Parish Council
Map Ref:	362431 178520	Ward:	Winterbourne
Application Category:	Major	Target Date:	19th April 2017



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Reasons for Referring to the Circulated Schedule

This application has been referred to the Circulated Schedule following the receipt of objections from Winterbourne Parish Council, UWE, and 5no. local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site, which comprises a 0.17ha triangular plot of land is bounded by the A4174 Ring Road to the north, a footpath to the west, Filton Road to the south and the grounds of the Holiday Inn Hotel to the east. On the opposite side of Filton Road is the Land at Coldharbour Road Employment Area, which is an office development.
- 1.2 The site has no special designations and lies within the Urban Area (Bristol North Fringe) but not within the East of Harry Stoke New Neighbourhood, which lies to the north of the A4174; the site does lie adjacent to but not within, the Bristol and Bath Green Belt. Vehicular access to the site is currently via a gated access off Filton Road. There are existing green buffers to the north and east.
- 1.3 The site is temporarily used for the storage and sale of Christmas Trees but officers could find no planning permissions that permit this use, although this could fall under permitted development rights for temporary use of land. At the time of the site visit officers observed a building, storage of containers and various vehicles and plant on the site.
- 1.4 The application seeks outline planning consent with access, layout and scale to be determined at the outline stage; all matters of external appearance and landscaping would be the subject of a reserved matters application should outline consent be forthcoming.
- 1.5 The proposal is to erect a single, four-storey, 'L' shaped building with a footprint of 450 sq.m., to contain 20no. student cluster flats. There would be 5 flats on each floor with three having 5 bedrooms and two containing 4 bedrooms, making a total of 92 no. bedrooms in all. Each individual flat would have an en-suite, and space for storage and a desk. Each cluster of flats would share communal kitchen facilities. The scheme includes an associated car park, cycle storage, bin store and communal garden. Vehicular access would be from Filton Road via a new access located to the east of the current access.
- 1.6 The flats would be available for private rent by students only, on open market 52 week leases. Whilst the expectation is that students attending the nearby University of the West of England (UWE) would occupy the flats; they could be occupied by students attending any other educational establishment. The flats would be operated by a management company; there would be no on-site warden.
- 1.7 The application is supported by the following documents:
 - Design and Access Statement
 - Planning Supporting Statement
 - Student Management Plan

- Arboricultural Report
- Noise Assessment

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013

CS1 - High Quality Design
CS2 - Green Infrastructure
CS4A - Presumption in Favour of Sustainable Development
CS5 - Location of Development
CS7 - Strategic Transport Infrastructure
CS8 - Improving Accessibility
CS9 - Managing the Environment and Heritage
CS15 - Housing Distribution
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing
CS25 - Communities of the North Fringe of Bristol Urban Area

The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 (saved policies)

L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries
L9 - Species Protection
L11 - Archaeology
EP2 - Flood Risk and Development
EP4 - Noise Sensitive Development
T7 - Cycle Parking
T12 - Transportation Development Control Policy for New Development
LC12 - Recreational Routes

Emerging Plan

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

PSP1 - Local Distinctiveness
PSP2 - Landscape
PSP3 - Trees and Woodland
PSP8 - Residential Amenity
PSP11 - Transport Impact Management
PSP16 - Parking Standards
PSP19 - Wider Biodiversity
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts
PSP43 - Private Amenity Space Standards

- 2.3 Supplementary Planning Guidance
Trees on Development Sites SPG (Adopted) Nov. 2005
South Gloucestershire Council Residential Parking Standards (SPD) Adopted
Waste Collection : guidance for new developments (SPD) Adopted Jan. 2015
Affordable Housing and extra care SPD (Adopted) May 2014
Community Infrastructure Levy (CIL) & Section 106 Planning Obligations
Guide.

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2181 - Residential development on approximately 0.2ha; construction of new pedestrian and vehicular access.
Refused 3rd October 1990

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
The comments of the Parish Council are Objection. This is over development of the site. The site is on the crest of a hill and will be very prominent due to its height. Members are concerned with the lack of car parking spaces which could cause problems. It could be subject to a lot of noise from the ring road. This will make an island development.

Stoke Gifford Parish Council
No response

- 4.2 Other Consultees

Environmental Protection
No objection subject to conditions to secure the noise mitigation measures outlined in sections 7 and 8 of the submitted noise report.

Transportation D.C.
No objection subject to standard conditions to secure access, car parking, cycle parking and bin storage prior to first occupation.

Wessex Water
No response

Police Community Safety Officer
No response

Public Art Officer
No objection subject to a condition to secure a public art programme.

Lead Local Flood Authority
No objection subject to a condition to secure a SUDS scheme of drainage.

Waste Engineer
No objection

Sustainability Officer

No response

Community Services

No requests

Historic Environment – Archaeology Officer

The site is adjacent to a former military camp and the HER implies that some aspects of this may have extended to the north. Due to this potential I recommend an HC11 condition for a programme of archaeological work during construction to monitor and record any archaeology encountered.

Tree Officer

No objection subject to a condition to secure the recommendations of the submitted Tree Report.

Landscape Officer

No objection

Ecology Officer

No objection

Wales and West Utilities

There are pipes in the vicinity which must not be built over.

The University of the West of England

Object on the following grounds:

- The lack of affiliation with UWE and the potential for adverse impact on UWE's Vision and Student Accommodation Strategy.
- Harm to student welfare through the lack of access to pastoral support.
- Lack of management detail, corresponding risk of anti-social behaviour and the lack of parking, which is likely to cause harm to the living conditions of nearby residents.
- Inappropriate form of development – proportionate lack of parking; inaccessible bin storage; lack of amenity space; over-development of site.

The applicant subsequently submitted a rebuttal response to UWE's objection, the content of which is summarised as follows:

- *The applicant's earlier consultations with UWE accommodation team, prior to submission, indicated a desperate shortage of accommodation.*
- *The university raise issues outside the scope of planning.*
- *Students are often accommodated privately as proposed; UWE cannot apply its accommodation strategy to private developers. Only planning policies should apply.*
- *The accommodation would be managed privately as with other private student accommodation.*
- *Similar such accommodation has small areas of amenity space.*
- *The proximity to UWE is an advantage.*
- *Because the accommodation would be run privately, there is no reason to presuppose that it would be run badly.*

- *There are many examples of student and residential accommodation being located close to one another across the city.*
- *There would be far more control over the students than for singularly let houses.*
- *The lease agreement that the students sign up to can contain a clause in respect to car ownership.*

Other Representations

4.3 Local Residents

5no. letters/e-mails of objection have been received from local residents. The concerns raised are summarised as follows:

- Adverse impact on peaceful residential character of the area.
- Adverse impact on visual amenity.
- Increased noise and disturbance; anti-social behaviour.
- Adverse impact on landscape.
- Poor design.
- Overdevelopment.
- Loss of light to house opposite.
- Overlooking and loss of privacy to nearest dwellings.
- Overbearing impact.
- Scale is out of character.
- Hazardous access.
- Alternative brown field sites are available.
- Not a brownfield site.
- Increased on-street parking.
- Property values affected.
- UWE has not been consulted.
- Non UWE students would not be allowed to use UWE facilities.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 The Council's Annual Monitoring Review (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

- although not specifically falling within the C3 use class, does fulfil a specialist housing need that would free up other C3 accommodation within the County and as such would make a positive contribution, to the housing supply within South Gloucestershire; as such para. 14 of the NPPF is therefore engaged.
- 5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to most of the policies therein.
 - 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants' to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.
 - 5.5 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'.
 - 5.6 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. Furthermore Policy CS25 (16) supports the provision of new purpose built accommodation for housing students within the North Fringe of Bristol Urban Area.
 - 5.7 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'.
 - 5.8 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.
 - 5.9 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.
 - 5.10 Policy L5 states that within the existing Urban Areas development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.

Where a site contributes to local character and distinctiveness the council will seek to negotiate measures to enhance and manage these open areas.

Analysis

- 5.11 South Gloucestershire Council cannot currently demonstrate that it has a five-year supply of deliverable housing land. As such, Paragraph 14 of the NPPF is the starting point for the consideration of this planning application. In this instance, the NPPF makes a presumption in favour of approving sustainable development provided that the benefits of doing so are not significantly and demonstrably outweighed by adverse impacts. Notwithstanding this position, the site is located within the Urban Area where new residential development is acceptable in principle.
- 5.12 The site has for some years been used for the sale of Christmas trees and maintains a generally developed appearance. It lies in a sustainable location close to public transport routes, shops, leisure facilities and more specifically very close to the UWE campus. The proposal would meet the CS25 objective of providing new purpose built accommodation for housing students. The provision of student housing in purpose built accommodation also relieves the pressure on the local housing stock leaving it available for families.
- 5.13 There are no designations on this site that preclude its development for student housing and the NPPF is clear that there is a presumption in favour of sustainable development. 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 and weigh these factors in the planning balance. The issues for consideration are discussed as follows:
- 5.14 Scale and Design
Core Strategy Policy CS1 only permits new development where “*the highest possible standards of site planning and design are achieved*”. The 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.
- 5.15 As the application is in outline form, with appearance to be decided at a subsequent reserved matters stage (should outline consent be forthcoming) the detailed design and appearance of the building shown on the submitted plans is at this stage indicative only. The scale of the building and layout of the site is however for determination at this stage.
- 5.16 The proposal is considered to make efficient use of a previously developed site within the settlement boundary and Urban Area. The location has no special architectural character or vernacular that needs to be adhered to within the scheme. Indeed, there are a variety of building styles and types within the locality. Immediately to the south of Filton Road and directly opposite the site is the Bristol Business Park which contains a number of buildings, similar in scale and design to that proposed. Further west is the UWE campus which contains a variety of building types; the more recent student accommodation blocks dominate the skyline when viewed from the application site and are significantly higher than the 4-storey building proposed. To the east lies The Holiday Inn

Hotel and associated extensive car park, which is much larger in foot-print than the building proposed. To the south east of the application site, along Filton Road is sporadic residential development in the form of two-storey housing on individual plots. Further afield large housing estates are being developed such as at East of Harry Stoke. There are a number of sporting facilities nearby e.g. Frenchay Cricket Club and associated tennis courts and adjacent Golf Range; floodlit sports pitches have recently been approved to the south of Filton Road for use by UWE students and the local community; Dings RFC are also developing a new ground to the east of the M32.

- 5.17 Having regard to these developments, the locality is clearly one of mixed architectural character. The scale and design of the building proposed, would not in officer opinion appear out of place in this location. The building as proposed would be 'L' shaped to reduce its perceived massing and would be appropriately located within the site, where it would be better related to the Business Park buildings opposite. Should outline consent be granted, the layout would be fixed and the scale parameters could be secured by condition.
- 5.18 The siting of the proposed building would be in keeping with the street scene and accords with Core Strategy Policy CS1.

Landscape

- 5.19 Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy L5 resists development that would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Policy CS9 of the South Gloucestershire Local Plan Core Strategy expects new development to conserve and enhance the character, quality, distinctiveness and amenity of the landscape.
- 5.20 The site has no special landscape designation and landscaping is to be the subject of a reserved matters application, so any landscaping shown on the submitted plans is, at this stage, indicative only. The site is not considered to be an open space that contributes significantly to the character of the area.
- 5.21 The site is a triangular pocket of land bounded by the dual carriageway to the north, Filton Road to the south and a pocket of meadow with trees to the east. The site is bounded on three sides by tall hedgerow planting which helps to screen the site. It is proposed where possible, to retain these hedgerows. Full landscape details would be secured at the reserved matters stage. There are no landscape objections in principle to the proposal as submitted.

Transportation Issues

- 5.22 Firstly it is important to establish that the scheme is for student accommodation (sui generis) only and the use of the site for C3 open market residential use would require planning permission in its own right.
- 5.23 In terms of vehicular access, a new access to the site would be formed adjacent to the existing site access off Filton Road. There is an existing verge to the front of the site, so subject to keeping vegetation to less than a metre,

- adequate visibility splays can be achieved in both directions; this can be secured by condition.
- 5.24 Whilst Filton Road is fairly narrow, there are double yellow lines on both sides which would prevent on-street parking. There is a cycle lane along Filton Road and the location is well served by public transport and is within walking distance of two railway stations. It is envisaged that occupants would most likely be students attending UWE which is within comfortable walking or cycling distance from the site.
- 5.25 Although the proposed use is *sui generis* officers consider that the parking provision should still be considered against the Council's Residential Parking Standards; the main concern from a transportation perspective being how the use can be controlled such that parking levels on the site are appropriate. Officers however acknowledge that car use by students is generally low.
- 5.26 The scheme layout has been revised a number of times to better accommodate the proposed cycle parking and bin stores such that 19 car parking spaces and 92 cycle parking spaces are now proposed. Given the nature of the development and sustainable location, this level of parking provision is considered to be acceptable; nevertheless a condition to secure a Travel Plan is considered justified in this case.
- 5.27 The communal bin store is now considered to be appropriately scaled and located within the site.
- 5.28 Given that in transportation terms the residual cumulative impacts of development are not considered to be 'severe' the proposal accords with the NPPF and Development Plan Policy, there are therefore no highway objections.
- 5.29 Residential Amenity
The nearest residential properties lie on the opposite side of Filton Road but are not directly opposite the site but more to the south-east. Given the location, scale and orientation of the proposed building, officers do not consider that the scheme would result in an overbearing impact, loss of privacy from overlooking or significant overshadowing for local residents.
- 5.30 Notwithstanding the local facilities available to the future occupants of the building, the students would have access to an area of shared garden as well as communal facilities within each cluster.
- 5.31 Concerns have been raised about possible increased disturbance and anti-social behaviour. The flats would however be operated in accordance with a Student Management Plan, the full details of which could be secured by condition. The plan could include such matters as CCTV facilities; measures to restrict noise emissions from the building when occupied; measures to ensure litter and other detritus from the building is monitored and cleaned up rapidly; measures to restrict anti-social behaviour to/from occupants. Similar student accommodation is successfully operated in such a way around the Bristol area.

- 5.32 Concerns have also been raised about adverse impact on residential property values, but this is not currently a material consideration in determining planning applications.
- 5.33 Officers conclude that subject to the aforementioned condition to secure a Student Management Plan, there would be no significant adverse impact on residential amenity and the proposal is therefore considered to be in accordance with policy CS1 of the Core Strategy (Adopted) December 2013 and the NPPF.

Environmental and Drainage Issues

- 5.34 Whilst there would inevitably be some disturbance for neighbours during the development phase, this could be adequately addressed by imposing a condition to restrict the hours of working. For future occupiers, the site does lie adjacent to the Avon Ring Road with potential for noise disturbance. A Noise Report has however been submitted to the EHO satisfaction. Subject to a condition to secure the noise barriers recommended in sections 7 & 8 of the report, there are no objections on environmental grounds. In terms of drainage, the site lies in Flood Zone 1 and the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure the prior submission and approval of a SUDS scheme of drainage. The site does not lie within a Coal Referral Area, there are no objections relating to this issue.

5.35 Affordable Housing/ Community Services

The proposal is for student cluster flats only which are not the subject of affordable housing provision or contributions to Community Services.

5.36 Community Services

The proposal is for 2no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

Community Infrastructure Levy (CIL)

- 5.37 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging commenced on 1st August 2015. In the event that a decision to approve this application is issued the scheme would most likely be liable to CIL charging.

Planning Balance

- 5.38 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.

- 5.39 In this case there are some clear benefits to the proposal; in light of the Council's housing land supply situation as the provision of student

accommodation would help to free up C3 housing for permanent residents significant weight can be afforded this. The economic benefits for local builders, suppliers of building materials and for local services and the landlords, would be a further small benefit to which only moderate weight can be afforded. The proposal makes efficient use of land for student accommodation where it is needed and within a sustainable area within the Urban Area which is a further benefit to which moderate weight can be afforded. The residual cumulative transportation impacts of the development, which are not considered to be 'severe' can only be afforded neutral weight in the final balance, as this is expected of all developments.

- 5.40 Weighed against this would be the loss of the open area such as it is but given the level of vegetation retained, any harm would not be great. Similarly, any loss of amenity to the locality or impact on residential amenity can be adequately addressed by conditions; any harm would not be so great as to significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole or specific Framework policies.
- 5.41 On balance therefore officers consider that in their judgement, the proposal is sustainable development that should be granted planning permission.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to 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: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Approval of the details of the external appearance of the buildings 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.

- Plans and particulars of the reserved matters referred to in the condition above, relating to the external appearance of the building 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.

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

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

- 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 and Country Planning Act 1990.

- The development hereby approved shall be carried out in accordance with the following plans:

Existing Site Plan Drawing No. 2792/1 received 18th Jan. 2017

Proposed Site Plan Drawing No. 2792/2 Rev K received 26 June 2017

Proposed Floor Plans : Ground Drawing No. 2792/3 received 18th Jan. 2017

Proposed Floor Plans : First Drawing No. 2792/4 received 18th Jan. 2017

Proposed Floor Plans : Second Drawing No. 2792/5 received 18th Jan. 2017

Proposed Floor Plans : Third Drawing No. 2792/6 received 18th Jan. 2017

Location Plan Drawing No. 2792/7 Rev A received 27th March 2017

Reason

For the avoidance of doubt.

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

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L11 of The South Gloucestershire Local Plan (Adopted) Jan 2006 and the National Planning Policy Framework. This is a prior commencement condition to

ensure that archaeological remains, if present, are not destroyed without appropriate recording or preservation.

7. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. For the avoidance of doubt the following details should be submitted:
 - o A clearly labelled drainage layout plan showing the pipe networks and the exact location of any soakaways.
 - o Drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus 30% climate change storm event.
 - o Evidence is required to confirm that the ground is suitable for soakaways. Percolation / Soakage test results as described in Building Regs H - Drainage and Waste Disposal
 - o Evidence that the soakaway is appropriately sized in accordance with BRE Digest 365 Soakaway Design.
 - o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
 - o The plan should also show any pipe node numbers referred to within the drainage calculations.
 - o A manhole / inspection chamber schedule to include cover and invert levels.
 - o Ownership and/or responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as Infiltration features (Soakaways).

Reason

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

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

Reason

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

9. All access and car parking facilities shall be provided in accordance with the approved plans and prior to the first occupation of the building hereby approved.

Reason

In the interests of highway safety and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) Jan. 2006 and The South Gloucestershire Residential Parking Standards SPD (Adopted) Dec 2013.

10. There shall be no obstructions at any time above the height of 0.9m within the access visibility splays.

Reason

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

11. Prior to their installation, full details of the covered and secure cycle parking facilities as shown on the approved Proposed Site Plan Drawing No. 2792/2 Rev K, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking facilities shall be fully installed in accordance with the approved details and prior to the first occupation of the building hereby approved.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and Policy T7 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

12. Prior to the commencement of the development hereby approved, details of a unique site specific integrated scheme of Public Art (including timescales) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the Artwork shall be installed in accordance with the details and timescales so agreed.

Reason

To protect the character, distinctiveness and visual amenity of the site and the surrounding locality; and to accord with Policies CS1 and CS23 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013. Such plans to be produced prior to commencement to ensure that public art is considered at the outset of design to develop a scheme which is fully integrated into the site.

