



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF PLANNING, TRANSPORTATION AND STRATEGIC
ENVIRONMENT**

CIRCULATED SCHEDULE NO. 05/13

Date to Members: 01/02/13

Member's Deadline: 07/02/13 (5pm)

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 Planning, Transportation and Strategic Environment 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 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. If in exceptional circumstances, you are unable to e-mail your 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 - 01 FEBRUARY 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/2117/FDI	Approve	The Bungalow Wood Lane Horton Bristol South Gloucestershire BS37 6PG	Cotswold Edge	Horton Parish Council
2	PK12/3531/F	Approved Subject to	The Highwayman Hill Street Kingswood Bristol South Gloucestershire BS15 4EP	Woodstock	None
3	PK12/4015/F	Approve with Conditions	30A Church Road Hanham Bristol South Gloucestershire BS15 3AL	Hanham	Hanham Parish Council
4	PK12/4197/F	Approve with Conditions	31 Horse Street Chipping Sodbury Bristol South Gloucestershire BS37 6DA	Chipping	Sodbury Town Council
5	PK12/4233/F	Approve with Conditions	43F Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TR	Rodway	None
6	PK12/4274/F	Approve with Conditions	89 The Meadows Hanham Bristol South Gloucestershire BS15 3PB	Hanham	Hanham Abbots Parish Council
7	PT12/3345/F	Split decision See D/N	Mafeking Hall 18 Redwick Road Pilning Bristol South Gloucestershire BS35 4LG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT12/3620/F	Approve with Conditions	Linden Lea Shepperdine Road Oldbury On Severn Bristol South Gloucestershire BS35 1RJ	Severn	Oldbury-on- Severn Parish Council
9	PT12/4029/F	Split decision See D/N	60 Wotton Road Charfield South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
10	PT13/0020/TCA	No Objection	24 Cliff Court Drive Frenchay Bristol South Gloucestershire	Frenchay And Stoke Park	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PK12/2117/FDI	Applicant:	Mr And Mrs J Moon
Site:	The Bungalow Wood Lane Horton Bristol South Gloucestershire	Date Reg:	26th June 2012
Proposal:	Diversion of footpaths LHO/13/40, LHO/14/20 and LHO14/10	Parish:	Horton Parish Council
Map Ref:	375223 186321	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	13th August 2012



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PK12/2117/FDI

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The Notice has been made for a public path diversion order as a result of planning permission reference nos. PK12/1143F and PK12/1148/F. This has resulted in an objection being made to the order and therefore this report is to assist members in deciding whether or not to refer the order to the Secretary of State of the Environment with a request that it be confirmed. This application is reported on the Circulated Schedule therefore, as representations have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 An application was made under Section 257 of the Town and Country Planning Act 1990 for the realignment of approximately 150 metres of public footpaths, reference no. LHO/13 (part), LHO/14 (part), with a diversion to the west of a stables and manege complex with planning permission. The reference no. for this footpath division application is PK12/2117/FDI. The newly designated footpath would measure 126 metres in total. This application was reported on Circulated Schedule 32/12 dated 10 August 2012, after which the public path diversion order was made in accordance with Section 257 of the Act. This order was made on 16 November 2012 and was advertised on 28 November 2012. The final date for making representations and objections was set for 31 December 2012. All legal requirements relating to the service of the Notice of Making of the Order were duly complied with.
- 1.2 The realigned route would divert this footpath so as to allow the implementation of development approved under PK12/1143/F and PK12/1148/F, detailed below.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
Circular 01/2009: Public Rights of Way
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
LC12 Recreational Routes
T6 Cycle routes and pedestrian routes

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1143/F Erection of single storey side, rear and front extensions and attached double car port and log store Approved 2012
- 3.2 PK12/1148/F Change of use of land from agricultural to keeping of horses and erection of 4 no. stables and construction of manege Approved 2012

4. CONSULTATION RESPONSES

4.1 Horton Parish Council

No reply received

4.2 PROW officer

No objection in principle. The use of kissing gates at the entrance points to the footpath would not be the least restrictive solution to access under British Standard 5709 and gates have been suggested and agreed with the applicants, as shown on amended plans with the diversion application. The width of the proposed path must be at least 2 metres and notification must be given to the Council prior to any proposal to fence the field.

4.3 Landscape Officer

No landscape objection.

4.4 Highways Engineer

No objection.

Other Representations

4.5 Local Residents

One objection was received to the proposed diversion, as follows:

The order is made as a diversion order under s.257 of the town and Country Planning 1990. A diversion requires the stopping up of one highway and the provision of one alternative highway. Your order purports to stop up two highways and to replace these with just one alternative.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The assessment has considered the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to. The proposal was considered acceptable, as reported on Circulated Schedule 32/12. As a result of this the public path diversion order was made. Therefore planning permission has been approved for the relevant development and the principle of diverting the footpath accordingly has also been considered and approved through the report on Circulated Schedule 32/12. In planning terms this is the starting position for the consideration of this proposal.

The Department of the Environment's circular relating to public rights of way advises that once an order has been advertised, local authorities are also expected to make every effort to resolve objections and secure their withdrawal. The Head of Legal Services and rights of way officer have complied with this advice, but the objector has chosen to stand by what he has stated. The highway authority does not have the power to confirm an opposed public

path order proposing to revise an affected right of way. An order made to divert or extinguish a right of way, made as the result of the granting of planning permission, that is opposed, will have to be submitted to the Secretary of State for a decision on whether or not it should be confirmed.

5.2 The Proposal

The application seeks permission for the realignment of footpaths LHO/13/40, LHO/14/20 and LHO/14/10. The former takes its definitive route at present northwest to southeast across the field which benefits from planning permission for a change of use from agricultural to equestrian along with the construction of a stable block. This footpath at present joins Mill Lane next to the Bungalow by way of a stile. The submitted plans indicate that a gated access will be installed 30 metres further west on Mill Lane, with the footpath diverted to this point, where it would, as now, connect with footpath LHO/14/10, which runs along the lane. The reason for the proposed diversion is that the present route would be blocked by the erection of the stable block.

- 5.3 The second diversion proposed is to LHO/14/20. This footpath again starts at present at the corner of the curtilage of the Bungalow and crosses that curtilage in a northerly direction to the east of the field boundary, marked by a hedgerow. The proposal is to stop this route up and amalgamate this path with the diverted footpath, with both of them converging again north of the approved manege area where there is an existing gap in the hedgerow.

The third diversion proposed is to LHO/14/10 along a short stretch of Mill Lane, leading to the existing access. This stretch of path is 2 metres long and entirely along the public highway.

5.4 The Objection and responses to it

The objection to the Order is reproduced at 4.5 above. As officers did not agree with the objection, a letter was sent to the objector seeking to secure the withdrawal of the objection, advising that the Order had been made under the 1990 Act to enable development to take place in accordance with the approved planning permissions. Further, the letter stated that: 'when drafting the order we discussed the wording and concluded that, although it mainly affected that part of LHO14 from Wood Lane for 118 metres, the diversion required the foreshortening of LHO13. This was included in the order and thus it might appear that two routes have been stopped up and replaced with one when in fact this is not the case. It also would have been over zealous perhaps to have described the new route(s) as both routes in part.'

In response, the objector stated that the Council had used the wrong provisions within section 257: 'the two paths, LHO 13 and LHO 14 are discrete legal and physical entities. You want to stop up (parts of) both, and provide one alternative. You have made a 'diversion order', but to divert, you have to provide a replacement route for each route to be stopped up, that is what a diversion is. You could divert one path and stop-up the other, or stop-up both and provide one 'alternative highway', as provided for in s.257(2)(a) below. That is what I would do.' The objector stood by his objection.

- 5.5 Officers are satisfied that the Order relates to a diversion and that the approach that has been taken is valid and legally correct. The order is made under section 257 of 1990 Act and it is not considered that the Council has acted beyond its powers or that any person has been prejudiced by the way the order is presented – it is clear that what is intended is a diversion. Circular 1/09 makes clear that the local planning authority should not question the merits of planning permission when considering whether to make or confirm an order, nor should they make an order purely on the grounds that planning permission has been granted. That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order. This analysis appears in the relevant Circulated Schedule report on Circulated Schedule 32/12 which led to the diversion being approved and the Order made.

6. CONCLUSION

- 6.1 In the light of the contents of this report officers consider that the order should be confirmed, and submitted to the Secretary of State for confirmation. Officers consider that the Secretary of State should use the written representations procedure to determine the matter; as being the most appropriate means for considering this case.

7. RECOMMENDATION

- 7.1 That the Head of Legal Services is authorised to submit The South Gloucestershire Council (Footpaths LHO/13/40, LHO/14/10 and LHO/14/20 at Horton) Public Path Diversion Order 2012 to the Secretary of State with the request that he confirm it, as described in paragraphs 5.2, 5.3 and 5.4 above;
- 7.2 That the Head of Legal Services request the Secretary of State to address outstanding objection using the written representation procedure,

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PK12/3531/F	Applicant:	Mr Dave Green
Site:	The Highwayman Hill Street Kingswood Bristol South Gloucestershire	Date Reg:	30th October 2012
Proposal:	Demolition of existing public house to facilitate the erection of 9no. self contained residential units and 1 no. commercial unit for A1 use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works. Creation of new vehicular access and off street parking. (Resubmission of PK11/2760/F).	Parish:	None
Map Ref:	365672 173729	Ward:	Woodstock
Application Category:	Minor	Target Date:	21st December 2012



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PK12/3531/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as there are objections to the proposed development, whilst the officer recommendation is one of approval.

1. THE PROPOSAL

- 1.1 The site is currently occupied by the former 'Highwayman Public House', which is located on the southern side of Hill Street to the east of Kingswood Town Centre on the A420. The pub is currently vacant and has been so since the Summer of 2010. The existing building is set back from the highway with off-street parking to the front for five vehicles and side access along the boundary with no.4 Hill Street that leads to an existing garage. It is proposed to demolish the existing building to make way for the development now proposed.
- 1.2 The building dates back to the late 19th century and may have once been used as a coach house. Despite its age the property is not listed, either nationally or locally. The site is flanked by Victorian properties and the location is generally residential in character, although there are a few shops and commercial properties interspersed between the houses, one being a small convenience store at ground floor level at adjoining no.2 Hill Street. The land from the western side of the high terrace to the rear of the application site is taken up by 'Dan Harford' car sales and garage.
- 1.3 This application is submitted following the refusal of the previous application (PK11/2760/F). The application was refused (in part) for the following reason;

Refusal Reason 1

The eastern wing with the undercroft proposed in the development, by virtue of its bulk, height and proximity would have an overbearing and unreasonable impact on the living conditions of 4 Hill Street. This would be contrary to Policies H2 and D1 of the adopted South Gloucestershire Local Plan (January 2006)

- 1.4 A further three refusal reasons are given, and these relate specifically to the absence of a section 106 agreement to secure developer obligations to mitigate the impact of the development on community and education infrastructure.
- 1.5 This proposal details a development that is reduced in scale and numbers of residential units. The 2.5 storey wing and under-croft proposed under the previously refused application is removed from the development now proposed. As with the previous application it is proposed to erect a 3 ½ -storey building, attached to the flank wall of no.2 Hill Street and two (2-bedroom) houses to the rear. The four-storey block would comprise a commercial shop unit (A1) on the ground floor with 7no. apartments in the remainder of the building. For the avoidance of doubt, this application does not propose any A2 or B2 uses in the commercial unit. The apartments would comprise the following:

Flat 1 Ground Floor
Flat 2 First Floor

Two-bedroom flat (with garden)
Two-bedroom flat (with terrace)

Flat 3 First Floor	Two-Bedroom (and study) Flat
Flat 4 Second/Third Floor	Two Bedroom Maisonette
Flat 5 Second/Third Floor	Two Bedroom Maisonette
Flat 6 Second/Third Floor	Two Bedroom Maisonette
Flat 7 Second/Third Floor	Two Bedroom Maisonette

- 1.6 As with the previous application, it is proposed to access the site from Hill Street. Vehicular access is to the East off Hill Street would lead to the parking areas and amenity areas located to the rear. The scheme also includes a re-cycling centre, cycle store and bin store.

2. **POLICY CONTEXT**

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- H2 Residential Development within the existing Urban Area
- H6 Affordable Housing
- RT8 Small Scale Retail Uses Within the Urban Areas and the Boundaries of Small Settlements
- RT11 Retention of Local Shops, Parades, Village Shops and Public Houses
- D1 Achieving Good Quality Design in New Development
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L11 Archaeology
- L17 & L18 The Water Environment
- EP1 Environmental Pollution
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- EP7 Unstable Land
- T7 Cycle Parking Provision
- T8 Parking Standards
- T12 Transportation Development Control Policy for New Development
- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- LC2 Provision for Education Facilities (Site Allocations and Developer Contributions).
- LC8 Open Space and Children's Play in Conjunction with New Residential Development.

South Gloucestershire Core Strategy incorporating Post-Submission Changes (December 2011)

- CS1 High Quality Design
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS13 Non-Safeguarded Economic Development Sites
- CS15 Distribution of Housing

CS16 Housing Density
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD)

Trees on Development Sites (SPG) Adopted Nov 2005

South Gloucestershire Landscape Character Assessment – Landscape Character Area 14; Kingswood

The Affordable Housing SPD (Adopted) Sept. 2008

3. RELEVANT PLANNING HISTORY

Other than applications for advertisement consent, the following applications are the most relevant to the current proposal:

3.1 K4358 Proposed alterations to public house.
Approved 14 Nov 1983

3.2 K4358/1 Proposed alterations to public house.
Approved 17 July 1985

3.3 PK11/1486/F Demolition of existing public house to facilitate the erection of 11no. self contained residential units and 1 no. commercial unit for A1 use with associated works. Creation of new vehicular access.
Withdrawn 3 August 2011.

3.4 PK11/2760/F Demolition of existing public house to facilitate the erection of 11no. self contained residential units and 1 no. commercial unit for A1 use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works. Creation of new vehicular access and off street parking.
Refused 29th March 2012

3.5 Appeal (APP/P0119/A/12/2174500) against the decision of the LPA to refuse application PK11/2760/F. The appeal was dismissed on 14th September 2012

4. CONSULTATION RESPONSES

4.1 Parish Council
No Parish

4.2 Drainage Engineer
No objection in principle subject to a condition to secure a SUDS drainage scheme and permeable surface treatment.

- 4.3 Archaeologist
No Objection in principle. the building should be subject to limited photographic recording prior to demolition; and, an archaeological watching brief should be required as part of any planning permission.
- 4.4 The Coal Authority
No objection subject to a condition to secure site investigation works relating to the possible presence of shallow workings.
- 4.5 Wessex Water
No objection in principle.
- 4.7 Sustainable Transport
No objection subject to condition to provide off-street parking and turning facilities and cycle parking prior to first occupation.
- 4.8 Environmental Protection
No objection in principle.
- 4.9 Urban Design
No objection
- 4.10 Ecology
No Objection
- 4.11 Landscape
No Objection
- 4.12 Community Infrastructure
The proposed development does not trigger the threshold (10 dwellings) for requirements towards community infrastructure.
- 4.13 Children and Young People
A contribution of £10,898 is required towards the provision of one additional primary school place. There is a projected surplus of secondary school provision in the locality.
- 4.14 Housing Enabling
The proposal for 9no. dwellings falls below the adopted Local Plan threshold (15 dwellings) for affordable housing; and, is below the threshold (10 dwellings) of the emerging policy CS18 of the South Gloucestershire Core Strategy. There is no requirement for affordable units as part of this development.