13. The development hereby approved shall be carried out in full accordance with the recommendations of the submitted Arboricultural Report by Assured Trees dated 2nd August 2016.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013, Policy L1 of The South Gloucestershire Local Plan (Adopted) 2006, South Gloucestershire Trees on Development Sites SPD (Adopted) Nov. 2005 and the National Planning Policy Framework.

14. The development hereby approved shall be carried out in full accordance with the noise mitigation measures outlined in paras. 7 and 8 (table 7) of the submitted Noise

Report prepared by iON Acoustics dated 26th Jan. 2017. The noise mitigation measures shall be implemented in full prior to the first occupation of the building and maintained as such thereafter.

Reason

To protect the amenities of the future occupiers of the building hereby approved, and to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013, Policy EP4 of the South Gloucestershire Local Plan (Adopted) January 2006; and the provisions of the National Planning Policy Framework.

15. Prior to the first occupation of the development hereby approved, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the Travel Plan so approved.

Reason

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

16. The student accommodation (sui generis) hereby approved shall not be occupied nor use commenced until a Student Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall inter alia set out:

- Measures to restrict noise emissions from the building when occupied
- Measures to ensure litter and other detritus from the building is monitored and cleaned up rapidly
- Measures to restrict anti-social behaviour to / from occupants.

The approved plan shall be implemented prior to the first occupation of the student accommodation and will be maintained thereafter for the lifetime of the development.

Reason

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

17. The building hereby approved shall be constructed within the following scale parameters:

Maximum height 4 storeys - 12 metres
Maximum length E-W - 27 metres
Maximum Depth N-S - 27 metres

Reason

For the avoidance of doubt and to protect the character and amenity of the area in accordance with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013 and the design requirements of the NPPF.

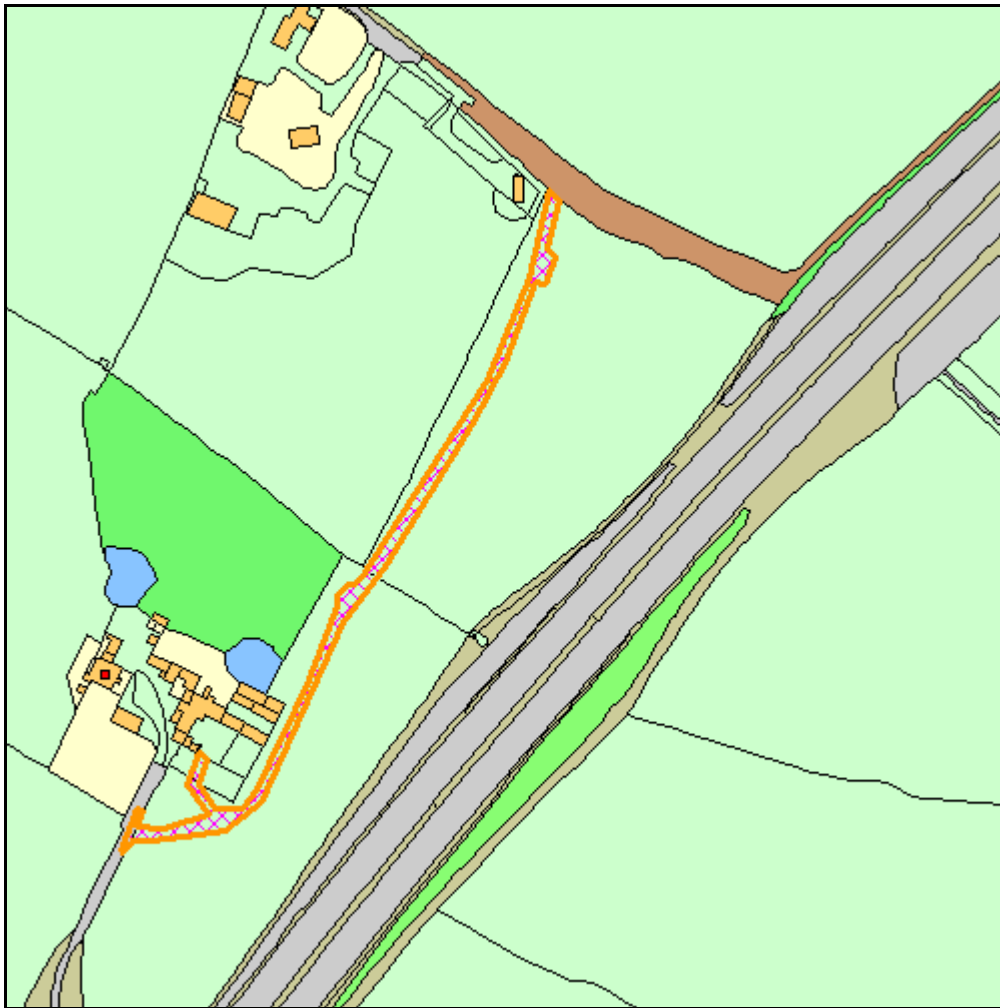
18. Prior to the first occupation of the building hereby approved, the bin storage facilities shall be implemented in accordance with the approved Proposed Site Plan Drawing No. 2792/2 Rev K and maintained as such thereafter.

Reason

To ensure adequate provision of bin storage to accord with Policy CS1 of The South Gloucestershire Local Plan (Adopted) Dec. 2013 and to accord with the South Gloucestershire Council Waste Collection ; guidance for new developments SPD Adopted Jan. 2015

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/0980/F	Applicant:	Mr Watkins
Site:	Barmers Land Farm Woodlands Road Tytherington South Gloucestershire GL12 8UL	Date Reg:	14th March 2017
Proposal:	Construction of new access track.	Parish:	Tytherington Parish Council
Map Ref:	366628 189245	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	4th May 2017



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100023410, 2008. **N.T.S.** **PT17/0980/F**

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application seeks permission for an access track to serve Barmers Land farmhouse and associated outbuildings
- 1.2 Barmers Land Farmhouse is a Grade II listed building. Immediately to its east are a number of historic barns that are stables that can be considered curtilage listed. Planning and listed building consent has previously been granted for the restoration and conversion of the Barmersland Farm outbuildings. A proposal was subsequently submitted and approved for a bund between the outbuildings and the M5 to provide screening and noise attenuation, to safeguard the future of the listed building. As part of the approved method statement for the construction of the bund, a haul road is to be installed from Greenway Lane to the north of the site. This haul road was to be subsequently removed.
- 1.3 It is proposed under this application that on completion of the renovation the haul road is made good and retained and extended to the south slightly to provide dedicated access to Green Lane for both the new residential units and the existing farmhouse. The access track will be used for vehicular access to the farm outbuildings when they are converted, which will have associated car parking spaces within the farm courtyards and carports. It is understood that the future residents of the converted outbuildings would not have full right of access along the section of Woodlands Road south of the bridge under the M5, hence the requirement to provide a route to the public highway that would be under the control of the occupiers.
- 1.4 The proposed access track has an overall length of 413m. Of the 413m length of track, 258m consists of the existing approved haul road, leaving 155m length of new track to be formed. The proposals for the appearance of the access track. The section of the access track approaching the farm from the north will be of a rural farmland track character. The track will have a stone surface with soft edges, with grass allowed to colonise along the central strip. As the track approaches the curtilage of the farm outbuildings, the surface will change to buff macadam with robust timber edging. The nature of the buff macadam track around the properties is considered acceptable in this instance, and as the track meets the courtyard entrance, and adjoins Woodland Road, there will be a cobble apron, whilst to the north, the track becomes a more informal stone surface with soft edges.

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

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

H4 Development within Existing Residential Curtilages

L13 Listed Buildings

T12 Transportation

LC12 Recreational Routes

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

PSP17 Heritage Assets and the Historic Environment

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/4904/F – Conversion of barns to 4 residential dwellings and construction of acoustic bund and associated planting. Approved 5/2/16
- 3.2 PT15/2890/LB – Internal and external alterations to facilitate conversion of redundant farm buildings to form 4no dwellings. Approved 5/2/16

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comments received

- 4.2 Other Consultees

Public Rights of Way

The proposal will affect public bridleway OTH116 to which the proposed access track will connect and which vehicles will need to use for the best part of 200m before Green Lane is reached. There appears to be no mention of this in the submitted documents. The bridleway is at present an earth track but no consideration seems to have been given to this and the effect of a number of vehicles over it in wet conditions. Policy LC12 of the Local Plan states that the Council will resist any proposals that conflict with the recreational value of horse riding routes and use of this route by the cars of the various households will clearly conflict with the use of the bridleway, one of only two in the area, by horse riders.

There was therefore an initial objection to the application on the grounds that there will be a significant loss of amenity to the bridleway as well as vehicular damage to its surface.

Further discussions and assessment were made in conjunction with the PROW officer, whereby the level of likely vehicle use generated, existing permissions on adjacent land and proposed potential mitigation through

condition. On this basis it was considered that the proposals could be acceptable.

Sustainable Transportation

There is no highway objection to retaining the haul road used to construct the bund for access to the barn conversions subject to the attachment of condition 20 with requirement for the lane to be reinstated to its original condition removed as set out below.

No development shall commence in respect of the Noise Attenuation Bund until a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt the CEMP shall include the following measures/details/information

- i) A pre-commencement and post-completion photographic condition survey of the A38 junction with Cuttsheath Road, the length of Cuttsheath Road to its junction with Green Lane, and the length of Green Lane to the site access. This would inform the scope of required remedial works to the highway following completion of the bund.
- ii) Details of procedures for notifying affected residents and businesses of works proposals and dealing with complaints from members of the public.
- iii) Details of a minimum of three passing places 12m long x 3m wide to be constructed along Green Lane.
- iv) Details of surface reinforcement to the public right of way bridleway between the end of the macadam section of Green Lane and the site access.
- v) Temporary traffic management control measures on the access route along Green Lane including safe provision for pedestrian, cycle and equestrian use.
- vi) The use of Green Lane by construction traffic restricted to the hours between 09:30 and 16:30 Monday to Friday with no access during Saturday and Sunday or any bank holiday.
- vii) Measures to control the tracking of mud off-site from vehicles.
- viii) A lorry routing schedule which specifically excludes the use of Woodlands Road for use of delivery of waste materials used in the construction of the bund.
- ix) Details of remedial works to Green Lane to repair any damage caused by construction traffic.

Landscape

Due to the bund and woodland planting the access track in the field adjacent to the barn will not be visible from the wider landscape. It will change the character of the curtilage area of the barn conversion and I will defer with regards to whether this is acceptable or any ways to minimise its impact.

Where the track passes through the field to the north it will be visible from a short section of the motorway. The proposed trees along the track are not equidistant but may never the less look slightly formal and emphasise that the track is not an agricultural track. It would be preferable if they were clumped together more randomly. It may be difficult to establish the planting to the west of the track under the large oak trees. It would be preferable to plant a copse towards the northern corner of the plot. This area is at a lower elevation than the track and it may be some time before this planting starts to screen it but in the long run it will help preserve the rural character of the area.

Conservation Officer

Along with the residential conversion of the barns, it is understood that a bund is also to be constructed to the east to help provide the prospective new residents with some relief from the noise of the adjacent M5.

To enable its construction, the bund material is to be brought in from a haul road that will be constructed from the site to Green Lane to the north.

The proposed scheme in effect seeks to retain this haul road and extend it to the south to provide dedicated access to Green Lane for both the new residential units and the existing farmhouse.

In consideration of the proposals, there was initially some concern regarding the potential visual impact on the surrounding landscape, as in most cases, such proposals can be visually harmful. However having visited the site, it is difficult to see how from the main listed building there would be any meaningful views of the track and vice versa, as views to the east and north are screened or visually contained by existing planting levels and structures.

The track would however impact on views from the curtilage listed barns (in views to the north and east), but it is difficult to consider that the impact on the views from the barns would be significant to the point of being intrusive and visually harmful to the wider setting of the farmstead.

To the south however, the proposed two access points would be more prominent in views as you approach the farmstead from Woodlands Road. The access to the south to link with Woodlands Road would also result in a loss of roadside hedge which would in my view be regrettable.

The sense of enclosure caused by the hedge and section of stone wall can be regarded as an important and positive part of the character of this part of Woodlands Road, which in turn contributes to the setting of the listed building.

The loss of enclosure and opening up of views would only serve to detract from the existing character of the site. Moreover, views of the access tracks to the south could result in a perceived sense of an extension of curtilage and the increase in the domestication of the site.

I would therefore suggest the access arrangement to the south could be rationalised to reduce the potential visual impact and erosion of character. The track which is presumed to serve the converted barns could in particular be rethought. It may be that we could look to have just one access to the south which could provide both access to the existing and proposed properties.

Although a buff macadam for the main track could be acceptable, to reflect the sensitive character of the southern section of the track (especially around the junction with the Woodlands Lane or the immediate curtilage of the listed farmhouse), a more appropriate or less engineered approach should be considered.

As a final point, although I would defer to the Council's Landscape Officer on the level and effectiveness of the proposed landscape to the main section of the access track to the north, I would also question the layout of the track, as I would have thought running the track as close to the hedge to the west of the track would help minimise the visual intrusion into the field. What is proposed may be due to the topography of the area, but this point I think needs clarification.

Conclusion

No objection in principle, but in my view the potential visual impact of the proposal on the setting of the listed farmhouse and its stead could be enhanced as noted above.

British Horse Society

As the British Horse Society Access Officer I object strongly to bridleway OTH116 being used as an access road to this development.

On the South Glos website under Barmersland Farm this application is listed as decided but under PT17/0980/F it is still open. If the application has been approved with conditions, I trust that all surfacing and layouts take into account that the access planned is a bridleway and that suitable warning signs are erected to warn horse riders that what should be a safe traffic free route is now desecrated and used for vehicular traffic. I must register my strong disapproval at yet another loss of a safe riding route with no suggested replacement

Drainage

No objection subject to advice. It may be preferable to discharge into the existing watercourse, as opposed to soakaways. A SUDS drainage requirement is recommended. The application may involve work to an ordinary watercourse/ditch. These works may require formal consent from South Gloucestershire Council.

Highway Structures

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

Or

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

Archaeology

The creation of the track will cause only minimal and shallow disturbance and therefore will not warrant an archaeological condition.

Other Representations

4.3 Local Residents

One letter of concern has been received on the following basis:

'I just wanted you to be aware why I think a lot of very large Oak trees were cut down early last year and I did report it then, and I wonder if it was being planned then?

I would like to bring to your attention of the Proposal: Construction of new access track. The Green Lane is a very busy place with about 3 storage places, numerous businesses (8-10), including the new holiday cottages.

This is a single track road which joins Milbury Heath and think it has too much traffic without major improvements which will spoil the area.

I object strongly to bridleway OTH116 being used as an access road to this development and the change of permanent access that was I think twice passed through Tytherington. I don't object to the building development etc. I just think the lane is far too busy for any more traffic.'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The principle of the conversion of the buildings to residential is established. The provision of a temporary access track for the construction/provision of an environmental bund, associated with the conversion is also established. The main issues for consideration therefore is whether a permanent access track that would thereafter be used to provide residential access to the properties would be acceptable in terms of public rights of way, transportation, conservation matters and landscape.

5.2 Public Rights of Way/Bridleway/Transportation Issues

The proposal would link with public bridleway OTH116 to which the proposed access track will connect and which vehicles will need to use for the best part of 200m before Green Lane, the actual tarmaced public highway is reached. The bridleway is at present an earth track. The track is relatively wide at this location and considered capable of accommodating both access track and retained bridleway without, significant conflict, particularly given the likely level of use associated with the residential access. Further to this other residential accesses exist along this stretch, including one which was approved in conjunction with a planning application for residential use on adjacent land relatively recently (ref. PT16/5214/F – Change of use of existing permanent log cabin, access track and parking area from residential to agricultural). A condition of that consent required a scheme of surfacing of stone to dust, to a specification to be approved by the Council, to be submitted and approved. A similar condition is recommended for this application to enable continuation of the track in a similar fashion over the relatively short distance to the proposed access the subject of this application. This is considered acceptable in public rights of way/bridleway terms.

5.3 There is no objection on transportation grounds. The principle of the track for bund construction traffic access is agreed. The residential use of the track would be less in terms of movement and types of vehicle. An existing condition of the temporary access track, as referred to above, relating to its construction could be reapplied with the exception of the element that requires reinstatement. This is considered acceptable in transportation terms.

5.4 Conservation

The conservation comments above are noted and there is no objection in principle to the proposals in terms of impact on the Listed Buildings. It is not considered that the loss of a small section of hedgerow and wall would be significant such as to impact upon the sites setting to a material degree, and in context with the residential conversions is considered acceptable. The proposed planting schemes will also further soften any visual amenity concerns.

5.5 Landscape/Visual Amenity

The comments of the Landscape Officer are noted. Due to the bund and woodland planting the access track in the field adjacent to the barn will not be visible from the wider landscape. The landscaping/planting, as proposed is, given the nature of the development, location of the site and the proposed bund acceptable and relative to the proposed development. In terms of comments relating to previous tree removal, it is not clear when or where this may have occurred, however there are no objections to the proposals the subject of this application in terms of landscape and further to this additional trees are proposed along the route of the track.

5.6 Drainage

It is not considered that the levels of drainage requirement from the track given its location width and make up would be significant. Drainage provision to the nearest available ditches would be a distance away. It is considered that given the relatively informal layout and design of the proposals and the proposed levels of drainage provision to soakaways that this would be sufficient in this instance and no further drainage conditions would be necessary.

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 recommended

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

2. Prior to the construction of the access track hereby approved, a scheme for the surfacing of the section of the bridleway between the entrance to the adjoining property and the entrance to this site, illustrating a stone-to-dust surface to a specification to be approved in writing by the Local Planning Authority shall be submitted. The approved scheme shall thereafter be implemented prior to the use of the track for residential access and thereafter retained.

Reason:

In the interests of the utility and amenity of the bridleway and in the interests of highway safety, in accordance with Policies LC12 and T12 of the South Gloucestershire Local Plan (Adopted) March 2006.

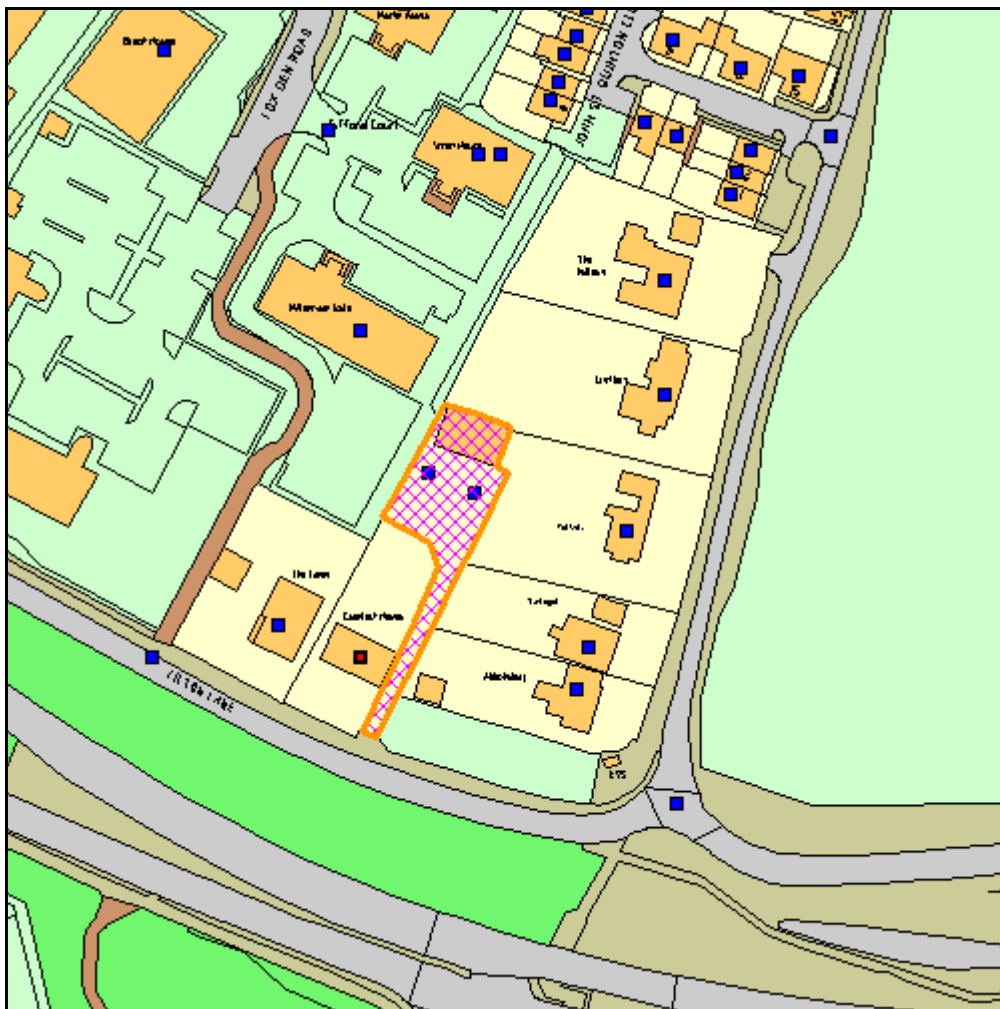
3. No development shall commence in respect of the Noise Attenuation Bund until a Construction Environmental Management Plan (CEMP) has been submitted and approved in writing by the Local Planning Authority. For the avoidance of doubt the CEMP shall include the following measures/details/information
 - i) A pre-commencement and post-completion photographic condition survey of the A38 junction with Cuttsheath Road, the length of Cuttsheath Road to its junction with Green Lane, and the length of Green Lane to the site access. This would inform the scope of required remedial works to the highway following completion of the bund.
 - ii) Details of procedures for notifying affected residents and businesses of works proposals and dealing with complaints from members of the public.
 - iii) Details of a minimum of three passing places 12m long x 3m wide to be constructed along Green Lane.
 - iv) Details of surface reinforcement to the public right of way bridleway between the end of the macadam section of Green Lane and the site access.
 - v) Temporary traffic management control measures on the access route along Green Lane including safe provision for pedestrian, cycle and equestrian use.
 - vi) The use of Green Lane by construction traffic restricted to the hours between 09:30 and 16:30 Monday to Friday with no access during Saturday and Sunday or any bank holiday.
 - vii) Measures to control the tracking of mud off-site from vehicles.
 - viii) A lorry routing schedule which specifically excludes the use of Woodlands Road for use of delivery of waste materials used in the construction of the bund.
 - ix) Details of remedial works to Green Lane to repair any damage caused by construction traffic.

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. 30/17 – 28 JULY 2017

App No.:	PT17/1351/F	Applicant:	Mrs N. Asif
Site:	Crantock Filton Lane Stoke Gifford Bristol South Gloucestershire BS34 8QN	Date Reg:	29th March 2017
Proposal:	Erection of 2no. detached dwellings with associated works. (Resubmission of PT16/0144/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	361925 178649	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	19th May 2017



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PT17/1351/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 2no. detached dwellings situated to the rear of Crantock, accessed from Filton Lane.
- 1.2 The application site consists of a former rear parking area currently with the foundations erected in the ground floor layout submitted in this application.
- 1.3 The application is a re-submission of a previously approved application ref. PT16/0144/F to include amendments to the approved plans. These consist of:
 - alterations to fronts to create additional space;
 - removal of double storey triangular extensions on each unit and the addition of a 1½ storey lean-to to the east side of unit 2;
 - changes to fenestration; and
 - a different access and parking arrangement.
- 1.4 During the course of the application revised plans have been submitted to amend the detailed design to add visual interest and mitigate the perceived scale and massing of the proposal. A re-consultation period has been undertaken (ending 13th July).

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4a Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Diversity
- CS17 Housing Density
- CS25 Communities of the North Fringe

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- H4 Development within Existing Residential Curtilages
- T12 Transportation
- L1 Landscape

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP38	Development within Existing Residential Curtilages
PSP43	Private Amenity Standards

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

Waste Collection: guidance for new development SPD (Adopted) 2015

3. RELEVANT PLANNING HISTORY

3.1 PT16/3805/F

Erection of two storey rear extension to provide additional living accommodation. Erection of front porch. – approved with conditions.
05.06.2017

3.2 PT16/3706/F

Change of use from Dwellinghouse (Class C3) to a 9no. HMO (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended). – approved with conditions.
28.09.2016

3.3 PT16/0144/F

Erection of 2no. detached dwellings with associated works. – approved with conditions.
15.03.2016

3.4 P92/2626

Erection of two detached dwellings; construction of vehicular and pedestrian accesses (outline) – refused.
10.02.1993

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection:

- lack of parking provision
- lounge subdivision indicated
- resident concerns regarding highway safety and replacement boundary treatments unaddressed
- local member asked to 'call in' application

4.2 Other Consultees

Planning Enforcement

No comment

Sustainable Transport

No objection

Highway Structures

No objection subject to informative

Lead Local Flood Authority

No objection subject to condition

Tree Officer

No objection

Environmental Protection

No objection subject to conditions

Archaeology Officer

No objection

Other Representations

4.3 Local Residents

Two letters of objection have been received from local residents. The comments are summarised as follows:

- application should not be assessed on resubmission
- demolition of existing boundary walls; no replacement proposed to mitigate and request condition to secure
- request reapplication of obscure glazing condition
- highway hazard from vehicles having to reverse along drive
- proposed soakaway system of surface water drainage would increase flood risk due to presence of clay soil
- recommend restrictive covenant preventing houses being used for privately-rented shared accommodation

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The principle of the proposed development for 2no. detached dwellings has been deemed acceptable within the approved application ref. PT16/0144/F, which was granted permission on 24th March 2016. The current application is a re-submission of this previously approved application to include amendments to the proposed plans. The amendments consist of frontage alterations, fenestration pattern changes, a new arrangement of parking spaces, and the addition of a pitched 1 ½ storey side extension to unit 2. The assessment below addresses the proposed amendments to the previously approved application, the pertinent issues for which are the impact of the development on residential amenity, highway safety, design and the environment.

5.2 Residential Amenity

The impact of the proposed development of 2no. dwellings have been fully assessed within application ref. PT16/0144/F and considered acceptable. The proposed amendments to this application would not generally alter the footprints or heights, albeit on the fronts and to the side of unit 2.

5.3 The front porch areas will be infilled and built over at first floor to bring both facades flush, and the double storey opposing triangular side extensions on both units will be removed and instead a single 1½ storey lean-to extension to the east side of unit 2.

5.4 In terms of overbearing impact and loss of light it is considered that the proposed amendments would not result in a significance difference to the amenity of neighbouring occupiers when compared to the extant permission.

5.5 Concern has been raised in relation to the impact of the proposed development on the privacy of the occupiers of the Crofters and Kallisti. This relates both to the new fenestration and demolished boundary walls. Any potential overlooking from the side facing bathroom windows can be prevented by the reapplication of a condition requiring obscure glazing, and a condition requiring the agreement of an appropriate boundary treatment would address any privacy and security issues to private rear garden areas.

5.6 Finally, both dwellings will be served by appropriately sized gardens.

5.7 Design

The overall design of the proposed pair of dwellings was considered within the previously approved application and considered acceptable in the context of the site and the locality. The proposed amendments to the approved design include alterations to create flush frontages and a pitched side extension to unit 2. The buildings would be clad in a mix of timber and render.

5.8 The proposed front extensions would lead to an increase in the mass and bulk of the buildings lengthwise, but from the front the removal of the double height side extensions reduces their impact. Furthermore the new 1½ storey extension remains sufficiently subservient and the proposed cladding would break up the elevation and present a more pleasing aspect from Filton Lane.

5.9 Although the proposed development would introduce something new, the variety on Filton Lane and Harry Stoke Road is such that it would sit comfortably within. The proposed development would therefore not have an adverse impact on the character and appearance of the area.

5.10 Highway Safety

Local residents have raised many other concerns including some in respect of highway safety. The fears that have been expressed are understood, however the Council's own Highways Officer is of the view that the proposal would not result in a material increase in vehicular movements and satisfactory routes to the site could be achieved. Having regard to this advice and based upon the information submitted, a different view has not been arrived at.

5.11 Land Contamination

The application site lies within 250m of the former Harry Stoke Mine that has been infilled and as such there is the potential for contaminated land. This needs to be identified prior to works on the site, and any strategies for remedial works agreed and undertaken in order to reduce the risk to human health. A condition in this respect would therefore be both necessary and reasonable.

5.12 Drainage

The previous planning permission included a condition to deal with water management and, in particular, surface water mitigation. The proposal continues to indicate a soakaway to deal with the on-site drainage.

5.13 Representations have been received from neighbouring residents, stating that the site has existing surface water flooding problems and that the proposed soakaway would exacerbate the existing problem. However, the Council's own Drainage Technician is satisfied that conditions requiring the submission of a drainage scheme would ensure that surface water run-off from the development can be effectively management and would not increase the risk of flooding or pollute the quality of surface and/or ground water sources. It is therefore concluded that the site can be satisfactorily drainage, subject to the imposition of a relevant condition.

5.14 Other Matters

Covenants cannot be attached to properties by planning law.

5.15 Planning Conditions

The previously approved application was granted permission subject to conditions relating to parking implementation and construction hours. These conditions remain applicable to the current application and as such will be re-applied.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Helen Braine
Tel. No. 01454 863133

CONDITIONS

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

Reason

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

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

Reason

In the interests of the residential amenity of neighbouring occupiers, to accord with Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

3.
 - A) Previous historic uses(s) of land within 250m of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
 - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
 - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
 - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing.

Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

These details are needed prior to the start of work to ensure that the site is fully remediated first, and that any buildings are suitably protected to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

4. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments existing and to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason

The details are needed prior to the start of work to ensure adequate privacy and an acceptable external appearance, to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.

5. Prior to the commencement of the development surface water drainage including Sustainable Drainage Systems (SUDS e.g. soakaways if ground conditions are satisfactory), for flood prevention, pollution control and environmental protection, have been submitted and approved by the Local Planning Authority. These details shall include a detailed development layout showing surface water and SUDS proposals. Development shall be carried out in accordance with the approved details.

Reason

These details are needed prior to the start of work to ensure satisfactory drainage of the site and to avoid flooding, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and National Planning Policy Framework 2012.

6. The off-street parking facilities (for all vehicles, including cycles) shown on Block Plan PL02C shall be provided before both buildings are 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.

7. Prior to the first occupation of the dwellings hereby permitted, and at all times thereafter, the proposed ground floor and first floor WC/bathroom windows on the side (west) elevation of unit 1 and side (east) elevation of unit 2 shall be glazed with obscure glass to level 3 standard or above with any opening part of the windows being above 1.7m above the floor of the room in which they are installed.

Reason

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

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

Received 23.03.2017:

Site Location Plan (PL03)

Permeable Block Paviours (PL04A)

Permeable Gravel Driveway (PL06A)

Cycle Store Dimensions and Photogs
Report

Arboricultural Assessment

Laboratory Report

Received 05.05.2017:

Proposed Elevations and Floor Plans (PL01C)

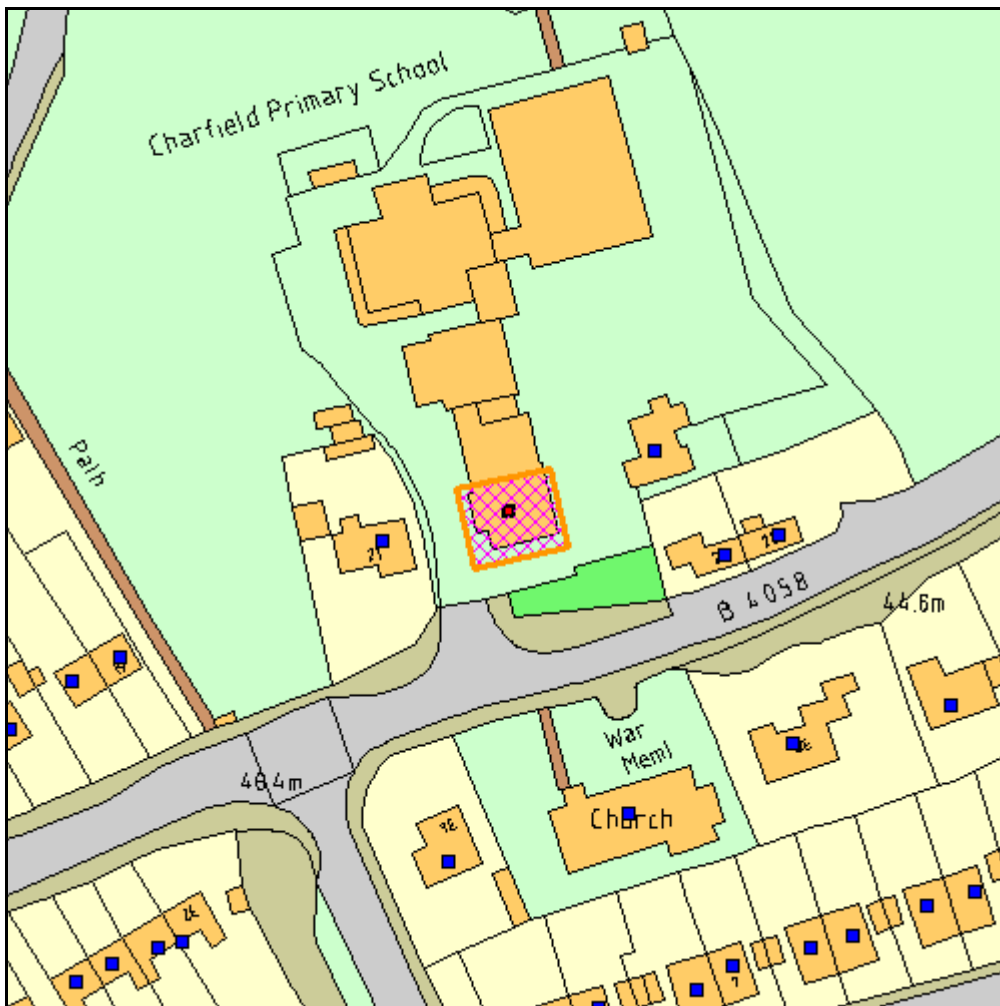
Block Plan (PL02C)

Reason

In the interests of proper planning and for the avoidance of doubt.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2101/CLP	Applicant:	The Castle School Castle School Education Trust
Site:	Charfield Cp School Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8TG	Date Reg:	31st May 2017
Proposal:	Application for a certificate of lawfulness for the proposed alteration to an existing entrance foyer suffering from timber decay.	Parish:	Charfield Parish Council
Map Ref:	371971 192197	Ward:	Charfield
Application Category:		Target Date:	19th July 2017



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 100023410, 2008. N.T.S. PT17/2101/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed alteration to an existing entrance foyer suffering at Charfield CP School 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 7, Class M.

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|---|-------------------------|------------|
| 3.1 | P98/2603 | Approval | 01.12.1998 |
| | Erection of extension to existing toilet block | | |
| 3.2 | PT08/0213/F | Approve with Conditions | 12.03.2008 |
| | Erection of single storey link corridor with new entrance lobby. | | |
| 3.3 | PT11/0175/R3F | Deemed Consent | 29.03.2011 |
| | Erection of 2.1m high single pedestrian fence and gate and double vehicle gates with pedestrian gates | | |

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection

- 4.2 Conservation Officer

The replacement design that they have put forward is quite clumsy in the proportions and spacing of the timber framing elements compared to the existing structure and also compared to the gable of the original school building. The glazing and the masonry plinth on the western return also fails to

reflect the Arts and Crafts style of the host building and the fact that it would have 'timber cladding to a new steel goalpost' is evidence that the structure will differ considerably from the present construction and appearance. The porch and gable of the school form part of a designed composition and it would be very regrettable to weaken this by introducing an 'interpretation' of the present porch which, judging by the construction and OS mapping appears to be considerably earlier than the 1970s date suggested in the D&AS. There is no evidence submitted to demonstrate that the structure cannot be economically repaired by a craftsman and if it is genuinely beyond repair, then at least the framing should match the original porch with slender glazed units in metal frames set between the posts which should be spaced to match the existing.

I would strongly recommend that the school look again at repairing and adapting the existing porch. If replacement of the framed elevations is unavoidable, the design of the new walls and framing needs to better reflect the slender proportions of the existing structure and avoid the heavy and clumsy framing and timber clad steels that are being proposed. I accept this is a CLP application so the above is advice only.

Other Representations

- 4.3 Local Residents
No comment received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site Location Plan

Plans received by the Council 5th May 2017

Proposed Plans and Elevations

Existing Plans and Elevations

Plans received by the Council 20th July 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 schools, colleges, universities and hospitals under Schedule 2, Part 7 of the GPDO 2015.

6.3 The proposed development consists of alterations to an existing entrance foyer. This development would fall within Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015, which allows for 'extensions etc' at the institutions as outlined in 6.2.z

M.1 Development is not permitted by Class M –

- (a) if the cumulative gross floor space of any buildings erected, extended or altered would exceed –**
- (i) 25% of the gross floor space of the original school, college, university or hospital; or**
 - (ii) In the case of a school, 250 square metres and in all other cases, 100 square metres.**

whichever is the lesser;

The entrance foyer would not exceed 25% of the gross floor space of the original school, nor would it exceed 250 square metres.

- (b) In the case of a college, university or hospital building, if any part of the development would be within 5 metres of a boundary of the curtilage of the premises;**

The development would not take place at a college, university or hospital building.

- (ba) in the case of a school, where any land adjacent to the site is used for a purpose within Part C of the Schedule to the Use Classes Order (residential purposes), if any part of the proposed development is within 5 metres of the boundary of the curtilage of that residential land;**

There is land adjacent to the school which is used for residential purposes, however, no part of the development would be within 5 metres of the boundary of the curtilage of that residential land.

- (c) If, as a result of the development, any land used as a playing field at any time in the 5 years before the development commenced and remaining in this use could no longer be so used;**

The development would not involve land which is used, or which has been used in the last 5 years as a playing field.

- (d) If the height of any new building erected would exceed 5 metres;**

The development does not comprise the erection of a new building.

- (e) If the height of the building as extended or altered would exceed-**

- (i) If within 10 metres of a boundary of the curtilage of the premises, 5 metres; or**
- (ii) In all other cases, the height of the building being extended of altered;**

The development is located within 10 metres of the boundary of the curtilage or the premises, however, the building would have a maximum height of 4.9 metres. The development therefore complies with this criterion.