Other Representations

- 4.15 Local Residents
5 letters have been received. The comments are summarised as follows
- The Highwayman was once a thriving pub and centre of the community.
- The pub could be brought back into use with conscientious ownership

Kingswood has already lost several pubs and this one should remain

The pub should be retained as the focal point of the community

The pub has been deliberately run down

The loss of the pub will impact upon the historical, cultural character and community of the area.

The development will result in the loss of a historical building associated with old Kingswood

The development will result in severe parking problems

4.16 Campaign for Real Ale (CAMRA) Bristol and District Branch

The comments received are summarised as follows;

The previous objections (to PK11/2760/F) have not been addressed

No additional parking is proposed under this application and has been reduced.

The development would lead to parking congestion

The proposed B2 use is not compatible with the residential area.

There still lies a future in the pub.

4.17 Bristol Pubs Group

The comments received are summarised as follows;

The proposed development is not consistent with the principles of The National Planning Policy Framework

The pub should be retained and the opportunity to revive it for the community should be taken.

The loss of the pub will result in the need to travel further to visit other pubs

The development will result in the loss of a community facility

The design of the proposed development is excessive and out of keeping with the character of the locality

4.18 Chris Skidmore MP

Expresses concern on behalf of his constituents in respect of the change of use of part of the site for industrial units and on the basis of potential noise disturbance and impact on the residential amenity of the locality; and expresses his own objection in respect of the proposed industrial units at the site.

Expresses, on behalf of his constituents, that it is felt that the site could become a vibrant community pub once again; and that such an outcome would prevail under correct management.

5. ANALYSIS OF PROPOSAL

5.1 Background

The previous application (PK11/2760/F) was refused by the Local Planning Authority principally on the grounds that the development would have a detrimental impact on the residential amenity of the dwelling at 4 Hill Street. The decision was appealed by the applicant and subsequently dismissed by the Planning Inspectorate (APP/P0119/A/12/2174500). Essentially, the Inspector upheld the refusal reason given by the Local Planning Authority and did not introduce additional reasons to dismiss the appeal. A copy of the Planning Inspector's decision is appended to this report for information.

5.2 In response, this application has omitted the 2 ½ storey eastern wing of the development previously proposed which contained the undercroft access to the site. For the reasons set out later in this report, officers consider that the removal of that element of the previous proposal (as detailed in PK11/2760/F) is sufficient to overcome the Local Planning Authority refusal reason (Reason 1); and the Planning Inspector's reason for dismissing the subsequent appeal.

5.3 The other reasons for refusal sited the lack of obligations for education and community infrastructure. This approach was required in order to preserve the requirement for the infrastructure should a further application be submitted. The scope of the development and its impact upon the local education and community infrastructure is assessed as part of this application and addressed later in this report.

5.4 Principle of Development

The site lies within the East Fringe Urban Area close to Kingswood Town Centre. The site is previously developed land. The existing building is not afforded any special historical protection and does not lie within a Conservation Area.

5.5 Policy H2 of the South Gloucestershire Local Plan (adopted) January 2006 is relevant to this planning application. The policy sets out that the principle of housing development within the urban areas is acceptable. The policy also places an emphasis on sustainable development. Similarly, Policy RT8 of the South Gloucestershire Local Plan (adopted) January 2006 permits small-scale retail shops (A1) within the urban areas but outside Town Centres provided that the development would not undermine the viability and vitality of the existing Town Centres.

5.6 The National Planning Policy Framework carries an overriding emphasis on the provision of positive economic development, provided that it would not undermine the principle of sustainability upheld in the planning system. It is considered that the scope of Policy H2 and Policy RT8 of the South

Gloucestershire Plan remain relevant and up-to-date in the light of the National Planning Policy Framework.

- 5.7 This site is located along the main road leading into Kingswood Town Centre. It is located on a major bus route and within easy walking distance of services offered by Kingswood Town Centre and the peripheral area. It is considered that the provision of housing on this site would provide new homes within a highly sustainable location. It is acknowledged that the site is not within the Kingswood Town Centre, however the scale of the proposed retail unit is very modest and is consistent with the scale of the local community. It is considered that the proposed retail unit would not undermine the vitality and viability of Kingswood Town Centre and would offer the opportunity to provide a sustainable benefit to the surrounding community. On this basis, it is concluded that the principle of the development is acceptable; subject to the following considerations.
- 5.8 The Impact of the Loss of the Public House (The Highwayman)
This issue has been raised by the local community and action groups who raise concern that the public house should be retained for the benefit of the community; and that the opportunity exists to revitalise the pub as a going concern. This is an issue that was specifically addressed by the Local Planning Authority in its assessment of the previous planning application (PK11/2760/F).
- 5.9 Policy RT11 of the South Gloucestershire Local Plan is particularly relevant to this issue. The policy positively protects the retention of public houses unless it can be demonstrated that there are satisfactory alternative facilities available; or, that it can be demonstrated that the premises would be incapable of supporting a public house use. Only one (not both) of this criteria needs to be met.
- 5.10 At that time of the previous assessment the Local Planning Authority concluded that the loss of the public house would not have a detrimental impact upon the viability of the locality in respect of the distribution of public houses in the locality. Essentially, the Local Planning Authority concluded that there are sufficient public houses within a reasonable distance of the Highwayman that would cater for the local community; so meeting one of the above mentioned criteria.
- 5.11 The matter was also considered by the Planning Inspector in the subsequent appeal (APP/P0119/A/12/2174500). The inspector formed the same conclusion as the Local Planning Authority. Indeed, the inspector opined that *‘other such facilities are nearby and so there is no basis to resist the proposal because it would result in the loss of a public house’*. It is considered that the Planning Inspector's reasons in his decision carry significant weight in the consideration of this application.
- 5.12 It is acknowledged that the National Planning Policy Framework (NPPF) has been introduced since the earlier application (PK11/2760/F) was determined by the Local Planning Authority. Indeed the document promotes healthy communities. It is acknowledged that public houses can promote strong communities through the facility to meet and congregate in a common place.

However, the NPPF does not act to alter the scope of Policy RT11 of the South Gloucestershire Local Plan (adopted) January 2006. Furthermore, it is considered that there is satisfactory alternative public house facilities available in the locality.

- 5.13 Policy CS23 of the emerging South Gloucestershire Core Strategy is also relevant. The policy contains similar criteria for the assessment of the proposed re-development of existing community infrastructure (which would include public houses). Officers consider that the thrust of the policy does not undermine the principle of Policy RT11 of the South Gloucestershire Local Plan. In the previous appeal, the Planning Inspector considered the policy (CS23) in relation to this issue; and as such officers do not consider that a different conclusion should be reached as a result of that policy. The inspector afforded limited weight to the policy. It is acknowledged that the South Gloucestershire Core Strategy has gained some weight since the previous appeal decision. Nonetheless, it remains that the document carries less weight than the current South Gloucestershire Local Plan.
- 5.14 Having regards to the above, it is considered that there has not been any material change in the planning merit since the previous decision that relates specifically to the loss of the public house as part of this proposal. It is considered that the loss of the Highwayman Public House as a result of this proposal is acceptable; and is consistent with the principle of Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.15 Scale and Design
The local community and action groups have raised concern over the appearance of the proposed frontage building within the street scene and its scale in comparison with the locality. In particular, comments suggest that the proposed building is too tall and fails to preserve the existing 'stepped-up' form of development between the two storey dwellings to the East and the three storey buildings to the West.
- 5.16 This application proposes a 3 ½ storey building that fronts onto Hill Street. This contains flats on the first, second and third floor. The ground floor contains the proposed commercial unit. The proposal also includes two dwellings located towards the rear of the site. This application has omitted the 2 ½ storey wing in the East of the site.
- 5.17 The issue of design and scale was considered by the Local Planning Authority under the previous planning application (PK11/2760/F). The Local Planning Authority concluded that the previous proposal was acceptable in design terms and did not introduce a refusal reason on those grounds. Again, at the subsequent appeal the Planning Inspector formed a very similar conclusion stating that *'the scale and appearance of the proposed building would relate suitably to its context and would not appear inappropriate in the street scene'*; further, *'With the range of building types nearby the density of the (proposed) development and the extent of plot coverage would not result in the scheme appearing discordant'*.

- 5.18 This application omits the 2½ storey wing to the East of the site. This element has been removed in response to the previous refusal and subsequent dismissal at appeal; and addresses the negative impact on the amenity of the dwelling at 4 Hill Street. Officers consider that this has also resulted in an improvement to the visual appearance of the proposed building when compared to the building proposed in the refused planning application, and that the omission of the 2½ storey wing has allowed the proposed development to appear more consistent with the surrounding locality. The proposed development at the rear of the site has not changed in comparison with the previous application. On this basis, it is considered that the proposed development is acceptable in design and scale.
- 5.19 Residential Amenity
The previous application (PK11/2760/F) was refused by the Local Planning Authority on the grounds that the development would have '*an overbearing and unreasonable impact on the living conditions of 4 Hill Street*'. This relates specifically to the 2½ storey wing now omitted from the proposal submitted under this application. At the appeal (APP/P0119/A/12/2174500), the Planning Inspector considered that the effect of the development upon the residential amenity of the occupants of the neighbouring residents was the main issue for consideration at the appeal. Essentially, the Planning Inspector upheld the reasons for refusal of the previous application by the Local Planning Authority.
- 5.20 In forming this conclusion the Planning Inspector paid particular attention to the 2½ storey wing and under-croft that was proposed to be located close to the Western side of the dwelling at 4 Hill Street. The Inspector compared the proposal with the position of the existing pub wall (which remains apparent at the time of assessing this application) and noted that this part of the proposed development would be visible and apparent from inside the dwelling due to its proximity, height and siting. On the other hand, the existing pub wall is much further away from the boundary of the site and the dwelling at 4 Hill Street. The Inspector opined that such a relationship would create an unacceptable sense of enclosure from within the house, and subsequently would unreasonably detract from the living conditions of the occupants at 4 Hill Street.
- 5.21 Notwithstanding the above, the Inspector also considered the impact of the development in respect of the garden area at 4 Hill Street and the dwelling at 2a Woodstock Road. In this respect the Inspector paid specific attention to the presence of the proposed dwellings and flats towards the back of the proposed building; and the potential for over looking from those dwellings into the existing dwellings nearby. The Inspector concluded that the development being proposed would not have an unacceptable impact in those respects.
- 5.22 In respect of noise from the activity and vehicular movements of residential development on this site, the Inspector concluded that the development would not have a greater impact than the use of the site as a public house. Also, in the context of Hill Street, the impact of vehicular movements would not be materially greater than general traffic noise.
- 5.23 The Inspector noted that there was limited outdoor amenity space with the proposal. However, the Inspector concluded that the development should be

read in the context of nearby parks and open spaces, as well as the relative size of the dwellings being proposed; and that as such the proposal was acceptable.

- 5.24 This application now omits the 2½ storey wing and under-croft. However, in all other respects this proposal is the same as the previously refused proposal. The Appeal Decision carries significant weight in the determination of this planning application. It is clear from the Planning Inspector's decision letter that the reason for refusal relates to the 2½ storey wing. The effect of the removal of this element of the development proposal would move to a position in line with the gable of the existing public house. It is noted that the Inspector concludes that the position of the main block of the previous proposal was in line with the gable of the public house and as such would not harm the outlook or daylight enjoyed within the dwelling at 4 Hill Street. This application now details development in line with the gable of the public house. This is approximately 7 metres from the neighbouring dwelling and would provide sufficient separation to overcome the previous refusal reason; and as such the development now proposed is acceptable in that respect. In respect of the remainder of the development, and its relationship with the dwellings at 4 Hill Street and 2a Woodstock Road, this is consistent with the previous proposal for which the Planning Inspector found acceptable. It is proposed to install obscure glazing to all East facing windows above ground floor level. Officers consider that this measure is adequate to prevent any unreasonable overlooking issues towards the nearby residential dwellings. A suitably worded condition can secure this as part of any approval of the development. Officers do not consider that there is any reason to find otherwise. On this basis, it is considered that the proposed development is now acceptable and is consistent with Policy H2 and D1 in respect of residential amenity.

5.25 Archaeology and Conservation Issues

The Highwayman is recorded on the South Gloucestershire Historic Environment Record as an unregistered Heritage Asset, although never assessed for local listing it would appear that the building is unlikely to qualify for inclusion in its present form, however the Highwayman is worthy of recording as an example of this class of building. The application area lies within what is an area of late medieval to early post medieval settlement and significant archaeological structures and deposits may survive within the application area. The medieval and early medieval development of this part of Kingswood is not well understood and a watching brief may help clarify this matter. In view of the local interest of the building as an unregistered heritage asset the building should also be subject to limited photographic recording prior to demolition. These matters can be secured by condition.

5.26 Landscaping and Tree Issues

There is no vegetation within the site that is of such significance that it requires protection or retention. Existing poplar trees and shrubs are located close to the south-eastern and southern boundary of the site respectively but these lie within land outside the applicant's control. These trees and shrubs lie adjacent to the proposed parking areas and would not affect the proposed houses. The Council's Tree Officer has previously inspected the trees and concluded that they are poor specimens not worthy of Tree Preservation Order.

- 5.27 A landscape plan has been submitted which shows some new planting within the site. Incorporated within the scheme are raised vegetable planters and fruit trees which accords with emerging Policy CS1 (6). The site is not considered to be an important open space to be protected under Local Plan Policy L5. Subject to a condition to secure a 1:200 scale, planting plan to show the size, type and species of all new planting, there are no landscape objections. The proposal therefore accords with Policies L1, L5 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Core Strategy incorporating Post-Submission Changes Dec 2011.
- 5.28 Drainage Issues
The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. An appropriate condition would secure the submission of a scheme of drainage to include SUDS in accordance with Local Plan Policies EP1, EP2, L17 & L18. Concerns have been raised by local residents about the ability of the sewage system to cope with the development. Since Oct. 2011 Wessex Water have adopted all private sewers and the applicant will need to secure permission from Wessex Water to connect to the sewage system; this is separate legislation to the Planning Act.
- 5.29 Environmental Issues
Policy EP1 does not permit development that would unacceptably harm the environment, or the health, safety and amenity of users of the site or surrounding land, as a result of pollution to water, air or soil, or through noise, vibration, light, heat or radiation. These matters are generally covered by normal Environmental Health legislation rather than by the planning process. In the interests of residential amenity however, a restriction on the hours of working on the site during the demolition and development phases, would be secured by condition.
- 5.30 The proposed development lies close (within 715m) to the boundary of the declared Air Quality Management Area in Kingswood Town Centre (along Regent Street) but not within it. As such, officers consider that it would be unreasonable to impose additional conditions in mitigation to air quality, as these would not meet the tests of Circular 11/95.
- 5.31 It is now a requirement of the Coal Authority that, where sites lie in certain areas of previous Coal Mining that applications be supported by a Coal Mining Risk Assessment. Up to date advice has been provided by the Coal Authority in response to the submitted risk assessment. Given the presence of a mine entry within 20m of the site and likely shallow workings, the Coal Authority advise that an additional condition be added to require site investigation works prior to the commencement of development together with a programme of works of mitigation, should these be required, in accordance with Policy EP7.
- 5.32 The re-cycling facility and bin stores for both the residential and commercial elements of the scheme are appropriate in size and would all be enclosed within the building and concealed behind louvered doors. Being located to the

west of the access the waste storage facilities are considered to be an adequate distance from neighbouring no.4 Hill Street.

5.33 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations; and as such there are no ecological constraints to granting permission. However, standard can be applied to any approval drawing attention to the developers' obligations under the wildlife act.

5.34 Transportation

The site is located on the A420 Hill Street almost opposite the junction of Honey Hill Road. The site benefits from an existing vehicular access onto the public highway and there is good visibility from this access.

5.35 As with the previously refused application (PK11/2760/F) the proposed site layout retains the existing access into and out of the site. As part of this proposal the application retains a designated pedestrian footpath that runs from the front of the site to the rear at a minimum width of 1.2m. This footpath provides a safe and defined route to allow pedestrians to access the entrance of all the residential units as well as the shop and into the car parking areas behind.

5.36 The vehicular access into the site would be 5m wide and would be located alongside the new building. This access arrangement is considered adequate and it can accommodate two cars to pass each other at the site entrance.

5.37 Local residents and action groups have objected to the application on the basis of insufficient parking provision. In this respect, it must be noted that a total of 14no. parking bays (one less than previously proposed) are provided through the site. With the exception of three bays, all spaces would be allocated as residential parking. Two spaces would be allocated to the commercial unit (with the opportunity for residents to use these bays outside of working hours) and one further bay would be allocated for visitors. The parking provision as proposed is in accordance with the Council's parking standards as outlined in Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006. In addition, the applicant also provides cycle parking for the development in line with Local Plan Policy T7.

5.38 Again, the Planning Inspector has considered this issue as part of the previous planning appeal. In respect of the previous development proposal, the Inspector considered that the proposed development would not generate and unacceptable impact upon highway safety and amenity. This application reduces the numbers of off street parking spaces by one (to 14 spaces). However, it should be noted that the numbers of dwellings has been reduced by two (to 9) and the effective ratio of parking is increased very slightly. On this basis, officers consider that (in applying significant weight to the Planning Inspector's decision) that there are no material changes in the planning merit and circumstances in relation to the development now proposed.

5.39 Subject to conditions to secure the access, off-street parking and turning facilities and cycle parking prior to first occupation, there are no highway

objections. In highway terms the proposal accords with Policies T7, T8, T12, H2 and RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.40 Planning Obligations

The previous planning application detailed a total of 11 dwellings and as such triggered the requirement for specific financial contributions to Community Infrastructure Provision under policy LC1 and LC8 of the South Gloucestershire Local Plan; and for a contribution to School Places. The application details 9 dwellings which has altered the requirements as follows;

Community Infrastructure (Policy LC1 and LC8)

The proposed development now falls under the threshold that triggers a requirement for community infrastructure. As such, this contribution is not requested as part of this application.

School Places (Policy LC2)

Although the development has reduced the number of residential dwellings, the effective bedroom numbers has increased slightly so creating a different impact on the provision of school places in the area. There is a shortfall of primary school places available in direct relation to this development proposal. The Local Planning Authority have requested a commuted sum of **£10,898** for the provision of additional primary school places in the area. There is a projected surplus of school places at secondary school level as such this proposal does not generate any requirement for secondary school places. The applicant has indicated that this obligation can be met by the developer through an appropriate legal agreement.

Affordable Housing

The proposal is under the trigger threshold for the requirement of affordable housing and as such this is not requested.

- 5.41 It is considered that the obligations set out above meet Regulation 122 of the CIL regulations and without them the scheme would not be acceptable.

5.42 Concluding Analysis

This application has been submitted in direct response to the Local Planning Authority decision to refuse the earlier application (PK11/2760/F) and the subsequent dismissal of the appeal against that decision (APP/P0119/A/12/2174500). Officers consider that the proposal now submitted has addressed the previous reason for refusal and subsequent dismissal at the appeal. It is acknowledged that the proposed development will result in the loss of the Highwayman Public House. However, the impact of that loss is adequately mitigated given the proximity of alternative public house provision in the locality; and this is a matter specifically addressed at the previous appeal and not considered to constitute a reason to withhold planning consent. The proposed development does provide positive economic development without compromising the principles of sustainability that underpin the planning system. It is considered that the development now proposed under this planning application is acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- 6.3 It is concluded that the proposed building would not give rise to a material loss of amenity to the occupiers of nearby residential dwellings. The development therefore accords to Policy H2, RT8 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.4 It is concluded that the proposed development is acceptable in highway safety and amenity terms and provides adequate parking provision in accord with Policies T7, T8, T12 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.5 It is concluded that the proposed does not to result in direct or indirect impact on trees and other important landscape features within or adjacent to the site. Neither is the site an important open space. The proposal therefore accords with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) January 2006 in this respect.
- 6.6 It is concluded that the proposed development will not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.7 It is concluded that subject to the financial contribution towards the provision of one primary school place that the proposed development is in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.8 It is concluded that the proposed development is acceptable in relation to the sites past coal mining history in accordance with Policy EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.9 It is concluded that the development will not result in any harmful impact to the archaeological context of the site and as such is in accordance with Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.10 It is concluded that there is sufficient alternative public house facilities in close proximity to this site to mitigate the loss of the public house on the site and as such is in accordance with Policy RT11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 6.11 It is concluded that there would be no material impact upon the viability of the Town Centre and any Local Centre as a result of the proposed retail shop unit and as such is in accordance with Policy RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.12 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) 6th January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) A contribution of £10,898.00 towards the provision of one additional primary school place to cater for the increased demand on education facilities as a result of the development.
 - (ii) A S106 monitoring fee to the value of 4% of the total contributions

The reasons for this Agreement are:

- (i) To ensure adequate provision of education facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
 - (ii) To cover the Council's costs of monitoring the S106 Agreement.
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:
- a) Be returned to the Circulated Schedule for reconsideration;
- Or
- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E) 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

In the interests of visual and residential amenity given the restricted size of the plots and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 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. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Before the development hereby permitted is commenced, details of the proposed finished floor levels of the buildings relative to existing ground levels shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that the development would, in terms of scale and massing, respect the character and visual amenity of the location in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of the development hereby permitted, samples/details of the materials to be used on the external surfaces of the buildings, including roof tiles, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the details so approved.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS1 of The South Gloucestershire Core Strategy incorporating Post Submission Changes Draft Dec 2011 and The South Gloucestershire Design Check List (SPD) Adopted August 2007.

7. Prior to the first occupation of the development hereby permitted, the pedestrian access, vehicle access, turning and parking arrangements as indicated on the approved Drawing no. 1027-05 Rev C (as received by the Council on 26th October 2012) shall be provided and maintained as such thereafter. For the avoidance of doubt, the parking arrangements shall be maintained for the purpose of the development hereby approved only.

Reason

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

8. Prior to the commencement of development a 1:200 scale Landscape Plan, which shall include details of all 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 and retained as such.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and RT8 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the use or occupation of the flats and houses hereby permitted, and at all times thereafter, the windows (including stairwells) on the east facing elevations and above ground floor level; shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'.

Reason

To protect residential amenity and to accord with Policies D1, H2 and RT8 of The South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of the works to demolish the existing building (known as The Highwayman Public House) and associated ancillary structures within its

curtilage, a detailed photographic record of the building shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing preconstruction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for re-cycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
 - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

13. Prior to the commencement of the development hereby approved, site investigation works shall be carried out in accordance with the approved Coal Mining Risk Assessment. In the event that the site investigations confirm the need for remedial works to treat

any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

To ensure the safety and stability of the proposed development having regard to past Coal Mining within the area and to accord with Policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.



Appeal Decision

Site visit made on 8 August 2012

by Mr J P Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 September 2012

Appeal Ref: APP/P0119/A/12/2174500

The Highwayman, Hill Street, Kingswood, Bristol BS15 4EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Dave Green against the decision of South Gloucestershire Council.
 - The application Ref PK11/2760/F, dated 31 August 2011, was refused by notice dated 29 March 2012.
 - The development proposed is the demolition of the existing public house to facilitate the erection of 11 self-contained residential units and 1 commercial unit for A1 use as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works and the creation of a new vehicular access and off-street parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the development on the living conditions of neighbouring residents.

Reasons

3. The *National Planning Policy Framework* (the Framework) identifies one of the core planning principles as being the need to secure a good standard of amenity for all existing and future occupants of land and buildings.
4. The Highwayman is a 2-storey building that, until recently, was used as a public house. To the west it is next to 2 Hill Street, which is a tall 3-storey property. On the east side is 4 Hill Street, a 2-storey dwelling that is separated from the public house building by a driveway and a passage. The side elevation of No 4, which faces the appeal site, contains kitchen windows at the rear and in the middle are the only windows to a dining room. A bay window to a lounge on the front elevation also offers views to the site. These windows all serve principal rooms in the dwelling that would contribute significantly to the living environment of any future occupiers.
5. When looking from the dining room at present the side wall of the public house is apparent across the passage and the drive. The drive would remain and the side of the main apartment block now proposed would not be appreciably closer than the 2-storey gable of the existing building. Consequently the effect of that part of the appeal proposal would not be materially different to the current situation and so would not harm the outlook or daylight enjoyed in the dining room. Furthermore, as windows in the east-facing elevation of the main

part of the proposed block would have obscured glazing they would not allow a loss of privacy at No 4 or the other houses beyond.

6. However, at the front of the main apartment block a subservient 3-storey wing would project over the drive towards No 4. Flats would be on upper 2 floors of this wing, and at ground floor it would be open to allow cars to pass through, while its eaves would be above those of the neighbouring house.
7. Even though the submitted plans show this wing would not be directly in front of the dining room windows of No 4, it would nonetheless be visible and apparent from inside that room due to its height, its siting and its proximity. In my opinion these factors would mean it would have an overbearing effect on the room and would create an unacceptable sense of enclosure there. Consequently it would detract unreasonably from the living conditions of those occupiers. While there would be pillars rather than a wall along the boundary with No 4 on the ground floor, the effect of the structure above means such an arrangement would not be sufficient to overcome this concern.
8. The separation now proposed and the relative impact compared to that of the existing building means the scheme would not create an undue sense of enclosure in the kitchen or the garden of that neighbouring house. The proposal would not significantly intrude into the outlook from the large bay window and so the enjoyment of the front lounge would not be harmed. There are also first floor windows on the west-facing elevation of No 4 but their elevated nature means the effect of the development would not be unacceptable. While the wing may create a sense of enclosure in the side passageway at No 4 and may impede views of the road from the dining room, those effects are not sufficient to offer grounds to resist the scheme. I have also been aware of the personal circumstances of the occupiers of No 4. However the development would remain long after those circumstances have ceased to be applicable and so they have not been afforded significant weight.
9. 2a Woodstock Road also abuts the eastern boundary of the site. Again given the distances involved and the use of obscured glazing in the proposal's east-facing windows the living conditions would not be harmed inside that bungalow or in the small area of garden in the north-west corner of its plot. There also appeared to be residential accommodation on the upper floors of 2 Hill Street but the arrangement of the proposal means it would not harm the living conditions of those residents.
10. As The Highwayman used to be a public house and as the significant traffic flows on Hill Street can be heard on the site, any noise generated in the rear parking area would not be materially harmful to neighbours, and there is no reason to assume the bin stores would not be properly ventilated.
11. Outdoor recreational space on the scheme would be limited but these would be mainly small residential units and would be relatively near to parks. Therefore I have no basis to consider the living conditions of future occupiers of the development would be unduly poor.
12. Accordingly I conclude the proposal would detract unacceptably from the living conditions of the residents at 4 Hill Street, and so it would conflict with Policies H2 and D1 in the *South Gloucestershire Local Plan* (adopted in 2006) and guidance in the Framework.

Other matters

Section 106 Agreement

13. A unilateral undertaking under section 106 of the Act has been submitted by the Appellant, which proposes to make contributions towards education, library and open space provision. I have little to justify these payments and so the weight I can attach to this undertaking is limited. However, I have no reason to consider the payments render the scheme unacceptable.

Loss of a public house

14. Local Plan Policy RT11 accepts the loss of a public house if satisfactory alternative facilities are available in the locality. The Old Flowerpot Inn is on the opposite side of Hill Street, another is to the east near the A4174 and to the west are public houses in Kingswood town centre. While these might not have the same character as used to be found at The Highwayman, it cannot be ensured that character would ever be re-established there. Consequently, it would be unrealistic for the policy to be seeking to maintain public houses of different characters. Therefore I consider other such facilities are nearby and so there is no basis to resist the proposal because it would result in the loss of a public house.
15. While Policy CS23 of *The South Gloucestershire Core Strategy* gives a different test for such proposals, that policy is still at an early stage and so it has not been afforded significant weight. The Highwayman is part of the history of the area but there is no basis for that offering a reason to resist the proposal.

Highway safety

16. On-site parking would be sufficient for the scheme, while the width of the drive and visibility from the entrance would be satisfactory. Although concern was raised about the safety of pedestrians, it is not uncommon for drives to developments of this type to cross pavements and the arrangements shown mean the access would not be unacceptable in this case. Given the size of the proposed shop, and mindful that the public house no doubt had regular deliveries, that could be adequately and safely serviced. While any shop customers who drove to the site would park on the road, the nature of Hill Street, the size of the shop and the parking arrangements associated with The Highwayman mean I am not satisfied this would cause additional harm.

Character and appearance

17. The scale, design and materials of The Highwayman are not reflected at other properties on Hill Street. However, the varied built form along the road means it does not constitute a harmful or incongruous feature.
18. In my opinion the scale and appearance of the proposed building would relate suitably to its context and would not appear inappropriate in the street scene. While it would have extensive glazing on its front elevation that would reflect No 2 next door, and feature render would be a suitable way of replicating the detailing that is commonly found round windows in the area.
19. With the range of building types nearby the density of development and the extent of plot coverage would not result in the scheme appearing discordant. While it was said the proposal would enhance No 4, to my mind any adverse

effect at present is due mainly to the current condition of The Highwayman and so is not in itself a basis to justify the development.

20. This proposal would make use of previously developed land, but I have no reason to consider this would be the only way in which the site could be reused. Therefore this does not offset the concerns highlighted above.

Housing supply

21. The Government's support for housing developments is noted, and the Council acknowledged the scheme would make a valuable contribution to the supply of housing for single people or first-time buyers. However, I have insufficient information to mean the provision of this additional residential accommodation could outweigh my concerns.