(f) If the development would be within the curtilage of a listed building; or

(g) Unless-

- (i) in the case of school, college or university buildings, the predominate use of the existing buildings on the premises is for the provision of education;**
- (ii) in the case of hospital buildings, the predominant use of the existing buildings on the premises is for the provision of any medical or health services.**

The development is not within the curtilage of a listed building.

Conditions

M.2 Development is permitted by Class M subject to the following conditions-

(a) The development is within the curtilage of an existing school, college, university or hospital;

The development is located within the curtilage of Charfield CP School.

(b) The development is only used as part of, or for a purpose incidental to, the use of that school, college, university or hospital;

The building subject to alteration is used as part of the school.

(c) Any new building erected is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the original school, college, university or hospital buildings; and

The development does not involve the erection of a new building and the site is not located in article 2(3) land.

(d) Any extension or alteration is, in the case of article 2(3) land, constructed using materials which have a similar external appearance to those used for the building being extended or altered.

The development is not located in article 2(3) land.

6.4 Other Matters

The conservation officer's comments are noted. Given this is a certificate of lawfulness application, it is advice only. In any case, these comments were forwarded to the agent, but it is noted that no revised plans were submitted that reflect this advice.

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 works proposed fall within the permitted development rights for the alteration of a school building under Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.

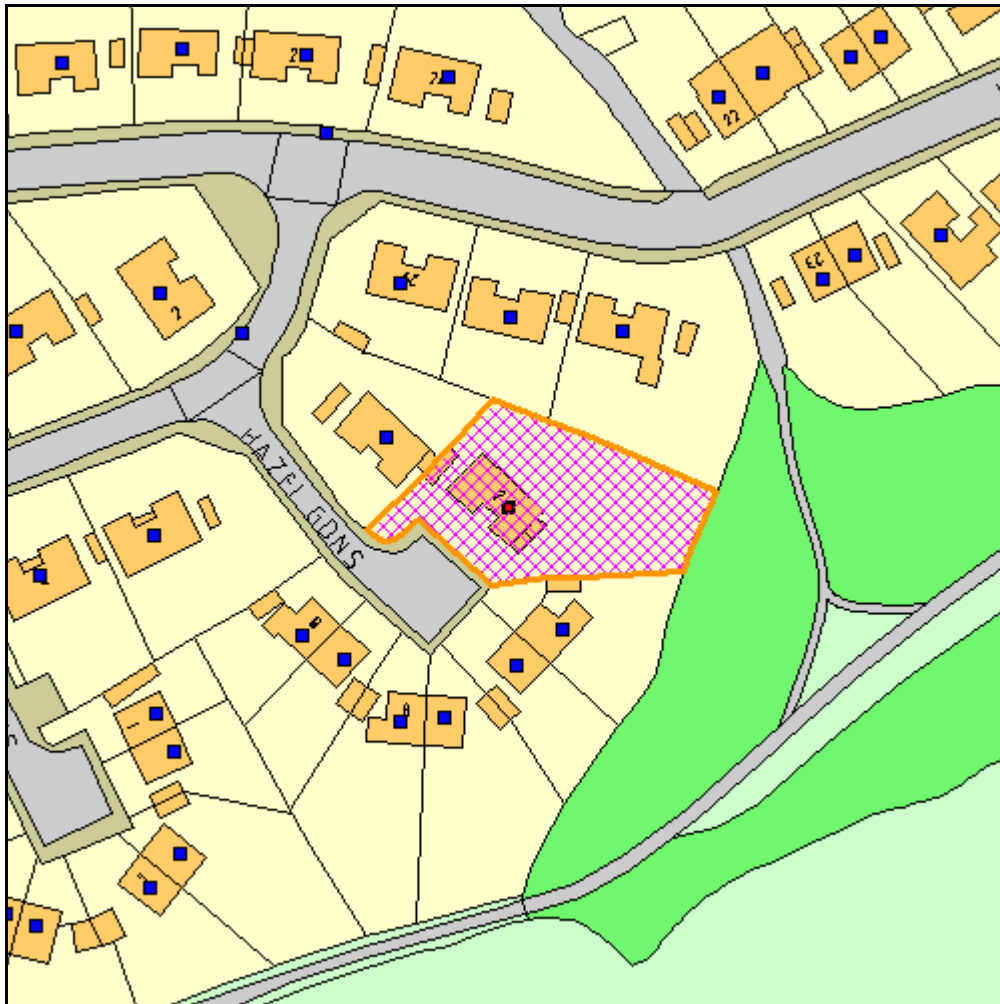
Contact Officer: Lucy Paffett
Tel. No. 01454 863436

CONDITIONS

1. Evidence has been provided to demonstrate that on the balance of probabilities the works proposed fall within the permitted development rights for the alteration of a school building under Schedule 2, Part 7, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2123/F	Applicant:	Mr Philip Hurd
Site:	2 Hazel Gardens Alveston Bristol South Gloucestershire BS35 3RD	Date Reg:	12th June 2017
Proposal:	Erection of single storey rear extension to provide additional living accommodation and en-suite facility. Demolition of existing garage. Erection of replacement garage and utility room.	Parish:	Alveston Parish Council
Map Ref:	363022 187692	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	4th August 2017



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PT17/2123/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application proposes the erection of a single storey rear extension, and the erection of a replacement garage. The original garage would be demolished to facilitate the proposed works.
- 1.2 The related dwelling is a detached bungalow within a residential area of Alveston. Its elevations consist of buff brick with brown roof tiles. The property is located within the greenbelt,

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)

L1 Landscape Protection and Enhancement
H4 Development within Existing Residential Curtilages
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4a Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

2.3 Supplementary Planning Guidance

Design Checklist SPD (adopted) August 2006
Residential Parking Standards SPD (adopted) December 2013
Development in the Greenbelt SPD (adopted) June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection

4.2 Other Consultees

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One comment received:

- Stating that the proposals must sit one metre from the boundary
- Stating that the foundations should not encroach onto their property, nor should any soffits, guttering, roofing etc)
- Objection due to overshadowing and overbearing impact.
- Concerns in regards to destabilisation of a wall.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Development within the Green Belt would be considered acceptable subject to assessment to elucidate whether they would constitute a disproportionate addition. The NPPF (2012) allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original dwelling. The South Gloucestershire Development in the Greenbelt SPD (adopted) June 2007 gives the criteria for what would be considered a disproportionate addition. The proposal accords with the principle of development subject to the consideration below.

5.3 Design and Visual Amenity

The proposal consists of the demolition of an existing garage and the erection of a single storey rear extension and an attached replacement garage and utility room. Extensions of this type are not uncommon in the area and it is considered that proposal would not be detrimental to the character of the property or its context and is therefore acceptable. The proposal will use materials of a similar appearance to those used in the existing building and there are no objections to the choice of materials.

5.4 *Rear Extension*

The single-storey rear extension is of a very modest single storey scale and will have a pitched roof. Due to the orientation of the building and the proposal, it would largely be hidden from the street scene, and it is largely hidden from neighbouring properties due to its small scale. It would sit to the back end of the dwelling, abutting the existing roof but remaining below the overall ridge height, making it appear subservient. The single storey rear extension would be considered to have an acceptable impact on the streetscene and character of the area.

5.5 *Attached Garage and Utility Room*

The attached garage would extend from the northern side elevation of the dwelling, extending slightly forward of the existing principal elevation of the dwelling, much like the existing garage. The garage would abut the existing ridge line, and would incorporate a front facing gable below the ridge. The attached garage and utility room would be considered to have an acceptable impact on the streetscene and character of the area.

5.6 *Cumulative Impact*

Overall, it is considered that the proposed extensions would not harm the character or appearance of the area and as such is considered acceptable in terms of visual amenity. Therefore, it is judged that the proposal has an acceptable standard of design and is considered to be 'in keeping' with policies CS1 and H4 and conforms to the criteria in the adopted Local Plan.

5.7 Greenbelt

The application site is situated within the Green Belt. The NPPF (2012) allows for limited extensions to buildings within the Green Belt providing that they do not result in disproportionate additions over and above the size of the original dwelling. The South Gloucestershire Development within the Green Belt SPD states that any additions resulting in a volume increase of between 30%-50% will be subject to careful consideration and assessment. Having looked at the planning history of the site, it is difficult to ascertain which elements of the house are original, and which are later additions. Whether the addition is considered disproportionate or not depends on the individual circumstances and what type of addition is proposed. These proposals are rather minor, and with the demolition of an existing garage, would not result in an increase of more than 30% to the volume of the property alone.

5.8 The position and scale of the proposal would not be seen to negatively impact the openness of the greenbelt and would not materially alter the grain of development in the local area. It is therefore considered that the proposed extension would be considered a proportionate addition and acceptable with regard to Greenbelt policy.

5.10 Residential Amenity

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

5.11 One neighbour commented on the application:

- Stating that the proposals must sit one metre from the boundary
- Stating that the foundations should not encroach onto their property, nor should any soffits, guttering, roofing etc)
- Objection due to overshadowing and overbearing impact.
- Concerns in regards to destabilisation of a wall.

5.12 Due to the single storey scale of the proposal and its position in relation to the garden of the neighbouring property, it is considered unlikely to result in any overbearing impact. Although the extension would come close to the boundary of the site, having undertaken an analysis of the sun's path, and considering the shape of the roof, it is not considered likely that any overshadowing which may occur would be materially significant. Therefore, it is considered that the proposal will not negatively impact the amenities of any neighbouring properties. In regards to the comments relating to encroachment and destabilisation of a wall, this would be a civil matter, and is not a material consideration within the remit of the planning system.

5.13 The proposal is not considered to result in an unacceptable detrimental impact on the residential amenity of its neighbouring occupiers, meaning the proposal is in accordance with saved policy H4 of the adopted Local Plan.

5.14 Sustainable Transport and Parking Provision

The proposal does not include any additional bedrooms and it would not remove any existing parking spaces. It is considered that the proposal is in accordance with saved policy T12 of the Local Plan (2006). The council has no objection to the proposal in relation to highway safety or parking provision.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Owen Hoare

Tel. No.

01454 864245

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2375/CLP	Applicant:	Mr Richard Larner
Site:	Cloud Nine Church Road Severn Beach Bristol South Gloucestershire BS35 4NL	Date Reg:	12th June 2017
Proposal:	Application for a certificate of lawfulness for a proposed outbuilding.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354510 184911	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	4th August 2017



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PT17/2375/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the erection of an outbuilding would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/1381/F
Approve with Conditions (12.06.2008)
Alterations to roof of rear conservatory
- 3.2 N4897/1AP
Approve with Conditions (15.11.1979)
Erection of detached bungalow. Construction of new vehicular access (as amended by plans received by the Council on 29th October 1979) (Details following outline). To be read in conjunction with planning permission Ref. No. N.4897/1.
- 3.3 N4897/1
Approve with Conditions (04.01.1979)
Erection of bungalow (Outline).

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
"No comment".

Other Representations

4.2 Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Site Location Plan

Received by the Council on 17th May 2017

Floor Plan as Proposed

Drawing number 150-CL-001

Received by the Council on 17th May 2017

Roof Plan as Proposed

Drawing number 150-CL-002

Received by the Council on 17th May 2017

Elevations as Proposed

Drawing number 150-CL-003

Received by the Council on 17th May 2017

Block Plan as Proposed

Drawing number 150-CL-004

Received by the Council on 17th May 2017

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

6.2 The issue is to determine whether the erection of an outbuilding falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015; which permits buildings etc. incidental to the enjoyment of a dwellinghouse, providing it meets the following criteria:

Class E – Buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of –

- (a) **Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) **a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

Development not permitted

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

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

The dwelling has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO.

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

As calculated from drawing number 150-CL-004; the total area of ground covered by buildings, enclosures or containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) following the construction of the proposed outbuilding.

- (c) **any part of the building, enclosure, pool, or container would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;**

As noted on drawing number 150-CL-004, no part of the proposed outbuilding will be on land forward of a wall forming the principal elevation of the original dwellinghouse.

- (d) **the building would have more than a single storey;**

The proposed outbuilding would have a single storey.

- (e) **the height of the building or enclosure would exceed –**

- (i) **4 metres in the case of a building with a dual pitched roof,**
- (ii) **2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
- (iii) **3 metres in any other case;**

The proposed outbuilding would have a flat roof; be within 2 metres of the boundary of the curtilage of the dwellinghouse; and would not exceed 2.5

metres in height. The proposal therefore meets these criteria.

- (f) **the height of the eaves of the building would exceed 2.5 metres;**

The eaves would be 2.3 metres.

- (g) **the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

Cloud 9, Church Road is not a listed building.

- (h) **it would include the construction or provision of a verandah, balcony or raised platform;**

The proposal would not include a verandah, balcony or raised platform.

- (i) **it relates to a dwelling or a microwave antenna; or**

The proposal would not include a microwave antenna.

- (j) **the capacity of the container would exceed 3,500 litres.**

The proposed outbuilding is not a container.

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 outbuilding does fall within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015.

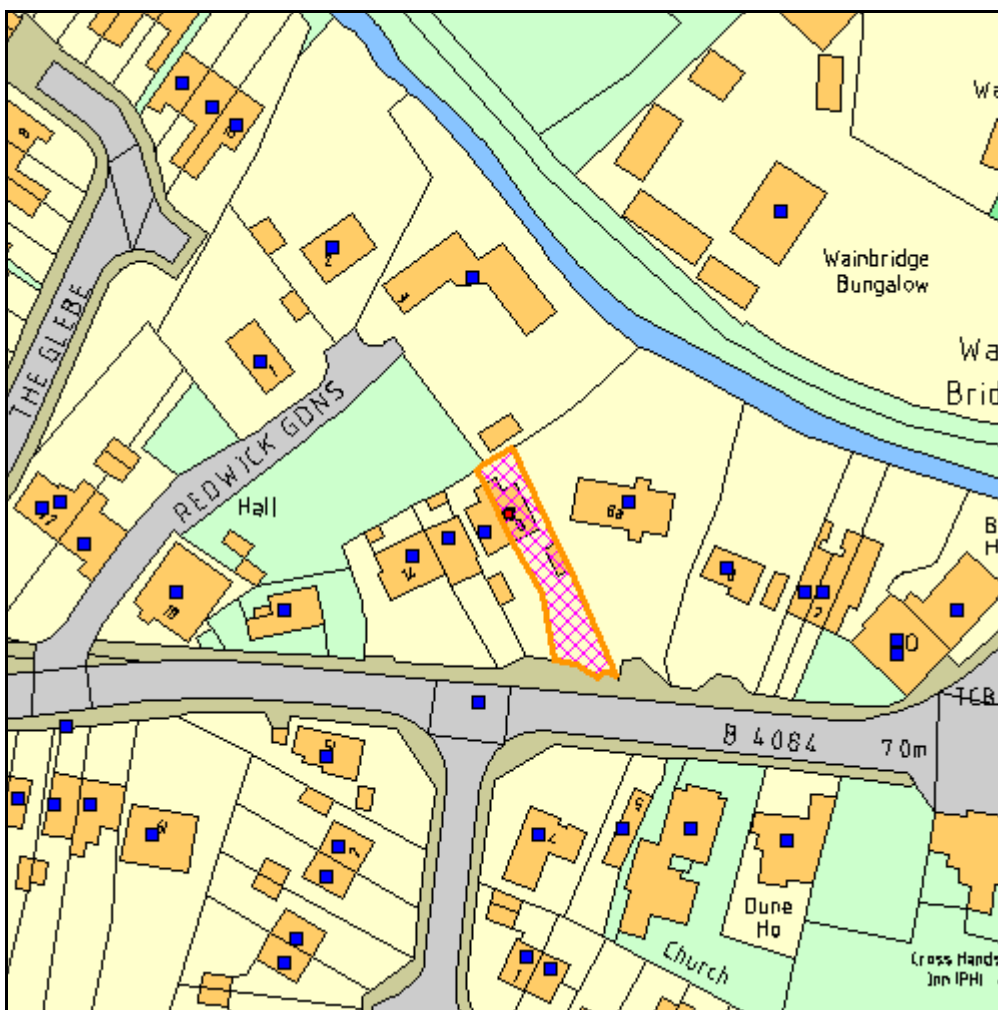
Contact Officer: David Ditchett
Tel. No.

CONDITIONS

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

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2456/CLP	Applicant:	Mr Otter
Site:	8 Redwick Road Pilning Bristol South Gloucestershire BS35 4LQ	Date Reg:	22nd June 2017
Proposal:	Application for a certificate of lawfulness for a proposed loft conversion.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355465 185185	Ward:	Pilning And Severn Beach
Application Category:		Target Date:	15th August 2017



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PT17/2456/CLP

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks a formal decision as to whether or not the proposed development for the installation of a rear dormer at 8 Redwick Road, Pilning would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations. There is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

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

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No objection.

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 25th May 2017.
 - Existing Plans and Elevations AP12
 - Proposed Plans and Elevations AP13

6. ANALYSIS OF PROPOSAL

- 6.1 This application seeks a Certificate of Lawfulness for the proposed installation of a rear dormer to facilitate a loft conversion at a property in Pilning.
- 6.2 Principle of Development
An application for a Certificate of Lawfulness is purely an evidential test and is a formal way to establish whether or not the proposed development can be implemented lawfully without the need for planning permission. Thus there is no consideration of planning merit, the application is based on facts presented. The submission is not a planning application and therefore the Development Plan is not of relevance to the determination of this application.
- 6.3 The key issues in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 6.4 Assessment of Evidence: Dormer windows
Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

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

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);**
The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- (b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**
The plans submitted indicate that the proposed works do not exceed the maximum height of the existing roof.
- (c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**
The dormer is located to the rear of the dwellinghouse. The rooflights to the front do not extend beyond the plane of the principal elevation of the dwellinghouse.
- (d) The cubic content of the resulting roof space would, as a result of the works, exceed the cubic content of the original roof space by more than –**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case'

The dwellinghouse is a semi-detached property; the resulting roof space would increase by around 22 cubic metres; this is within the 40 cubic metre limit.

(e) It would consist of or include –

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

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

The proposed development includes a Juliet balcony; this does not count as a balcony for permitted development purposes. Therefore, the proposal does not consist of or include any of e (i) or e (ii).

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

The dwellinghouse is not located on article 2(3) land

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

–

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

The proposed dormer extensions will be constructed from materials to match those used on the existing dwelling.

(b) the enlargement must be constructed so that –

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

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

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge or the eaves; and

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

The proposed development would not alter the eaves of the roof. The enlargement would be located approximately 20cm from the eaves. The proposed development joins the original rear roof of the property.

(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse must be –

(i) obscure-glazed, and

(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The dormer window would be located on the rear elevation of the dwellinghouse. The rooflights are located to the front of the dwellinghouse. No new windows are proposed to the side of the dwellinghouse.