Other matters raised

22. Based on the evidence before me the capacities of the drainage and sewage systems do not offer a reason to resist the scheme.

Conclusions

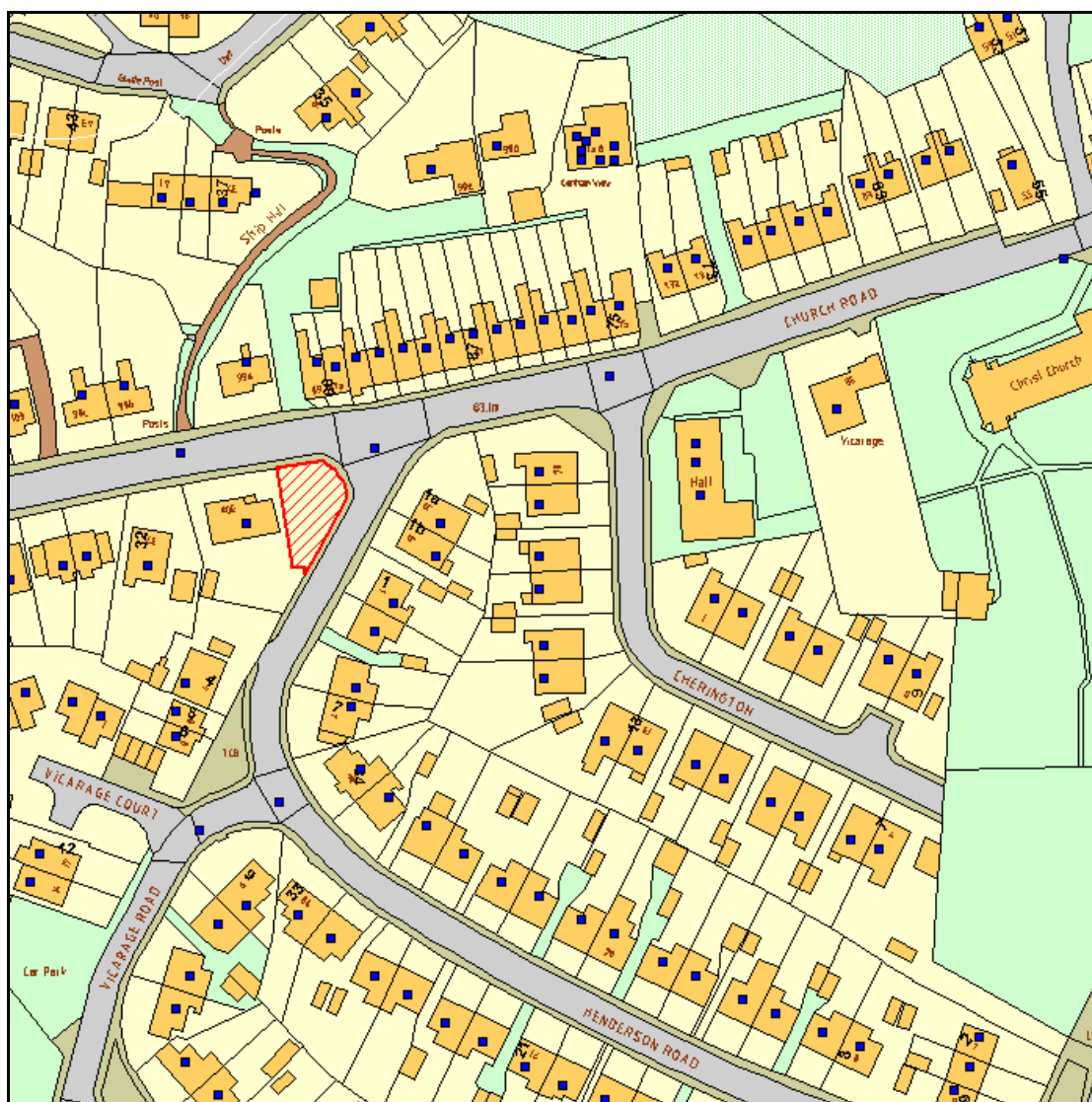
23. Although the various other matters raised have been taken into account they do not outweigh the harm to the living conditions at No 4 that have been identified. Therefore, for the reasons given I conclude the appeal should be dismissed.

J P Sargent

INSPECTOR

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PK12/4015/F	Applicant:	Mr John Bennett
Site:	30A Church Road Hanham Bristol South Gloucestershire BS15 3AL	Date Reg:	24th December 2012
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Hanham Parish Council
Map Ref:	363632 172272	Ward:	Hanham
Application Category:	Minor	Target Date:	14th February 2013



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100023410, 2008.

N.T.S.

PK12/4015/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule due to a number of objections received from local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks consent to erect a three-bedroom detached house in the curtilage of 30A Church Road, Hanham.
- 1.2 The site is located within the urban area of the East Bristol Fringe and consists of a corner plot currently used as a side garden.
- 1.3 A number of objections have been received to the proposed development as part of the consultation process; these are summarised in section 4. The Case Officer also raised concerns about the general design and scale of the development.
- 1.4 Through negotiation with the Agent, the proposed development has been reduced in size from a four-bedroom detached dwelling to a three-bedroom detached dwelling. The visual appearance and relationship to the surrounding area has also been improved. It is on the revised scheme that this report and recommendations are based.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L17 The Water Environment
L18 SUDs
EP1 Environmental Pollution
EP2 Flood Risk and Development
T8 Parking Standards
T12 Transportation
H2 Proposals for Residential Development
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012

CS1 High Quality Design
CS16 Housing Density
CS17 Housing Diversity

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|----------|------------|
| 3.1 | There is no planning history that relates to the proposed construction of a dwelling on this site. The following planning history relates to the construction of the existing dwelling, which has a planning history of its own that has not been listed here. | | |
| 3.2 | K985/3 | Approved | 31/10/1978 |
| | Erection of detached dwellinghouse with garage construction of new vehicular and pedestrian access. | | |
| 3.3 | K985/2 | Approved | 31/12/1976 |
| | Outline application for the erection of one detached dwelling with garage on approximately 0.16 acres, construction of new vehicular and pedestrian access. | | |

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
Objection: Overdevelopment of the site; location of the proposed parking would lead to an access and egress that was contrary to one-way system, this would represent a highway safety issue.

No response received to re-consultation.

- 4.2 Sustainable Transport
No objection
- 4.3 Drainage
No Objection, subject to condition
- 4.4 Environmental Protection
No Objection, subject to condition/informative

Other Representations

- #### 4.5 Local Residents
- Two comments objecting to the development have been received. These can be summarised as follows:
- Development will cause overlooking
 - Vicarage Road currently suffers from on-street parking congestion, with double-parking occurring
 - Vehicles do not adhere to the one-way system
 - Development will increase congestion
 - Alterations should be made to the junction to improve highway safety
 - Concerns about level of development at the site

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks consent for a detached dwelling within the curtilage of an existing residential property within the urban area of Hanham.
- 5.2 **Principle of Development**
Paragraph 53 of the National Planning Policy Framework (NPPF) states that Local Planning Authorities should consider setting policies that resist the inappropriate development of residential gardens. Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 manages development within residential curtilages and outlines what is considered appropriate development. This policy is generally supportive, in principal, of development within residential curtilages. Through policy H4, new dwellings are acceptable provided that they are of good design, protect residential amenity, and do not have an unacceptable on the public highway, and can provide sufficient off-road parking provision.
- 5.3 Policy H2 manages residential development within the existing urban areas. This policy is supportive, in principal, to residential development within the existing urban area including infilling. As such, the proposed development may be considered acceptable under this policy subject to a detailed assessment of environmental and transportation impacts, local facilities, and efficient use of land.
- 5.4 Transportation impacts can be assessed with regard to policies T8 and T12 of the Local Plan; the impact on the environment should be assessed against policies EP1 and EP2. The general design standard of the district is established by policy D1, to which all development must adhere. The District's emerging Core Strategy also supports development of this type; of particular relevance are policies CS16 and CS17, which promote the efficient use of land, including development within residential curtilages.
- 5.5 The proposed development has been shown to be acceptable in principal. However, gaining planning consent is subject to a detailed analysis of the scheme, as set out below.
- 5.6 **Efficient Use of Land and Access to Services**
A core planning principal of the NPPF is to 'encourage the effective use of land'. This includes the re-use of previously developed land and as a result, the intensification of housing densities through development at existing residential locations and windfall sites.
- 5.7 The site would be classed as being previously developed. The pattern of the built environment around the site is varied and mixed. Within the immediate vicinity of the site there are terraces, detached and semi-detached properties, all on plots of different shapes and sizes. Development at the site proposed would not be out of character with the general land use pattern of the area. The intensification of the residential density at this site would be an efficient use of the land, particularly as the site is located within the existing urban area of the East Bristol Fringe.

- 5.8 Located within the existing built up area, the site has good access to existing local services including schools, shops and other facilities.
- 5.9 By achieving an efficient use of land and having good access to services, the principals of the NPPF and the policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 have been met.
- 5.10 Design and Visual Amenity
Church Road does not have a strong vernacular, as there are a variety of architectural styles along the street. In the immediate vicinity of the site there are stone-built terraces, 1960s bungalows, and inter-war detached and semi-detached properties. There is little consistency in the use of materials although render, gabled roofs, and roman tiles are prevalent.
- 5.11 The design of the proposed dwelling takes a number of influences from the surrounding area. A double-height bay window is proposed on the principal elevation, which will have a lead detailed roof. Bay windows are a feature on inter-war properties to the northwest of the site. A strongly gabled roof is also proposed with a plain chimney rising above the ridge.
- 5.12 No windows are proposed on the western elevation as it is in close proximity to the site boundary and adjacent property at 30A Church Road. On the east elevation patio doors are proposed at ground floor to provide a link between the principal living room and garden, and at first floor one window to the master bedroom. At the rear, two first-floor and two ground-floor windows and a back access door leading to the parking area are proposed. A parking area is located at the rear of the property and due to the angle of Henderson Road, the property backs onto the carriageway rather than other residential properties.
- 5.13 Locating the dwelling towards the rear and west of the plot, an adequate private amenity space has been achieved to include the storage of refuse and recycling bins and off-street parking. Permitted development rights will be restricted to ensure that this area is retained in perpetuity.
- 5.14 The layout of the site and proposed development are acceptable. A suitable density has been achieved, the form and scale of development fit in with the vicinity, and respects the general appearance of the area.
- 5.15 However, the proposed use of Bradstone masonry is not considered to be the most appropriate material choice. A rendered finish is regarded to better suit the locality. Therefore, to ensure that a suitable material and finish to the development is achieved this will be controlled by condition.
- 5.16 Including those details which will be reserved by condition, the proposed development has been judged to comply with the design criteria of policy H4 and the design standard set by policy D1 of the Local Plan.
- 5.17 Residential Amenity
Development will only be permitted when it will not have a prejudicial impact on residential amenity. This needs to be assessed in terms of the amenity offered

- to the proposed dwelling, the impact on the levels of amenity enjoyed by the existing dwelling, and any potential impact to the amenity of nearby occupiers.
- 5.18 As the development is located within a residential garden, the plot must be able to accommodate the proposed development and retain adequate garden space for both the proposed and existing dwellings.
- 5.19 Through negotiations to reduce the size of the proposed dwelling, a larger area of amenity space for the proposed dwelling has been gained. The size of this area is considered commensurate to the size of the proposed dwelling. Although Church Road and Henderson Road encircle the garden of the proposed dwelling, a mature hedge surrounds the site. This creates a sense of enclosure and privacy. Adequate amenity space at the existing property is retained.
- 5.20 Overlooking, leading to a loss of privacy, has been avoided through a good standard of siting and layout. None of the proposed windows have been assessed to have an impact on the amenity of nearby occupiers.
- 5.21 The proposed development will not have a prejudicial impact on the levels of residential amenity enjoyed by the existing property or surrounding area. Therefore, the development is in accordance with the amenity criteria set by policy H4 of the Local Plan.
- 5.22 Parking, Access and Transport
Two off-street parking spaces have been provided for the proposed dwelling. This provision is in accordance with the parking standards contained within policy T8 of the Local Plan.
- 5.23 A visibility splay has been created so that pedestrian, bicycle, and other traffic can be seen from the parking area. It also means that other road users can see vehicular movements to and from the site. Therefore, the development will not have an adverse impact on highway safety and is in accordance with policy T12 of the Local Plan.
- 5.24 Environment and Drainage
To be considered acceptable, the development must not affect the natural or water environment. Therefore, an assessment of the site drainage and environmental pollution must be made.
- 5.25 The Council's environmental protection department have examined the proposed development and have no objections to the scheme. However, they do request a condition restricting construction hours. This will be added as an informative.
- 5.26 The Council's sustainable drainage department have examined the proposed development and have no objection to the scheme. However, to ensure that the development accords with policies EP1 and EP2 and sustainable drainage system is required. Details of which will need to be approved by condition. In addition, the paved parking area would be required to be constructed of porous materials.

5.27 Public Concern

A number of objections have been received to this development. These have been addressed through the analysis as set out above with the exception of the one-way system.

5.28 Control over and management of the one-way system is beyond the remit 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 proposed detached dwelling has been assessed against policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 to ascertain whether the development is acceptable; it was concluded that the proposed development complied with the requirements of these policies. The design of the development has been assessed against policy D1 and found to meet the criteria of this policy. With regard to transport, the development has been tested against policies T8 and T12; the development is in accordance with these policies.

6.3 The recommendation to grant/refuse 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 It is recommended that permission be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 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 satisfactory levels of private amenity space are retained and sufficient off-street parking is provided within the development in the interests of residential amenity and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The off-street parking facilities shown on the plans 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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

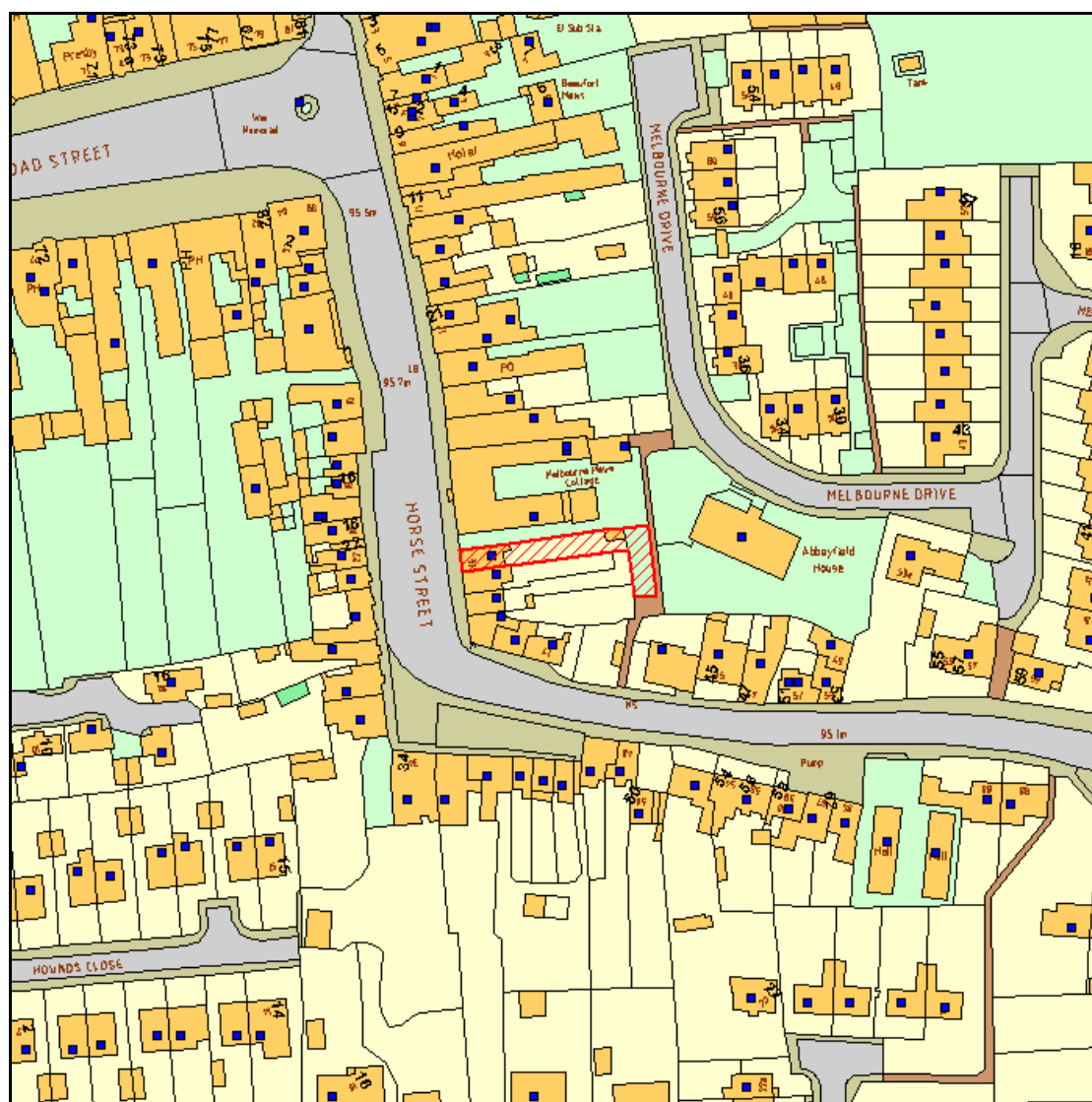
5. Prior to the commencement of development surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention, pollution control, and environmental protection, shall be submitted for approval in writing to the Local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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17, L18, EP1, and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PK12/4197/F	Applicant:	Mr A Hinder
Site:	31 Horse Street Chipping Sodbury Bristol South Gloucestershire BS37 6DA	Date Reg:	4th January 2013
Proposal:	Erection of single storey residential annexe and associated works ancillary to main dwelling	Parish:	Sodbury Town Council
Map Ref:	372960 182140	Ward:	Chipping Sodbury
Application Category:	Householder	Target Date:	27th February 2013



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PK12/4197/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident; the concerns being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a Grade II Listed dwelling lying on the eastern side of Horse Street, within the Chipping Sodbury Conservation Area. Number 31 forms the northern end of a terrace of five cottages, fronting directly on to the pavement. The terrace dates from the nineteenth century, is three-storeys and constructed of natural rubble stone. All windows are casements. Directly to the north of the cottage is Melbourne House, a large Grade II* listed building. The rear gardens are long narrow plots, similar in form to the Medieval burgage plots within the town. The rear garden of number 31 is long and narrow; however at the eastern end it steps down and dog-legs south to encompass a further small area of garden. A narrow and enclosed public footpath links Horse Street with Melbourne Drive and runs directly to the rear of the application site; there is a driveway between no.31 and Melbourne House.
- 1.2 The application proposes a single-storey, residential annexe building, located at the far eastern end of the garden. The annexe would provide additional accommodation, comprising a bedroom, lounge, small kitchen/diner and a bathroom. It is intended that the annexe would be occupied by the applicant's mother.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas

L11 - Archaeology

L12 - Conservation Areas

L13 - Listed Buildings

H4 - Development within Residential Curtilages

T7 - Cycle Parking

T8 - Parking Provision

T12 - Transportation Development Control Policy for New Development.

EP1 - Environmental Protection

L17 & L18 - The Water Environment.

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1 High Quality Design

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

Trees on Development Sites (Adopted) Nov. 2005.

Chipping Sodbury Conservation Area SPD (Adopted) Feb. 2009

3. **RELEVANT PLANNING HISTORY**

There have been a number of applications relating to no.31 and its residential curtilage; the most relevant of which are listed below:

3.1 P90/1997 - Erection of detached dwelling house.
Refused 1 Aug. 1990

3.2 P92/1060 - Erection of detached dwelling house
Refused 11 March 1992

3.3 P93/2462 - Erection of single-storey detached building to provide snooker/games room.
Approved 22 Dec 1993

4. **CONSULTATION RESPONSES**

4.1 Sodbury Town Council
No objection subject to conservation.

4.2 Other Consultees [including internal consultees of the Council]

Historic Environment

The site lies within the Medieval planned town of Chipping Sodbury. The site is quite small and it might be supposed that significant archaeological structures and deposits would not be revealed here, however a watching brief at no.24 Horse Street did reveal such archaeological remains, therefore the appropriate mitigation strategy in this case is to add a Watching Brief Condition to any planning permission.

Conservation Officer

No objection to the revised scheme subject to conditions.

Other Representations

4.3 Local Residents

In response to the originally proposed scheme, 1no. letter of objection was received from the occupier of neighbouring no.33 Horse Street. The concerns raised are summarised as follows:

- The application proposes an independent dwelling on land currently used as a sunken cottage garden.
- Nos. 31-39 Horse Street are attractive stone built historic cottages with burgage plots to the rear.

- The quality of materials, scale and impact on the unity of the existing properties are of particular concern.
- Impact on nearby Ash Tree.
- The historic stone boundary between the plot and 31-35 Horse Street needs to be maintained at its current height.
- Loss of privacy to no.33 from proposed windows and door.
- The proposed roof would be visible and have a negative impact on the view from the rear gardens in Horse Street.
- Impact on right of way between houses no.31-37 Horse Street.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing and PPS5 – Planning for the Historic Environment. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
- 5.2 Para 214 of the NPPF makes it clear that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.
- 5.3 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.
- 5.4 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.
- 5.5 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, permits development within residential curtilages, subject to a number of criteria that are discussed below. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy seek to secure good quality designs in new development. Policy L12 seeks to protect the character or appearance of the Conservation Area and likewise Policy L13 seeks to protect the setting of Listed Buildings.

5.6 Design and Conservation Issues

The proposed building would be single-storey and discretely located at the rear end of the garden, however it would be viewable from within the garden itself and from the adjacent listed building, the roof would be visible over the rear fence from the public footpath and Melbourne Drive. From Melbourne Drive the rear elevations of the historic High Street properties and their service buildings are prominent, and strongly characterised by natural stone, which is the traditional material for historic ancillary buildings; windows and doors are traditionally timber.

5.7 In response to officer and local resident concerns about the appearance and scale of the building, a number of revisions have been made to the originally proposed scheme. These revisions are as follows:

- Width of building reduced from 4.5m to 4m.
- Rendered block-work walls replaced with natural local stone.
- uPVC windows and doors replaced with painted wooden ones.
- White uPVC fascias and gutters replaced with black pvc resembling iron.
- Three high level windows to the rear elevation removed.
- Glazed door to southern end elevation replaced by single window.

5.8 The proposed single-storey building would now measure 4m wide x 11.4m long and would have gabled ends with eaves set at 2m and roof ridge at 3.5m. The scale of the building is not considered to be excessive and the materials and design would now be appropriate for this location within the Conservation Area and close to Listed Buildings. The presence of the building at the end of the garden would to some extent be mitigated for by the removal of a somewhat unsightly concrete shed and greenhouse. The annexe would be discretely located and would not be generally visible within the street scene. The location, being in the centre of Chipping Sodbury, is a highly sustainable one.

5.9 The scale and design of the proposal are on balance considered appropriate for this location and would adequately respect the massing, scale proportions, materials, overall design and character of the existing property. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012. Subject to conditions to control the detailed design features and boundary treatments, the proposal would preserve the character and appearance of the Conservation Area and would not adversely affect the setting of the nearby Listed Buildings; the proposal therefore accords with Policies L12 and L13 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.10 Residential Amenity

Some concerns have been raised by the neighbouring occupier regarding the impact of the scheme on residential amenity (see paragraph 4.3 above).

5.11 Given the location of the proposed annexe, at the far end of the garden; its distance from the rear elevation of the neighbouring property i.e. some 27/30m; its single-storey nature; the lower ground level of the development plot in

relation to the terrace facing Horse Street; the orientation of the proposed windows (there are no dormers) in relation to those of neighbouring property; and the existing level of vegetation and high boundary treatments; it is considered that there would be no significant issues of inter-visibility or loss of privacy for neighbouring occupiers. Furthermore, there are no concerns relating to loss of daylight/sunlight; sufficient garden space would remain to serve the house and annexe. The garden is well enclosed by high boundary treatments. The annexe would be occupied by a dependant relative (applicant's mother) and the garden area would be shared. The proposal would make efficient use of land within the settlement boundary, which accords with government guidelines contained in the NPPF. An appropriate condition would ensure that the annexe could not be occupied as a separate dwelling. Conditions can also be imposed to prevent the future insertion of additional windows (including dormers) in the annexe. There would therefore be no significant adverse impact on residential amenity in planning terms. Any disturbance during the building phase would be temporary only but the hours of working can also be controlled by condition. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.12 Parking and Highway Safety implications

The existing parking and access arrangements would be unaffected and the proposal is unlikely to generate any additional traffic to the site. There is a separate gated pedestrian access into the site from the public footpath to the rear. The location is highly sustainable, within easy walking distance of the Town Centre.

5.13 There are therefore no highway objections to the proposal, which accords with Policies H4(C), T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.14 Environmental Issues

The annexe would be the subject of Building Regulation Control. The location is not prone to flooding. The proposal would therefore accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.15 Landscape and Tree Issues

The proposal would not result in the loss of significant areas of open space and an adequate amount of amenity space would be retained to serve the property. The site is not identified within the Chipping Sodbury Conservation Area SPD as a protected open space. There is a mature Ash Tree growing in a neighbouring garden, close to the South-Western boundary of the development site. It has been suggested, by the local resident objector, that the proposal could adversely affect the health of the tree.

5.16 Officers have consulted the Council's Tree Officer who has confirmed that the limit of the trees root system would stretch no further than the canopy of the tree. A study of the Council's Aerial Photographs, show the edge of the trees' canopy bounding the development site but not encroaching over it. The proposed annexe would be set well back from the tree. Officers are therefore satisfied that the tree would not be adversely affected. Details of any new or replacement boundary treatments would be secured by condition. The proposal

is therefore considered to be in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.17 Historic Environment

As advised by officers, a condition would be imposed to secure an archaeological watching brief to account for any archaeological remains that might be present within the development site.

5.18 Other Issues

Of the issues raised by the local resident that have not been addressed above; concern was raised about the impact on a private right of way. This is a civil matter to be resolved by the respective parties and is not a matter that falls under planning legislation.

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.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012
2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
7. The proposal would not adversely affect the setting of a Listed Building, in accordance with Policy L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. The character and setting of the Conservation Area would be preserved in accordance with Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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 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 on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development hereby approved, representative samples of the natural clay roof tile shall be inspected and approved in writing by the Local Planning Authority. Thereafter the approved works shall be implemented strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national guidance set out in the National Planning Policy Framework.

3. Prior to the commencement of the development hereby approved a representative sample of natural stone walling of at least one metre square showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the Local Planning Authority. For consistency the works shall be completed strictly in accordance with the approved sample, which shall be retained on site until completion of the development.

Reason

In order that the works serve to preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990,

Policy D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national guidance set out in the National Planning Policy Framework.

4. Notwithstanding previously submitted details and prior to the commencement of the development hereby approved, the detailed design of the following items, including materials and finishes, shall be submitted to and approved in writing by, the Local Planning Authority:
 - a. all new windows (including cills, heads and reveals)
 - b. all new doors
 - c. all new vents and flues
 - d. eaves, verges and ridges

The details shall include elevational and section drawings at a scale of 1:5. The approved works shall be implemented strictly in accordance with the agreed details.

Reason

In order that the works serve to preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national guidance set out in the National Planning Policy Framework.

5. Prior to the commencement of works on site, details of all new and replacement boundary treatments, including materials and height, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed details.

Reason

In order that the works serve to preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national guidance set out in the National Planning Policy Framework.

6. The hours of working on site during the period of demolition and construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

7. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed/inserted within the building hereby approved.

Reason 2

To preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national guidance set out in the National Planning Policy Framework.

Reason 1

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

8. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 31 Horse Street, Chipping Sodbury, Bristol BS37 6DA.

Reason 1

There is insufficient amenity space or parking provision within the plot to serve two separate dwellings and to accord with Policies H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

In order that the works serve to preserve the setting of the nearby listed buildings and the character and appearance of the Conservation Area in accordance with sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy D1, H4, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and national guidance set out in the National Planning Policy Framework.