7. RECOMMENDATION

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

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

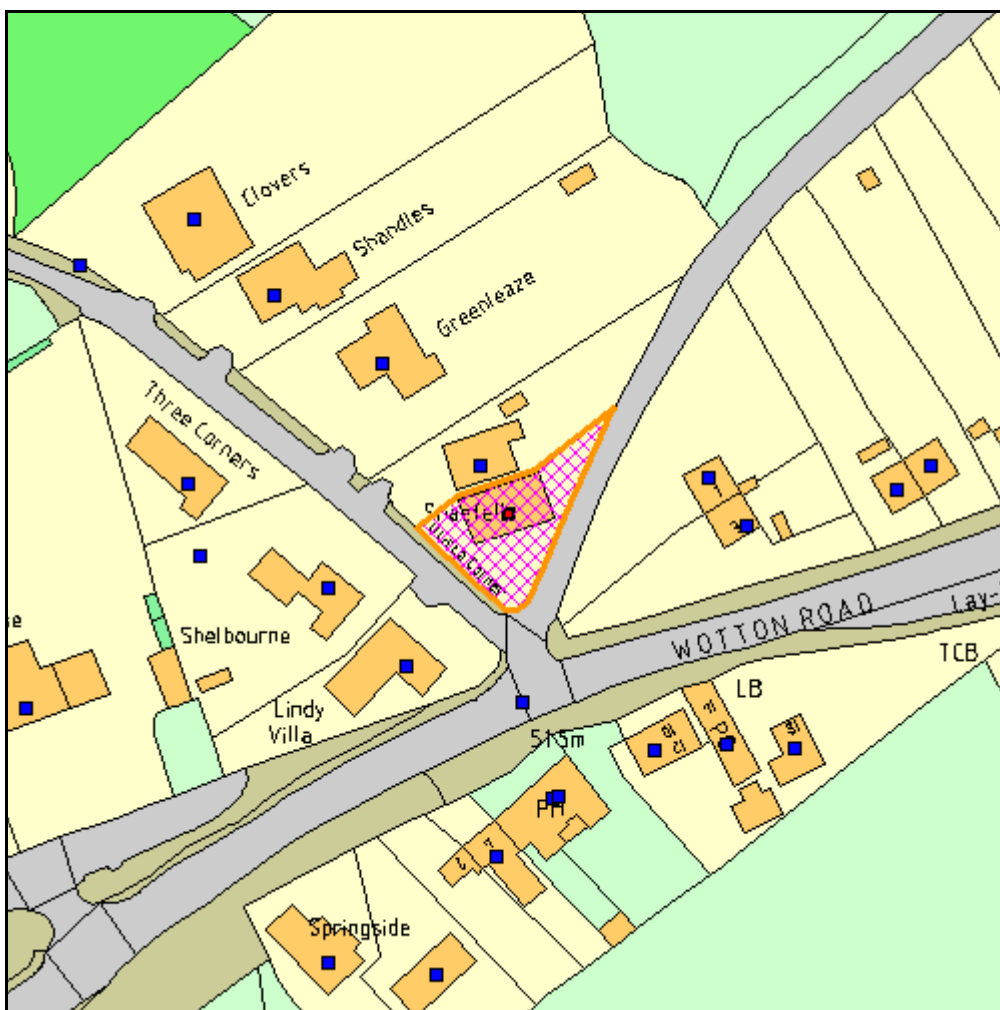
Contact Officer: Owen Hoare
Tel. No. 01454 864245

CONDITIONS

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

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2552/F	Applicant:	Mr Darren Hawkins
Site:	Quince Corner The Drive Charfield South Gloucestershire GL12 8HX	Date Reg:	26th June 2017
Proposal:	Erection of detached garage, installation of new access gate and 1.8m high fence. Creation of new access onto The Drive.	Parish:	Charfield Parish Council
Map Ref:	371779 192134	Ward:	Charfield
Application Category:	Householder	Target Date:	27th July 2017



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1. **THE PROPOSAL**

- 1.1 The application is for the erection of a detached garage; the installation of a new access gate and 1.8m high fence; and the creation of a new access point onto The Drive at Quince Corner The Drive Charfield South Gloucestershire GL12 8HX.
- 1.2 The host property is a highly sustainable, modern, single storey bungalow located within the village settlement boundary of Charfield. Permission was granted for this dwelling in February of 2008.

2. **POLICY CONTEXT**

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

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

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

- PSP1 Local Distinctiveness
- PSP8 Residential Amenity
- PSP38 Development within Existing Residential Curtilages

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

3. **RELEVANT PLANNING HISTORY**

- 3.1. PT10/1139/RVC
Approve with Conditions (15.07.2010)
Removal of Condition 4 attached to planning permission PT07/3606/F
- 3.2. PT07/3606/F
Approve with Conditions (15.02.2008)
Erection of 1 no. detached bungalow with associated works.

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

“Charfield Parish Council wishes to object to this application. The Parish Council considers this to be overdevelopment of the site and the proposed fencing is not in keeping with the current street scene”.

Other Representations

4.2 Sustainable Transport

“The applicant seeks to erect a detached garage, install a new access gate and create new access onto The Drive. The Drive is a private lane which serves a small number of dwellings and consequently generates a low flow of traffic. There are no transportation objections”.

4.3 Local Residents

“We consider this to be overdevelopment of the site and the proposed fencing to be out of character with the other properties in The Drive. We are also very concerned at the danger of possible collision when turning left into The Drive from Charfield Hill if there is a vehicle horizontally across the drive either accessing or reversing out from the proposed garage as the view is already obstructed by the overgrown hedge opposite”.

“This development is not in keeping with the entrance to The Drive, a 1.8m high fence and a new entrance will damage the visual entrance to a private drive. Apart from the visual appearance, this development would also create a further hazard to what is already a dangerous junction. When turning off the main Wotton Road into The Drive, it is a blind bend until you are part way round. If there is a stationary car in the middle of The Drive waiting for garage doors to open or close, this is an accident waiting to happen. This is also at the junction of the road to Poolfield Farm, which creates further danger to vehicles and pedestrians. We would not accept this development”.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design and Visual Amenity

The proposed garage is an unusual triangular shape which would fill the southern end of the garden of the host dwelling. The proposed garage; timber fence; and access gate would complement the existing modern bungalow.

- 5.3 The proposed development would be more in keeping with the host property; due to its similar design and materials used, than the current dated wall and unkempt vegetation; which would be removed. The development therefore would not be out of keeping with the character of the main dwelling house or the surrounding properties. Additionally, it would be of an acceptable size in comparison to the existing dwelling and the site and surroundings.
- 5.4 The proposal is considered to be of an appropriate standard in design. The garage elevations would consist of vertical Larch weatherboarding; the garage door would be an electric roller shutter; and the roof would be mono pitched, covered in a highly sustainable Sedum blanket. The fence and gate would be timber. These materials would match; or be similar to those on the original dwellinghouse.
- 5.5 It is considered that the proposed garage would not be detrimental to the character of the property or its context. Thus, the proposal is acceptable in terms of design and visual amenity, and would comply with policy CS1 of the Core Strategy.
- 5.6 Residential Amenity
Policy H4 of the adopted Local Plan (2006) sets out that development within existing residential curtilages should not prejudice residential amenity through overbearing; loss of light; and loss of privacy of neighbouring occupiers.
- 5.7 The proposed development would be a single storey garage; and timber fence and gate, which would be located in the garden of Quince Corner and replace a small wall and vegetated area at the southern entrance to The Drive.
- 5.8 All of the objection comments refer to an 'overdevelopment' of the site. However, the proposal will take up less than half of the garden space available to the host dwelling. Therefore, a suitable amount of amenity space would remain post development.
- 5.9 The garage would be located 15 metres from the nearest property. However, the proposal could not be seen from the ground level of this property due to the overgrown hedge that is referred to in the neighbour comments.
- 5.10 As noted from the objection comments; the proposed 1.8 metre timber fence would be seen regularly by residents of The Drive, and indeed those who walk or drive past this location. However, it is the Officers opinion that replacing the dated wall and untidy vegetation with properly maintained timber fencing; and a modern sustainable garage would bring together the site as a whole. This would create an interesting street scene; showcasing the sustainable design elements of the site.
- 5.11 The proposal, due to its location and size would not appear overbearing or such that it would prejudice existing levels of outlook or light afforded to neighbouring occupiers. Therefore, the proposed development is not considered to be detrimental to residential amenity; and is deemed to comply with saved Policy H4 of the Local Plan (2006).

5.12 Highways

Objections were raised from neighbours regarding the danger of traffic collisions as a result of the development. However, as noted from the Transport Officer "The Drive is a private lane which serves a small number of dwellings and consequently generates a low flow of traffic". Thus, there are no highways objections

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: David Ditchett

Tel. No. 01454 863131

CONDITIONS

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

Reason

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

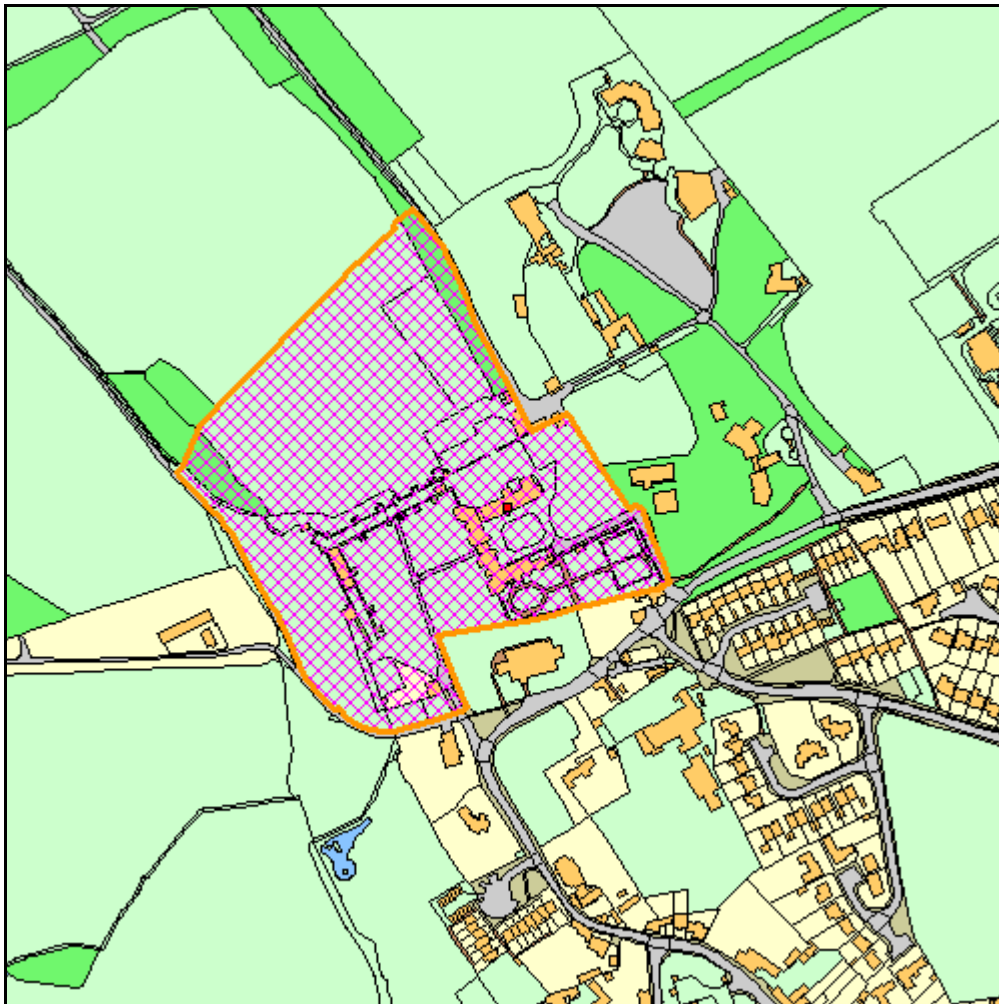
2. The materials to be used in the construction of the external surfaces of the garage hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2654/F	Applicant:	Luxury Family HotelsLuxury Family Hotels
Site:	Thornbury Castle Castle Street Thornbury Bristol South Gloucestershire BS35 1HH	Date Reg:	21st June 2017
Proposal:	Erection of extension to provide 14no. additional hotel bedrooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works (resubmission of PT16/2637/F)	Parish:	Thornbury Town Council
Map Ref:	363385 190721	Ward:	Thornbury North
Application Category:	Major	Target Date:	15th September 2017



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N.T.S.

PT17/2654/F

FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following comments from a local resident which are contrary to the recommendation detailed within this report.

1. THE PROPOSAL

- 1.1 The application site relates to Thornbury Castle, which is a grade I listed building. The castle is currently operating as a hotel, which is part of the Luxury Family Hotels group.
- 1.2 There is also a Scheduled Ancient Monument (SAM) within the site and it is situated within Thornbury Conservation Area. The gardens are a grade II Registered Park and Garden.
- 1.3 The castle is located outside of the established settlement boundary of Thornbury in the open countryside, however it is not situated within the Bristol/Bath Green Belt.
- 1.4 The development proposed consists of a number of extensions to provide 14 no. new hotel rooms, a spa, a restaurant and a function room. The car park is to be relocated, as well as the 'back of house' service functions and associated works.
- 1.5 The application is a resubmission of PT16/2637/F which was refused for the following reason:

The proposal has potential to cause significant harm to bats. Bats are a European Protected Species, afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). The Ecological Appraisal by Ecology Solutions submitted in June 2016, the subsequent letter dated 26th July 2016 and the Addendum Briefing Note dated November 2016 do not contain sufficient information to ensure that the development, if approved, would not be harmful to bats. This is contrary to policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework, and is also contrary to the Habitat Regulations 2012 (as amended).

An appeal has been lodged and is pending consideration by the Planning Inspectorate.

- 1.6 The associated listed building consent is currently pending consideration by the Local Planning Authority (PT16/2655/LB).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

National Planning Practice Guidance
Planning (Listed Building and Conservation Areas) Act 1990

2.2 Development Plans

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

L1	Landscape
L9	Species Protection
L10	Historic Parks and Gardens and Battlefields
L11	Archaeology
L12	Conservation Areas
L13	Listed Buildings
T8	Parking Standards
T7	Cycle Parking
T12	Transportation
E11	Tourism

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1	High Quality Design
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS14	Town Centres and Retail
CS34	Rural Areas

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

PSP1	Local Distinctiveness
PSP2	Landscape
PSP3	Trees and Woodland
PSP8	Residential Amenity
PSP11	Transport Impact Management
PSP16	Parking Standards
PSP17	Heritage Assets
PSP19	Wider Biodiversity
PSP20	Flood Risk
PSP21	Environmental Pollution
PSP28	Rural Economy
PSP31	Town Centre Uses

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted)
South Gloucestershire Council Waste SPD
Thornbury Conservation Area Advice Note 2004
Biodiversity Action Plan SPD

3. **RELEVANT PLANNING HISTORY**

3.1 PT17/2655/LB Pending Consideration

- Erection of extension to provide 14no. additional hotel bedrooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.2 PT16/5627/TCA No Objection 07/11/2016
Works to fell various trees as detailed on the tree plan and work schedule. Situated in the Thornbury Conservation Area.
- 3.3 PT16/2639/LB / PT17/2637/F Refused 17/02/2017
Appeal Lodged
Erection of extension to provide 15 no. additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.4 PT16/024/SCR EIA Not Required 08/06/2016
Erection of extension to provide 15no additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.5 PT13/2603/LB Approve with conditions 02/12/2013
Internal alterations to convert existing staff rooms into guest accommodation in the attic space of the West range. (Re-submission of PT13/0908/LB)
- 3.6 PT13/1639/TCA No Objection 26/06/2013
Works to fell 1no. Lawson Cypress tree situated within Thornbury Conservation Area.
- 3.7 PT13/0019/TCA No Objection 11/02/2013
Works to various trees identified on the site plan/schedule of works received 3 January 2013 situated within Thornbury Conservation Area.
- 3.8 PT08/1132/LB Approve with conditions 07/08/2008
Internal and external alterations to provide 2 No. additional guest rooms and alterations to 1 No. existing guest room. Alterations to provide additional kitchen facilities.
- 3.9 PT01/3243/REP Withdrawn 25/11/2008
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities, construction of vehicular and pedestrian access road, construction of car park. (renewal of permission reference P94/1646).
- 3.10 P96/2456/L Approve with conditions 11/02/1997
Conversion of part of North Range to two hotel bedrooms. Erection of pitched roof over North Range
This consent has not been implemented.
- 3.11 P95/1028/L Approve with conditions 11/05/1995
Roof repairs, replacement windows, internal alterations
- 3.12 P94/1647/L/ P94/1646 Approve with conditions 07/02/1996

Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities. Construction of vehicular and pedestrian access road. Construction of car park.

This consent has not been implemented.

- 3.13 P92/1193/ P92/1194/L Approve with conditions 12/08/1992
Change of use of part of north range from hotel staff bedrooms to form two hotel guest bedrooms. Erection of pitched roof over all of north range (in accordance with the plans received by the council on 6th February 1992 together with the additional details received on 21st July 1992)
This consent has not been implemented.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection, subject to approval by Listed Buildings Officer, Historic England, Ecology and Tree Officers.

4.2 Other Consultees

Transport

No objections, however queries the location of disabled bays as D&AS shows them in the inner courtyard but the plans indicate they are within the car park with steps into the hotel. The car park surfacing is loose gravel held in place with a plastic grid, this is not suitable for mobility impaired. Reference is made to a plan 15-372-111-M within the transport note, however this isn't submitted.

Historic England

No comment received.

Ecology Officer

No objection subject to conditions.

Archaeology

No objection in principle, subject to a pre-commencement condition.

Listed Building Officer

No objection in principle subject to conditions.

Landscape Officer

Previous comments apply - no objection subject to landscaping condition.

Urban Design Officer

No comment received.

Economic Development

No objection.

Arts and Development

No comment.

Highway Structures

No comment.

Tree Officer

No comment received.

Environmental Protection

Noise and odour information requested.

Lead Local Flood Authority

SUDs condition recommended.

Public Rights of Way

No objection.

Other Representations

4.3 Local Residents

One objection comment has been received stating the following:

- Insufficient access, the lane has cars parked both sides
- A coach is unable to get through
- Noise pollution from fireworks and discos at unsociable hours
- Substation close to property will cause noise and danger
- Proposed car park will spoil an area of natural beauty

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptability of the principle of development was not disputed under PT16/2637/F. Thornbury Castle is currently occupied as a hotel by the Luxury Family Hotels group. The use as a hotel is defined as a main town centre use within the NPPF, and so an extension of hotel facilities outside of the town centre, and also outside of the settlement boundary, should be sequentially assessed in accordance with paragraph 24 of the NPPF. Preference should be given to a town centre location for a main town centre use, then edge of centre locations can be considered and then only if suitable sites are not available, then out of town sites can be considered. Ideally out of centre sites must be well connected to the town centre.

- 5.2 In this instance, however this normal approach to sequential testing would not lend itself to the situation in hand. The proposal is clearly an extension to an existing hotel, moreover that facility has its entire basis and experience intrinsically linked to the fact that this site is unique in nature, that is to say Thornbury castle. On that basis a rudimentary “sequential” approach would by definition indicate that it cannot be located elsewhere, so if it is to go ahead at all must be part and parcel of the existing planning unit that constitutes Thornbury Castle. Officers are satisfied that the amount of development is not of such a scale that it could operate in its own right. Moreover, the works have also been identified by the applicant as necessary to improve viability at the site to ensure the long term maintenance of the grade I

listed asset, and the siting of the new facilities within the grounds of the castle are fundamental to their success.