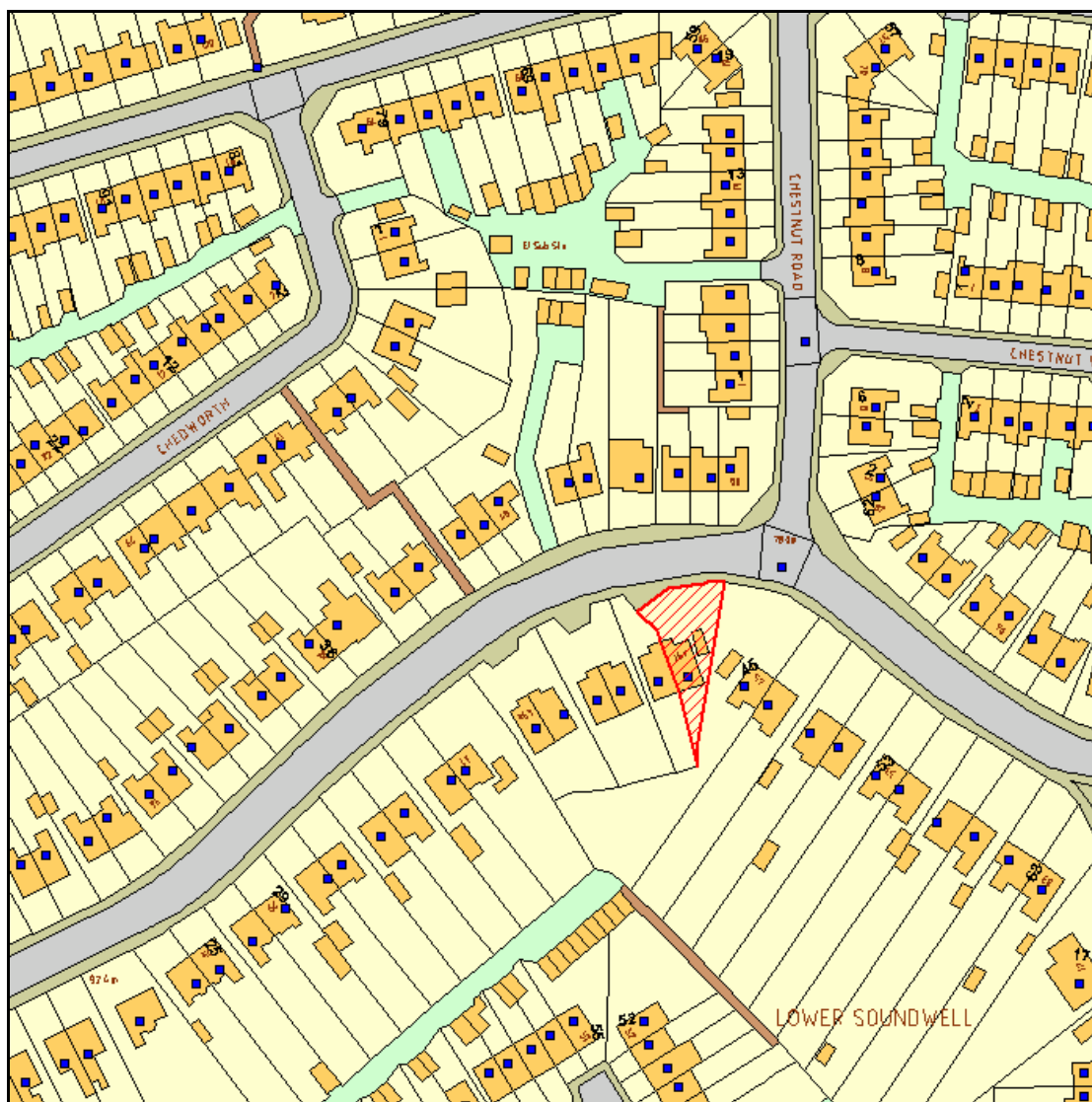
9. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy L11 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PK12/4233/F	Applicant:	Mrs Sue Provis
Site:	43F Chiphouse Road Kingswood Bristol South Gloucestershire BS15 4TR	Date Reg:	24th December 2012
Proposal:	Erection of single storey front extension to provide additional living accommodation.	Parish:	None
Map Ref:	365664 175054	Ward:	Rodway
Application Category:	Householder	Target Date:	13th February 2013



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PK12/4233/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of resident's objections.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a single storey extension to the front of No. 43F Chiphouse Road, Kingswood. The property is a semi-detached dwelling, and is located within a residential area of Kingswood.
- 1.2 The proposed extension would measure approximately 1.6 metres by 2.6 metres and it would provide an extended kitchen. A mono-pitched roof, which would be approximately 3.2 metres high, would be constructed above the proposed extension and across the existing flat roof addition.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Extensions within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history for this property

4. CONSULTATION RESPONSES

- 4.1 Parish / Town Council
The site is not located within a parished area.

Other Representations

- 4.2 Local Residents
One letter of objection has been received, and residents raise the following concerns:

‘The proposed pitched roof which is to adjoin neighbour’s present flat roof will have an adverse affect on neighbour’s property, visually, structurally and the possible drainage issue of water draining from the pitched roof onto the flat roof.’

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications.

The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

It is considered that the relevant policies of the adopted Development Plan do not materially depart from the NPPF. As such significant weight can be afforded to the Development Plan policies in this case.

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector has concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made.

The Inspector has considered the results of the consultation process on the draft Main Modifications to the South Gloucestershire Core Strategy. This includes the Council response as set out in its letter of 16 November 2012. Inspector considered that the views put forward helpful in clarifying his views on a number of matters. The Inspector intends to issue a more detailed note early in the New Year regarding the matters that he would like to examine further.

The Core Strategy is therefore a material consideration in the determination of planning applications, although at this stage the Core Strategy policies, which are subject to Inspector modification, are likely to carry less weight than the Development Plan at this stage.

In determination of this application there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

5.2 Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no

unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well-designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

5.3 Design / Visual Amenity

The property is a semi-detached dwelling. The proposed front extension is considered to be modest in scale and would be subservient to the scale of the main dwelling. Furthermore, the materials proposed would match those used in the existing property. Officers therefore consider a good standard of design has been achieved and would reflect the character of the surrounding area.

5.4 Residential Amenity

The proposed extension is single storey and would be constructed attached to the applicant's dining room, although a mono-pitched roof would be constructed above the existing dining room, which would be adjacent to the neighbour's single storey flat roof.

All new windows would be installed at the front elevation, and they would be overlooking the applicant's hardstanding parking area. In addition, the proposed extension would not project beyond the existing single storey structure. Officers therefore consider that the proposed extension would not cause significant loss of privacy, overbearing or overshadowing impact upon the neighbouring property to warrant a refusal of this application. In addition, the proposed extension is modest in scale and therefore would not cause an unacceptable loss of amenity space.

5.5 Highway Issues

Due to the modest scale of the proposed extension, officers consider that the proposal would not adversely affect the parking and turning facilities within the site.

5.6 Other Issues

Local residents are concerning the proposed pitched roof would adversely affect the neighbouring property in terms of its structure and surface water drainage.

Officers acknowledge the resident's concerns, however it would be applicant's responsibility to ensure that the proposed extension would meet building regulations and a surface water drainage would be properly installed. Also it would be a private civil matter between the applicant and the adjoining owners, and therefore would not be planning material consideration.

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 proposed development would not give rise to any adverse overbearing or overshadowing effects or a material loss of privacy to neighbouring properties. The development therefore accords to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.3 The proposed single storey front extension has been designed to respect and maintain the massing and scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. It remains in keeping with the character of the existing property and street scene. The development therefore accords to Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- 6.4 The proposal would not increase the number of bedrooms of the property, and would not affect the existing parking and turning facilities. The development therefore accords to Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 6.5 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 It is recommended that permission be GRANTED for these works subject to the following planning conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

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

Reason

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

2. The 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 Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PK12/4274/F	Applicant:	Mr And Mrs Tasker
Site:	89 The Meadows Hanham Bristol South Gloucestershire BS15 3PB	Date Reg:	24th December 2012
Proposal:	Erection of two storey side and front extension to form additional living accommodation.	Parish:	Hanham Abbots Parish Council
Map Ref:	364784 171942	Ward:	Hanham
Application Category:	Householder	Target Date:	13th February 2013



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PK12/4274/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from 2 local residents; the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a modern, 3 bedroom, link-detached dwelling house, located at the northern end of The Meadows cul-de-sac near Hanham. The property lies within an attractive open-plan designed estate, where most of the houses have similar designs. The location is entirely residential in character. Vehicular access to an attached single garage and hard-standing is afforded from the turning head at the end of the cul-de-sac.
- 1.2 It is proposed to construct a first-floor side extension, above the existing garage on the eastern side of the house. The extension would project 2 metres beyond the front elevation of the garage and as such would be supported on brick piers, located in front of the garage and front door of the house respectively, thus creating a part car-port arrangement to the front of the garage and new porch to the front door. The extension would provide an additional bedroom with en-suite.
- 1.3 The proposal seeks to overcome the refusal reasons for a similar earlier scheme PK07/0483/F that was also dismissed on appeal (see para. 3.2 below).

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012.

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas

H4 - Development within Residential Curtilages

T8 - Parking Provision

T12 - Transportation Development Control Policy for New Development.

EP1 - Environmental Protection

L17 & L18 - The Water Environment.

Emerging Policy

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.
Residential Parking Standards Draft SPD Nov 2012

3. RELEVANT PLANNING HISTORY

- 3.1 K913/3 - Erection of 48 houses (revised scheme). Construction of estate roads and footpaths.
Approved 29 Dec 1977.
- 3.2 PK07/0483/F - Erection of first-floor side and rear extension over existing garage to provide additional living accommodation.
Refused 4th April 2007 for the following reason:

'The proposed extension, by reason of its size, mass, bulk, height and location would have a detrimental effect on the amenities of the occupiers of the adjacent dwelling house. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.'

Appeal Ref: APP/P0119/A/07/2053092/WF – Dismissed 13 December 2007.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Whilst not specifically objecting, the Parish Council made the following general observation:
'We note this property is quite imposing and could have an overbearing effect on the neighbouring property.'
- 4.2 Drainage
No objection. The proximity of a public sewer may affect the layout of the development. Refer the application Wessex Water for determination.
Note: Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to '**building over**' or '**building in close proximity to**' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC.

Other Representations

- 4.3 Local Residents
2 responses were received from local residents objecting to the application. The concerns raised are summarised as follows:
- a) Insufficient on-site parking provision would result in increased on-street parking;
 - b) The grassed area next to no. 89 would become a parking area to the detriment of visual amenity.
 - c) Layout/design would be out of keeping; no different from that previously refused.

- d) Overbearing impact on no. 88 resulting in loss of light to rear living room and bedroom windows.
- e) Proximity of drains and sewer pipes between nos. 88 and 89.
- f) Loss of privacy from overlooking of rear garden of no.88.
- g) There are no side extensions within the estate.

5. **ANALYSIS OF PROPOSAL**

Principle of Development

- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.
- 5.2 Para 214 of the NPPF makes it clear that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.
- 5.3 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report are adequately up to date and robust, the NPPF is however a material consideration in the determination of the application and in particular, places an even greater emphasis on good design. The forward to the NPPF by the Rt. Hon. Greg Clark MP, states that standards of design should be much higher and development has been frequently eroded by the experience of mediocrity in design. One of the core land-use planning principles quoted at para.17 of the NPPF states:

'Planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Furthermore, at Section 7 entitled 'Requiring Good Design' the NPPF states that the Government attaches great importance to the design of the built environment and indicates that good design is indivisible from good planning.

- 5.4 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications relating to overall housing provision. The EiP is to be re-opened in March. The policies therein, although a material consideration, are not yet adopted and are therefore afforded less weight, nevertheless in this case the Council is satisfied that the relevant policies within the emerging Core Strategy would not significantly differ from those of the existing adopted Local Plan.

- 5.5 The South Gloucestershire Local Plan was adopted in January 2006. Policy D1 sets a number of criteria, which need to be satisfied in order to demonstrate that the proposal would achieve good standards of site planning and design. These criteria are carried forward to Policy CS1 of the emerging Core Strategy.
- 5.6 The South Gloucestershire Design Checklist was Adopted in August 2007. Whilst the SPD is aimed more at larger schemes, it generally supports high quality designs in the built environment. At page 17, under the heading 'Good quality building design' the SPD states that :
'Good building design is less to do with a particular style and more to do with the successful co-ordination of proportions, materials, colour and detail and how these relate to the character and identity of the surroundings as well as the constraints and opportunities of the site'.
- 5.7 Local Plan Policy H4 relates to development within residential curtilages. Criterion A requires that new development within residential cartilages including extensions to existing dwellings, must respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. Criterion B requires that the proposal should not prejudice the amenities of nearby occupiers. Criterion C requires that the proposal would not prejudice highway safety or the retention of an acceptable level of parking provision. Criterion D requires that the proposal would not prejudice the retention of adequate private amenity space.
- 5.8 Policy T12 relates to transportation issues in new development. Criterion B requires that the proposal provide safe access capable of accommodating the motorised traffic generated by the proposal. Criterion C requires that the proposal would not create or unacceptably exacerbate traffic congestion, or have an unacceptable effect on road, pedestrian and cyclist safety. Policy T8 sets parking standards, which are **maximum** parking standards. For a 3-bedroom house, up to 2 off-street parking spaces are permitted under Policy T8 and up to 3 spaces for a 4+ bedroom house.
- 5.9 An emerging SPD policy document entitled 'Residential Parking Standards' has now been through its public consultation phase. The document proposes **minimum** parking standards and would require at least 2 parking spaces for a 3 or 4 bedroom house. However, at this moment in time the SPD has not yet been adopted and therefore currently carries only very limited weight.
- 5.10 Impact on Residential Amenity
It is noted that the previously proposed scheme (PK07/0483/F) sited the extension further back into the site and included a first floor, rear gable with windows. Officers concluded that the extension, by reason of its size, mass, bulk, height and location would have a detrimental effect on the amenities of the occupiers of the adjacent dwelling house (no.88). In the subsequent appeal, the Inspector concurred with this view and duly dismissed the appeal.
- 5.11 In his decision letter the Inspector opined that: *'Given the orientation of the properties in question to each other, there would be no loss of direct sunlight to*

no.88 as a result of the proposal. However, there would be some loss of daylight to its rear, dining end window of the living dining- room and to the rear, first floor main bedroom window. Moreover, from these windows and the rear garden of no.88, the proposed extension would appear dominant and overbearing in my judgement.'

- 5.12 In the current proposal, the extension has been significantly reduced in scale and moved forward of its original position. The previously proposed, first floor, gable-ended rear element, has been deleted from the scheme. The existing 1.5m gap between the houses is maintained and the projection of the extension beyond the rear elevation of no.88 is now only 2.5 metres compared to the 7 metres of the previously refused scheme. As the houses are staggered, the front projection of the proposed extension would still lie well behind that of no.88.
- 5.13 Officers have viewed the site from within the rear garden of no.88 and concluded that, an extension of the scale and position now proposed would have no significant adverse impact on the rear windows of no.88 and would not have such an overbearing impact as to justify refusal of the application. The previous refusal reason has therefore been overcome.
- 5.14 The occupier of no.88 has also objected on the grounds of loss of privacy due to overlooking of his rear garden. To some extent this garden is already overlooked from the existing windows in the neighbouring properties to either side and from those located to the rear. It is noted however that, despite the presence of a principle bedroom window in the originally proposed rear gable of PK07/0483/F, neither the case officer at the time or the Inspector for the appeal, raised any objection on the grounds of loss of privacy. Notwithstanding this, the current proposal introduces only two high level roof-lights in the rear roof slope of the proposed extension, which would offer little opportunity for overlooking. Furthermore, an existing first floor landing window in the eastern side elevation of no.89 would be eliminated by the proposed development. Whilst a windowed gable would be introduced to the front of the extension, there would be adequate distance (26m) to the houses opposite.
- 5.15 Sufficient amenity space would be retained to serve the dwelling. As such it is considered that the proposed development would not have any adverse impact on residential amenity and would therefore not be contrary to policy H4(B) of the South Gloucestershire Local Plan (Adopted) 2006.
- 5.16 Design/Visual Amenity
The existing property is a two-storey dwelling, linked to no.90 by a single-storey garage. There is an attached single-storey garage to the east of no.89 (the application site) and a 1.5m gap between this property and no.88. The houses within the cul-de-sac and wider estate, tend to have similar designs, with staggered building lines to the street scene. The estate has an open-plan design, which gives it an attractive air of spaciousness.
- 5.17 The extension, as was previously proposed in PK07/0483/F, would be subservient to the main body of the host dwelling, with the roof ridge set down fully 1 metre from that of the existing house. Whilst this arrangement would to

- some extent close the gap between nos. 89 and 88, any impact on the street scene would be insignificant. Again it is noted that neither the case officer or the Inspector for the previous appeal, raised any objections to such an arrangement. The extension as now proposed would still integrate adequately within the built form and, given the staggered nature of the houses, the front projection of 1.8/2.0m would not adversely affect the open plan character or appear incongruous within the street scene.
- 5.18 Objections have been raised on the basis that there are no side extensions within the estate. Officers have carried out a search of the planning records, which revealed that since the was built, no less than 8no. planning permissions for side extensions have been granted, the most recent being in 2008 (PK08/0338/F) and 2010 (PK10/2667/F). From officer observations on the ground, it appears that 5no. of these consents were not implemented. Of those that were implemented, two of the extensions related to houses located on the end of a row, where the extension was not so apparent. A two-storey side extension at no.38 was set well back at the end of a cul-de-sac.
- 5.19 Even acknowledging that a number of the earlier permissions were made under a different policy regime, and that there is now a greater emphasis on good design (see para.5.3 above), the fact that the Inspector for the previous appeal raised no concerns on this issue, which is a material consideration of significant weight; it is concluded that on balance a refusal reason on design grounds could not be substantiated in this case.
- 5.20 Concerns have also been raised by the occupant of no.90 about the possible increased area of hard-standing to the front of no.89, that might result if the application is approved. Indeed a plan has now been submitted showing such an increased area of hard-standing. Officers note that it is not unusual for areas of hard-standing to be introduced to the fronts of modern houses and in fact much of the area to the front of no.90 is hard-standing. The proposed hard-standing could in fact be carried out under permitted development rights and the applicant has confirmed that in any event it is his intention to introduce the extra hard-standing even if this application is refused.
- 5.21 Officers therefore conclude that on balance the proposal is not considered to be contrary to local plan policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006 and the South Gloucestershire Council Design Checklist SPD (Adopted) 23 Aug 2007.
- 5.22 Transportation Issues
Officers noted during their site visit that, notwithstanding the garage, one large car was parked to the front of the garage of no.89 and a smaller car (albeit rather awkwardly) to its side and in front of the house. The brick piers supporting the proposed extension and porch would encroach into these areas.
- 5.23 Nevertheless, the existing garage would be retained and the footprint of the garage element would be extended to create an open fronted car-port, whereby a car could park partly in the car-port and partly on the remaining driveway to the front. It is also proposed to introduce an additional car parking space to the front of the house. The submitted plans show that on this basis, there would be

three off-street parking spaces to serve the resultant 4 bedroom house and this accords with the Council's currently adopted maximum parking standards outlined in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Furthermore, this level of off-street car parking provision would accord with the minimum (2 spaces) standards listed in the Draft SPD Document.

- 5.24 Given the property's location in such a built up and well-established residential area, at the end of a cul-de-sac, together with the scale of the new development; officers consider that in order to prevent increased on-street parking, at least two on-site car parking spaces should be provided. The amended proposal therefore accords with Policies T8, T12 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and is acceptable in transportation terms.

5.25 Environmental Issues

The extension would be the subject of Building Regulation Control. Existing drainage systems would be utilised. The presence of a Wessex Water Sewer has been noted and the applicant would need approval from Wessex Water in order to build over the sewer but that would not be the case in this scheme as the proposed extension is above the existing garage. An appropriate informative relating to this issue would be added to any decision notice for approval. The proposal would accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.26 Landscape Issues

The proposal would not affect any significant trees or any landscape features of note within the site. The proposal would not result in the loss of significant areas of open space and an adequate amount of amenity space would be retained to serve the property. The proposal is therefore in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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.

The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

1. Consideration has been given to the proposal's scale and design and is considered to accord with Policies D1 and H4(A) of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012
2. The scheme is not considered to adversely affect residential amenity in terms of overlooking, loss of privacy, overbearing impact or loss of amenity

space and therefore accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The proposal would have no adverse highway implications in accordance with Policy H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
4. Consideration has been given to the drainage implications of the scheme and its impact upon the environment in accordance with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
5. The proposal would not adversely affect any features of the landscape and accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
6. The proposal would not result in the loss of an open area of significant amenity value and is therefore in accordance with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 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 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 on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction and demolition shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

3. No windows shall be inserted at any time in the eastern side elevations of the extension hereby approved.

Reason

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

4. 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 D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The off-street parking facilities shown on the plans hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PT12/3345/F	Applicant:	1st Severn Beach Scout Group
Site:	Mafeking Hall 18 Redwick Road Pilning South Gloucestershire	Date Reg:	19th December 2012
Proposal:	Installation of mezzanine floor, 6no. velux windows and 1no. additional door and window. Erection of detached outbuilding	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	355317 185219	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	11th February 2013



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PT12/3345/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule owing to the comments that have been received from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the installation of 6 velux roof lights, the introduction of a mezzanine floor and the addition of a door and window. It would also allow the erection of an enlarged detached outbuilding.
- 1.2 The application relates to the locally listed Mafeking Hall on the north side of Redwick Road, Pilning that forms the local Scout group headquarters. The application site is located within the Pilning settlement boundary. The site is within Flood Zone 3.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development
L15: Structures, which make a Significant Contribution to the Locality
LC4: Proposals for Educational and Community Facilities
T8: Parking Standards
T12: Transportation Development Control Policy for New Development
EP2: Flood Risk and Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Local List

3. RELEVANT PLANNING HISTORY

Mafeking Hall:

- 3.1 N2461: Change of use from Mission Hall to Scout Group Headquarters. Permitted: 30 April 1976

- 3.2 N2461/1: Extension to scout hut to provide store, toilets, leaders room and kitchen. Permitted: 2 October 1980

16 Redwick Road:

- 3.3 N3307: Erection of single-storey side extension to provide bathroom and lounge area. Permitted: 3 February 1977
- 3.4 N3307/1: Erection of single-storey side extension to form sitting room and bathroom. Permitted: 13 May 1982

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

‘Whist the Parish Council has no objection to the proposed installation of mezzanine floor, 6no. velux windows and 1 no. additional door and window and erection of detached outbuilding, they have concerns over the amount of parking available to the site. Parking around this particular area is already stretched and the additional vehicles will cause more problems. It was raised that although the application reports not to have commenced any of the proposed works, it is in the opinion of one of the Councilors that the mezzanine floor is already in place.’

4.2 Other Consultees

Highways DC: no objection

Conservation Officer: mixed comments (recommends that the applicant submit revised plans showing the removal of the 3 roof lights on the east elevation of Mafeking Hall and a revised floor plan and design for the store).

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy LC4 is supportive of proposals for the development, expansion or improvement of education and community facilities within the existing urban area and the settlement boundaries provided that:

- Proposals are located on sites that are, or will be, highly accessible by foot and bike; and
- It would not unacceptably prejudice residential amenity; and
- It would not have an unacceptable environmental or transportation effects; and
- It would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

5.2 Design/ Visual Amenity

- Mafeking Hall comprises a modest, brick and stone built building set roughly at right angles to the road. It retains some original features (i.e. brick window and door arches, brick roundel, porch and decorative barge boards) but it has been substantially extended with a modern lean-to addition; windows and doors have also been replaced. The significance of the building has been reduced as a result although it is still a local feature building in the street scene. In the grounds is a small outbuilding, truncated when the road was widened which has resulted in its odd shape and proportions. This is used as a storeroom.
- 5.3 The proposal can be considered in two parts; the first relates to the main hall. In this regard, the proposal seeks to introduce six roof lights into the main roof to light a new mezzanine floor. The submitted plans show three roof lights to either side; as part of pre-application discussions it had been advised that the three roof lights be removed from the more public east-facing roof slope where they would be quite a prominent alteration to the roof that would detract from its plain and simple character of the roof. The three on the west elevation are viewed more obliquely reducing their potential prominence/ visual intrusion. Moreover, if correctly installed flush with the roof covering, then an observer's eye would not be drawn to them and they would appear much more discreet.
- 5.4 In view of the above, the proposed changes to the hall are considered to be acceptable subject to conditions requiring amended plans showing the omission of the three roof lights as suggested and requiring full large scale details in respect of the retained roof lights and front window (the further changes to the hall relate to a new front window within the extension and a fire escape at the rear of the hall which are considered to be acceptable).
- 5.5 The second part of the application relates to a small store building that adjoins the road and which is stood to the east of the hall. The building has a truncated appearance as a result of road widening works and this results in its current awkward shape. Following the applicant's purchase of a small area of land to the far side of this building (currently part of the residential curtilage associated with the neighbouring property), the proposal would allow the replacement of this structure with a new larger building that would infill this irregular shaped plot.
- 5.6 Notwithstanding the above, the plans are confused since some elevations imply a structure with a hipped roof, and others with a gabled roof. To this extent, the awkward and contrived floor plan creates an odd shaped building with an equally odd shaped roof that would sit between and amongst buildings with traditional pitched roofs. Consequently, the building would appear incongruous and contrived whilst it also not clear as to whether it could actually be built (owing to the differing roof shapes). These concerns were raised at the time of pre-application discussions with it suggested that a smaller rectangular building be built. However, this would have reduced the amount of storage space available thus this awkward shaped building has been retained as part of this application. There is an objection to the application in respect of this new building.

5.7 Residential Amenity

Concerning those changes to Mafeking Hall, the new ground floor window would face the road and the new door would face a rear parking area. These changes are therefore considered to be acceptable. The proposed velux roof lights would also be orientated towards the road on the east elevation and away from the rear garden of the neighbouring property to this side (with the side elevation of this dwelling appearing devoid of any primary windows). Therefore, (and notwithstanding the above objection to these windows), on balance it is not considered that any significant adverse impact in residential amenity would be caused.

- 5.8 The three west facing velux roof lights would face the side elevation of the neighbouring dwelling known as 2 Meadow View. The side elevation of this property contains four facing windows that at the upper levels are understood to serve bedrooms. However, the road provides an element of separation although in the event that planning permission is granted, it is suggested that the roof lights could be raised above eye level to help ensure an acceptable relationship between these buildings. This issue could be addressed by condition (with the submitted plans only showing the indicative position of these windows) in the event that permission were granted.

- 5.9 With regards to the proposed store, this would encroach onto land that currently forms part of the adjoining residential curtilage. Given the nature of this element of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.

- 5.10 All other neighbouring dwellings are positioned at an appreciable distance from the site of the proposed works thus it is not considered that any significant adverse impact in residential amenity would be caused.

5.11 Highway Safety

The Councils Highway Officer has raised no objection to this application.

5.12 Flood Risk

The application site falls within Flood Zone 3 and is supported by the Environment Agency's mitigation form. It is recommended that this form forms basis of an informative to help ensure that this mitigation measures are adhered to. In this regard, it is noted that both uses would fall within the 'less vulnerable' classification of development having regard to the advice contained within the National Planning Policy Framework technical guidance.

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 for the alterations proposed to Mafeking Hall (subject to conditions) and refuse permission for the enlarged shed store) 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.
- 6.3 The recommendation to GRANT permission for the changes to Mafeking Hall (subject to conditions) is for the following reasons:
1. The alterations proposed to the Mafeking Hall would (subject to conditions) respect the character and appearance of this locally listed building and would accord with Planning Policies D1 (Achieving Good Quality in Design), L15 (Buildings and Structures which make a Significant Contribution) and LC4 (Proposals for Educational and Community Facilities) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would (subject to conditions) not cause any significant adverse impact in residential amenity and would accord with Planning Policy LC4 (Proposals for Educational and Community Facilities) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal is considered to be acceptable having regard to issues of highway safety and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning Permission is **GRANTED** for the changes proposed to Mafeking Hall subject to the following conditions and **REFUSED** in respect of the enlarged store room for the following reasons:

Contact Officer: Peter Burrridge
Tel. No. 01454 865262

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. Notwithstanding the plans received, prior to the commencement of development, amended plans showing the removal of the three east facing velux roof lights shall be

submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these amended plans hereby approved.

Reason

To help ensure a sympathetic addition to this locally listed building and to accord with Planning Policies D1, LC4 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the previously submitted details, and prior to the commencement of development, the detailed design and fitting of the velux roof lights shall be submitted to and approved in writing by the Local Planning Authority. The drawings shall be at a scale of 1:5 including cross sections and the works shall be completed strictly in accordance with the agreed details.

Reason

To help ensure a sympathetic addition to this locally listed building and to accord with Planning Policies D1, LC4 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the details received, a revised north west elevation of the building showing the exact size and raised position of the velux roof lights shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason

To help ensure a sympathetic addition to this locally listed building and in order to safeguard residential amenity, all to accord with Planning Policies D1, LC4 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

REASONS FOR REFUSAL

1. On the basis of the plans submitted (which are not considered to be sufficiently clear to adequately assess the proposed store building and demonstrate that it could be physically constructed), it is considered that the enlarged store building would appear an awkward and contrived addition to the street scene by reason of its irregular shape and roof form set in a prominent position amongst regular shaped buildings with traditional pitched roofs. The proposal is therefore considered to be contrary to Planning Policies D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document.

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PT12/3620/F	Applicant:	Rjbuilder
Site:	Linden Lea Shepperdine Road Oldbury On Severn South Gloucestershire	Date Reg:	22nd November 2012
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation. (Amendment to previously approved scheme PT12/0583/F to incorporate first floor balcony).	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362147 193933	Ward:	Severn
Application Category:	Householder	Target Date:	15th January 2013



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PT12/3620/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the neighbours objection.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey and single storey rear extension to form additional living accommodation. This application differs from the previously approved scheme in that a balcony is now proposed over the ground floor extension.
- 1.2 The application site relates to a semi detached cottage known as 'Linden Lea'. The site is located outside the Oldbury settlement boundary in open countryside.
- 1.3 The extension has already progressed well under the existing consent.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Technical Guidance to the National Planning Policy Framework
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
L9 Species Protection
H4 Development within Existing Residential Curtilage
T12 Transportation Development Control Policy for New Development
L17&L18 Water Environment
EP1 Flood Risk
EP2 Environmental Pollution

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0583/F Erection of two storey and single storey rear extension to form additional living accommodation. Approved 12.04.2012
- 3.2 Neighbouring house's history (known as Helenglade)
- 3.3 PT11/1205/F Erection of 1 no. replacement dwelling and double garage with associated works. Approved 20.06.2011

- 3.4 PT12/2011/F Erection of first floor rear extension to form additional living accommodation. Approved

4. CONSULTATION RESPONSES

- 4.1 Oldbury-on-Severn Parish Council
No response.

- 4.2 Other Consultees

Ecology

No objection subject to condition.

Lower Severn Drainage Board

No comment received

Office for Nuclear Regulation

Minded not to comment

Other Representations

- 4.3 Local Residents

Objection for the following reasons

- Overlooking from balcony into the garden on Helensglade causing loss of privacy.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or 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 within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the local plan.