The sequential test is therefore not considered particularly appropriate in these unique circumstances, and in any event would be passed on this basis.

Furthermore, the application site could be described as 'edge of centre' as it is within easy walking distance from the centre of Thornbury, and so the location is sequentially preferable to an isolated rural location.

- 5.3 As the floor space proposed is in excess of 1000 square metres, which is the locally set floor space threshold within policy CS14 of the Core Strategy, an impact assessment is required in accordance with paragraph 26 of the NPPF. This should include the assessment of:
- The impact of the proposal on the existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal
 - The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made
- 5.4 Officers are of the view that the impact on investment in the centre of Thornbury will not be significantly affected. There are no existing hotels within the town centre and officers are not aware of any that have been recently approved. Furthermore, the development is not for a new facility but an extension to an existing one, adding another 14 bedrooms to a hotel which currently has 27 rooms. Given the close proximity to Thornbury town centre, the greater influx of visitors to the area will have a positive impact on the vitality and viability of the town centre, providing additional customers for local businesses. Overall the economic benefits for the town and the castle are considered to be positive.
- 5.5 Paragraph 19 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. Given the location of the site outside of the settlement boundary of Thornbury, it is also pertinent to consider paragraph 28 of the NPPF, which supports economic growth in rural areas in order to create jobs and prosperity, and supports sustainable rural tourism. There is easy access to the centre of Thornbury from the site and so the extension of the hotel can be considered to be sustainable economic growth in a rural area, and this weighs in favour of the proposal. Policy PSP28 of the emerging Policies Sites and Places Development Plan Document allows for the intensification of existing economic uses provided that the development is within the curtilage of the existing site, it is reasonably necessary for the purposes of the business use and is clearly for the same purpose, the nature of the development would not have an adverse effect on shopping facilities in nearby settlements and must be of a scale consistent with its rural location. Information has been submitted regarding the need for the development to ensure the long term restoration and repair of the grade I listed castle, and so the criteria of policy PSP28 are considered to be met.
- 5.6 Policy E11 of the Local Plan permits new tourist accommodation provided that the development does not have unacceptable environmental impacts, does not

- prejudice the amenities of neighbouring occupiers, and does not give rise to unacceptable levels of traffic.
- 5.7 Whilst the economic benefits of the development are significant, it is noted that the site is also significantly environmentally sensitive. Thornbury Castle is a grade I listed building. There is also a Scheduled Ancient Monument (SAM) within the site and it is situated within Thornbury Conservation Area. The gardens are a grade II Registered Park and Garden. Policy CS9 seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way and new development will be expected to, among others, ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance; conserve and enhance the natural environment and conserve and enhance the character, quality, distinctiveness and amenity of the landscape. Policy L10 and L11 are also relevant at this site, as Thornbury Castle has significant archaeological potential and encompasses a Scheduled Ancient Monument (SAM). Policies L12 and L13 of the Local Plan seek to preserve and enhance the setting and the special character of the listed building and the Conservation area. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the greater the asset, the greater the weight to be afforded to the impact when considering the planning balance.
- 5.8 Accordingly, whilst the economic benefit of the scheme certainly attracts weight in favour of allowing the proposal in principle, the remainder of this report concentrates on the likely impact to what is a highly sensitive environmental site.
- 5.9 Procedural Issues
Officers note that the Design and Access Statement submitted with the application refers to the scheme originally submitted under PT16/2637/F, prior to revisions being negotiated, and is therefore out-of-date. An up-to-date Design and Access Statement has not been received, however officers consider that adequate information is available within the plans submitted to come to an informed decision.
- 5.10 Design and Heritage
Thornbury Castle, listed at Grade I, is a fortified castle, the principal part of which was built between circa 1511 and 1521 for Edward, 3rd Duke of Buckingham, with 19th century restoration and alterations by Anthony Salvin, and 20th century alterations. The halt to the building programme in 1521 left the outer court unfinished, and the ranges have remained in ruins since the 16th century. In the 19th century there was some masonry consolidation and alterations to the building fabric, including blocking up of doors and window openings, and inserting internal partitions. The north end of the west range was roofed, the walls plastered and a new floor added. Most of the towers were roofed and converted to various uses as outhouses.
- 5.11 The proposals take the form of utilising the existing unfinished west range for new kitchen facilities associated with a function room for events. The north range will be conserved and left as a ruin, although the existing central gateway

- within this range will become the entrance to a car park. North of the hotel is the former Tudor Kitchen Court. Within this area extra bedroom accommodation and a spa/swimming pool complex with café facilities is proposed. This incorporates the north wall of the castle as part of the new building. Outside the north wall a large car park is also proposed with a pedestrian access way through an existing opening in the north wall.
- 5.12 The proposed function suite within the west range occupies the area of the building that is known to have been roofed in the 19th and early 20th century and parts of the structure still survive. The proposal is to introduce a new roof structure supported off timber columns supported in turn by a new raised floor structure which is designed to be level with the brick-filled opening on the east side. The roof will oversail the walls above the function room and the windows blocked with brick are to be reopened. The single storey part of the west range has, until recently been extensively covered in vegetation. The proposal is to insert a series of rooms and corridors along the length of the building, with toilets, kitchens, plant rooms, laundry, workshops and bin stores being provided, with a low roof barely visible over the wall tops. The turrets on the east and west of the building are proposed to be used for stores or an area for external plant.
- 5.13 The area of the site on which the spa and additional bedrooms are proposed currently has a neglected, back of house appearance with large areas of gravel hardsurfacing. The proposal is to introduce two new features to the site, an additional accommodation block and a new spa facility with indoor swimming pool and restaurant.
- 5.14 This scheme represents the largest new development of the castle since the 16th century, eclipsing the 19th and 20th century restorations, conversions and extensions. It is a site of outstanding national historic and architectural interest and is deservedly protected by the grade I listings, scheduled monument status, conservation area designation and Registered Park and Garden designation. Its conversion to a hotel has allowed much of the historic fabric to remain publicly accessible although lack of maintenance over a prolonged period has resulted in the deterioration of the fabric, notably the outer courtyard which was never originally completed in the 16th century. The hotel use has been operating below expectations due to the limited accommodation and facilities on offer and this, coupled with the backlog of repairs to the fabric, is affecting the viability of the site.
- 5.15 Central to the assessment is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to *“have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”*. When considering the impact of proposals, in line with paragraph 132 of the NPPF, on the significance of a designated heritage asset (in this case, a number of exceptional heritage assets), great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. Furthermore due to the authenticity of the existing historic fabric *‘any harm or loss should require clear and convincing justification’*. The applicant has submitted a Public Benefits Statement and a business case to demonstrate

that a smaller, less intensive scheme with a smaller financial return would not be sufficient enough to restore and maintain other parts of the castle which have previously been neglected. Subject to a condition requiring a detailed schedule of repairs including method statements and specifications to be submitted and implemented in accordance with triggers to be agreed, then it is considered that the proposal would secure the optimum viable use of the heritage asset in support of its long term conservation, in accordance with the NPPF. Additional conditions securing large scale details covering specific aspects of the proposal, such as the restoration/re-glazing of each mullioned window, wall junctions and the tower bedroom roof structure will also be added to the decision notice in the event the application is recommended for approval.

5.16 Archaeology

The Archaeology officer has no objection in principle to the proposal, and has had extensive discussions with the applicant on site with regards to the proposed ground disturbance to take place across the site. It is clear that there will be large areas of the site where the archaeology cannot be preserved through design, and the development will destroy the archaeology (notably the area proposed for the new spa). Archaeology in these areas will require full recording as part of a condition, and other areas will require a watching brief during the construction works. Subject to this condition, the application is acceptable in terms of policy L11 of the Local Plan.

5.17 Landscape and Vegetation

The gardens of Thornbury Castle are a grade II listed Registered Park and Garden, and so the impact of the development on the significance and character of the surrounding gardens must be assessed. The design of the car park is compact but allows space for a number of trees within the car park area and also on its boundary. There is a native hedge around the car park which will help to screen the parked cars. There is a planting bed in front of the entrance gate, but there is a concern that this planting could have a suburbanizing effect on the wall if the planting is ornamental. Native planting may help to integrate the car park with the wall, and this can be conditioned as part of a landscaping scheme. This condition will also ensure that the south of the spa building is softened by planting, for example robust climbers or espalier fruit trees. The removal of the existing leylandii is welcomed and its replacement with 1.8 metre high yew hedging will enhance the setting of the castle.

5.18 With regards to the kitchen court garden, the Landscape officer has recommended that the proposed Mediterranean style contemporary furniture, olive trees and large containers are replaced with landscaping which better reflects the Tudor period. Once again this will be secured with a landscaping condition. During the course of the previously refused application it was requested that the post and rail fence surrounding the horse chestnut tree to the west of the car park is removed, as it represents an out of character boundary treatment. This has not been done however the applicant has advised that the fence is to minimise danger to visitors, and the alternative would be to significantly prune the tree. On balance, the retention of the post and rail fence as part of the proposal was not considered to be so harmful that permission should be refused.

- 5.19 The majority of protected trees proposed for removal at the site are category C trees. There is no objection to the development from an arboricultural perspective.
- 5.20 Transport and Waste
A large car park is proposed to serve the new function room and the additional bedrooms, and will replace the existing informal car park within the Kitchen Court. Concerns were raised during the previous application by the Transport officer with regards to the location of the disabled parking, which routed guests through the service entrance rather than having the experience of arriving at the main gates. The plans submitted as part of this resubmission propose to move the disabled parking into the main car park with access provided to the castle by raising the ground level (shown in drawing no. 15-372-111 Rev M) and subject to a condition ensuring the surface is bound to ensure disabled access, there is no objection to this proposal.
- 5.21 It is noted that the Design and Access Statement still shows the disabled parking to be within the inner courtyard, however the plans show the disabled parking to be to be in the main car park. As these plans will be conditioned in the event the application is approved, officers can be certain that the revised parking will be implemented and not the details within the Design and Access Statement.
- 5.22 Ecology
Paragraph 118 of the NPPF states that LPAs should aim to conserve and enhance biodiversity when considering proposals. If significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, then planning permission should be refused. The site is composed of amenity grassland, scrub, ruderal vegetation, allotments, a vineyard, buildings, hardstanding and a series of Grade 1 listed walls.
- 5.23 Bats are afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). Furthermore, some bats are priority species nationally under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; and included on South Gloucestershire's own Biodiversity Action Plan. The previous application (PT16/2637/F) was refused as the development had the potential to cause significant harm to bats due to a lack of sufficient information. Since then, further surveys have been completed in line with a methodology agreed with the Council's Ecology officer. The details of these surveys have been presented in support of the resubmitted application.
- 5.24 Activity surveys undertaken in June and July 2015 did not identify any bats using the main castle as a roost, however these surveys did not focus on the north or west ranges which were to be affected by the development. It was therefore recommended by the Ecology officer during the previously refused application (PT16/2637/F) that additional activity surveys were carried out focussing on the walls of the north and west ranges due to the presence of several potential bat roosting features within them. Subsequently, hibernation

surveys and two sets of dusk/dawn surveys were completed, and have been submitted to support this re-submitted application.

- 5.25 The hibernation surveys were completed in January and February of 2017, and focussed on any cracks and crevices within the walls that may had potential to support hibernating bats. No bats were observed hibernating within the walls of the range. Many of the holes were superficial, often not more than 10-15cm deep. Furthermore, no evidence of historic bat roosting was found, such as droppings or staining.
- 5.26 Activity surveys were carried out in May and June 2017, with dusk surveys being immediately followed by dawn surveys. Additionally, remote detectors were left out for 5 consecutive nights in May and June 2017. The activity surveys did not record any bats entering or emerging from any of the potential roost features within the north and west ranges.
- 5.27 Bat activity on the site was found to be relatively low, with the majority of calls recorded from the northern part of the site. The most commonly recorded species was common pipistrelle (*Pipistrellus pipistrellus*). Noctule and serotine were also recorded in good numbers, with very low numbers of myotis sp. One registration of a lesser horseshoe bat was recorded on a single night. It is therefore considered that the previous ecological refusal reason has been overcome, as the surveys were completed as specified and recorded low levels of bat activity in the area, and no roosts. Subject to conditions on the decision notice to ensure that mitigation is carried out in the form of bat boxes and an agreed lighting scheme, the development is considered to be acceptable in terms of policy CS9 of the Core Strategy, policy L9 of the Local Plan and the National Planning Policy Framework.
- 5.28 Residential Amenity
An objection has raised concerns of increase noise pollution from events at the Castle, and the Council's Environmental Health officer has requested that noise and odour information is submitted prior to determination. This was not requested as part of the previous application and it would be unreasonable for officers to request it at this stage. Furthermore, given the existing use as a hotel which hosts events, it is unlikely that there will be any significant increase in noise levels. The proposed development is an adequate distance from the closest residential dwelling and officers do not consider there to be any issues with privacy or overbearing structures.
- 5.29 Environmental Impacts
There are no known environmental issues at the site. The Lead Local Flood Authority have been consulted and have requested that a Sustainable Urban Drainage System is conditioned on the decision notice in the event the application is approved.
- 5.30 Planning Balance
Paragraph 19 of the NPPF states that significant weight should be placed on the need to support economic growth through the planning system. It is also relevant to consider paragraph 28 of the NPPF, which supports economic growth in rural areas in order to create jobs and prosperity, and supports

sustainable rural tourism. It is also considered that the proposal would secure the optimum viable use of this sensitive and important heritage asset, providing opportunities for its long term conservation, in accordance with paragraph 134 of the NPPF. The benefits of this rural economic growth in a sustainable location coupled with the benefits of securing the future of the grade I listed castle are acknowledged, and the recommendation has not been taken likely given the economic impact that delays may have on the castle as a viable business.

- 5.31 On balance, it is recommended that the application is approved, because there is now sufficient information as part of the resubmission to ensure that the development, if approved, would not be harmful to bats. This would be in accordance with policy CS9 of the Core Strategy, policy L9 of the Local Plan, the National Planning Policy Framework and the Habitat Regulations 2012 (as amended), and the previous refusal reason has been overcome.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Development shall proceed in strict accordance with the following plans:
15-372-001 Rev C Site Location Plan
15-372-002 Rev C Plan- Site Existing
15-372-003 Rev C Topographic Survey
15-372-005 Rev B Plan- Ground Existing

15-372-006 Rev C Site Plan- Existing Services
15-372-007 Rev B Plan- Roof Existing
15-372-011 Rev B Plan- Kitchen Court
15-372-012 Rev A Plan- Kitchen Gardens
15-372-013 Rev B Plan- Outer Court West Range
15-372-020 Rev B Existing North Elevation
15-372-021 Rev B Existing South Elevation
15-372-022 Rev B Existing West Elevation
15-372-023 Rev B Existing East Elevation
15-372-024 Rev / Tower- Internal Elevation
15-372-030 Rev / Existing Section A-A, B-B, C-C
15-372-031 Rev B Existing Section D-D, E-E, F-F
15-372-101 Rev H Plan- Site Proposed (received 16th June 2017)
15-372-102 Rev H Plan- GA Ground Floor (received 16th June 2017)
15-372-103 Rev F Plan- GA First Floor (received 16th June 2017)
15-372-105 Rev I Plan- Ground Proposed (received 16th June 2017)
15-372-106 Rev I Plan- First Proposed (received 16th June 2017)
15-372-107 Rev I Plan- Roof Proposed (received 16th June 2017)
15-372-111 Rev M Plan- Ground Bedrooms (received 16th June 2017)
15-372-112 Rev U Plan- Ground Bedrooms (received 16th June 2017)
15-372-113 Rev P Plan- Ground Function Room (received 16th June 2017)
15-372-114 Rev L Plan- First Bedrooms (received 16th June 2017)
15-372-115 Rev M Plan- First Spa (received 16th June 2017)
15-372-116 Rev M Plan- Roof Bedrooms (received 16th June 2017)
15-372-117 Rev J Plan- Roof Spa (received 16th June 2017)
15-372-118 Rev L Plan- Roof Function Room (received 16th June 2017)
15-372-200 Rev E Proposed North and South Elevations (received 16th June 2017)
15-372-202 Rev E Proposed East and West Elevations (received 16th June 2017)
15-372-203 Rev D Proposed East and West Elevations (received 16th June 2017)
15-372-204 Rev C Proposed Sections (received 16th June 2017)
15-372-205 Rev E Proposed Section (received 16th June 2017)
15-372-206 Rev D Proposed Sections (received 16th June 2017)
15-372-207 Rev D Proposed Sections (received 16th June 2017)
15-372-211 Rev E Proposed Elevation- West Range (received 16th June 2017)
15-372-212 Rev F Proposed North and South Elevation (received 16th June 2017)
15-372-213 Rev F Proposed Longitudinal Section- West Range (received 16th June 2017)
15-372-214 Rev D Proposed Sections West Range (received 16th June 2017)
15-372-215 Rev E Proposed Section- West Range (received 16th June 2017)
15-372-220 Rev D Proposed Elevation- North Field (received 16th June 2017)
15-372-221 Rev E Proposed Elevation- North Field (received 16th June 2017)
15-372-222 Rev D Proposed Elevations (received 16th June 2017)
15-372-223 Rev D Proposed Elevations (received 16th June 2017)
15-372-224 Rev C Proposed Sections- Bedrooms (received 16th June 2017)
15-372-225 Rev C Proposed Section- Bedrooms (received 16th June 2017)
15-372-226 Rev E Proposed Section- Spa (received 16th June 2017)
15-372-227 Rev A Proposed Turret Bedroom (received 16th June 2017)
15-372-228 Rev / Proposed Elevations and Sections (received 16th June 2017)
15-372-320 Rev G Coach Access
6532 sk10 Wallhead Detail A-01
6532 sk11 Wallhead Detail C-01

6532 sk12 Wallhead Detail D-01
6532 sk13 Wallhead Detail E-01
6532 sk14 Wallhead Detail F-01
TPP-1 Rev B Tree Protection Plan
TR-1 Rev B Tree Removal Plan
Coach Tracking
Refuse Vehicle Tracking
All received 6th June 2017 unless otherwise stated above

Reason

For the avoidance of doubt and in the interests of proper planning.

3. Prior to the commencement of development including any groundworks, engineering works, exempt infrastructure works or remediation works, a programme of archaeological investigation and recording for the site, comprising open excavation and watching brief (and where appropriate outreach), shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation. The development shall not be occupied until the subsequent programme of post-excavation assessment, analysis, outreach (where appropriate) and publication has been agreed with the local planning authority and implemented.

Reason

To preserve and record any archaeology at the site, and to prevent its destruction, in accordance with policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This information is required prior to commencement to prevent the destruction of archaeology during the construction period and to prevent remedial works later on.

4. Prior to its installation or construction, full details of the proposed substation, including location plan, elevations and screening at a scale of 1:20 shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

5. Prior to its installation or construction, full details of the proposed car park access track, including layout, alignment, edging, drainage and surfacing at a minimum scale of 1:20 shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas)

Act 1990, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

6. Samples of all new external surfacing materials including paving, setts, loose aggregates, and bound surfacing proposed to be used shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Development shall be carried out in accordance with the approved details.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Reason

To ensure bound surfaces are proposed in appropriate places to allow for disabled access from the car park, to accord with policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS8 of the Core Strategy (Adopted) December 2013.

7. Prior to its installation, full details of any proposed external lighting or signage shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

For the avoidance of doubt, the lighting plan should follow guidance set out in Paragraph 5.3.10 of the Ecological Assessment (Ecology Solutions, dated April 2016).

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

Reason

To minimise the impact of lighting on protected species and the rural character of the countryside, in accordance with policies L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and policies CS9 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013.

8. Prior to first use, the number, location and type of bat boxes shall be submitted to the council for approval in writing. The bat boxes shall be suitable for the species recorded during the activity surveys.

Reason

To provide ecological enhancement in accordance with policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

9. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be

retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); and boundary treatments shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To enhance the setting of the listed building and to accord with policies CS9 and CS34 of the South Gloucestershire Core Strategy (Adopted) December 2013 and policies L1, L12 and L13 of Local Plan (Adopted) January 2006. This information is required prior to commencement to prevent remedial works later on.

10. The parking, turning and access arrangements for all vehicles, including cycles, coaches and refuse vehicles, shall be implemented in accordance with the approved plans prior to first use of the development approved and be maintained for such a purpose thereafter.

Reason

To ensure adequate parking provision is provided and to accord with policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS8 of the Core Strategy (Adopted) December 2013, and the National Planning Policy Framework.

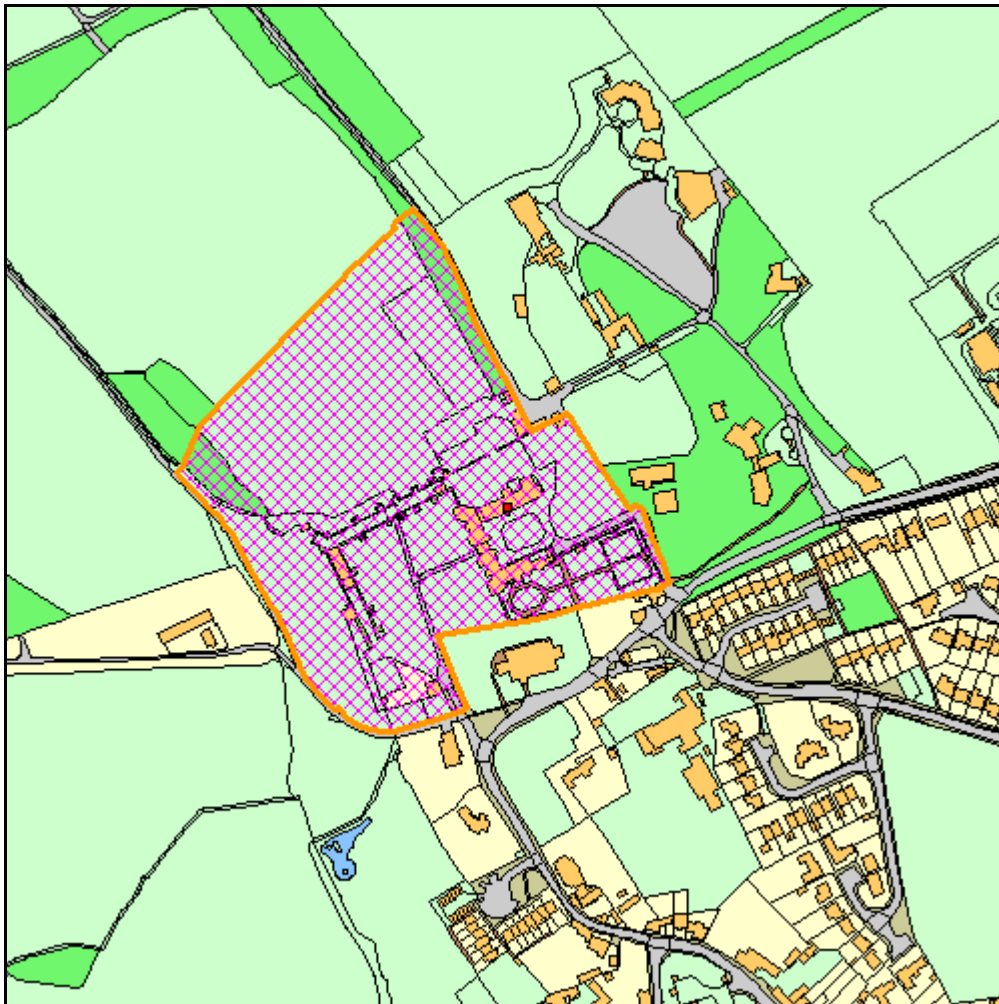
11. No development shall commence until surface water drainage details including SUDS (Sustainable Urban Drainage Systems e.g. soakaways if ground conditions are satisfactory) have been submitted and approved by the Local Planning Authority. Development shall then proceed in accordance with the agreed details.

Reason

In order to prevent flooding and pollution and to accord with policy CS9 of the South Gloucestershire Core Strategy and the National Planning Policy Framework. This information is required prior to commencement to prevent remedial works later on.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2655/LB	Applicant:	Luxury Family HotelsLuxury Family Hotels
Site:	Thornbury Castle Castle Street Thornbury Bristol South Gloucestershire BS35 1HH	Date Reg:	21st June 2017
Proposal:	Erection of extension to provide 14no. additional hotel bedrooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works (resubmission of PT16/2639/LB)	Parish:	Thornbury Town Council
Map Ref:	363385 190721	Ward:	Thornbury North
Application Category:	Minor	Target Date:	11th August 2017



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N.T.S.

PT17/2655/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Council's Circulated Schedule procedure alongside the associated application for full planning permission (PT17/2654/F) which received comments from a local resident to the contrary of the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site relates to Thornbury Castle, which is a grade I listed building. The castle is currently operating as a hotel, which is part of the Luxury Family Hotels group.
- 1.2 There is also a Scheduled Ancient Monument (SAM) within the site and it is situated within Thornbury Conservation Area. The gardens are a grade II Registered Park and Garden.
- 1.3 The castle is located outside of the established settlement boundary of Thornbury in the open countryside, however it is not situated within the Bristol/Bath Green Belt.
- 1.4 The development proposed consists of a number of extensions to provide 14 no. new hotel rooms, a spa, a restaurant and a function room. The car park is to be relocated, as well as the 'back of house' service functions and associated works.
- 1.5 The application is a resubmission of PT16/2639/LB which was refused in February 2017 for the following reason:

The proposal has potential to cause significant harm to bats. Bats are a European Protected Species, afforded full protection under the European Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('The Habitats Directive 1992') implemented in Britain by the Habitat Regulations 2012 (as amended); and the Wildlife & Countryside Act 1981 (as amended). The Ecological Appraisal by Ecology Solutions submitted in June 2016, the subsequent letter dated 26th July 2016 and the Addendum Briefing Note dated November 2016 do not contain sufficient information to ensure that the development, if approved, would not be harmful to bats. This is contrary to policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013 and the National Planning Policy Framework, and is also contrary to the Habitat Regulations 2012 (as amended).

- 1.6 The associated application for full planning consent is currently pending consideration by the Local Planning Authority (PT17/2654/F).

2. POLICY CONTEXT

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

2.2 Development Plan

South Gloucestershire Local Plan (Adopted) January 2006

L13 Listed Buildings

South Gloucestershire Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT17/2654/F Pending Consideration
Erection of extension to provide 14 no. additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.2 PT16/5627/TCA No Objection 07/11/2016
Works to fell various trees as detailed on the tree plan and work schedule. Situated in the Thornbury Conservation Area.
- 3.3 PT16/2637/F /PT16/2639/LB Refused 17/02/2017
Erection of extension to provide 15 no. additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.4 PT16/024/SCR EIA Not Required 08/06/2016
Erection of extension to provide 15no additional hotel rooms, spa, restaurant and function room. Relocation of car park and 'back of house' functions and associated works
- 3.5 PT13/2603/LB Approve with conditions 02/12/2013
Internal alterations to convert existing staff rooms into guest accommodation in the attic space of the West range. (Re-submission of PT13/0908/LB)
- 3.6 PT13/1639/TCA No Objection 26/06/2013
Works to fell 1no. Lawson Cypress tree situated within Thornbury Conservation Area.
- 3.7 PT13/0019/TCA No Objection 11/02/2013
Works to various trees identified on the site plan/schedule of works received 3 January 2013 situated within Thornbury Conservation Area.
- 3.8 PT08/1132/LB Approve with conditions 07/08/2008
Internal and external alterations to provide 2 No. additional guest rooms and alterations to 1 No. existing guest room. Alterations to provide additional kitchen facilities.
- 3.9 PT01/3243/REP Withdrawn 25/11/2008
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities, construction of vehicular and

- pedestrian access road, construction of car park. (renewal of permission reference P94/1646).
- 3.10 P96/2456/L Approve with conditions 11/02/1997
Conversion of part of North Range to two hotel bedrooms. Erection of pitched roof over North Range
This consent has not been implemented.
- 3.11 P95/1028/L Approve with conditions 11/05/1995
Roof repairs, replacement windows, internal alterations
- 3.12 P94/1647/L/ P94/1646 Approve with conditions 07/02/1996
Alteration to existing walls and erection of roof to facilitate the provision of banqueting hall and associated facilities. Construction of vehicular and pedestrian access road. Construction of car park.
This consent has not been implemented.
- 3.13 P92/1193/ P92/1194/L Approve with conditions 12/08/1992
Change of use of part of north range from hotel staff bedrooms to form two hotel guest bedrooms. Erection of pitched roof over all of north range (in accordance with the plans received by the council on 6th February 1992 together with the additional details received on 21st July 1992)
This consent has not been implemented.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection, subject to approval by listed building officer, Historic England and ecology and tree officers.
- 4.2 Other Consultees
- Listed Building and Conservation
No objection in principle, conditions recommended.
- Council for British Archaeology
No comment.
- Georgian Group
No comment.
- Twentieth Century Society
No comment.
- Society for the Protection of Ancient Buildings
No comment.
- Victorian Society
No comment.

Ancient Monuments Society

No comment.

Historic England

Suggestions made for slight changes. Does not raise any further issues at this point and are content for the application to be determined in line with any comments submitted by your conservation officer.

Other Representations

4.3 Local Residents

None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The main issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

5.2 Consideration of Proposal

Thornbury Castle, listed at Grade I, is a fortified castle, the principal part of which was built between circa 1511 and 1521 for Edward, 3rd Duke of Buckingham, with 19th century restoration and alterations by Anthony Salvin, and 20th century alterations. The halt to the building programme in 1521 left the outer court unfinished, and the ranges have remained in ruins since the 16th century. In the 19th century there was some masonry consolidation and alterations to the building fabric, including blocking up of doors and window openings, and inserting internal partitions. The north end of the west range was roofed, the walls plastered and a new floor added. Most of the towers were roofed and converted to various uses as outhouses.

5.3 The proposals take the form of utilising the existing unfinished west range for new kitchen facilities associated with a function room for events. The north range will be conserved and left as a ruin, although the existing central gateway within this range will become the entrance to a car park. North of the hotel is the former Tudor Kitchen Court. Within this area extra bedroom accommodation and a spa/swimming pool complex with café facilities is proposed. This incorporates the north wall of the castle as part of the new building. Outside the north wall a large car park is also proposed with a pedestrian access way through an existing opening in the north wall.

5.4 The proposed function suite within the west range occupies the area of the building that is known to have been roofed in the 19th and early 20th century and parts of the structure still survive. The proposal is to introduce a new roof structure supported off timber columns supported in turn by a new raised floor structure which is designed to be level with the brick-filled opening on the east side. The roof will oversail the walls above the function room and the windows blocked with brick are to be reopened. The single storey part of the west range has, until recently been extensively covered in vegetation. The proposal is to insert a series of rooms and corridors along the length of the building, with toilets, kitchens, plant rooms, laundry, workshops and bin stores being provided, with a low roof barely visible over the wall tops. The turrets on the

- east and west of the building are proposed to be used for stores or an area for external plant.
- 5.5 The area of the site on which the spa and additional bedrooms are proposed currently has a neglected, back of house appearance with large areas of gravel hardsurfacing. The proposal is to introduce two new features to the site, an additional accommodation block and a new spa facility with indoor swimming pool and restaurant.
- 5.6 This scheme represents the largest new development of the castle since the 16th century, eclipsing the 19th and 20th century restorations, conversions and extensions. It is a site of outstanding national historic and architectural interest and is deservedly protected by the grade I listings, scheduled monument status, conservation area designation and Registered Park and Garden designation. Its conversion to a hotel has allowed much of the historic fabric to remain publicly accessible although lack of maintenance over a prolonged period has resulted in the deterioration of the fabric, notably the outer courtyard which was never originally completed in the 16th century. The hotel use has been operating below expectations due to the limited accommodation and facilities on offer and this, coupled with the backlog of repairs to the fabric, is affecting the viability of the site.
- 5.7 Central to the assessment is the requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 in Section 66(1) for the local authority to *“have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses”*. When considering the impact of proposals, in line with paragraph 132 of the NPPF, on the significance of a designated heritage asset (in this case, a number of exceptional heritage assets), great weight should be given to the asset’s conservation and that the more important the asset the greater the weight should be. Furthermore due to the authenticity of the existing historic fabric *‘any harm or loss should require clear and convincing justification’*. The applicant has submitted a Public Benefits Statement and a business case to demonstrate that a smaller, less intensive scheme with a smaller financial return would not be sufficient enough to restore and maintain other parts of the castle which have previously been neglected. Subject to a condition requiring a detailed schedule of repairs including method statements and specifications to be submitted and implemented in accordance with triggers to be agreed, then it is considered that the proposal would secure the optimum viable use of the heritage asset in support of its long term conservation, in accordance with the NPPF. Additional conditions securing large scale details covering specific aspects of the proposal, such as the restoration/re-glazing of each mullioned window, wall junctions and the tower bedroom roof structure will also be added to the decision notice in the event the application is recommended for approval.
- 5.8 Ecology
Whilst ecology issues are predominantly assessed under the remit of the full planning application, the Council must still act under its wider statutory duty to consider the Habitat Directive 2012 (as amended). Attention should be paid to the Conservation (Natural Habitats, &c.) Regulations 1994, s3(4) which states *“Without prejudice to the preceding provisions, every competent authority in the*

exercise of any of their functions, shall have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions". The impact on protected species is therefore considered to be a material consideration in the determining of this application for listed building consent.

- 5.9 As part of the full planning application (PT17/2654/F), the previous ecology objection to the listed building consent has been overcome, and the reasons for this are detailed in the officer report for the full application.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

- 7.1 That listed building consent is **APPROVED** subject to conditions on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, an updated Fabric Condition Survey of Thornbury Castle, including a schedule of repairs, specifications and maintenance methodology, shall be submitted to and approved in writing by the Local Planning Authority. The Survey shall prioritise the identified repairs to the Castle (occupied buildings and ruins), and shall indicate the length of time recommended for the completion of the repairs or the action to be taken. All repairs shall be completed in accordance with the survey recommendations and the agreed timescales.

Reason

To secure the completion of extensive repairs to the grade I listed building that formed part of the Business Case and justification for the scale, form and quantum of proposed development at Thornbury Castle and to safeguard the special architectural and historic character of the building, in accordance with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This information is required prior to commencement to prevent remedial works later on.

3. Prior to the commencement of development, full details of any proposed foundation or engineering works affecting the historic fabric shall be submitted to the Council for approval. The submitted information shall include details of the structural connections to, and alteration or removal of, historic fabric. For the avoidance of doubt, this includes unforeseen structural interventions that may arise during the construction phase of the works hereby approved. No works shall be commenced until the Council has given written approval for the submitted details, and the works shall be constructed exactly in accordance with the details so approved.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. This information is required prior to commencement to prevent remedial works later on.

4. Method statements and specifications for the following items of work shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced. These shall be accompanied, where relevant, by representative samples demonstrating the workmanship and finished appearance (i.e. colour, texture, jointing, coursing and pointing) and samples shall be completed on site for approval in writing before the relevant parts of the work are commenced.
 - a. Tree root and vegetation removal
 - b. Lime pointing and mortar repairs
 - c. Repairs to historic fireplaces
 - d. Stone replacement and piecing in
 - e. Wall consolidation, repair, weathering and capping
 - f. Tooled ashlar infill to WO_010 and WO_009

The approved samples shall be kept on site for reference until the work is complete. Development shall be carried out in accordance with the agreed sample. For the avoidance of doubt, all mortar shall be traditional lime mortar and shall not contain cement.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. Prior to the commencement of the relevant phase of works, samples of all roofing and external facing materials proposed to be used in the new build and restoration of historic fabric shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

6. Prior to the commencement of the relevant phase of works, samples of the proposed flooring to the Function Room and Turret Room shall be submitted to and approved in

writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

7. Sample panels of stonework of at least 1 square metre for the proposed Spa, Restaurant, Guest Bedroom wing and Turret Bedroom, demonstrating the colour, coursing, jointing, texture and pointing shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panels shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

8. Specifications for the lime mortars, plasters and renders used in the repair, consolidation and decoration of historic fabric and details of the proposed locations for their use shall be submitted to and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. Works shall be carried out in accordance with the agreed specifications.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9.
 8. The detailed design including materials and finishes of the following items shall be submitted to and approved in writing by the local planning authority before the relevant parts of the work are commenced:
 - a. All new timber doors and gates including frames, architraves and door furniture and fittings
 - b. All new windows, glazed screens, clerestory windows, cladding and louvres to the Spa, Function Room, Restaurant and Guest Bedrooms (including cill, reveal and head details)
 - c. Guest Bedroom main entrance door (including label moulding), string course, vertical lead cladding and flashing to historic curtain wall.
 - d. Timber columns, roof structure and internal lobby screen to Function Room.
 - e. Dormers, chimney and roof vents to Spa complex.
 - f. Eaves, verge and ridges to Guest Bedroom and Spa/Restaurant/Pool buildings.
 - g. External steps and handrails to Function Room and Turret Room.
 - h. All new glazing to arrow slit and mullion windows.
 - i. All external signage and lighting including wall lights, bollards, luminaires and up-lighting.

- j. All mechanical and electrical services, including ventilation and extract terminals to the Turret Bedroom, Function Room, Kitchens, Laundry and External Plant Area.
- k. Conservation rooflights.
- l. PV system for Spa complex.

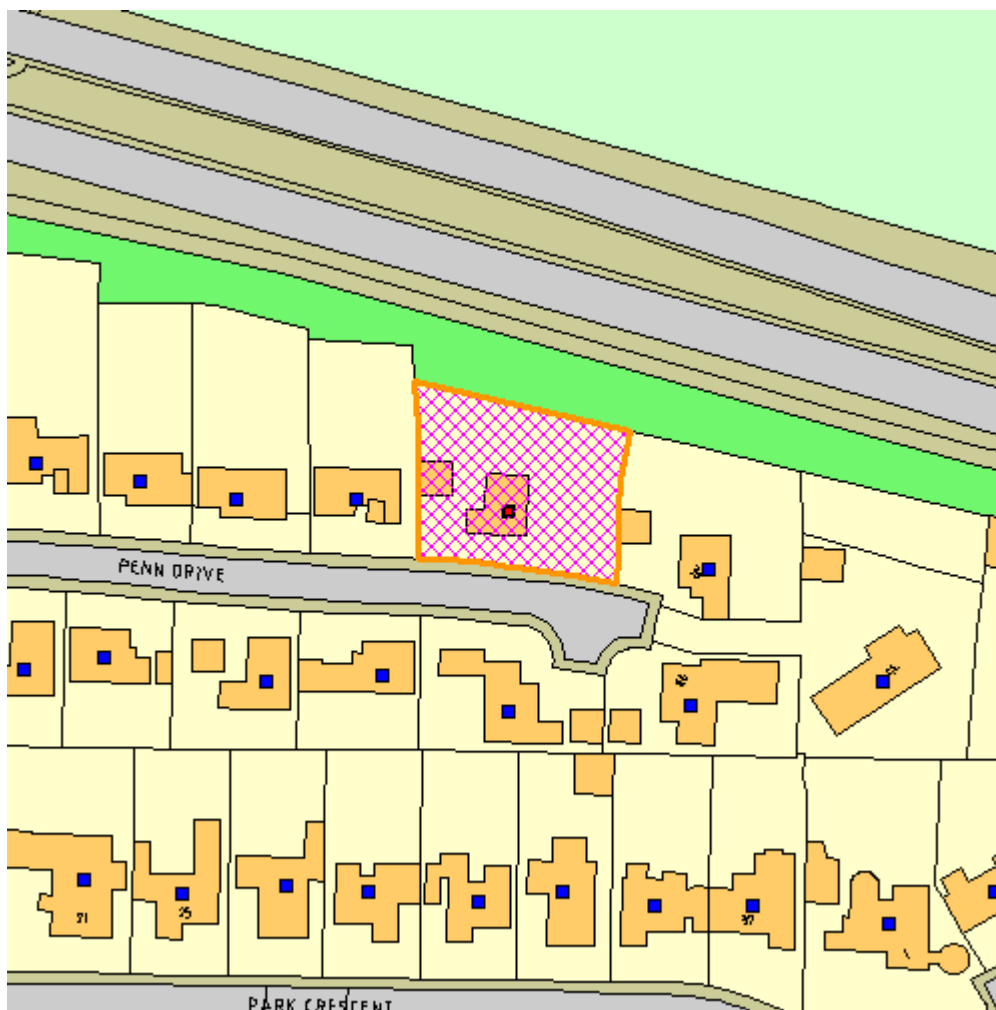
The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason:

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2659/CLP	Applicant:	Mr L Singh
Site:	34 Penn Drive Frenchay Bristol South Gloucestershire BS16 1NN	Date Reg:	9th June 2017
Proposal:	Certificate of lawfulness for the proposed rear extension to existing garage.	Parish:	Winterbourne Parish Council
Map Ref:	364366 178314	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	31st July 2017



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 100023410, 2008. **N.T.S.** **PT17/2659/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed rear extension to an existing garage would be lawful under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT16/5035/TRE
Approve with Conditions (05.10.2016)
Works to fell 1no. Beech tree and 1no. Norway maple covered by Tree Preservation Order TPO 466 dated 4th March 1996
- 3.2 PT11/3857/F
Approve with Conditions (19.01.2012)
Erection of two storey side and single storey rear extension to provide additional living accommodation. (Amendment to previously approved scheme PT11/2424/F)
- 3.3 PT11/2424/F
Approve with Conditions (22.11.2011)
Erection of two storey side and single storey rear extension to provide additional living accommodation. (Amendment to previously approved scheme PT10/1181/F)

- 3.4 PT10/1181/F
Approve with Conditions (22.06.2010)
Erection of two storey rear and single storey side extension to provide additional living accommodation
- 3.5 PT09/1201/TRE
Split Decision see D/N (05.08.2009)
Works to fell 3 no. Maple trees (T1, T3 and T4) and 1 no. Rowan tree (T2) covered by Tree Preservation Order No. 416 - Land at Penn Drive, Frenchay
- 3.6 P96/1942/T
Approval of Tree Works (19.03.1997)
Reduce height of 4 trees covered by Northavon District Council (Land at Penn Drive, Frenchay) Tree Preservation Order 1996.
- 3.7 P84/1558
Approval of Full Planning (27.06.1984)
Erection of lean-to greenhouse between front boundary wall and side of dwelling.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
"No objection".

Other Representations

- 4.2 Local Residents
No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Location Plan
Drawing No: P-100
Received by the Council on 6th June 2017
- Location Plan
Drawing No: P-200
Received by the Council on 6th June 2017
- Existing and Proposed Garage Plan
Drawing No: P-400
Received by the Council on 6th June 2017
- Existing and Proposed Garage Elevations
Drawing No: P-500
Received by the Council on 6th June 2017
- Proposed Garage Elevations: FLAT ROOF OPTION
Drawing No: P-600
Received by the Council on 6th June 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 issue is to determine whether the proposed rear extension to an existing garage falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class E of the GPDO 2015; which permits buildings etc. incidental to the enjoyment of a dwellinghouse, providing it meets the following criteria.

Class E – Buildings etc incidental to the enjoyment of a dwellinghouse

Permitted development

E. The provision within the curtilage of –

- (a) Any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.**

Development not permitted

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

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

The dwelling has not been granted by virtue of Class M, N, P, PA or Q of Part 3 of the GPDO.

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

As calculated from the drawing P-200 the total area of ground covered by buildings, enclosures or containers within the curtilage (other than the original dwellinghouse) will not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse) following the construction of the proposed garage.

- (c) any part of the building, enclosure, pool, or container would be situated on land forward of a wall forming a principal elevation of the original dwellinghouse;**

As noted on drawing P-200, no part of the proposed garage will be on land forward of a wall forming the principal elevation of the original dwellinghouse.

- (d) the building would have more than a single storey;**

The proposed garage will have a single storey.

- (e) the height of the building or enclosure would exceed –**

- (i) 4 metres in the case of a building with a dual pitched roof,**
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
- (iii) 3 metres in any other case;**

The original outbuilding to be extended has a dual pitched roof; exceeds 4 metres in height; and is less than 2 metres from the boundary of the curtilage. The proposed extension however would have a flat roof; be within 2 metres of the boundary of the curtilage; and be less than 2.5 metres in height. The proposed extension therefore does meet these criteria, but the original outbuilding to be enlarged does not.

On balance, as the outbuilding to be extended already exceeds the criteria; and Paragraph E.(a) of Class E refers to the 'alteration of such a building', not specifically the enlargement; and paragraph E.1(e) of Class E refers to 'the height of the building', again not specifically the height of the enlargement, it is the Officers decision that the proposal does not meet the criteria in paragraph (e)(i) and (e)(ii).

- (f) the height of the eaves of the building would exceed 2.5 metres;**

The eaves would be 2.2 metres.

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;**

34 Penn Drive is not a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform;**

The proposal would not include a verandah, balcony or raised platform.

(i) **it relates to a dwelling or a microwave antenna; or**

The proposal would not include a microwave antenna.

(j) **the capacity of the container would exceed 3,500 litres.**

The proposed garage is not a container.

7. RECOMMENDATION

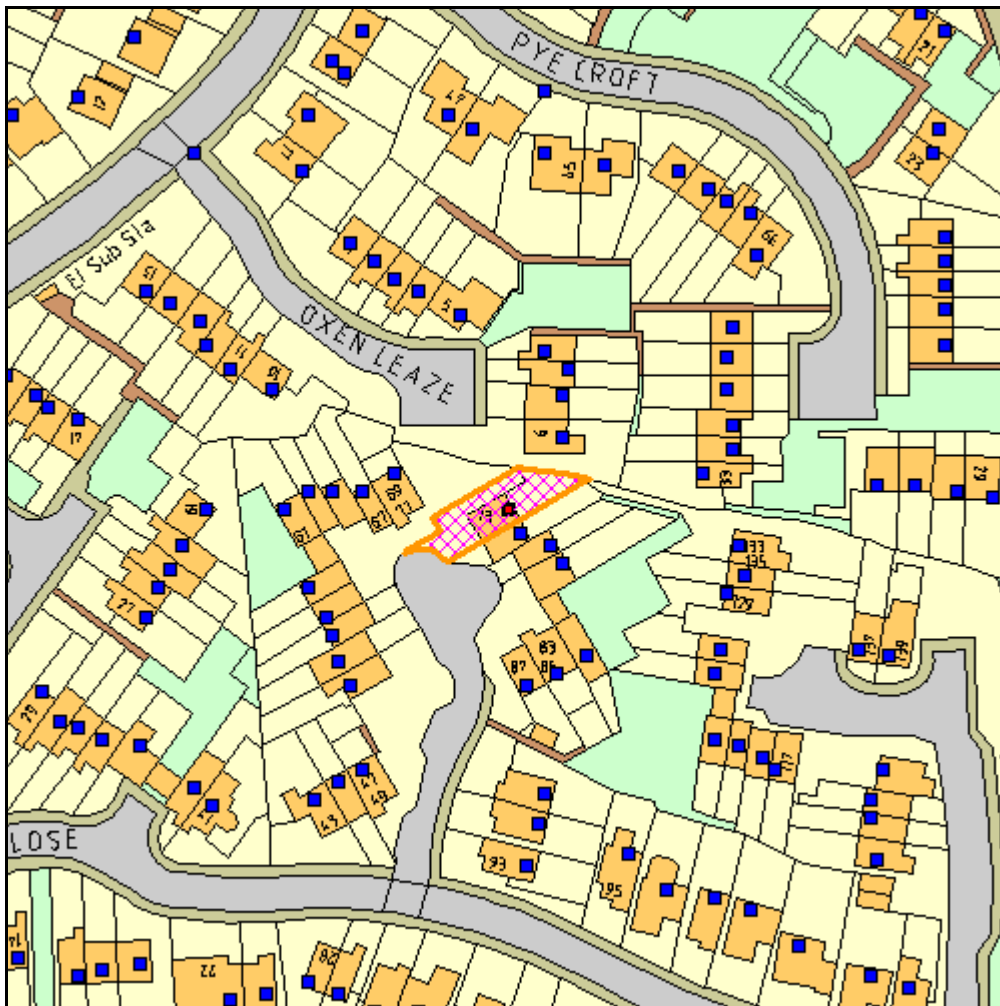
7.1 That a certificate of Lawfulness for Proposed Development is **refused** for the following reason:

The evidence provided has been insufficient on the balance of probabilities to demonstrate that the proposed extension to an existing garage falls within the permitted rights afforded to householders under Schedule 2, Part 1, Class E of the Town and Country Planning General Permitted Development Order 2015. This is because there is evidence to suggest that the height of the outbuilding would exceed 4 metres; and the location of the outbuilding would be within 2 metres of the boundary of the curtilage of the dwellinghouse, contrary to paragraphs e(i) and e(ii) of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

Contact Officer: David Ditchett
Tel. No. 01454 863131

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2680/F	Applicant:	Mr Simon Creese
Site:	73 Paddock Close Bradley Stoke Bristol South Gloucestershire BS32 0EX	Date Reg:	28th June 2017
Proposal:	Erection of two storey side extension and single storey rear extension to provide additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	362041 182938	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	3rd August 2017



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N.T.S.

PT17/2680/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 The application is for the erection of a two storey side extension and single storey rear extension to form additional living accommodation.
- 1.2 The property is volume built detached dwelling located on a cul-de-sac, within the residential area of Bradley Stoke.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
National Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Access/Transport
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Bradley Stoke Town Council objects to this planning application on grounds of overdevelopment of the site and insufficient parking provision.

Sustainable Transportation

2 off street parking spaces are required for both a 3 and 4 bed dwelling. However the applicant states that they currently have only 1 off street parking space. The existing space to the side of the dwelling will be lost and a replacement is proposed to the front of the property. As this is a like for like situation in terms of parking provision, there are no transportation objections.

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design

The comments of the Town Council, above, in terms of overdevelopment are noted. The proposed extension however is considered to be of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. There is sufficient space within the plot to accommodate the extension. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials would match those of the existing dwelling.

5.3 Residential Amenity

The comments of the Town Council, above, in terms of overdevelopment are noted. The length, size, location and orientation of the proposals are not considered to give rise to any significant or material overbearing nor overlooking/inter visibility impact on adjacent properties. There is sufficient space within the plot to accommodate the extension. Further to this sufficient garden space remains to serve the property.

5.4 Transportation

The net off street parking requirements and actual level of provision for the site are not changing under the terms and provisions of this planning application. The single existing space would be lost, however this would be replaced by an alternative space. Whilst therefore the off-street provision requirement would generally be for 2 spaces for a 3 or 4 bedroom dwelling, this is not currently the case for the existing 3 bedroom dwelling. The extension of the property to a 4 bedroom dwelling would not, under current policy, alter the number of parking spaces required, and on this basis there is no transportation objection to the proposals.

Procedural Points

It is considered that it will be necessary to confirm the extent of the “red-edged” plan to be approved; and the relevant notification to owners of land (correct Certificate) has been served by the applicant prior to any formal decision being issued.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposals are of an appropriate standard in design and are not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Adequate parking can be provided on the site.. As such the proposal accords with Policies H4 T12 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted, subject to the conditions recommended; and subject to confirmation that the entire proposal falls within the land edged in red; and the correct Certificate of Ownership has been served.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

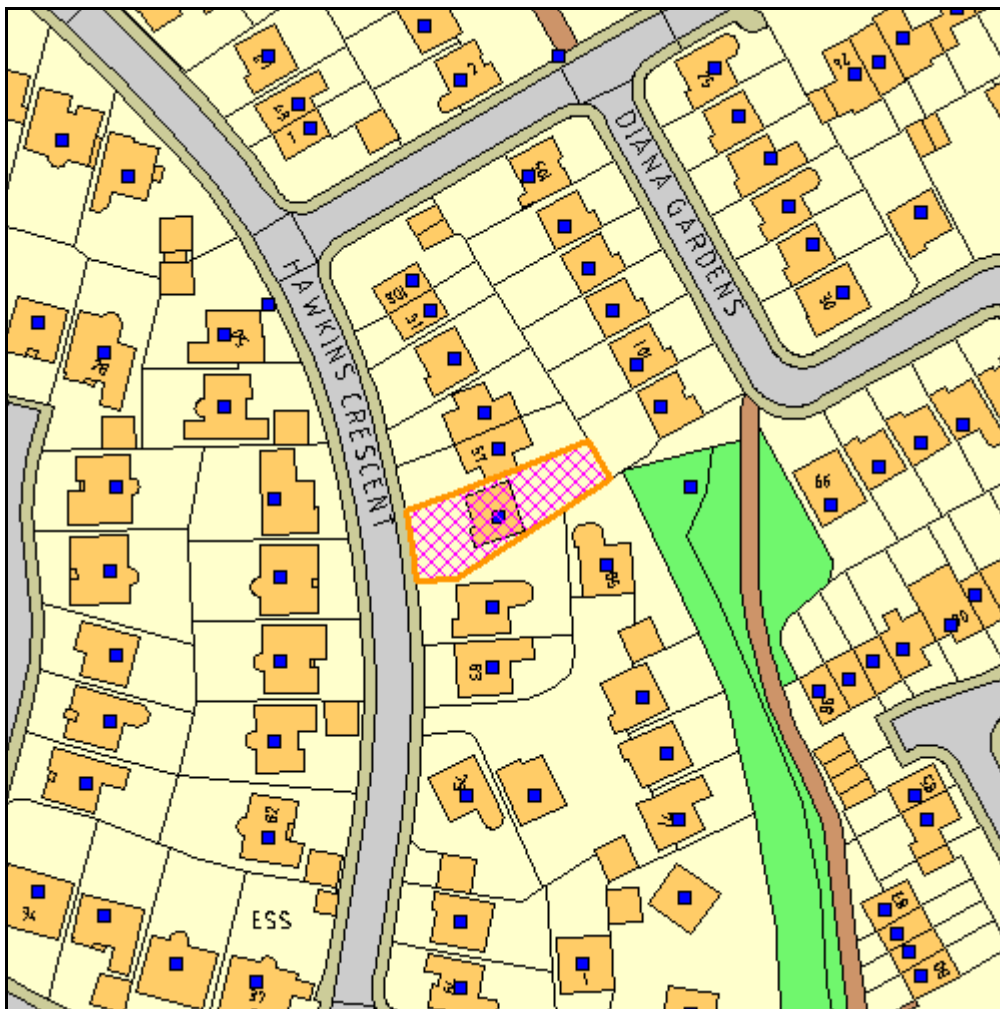
Reason
To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; and the National Planning Policy Framework.
3. The off-street parking facilities (for all vehicles, including cycles) shown on 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.

CIRCULATED SCHEDULE NO. 30/17 – 28 JULY 2017

App No.:	PT17/2789/CLP	Applicant:	Mr Richard Jones
Site:	59 Hawkins Crescent Bradley Stoke Bristol South Gloucestershire BS32 8EL	Date Reg:	20th June 2017
Proposal:	The proposed erection of a single storey rear extension.	Parish:	Bradley Stoke Town Council
Map Ref:	362228 181505	Ward:	Bradley Stoke South
Application Category:		Target Date:	14th August 2017



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PT17/2789/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed single storey rear extension to 59 Hawkins Crescent, Bradley Stoke would be lawful.
- 1.2 The application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based solely on the facts presented.

2. POLICY CONTEXT

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

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

3. RELEVANT PLANNING HISTORY

3.1 P97/1072

Erection of 112 dwellings with garaging, parking and ancillary highway works.

Approval of Reserved Matters: 09.04.1997

Condition 8 attached to this permission restricted the permitted development rights at the property. The full condition is outlined below:

Cond. 8 *Notwithstanding the provisions of the Town and Country Planning General Development Order 1988, as amended (or any order revoking or re-enacting that order) the garage facilities hereby permitted shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage without the prior written permission of the Council.*

3.2 P84/0020/1

Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx. 1000 acres of land.

Approved: 03.12.1986

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Location Plan
Existing and Proposed Plans (Drawing no. 01)
(Received by Local Authority 14th June 2017)

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

- 6.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO (2015). It should be noted that whilst there is a restriction on permitted development rights at the property, this only relates to the use of the existing garage. As such there is no restriction on the erection of a single storey rear extension at this property under permitted development rights.

- 6.3 The proposed development consists of a single storey extension to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached**

- dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

Not applicable.

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

The extension would be single storey.

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

The extension would be within 2 metres of the boundary, however the eaves would not exceed 3 metres in height. It should be noted that the proposed parapet wall would exceed 3 metres in height. However the DCLG Technical Guidance – Permitted development rights for householder (2017) outlines that parapet walls should not be included in any calculation of eaves height. On this basis, the proposal is considered to meet this criterion.

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

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

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

The proposal does not include any of the above.

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

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

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

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

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

The submitted application form indicates that the proposed extension would be finished in materials to match existing. As such, the proposal meets this criterion.

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

Not applicable.

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

Not applicable.

7. RECOMMENDATION

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

Contact Officer: Patrick Jackson
Tel. No. 01454 863034

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