In assessing applications for residential extensions, planning policies D1 and H4 of the adopted local plan are particularly relevant. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting, overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

5.2 Residential Amenity

With regard to scale, the overall scale and size of the proposed development and sufficient distance between the neighbouring properties, the proposal would not be overbearing on the residential amenity of neighbouring occupiers.

The proposal has no windows positioned that would cause inter-visibility between neighbouring properties so therefore there would be no overlooking or loss of privacy as a result of the proposal from inside the house. However the balcony now proposed would offer some visibility into the garden of 'Helensglade', a large new replacement house located approximately 14m off the boundary with Linden View. The balcony has been amended during the course of the application to provide a solid screen wall which ranges from one to 1.5m high. Whilst this would not prevent people on the balcony from peering over the wall it is considered sufficient in this location, 14m from the neighbouring house and generally facing away from the neighbour, to maintain sufficient privacy between the existing house and the neighbouring garden. The wall would screen people sitting on the balcony from viewing directly into 'Helensglade' and visa versa.

Whilst the proposed extension does project into the rear garden sufficient garden space will remain to serve occupiers of the property.

5.3 Design/Visual Amenity

The proposal is of an appropriate scale and fits with the character of the existing property. Its location to the rear of the building together with the chosen construction materials, which match the palette of materials displayed in the existing building, means that this is an appropriate addition to the dwelling and locality. The proposal is well screened from the wider views and therefore there is no harm caused to the visual amenity.

5.4 Ecology

A report on a survey of the property for use by bats and breeding birds by Just Ecology and dated March 2012 has been provided as part of the application.

A single bat - probably a pipistrelle (sp) – was recorded roosting behind the fascia board on the side elevation of the property. No other signs of use by bats were recorded: indeed, the report notes that the roof structure itself was watertight and in a good state of repair, with no obvious gaps or cracked or displaced tiles.

Nesting blue tits were noted using the roof at the front of the building.

As development is limited to the rear elevation of the property and removed from these areas, the report considers that the risk of disturbance or harm to bats arising from the scheme is low. It proposes a series of mitigation measures – Section 5 – to further reduce the risk of the scheme impacting on either bats or breeding birds. These are supported and, given this, it considered that development does not require a licence under Regulation 53 of the Habitat

Regulations 2010; and that consequently it is not necessary to subject application PT12/0583/F to 'test' under Regulation 53.

Accordingly, there are no ecological constraints to granting planning permission. Notwithstanding this, a condition should be attached requiring that development be subject to the mitigation measures outlined in Section 5 of the ecological survey.

- 5.5 The proposed development is located in Flood Zone 3. Householder developments consisting of additions or extensions to an existing property are not considered in general to heighten the vulnerability of the site to flooding. Nevertheless the applicant has confirmed that they will undertake flood mitigation measures as required on the Environment Agency's Householders Flood Mitigation measures form. Such confirmation is considered acceptable in this instance and the proposal accords with policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 2006.

5.6 Transportation

As the extension is located at the rear of the property it will not impact on the property's parking arrangements, located at the front and side of the house, nor will it prejudice highway safety.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- a) The proposed extension would not give rise to an adverse overbearing effect or a material loss of privacy to nearby occupiers. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) The proposed extension has been designed to respect and maintain the massing scale, proportions, materials and overall design and character of the existing dwelling and the surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
 - c) Ecological matters related to bats are adequately dealt with by a condition. The development therefore accords with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

- 7.1 That planning permission is **GRANTED** subject to the conditions below. A time condition is not required as the works have started under the previous consent.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. The materials to be used in the construction of the external surfaces of the extension and the solid wall of the balcony hereby permitted shall match those used in the existing building.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

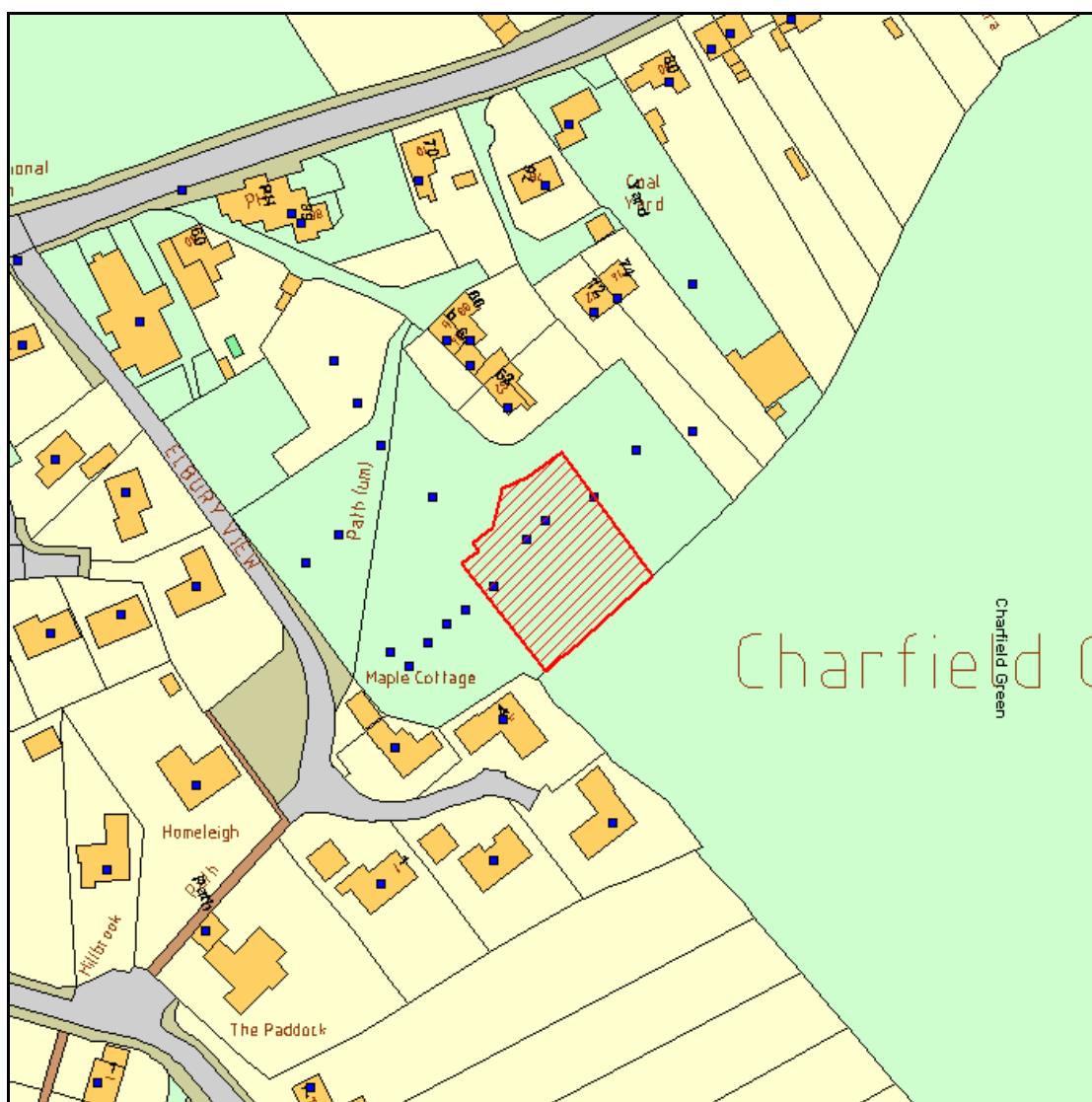
2. The development hereby permitted shall be carried out in accordance with the recommended ecology mitigation measures detailed at section 5 of the submitted and approved Bat Survey and Assessment Report by 'Just Ecology' dated March 2012 received by South Gloucestershire Council on 20 November 2012.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the protection of wildlife, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 05/13 – 1 FEBRUARY 2013

App No.:	PT12/4029/F	Applicant:	Woodstock Homes
Site:	60 Wotton Road Charfield South Gloucestershire GL12 8SR	Date Reg:	11th December 2012
Proposal:	Erection of single storey rear extension to plots no. 2, 3, 4 and 5. Amendment to previously approved scheme PT11/1634/F.	Parish:	Charfield Parish Council
Map Ref:	372546 192359	Ward:	Charfield
Application Category:	Major	Target Date:	7th March 2013



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PT12/4029/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule in accordance with procedure given that objections have been received that are in part contrary to the Officer recommendation.

1. THE PROPOSAL

1.1 The applicant seeks consent to amend previously approved application PT11/1634/F to allow the erection of a single storey rear extension to Plot Numbers 2, 3, 4 and 5. Planning approval PT11/1634/F permitted the erection of no.16 dwellings with landscaping, associated works and new vehicular access. The plots that are the subject of this application are located along part of the south (east) boundary of the site. Plots 2 and 5 are 4 no. bed detached properties with Plots 3 and 4 being semi-detached. The development is currently in the construction phase.

1.2 With respect to the dimensions of the development, extensions for Plots 2 and 5 would have a depth of 2.5 metres, span the width of the rear elevation at 9 metres and would have a height of 3.6 metres. The extensions for Plots 3 and 4 would have a depth of 2.3 metres, span the full width of the rear of the semi detached pair at 11 metres with a height of 3.6 metres. The extensions would have a mono-pitch roof incorporating roof lights and all other materials will match the existing rear elevations.

1.3 The application site is located on the eastern edge of Charfield within the defined village settlement boundary, with the south-eastern boundary of the site forming the southern edge of the village settlement boundary. There are 4no. trees on the site covered by Tree Preservation Orders. Three of these are Oak trees situated on the southern boundary adjoining Plots 2, 3, 4 and 5.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
EP1	Environmental Pollution
H2	Proposals for Residential Development within the Defined Settlement Boundaries
L1	Landscape Protection and Enhancement
L5	Open Areas within Defined Settlements
L9	Species Protection
L15	Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality

L17 & L18	The Water Environment
T7	Cycle Standards
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

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

2.3 Supplementary Planning Guidance

Trees on Development Sites (SPG) Adopted Nov 2005
The Local List SPD Adopted Feb 2008
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1141 - Use of land for extension to burial ground and the layout of car park (in accordance with amended plans received by the Council on 25 April 1997 and letters from the applicant dated 25 April 1997 and 2 May 1997). Approved.
- 3.2 P97/2649 - Use of land for extension to burial ground and car parking area. Approved.
- 3.3 PT00/0466/O - Erection of five detached dwellings. Refused. Dismissed on appeal. The application was deemed unacceptable because the proposed access would prejudice highway safety.
- 3.4 PT11/1615/PND - Prior notification of the intention to demolish 60 Wotton Road. Prior approval required.
- 3.5 PT11/2206/PAD - Prior approval of details submitted as to the method of demolition and any proposed restoration of the site at no. 60 Wotton Road. Approved.
- 3.6 PT11/1634/F – Erection of no.16 dwellings, landscaping and associated works. New vehicular access (Approved subject to conditions)
- 3.7 PT12/3950/F Variation of condition 15 to planning permission PT11/1634/F to re align vehicular access (pending decision)

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

No comments have been received

4.2 Conservation Officer

No objection to the addition of extensions from the perspective of the locally listed building.

4.3 Tree Officer

It is considered that the potential shading is not a major issue with the proposed extension of plot 3,4,5, however it is considered that there will be an issue with shading of plot 2 which will increase in the future as the trees grow. The application proposes to extend the property back towards the trees into a position previously deemed unacceptable. Whilst it is accepted that the proposed extension do not encroach into the Root Protection Area of the protected trees the juxtaposition between the trees and the dwelling will be increased and the overshadowing of the proposed extension would lead to unacceptable pressure to reduce the protected trees.

I would recommend refusal of this application for the extension to plot 2 but have no objections to the proposed extensions to plot 3,4,5.

I would also request that there continues to be no permitted development rights at the rear of the properties.

4.4 Archaeological Officer

No objection subject to the condition relating to archaeological recording being applied

4.5 Urban Design

No objection

4.6 Transportation

No objection

4.7 Ecological Officer

There are no ecological constraints to granting planning permission

Other Representations

4.8 Local Residents

There have been 4 letters of objection received. The planning grounds of objection can be summarised as follows:

- The site is cramped and this will remove garden space
- The extensions were left to later consideration to minimise objections earlier

- The extensions are too close to the Root Protection Area of trees in particular on Plot 2
- If the trees are lost this will have an impact upon ecology and wildlife
- The single storey extensions will become two storey extensions in due course.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

This application represents an amendment to Planning Application PT12/4029/F to allow the erection of single storey rear extensions on Plots 2, 3, 4 and 5. The development of 16 no. dwellings with associated works is currently under construction. The issue for consideration is therefore whether the extensions are acceptable.

The principle of allowing extensions to existing residential properties is acceptable and permitted by Policy H4 of the South Gloucestershire Local Plan (adopted) subject to the design of the development being acceptable and subject to their being no impact upon the residential amenity of neighbouring occupiers or highway safety by reason of the loss of available parking provision. Policy D1 and Policy CS1 of the emerging Core Strategy seek to ensure the highest standard of design.

The other key material planning consideration is the impact of the proposed extensions upon the protected Oak trees that are sited along the southern boundary of the site. Policy L1 and CS1 seek to protect those features that make a significant contribution to the locality. These issues are discussed in detail below.

5.2 **Design**

The extensions are considered modest in scale and adopt a form that is appropriate to the original dwellings. Materials aside from a number of rooflights are indicated as matching the rear elevations of the existing dwellings, however for the avoidance of doubt a condition is recommended to require the use of matching brickwork and tiles.

Subject to the above condition the proposed development is considered to be in accord with the aims and objectives of Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) and Policy CS1 of the emerging Core Strategy.

5.3 **Residential Amenity**

The proposed extensions are considered typical single storey extensions albeit with a depth of between 2.3 and 2.5 metres being marginally smaller in scale. It is not considered that the extensions would result in any loss of residential amenity to either the future occupiers of the new adjoining properties or any

existing neighbouring occupiers. It is also considered that sufficient private amenity space is retained by the properties concerned.

5.4 Siting and the Impact upon Protected Trees

The southern boundary of the site contains 3 mature Oak trees, which are prominent in the landscape and covered by a Tree Preservation Order (TPO). The impact upon these trees was a major concern in the determination of the original application and was very carefully considered in order that pressure to remove trees from those future occupiers was reduced. The trees were retained in the development and the dwellings moved to a position well out of the tree protection zones.

The Council Tree Officer has viewed the current proposal having particular regard both to the actual impact on the trees as a result of the development and the subsequent potential impact on the trees as a result of works deemed necessary because of shading which in itself could endanger the long term health and visual amenity of the trees. It was also for this reason that permitted development rights were removed to allow an assessment of the impact of any residential development including that which would not normally require consent.

The Tree Officer indicates that there is no concern in respect of the extensions to Plots 3, 4 and 5.

However with respect to Plot 2 it is considered that the extension extends to the edge of the root protection area leaving no area of the garden not within this area. In terms of shadowing/available light levels, it was Plot 2 (and Plot 1 – not considered by this application), that were of particular concerns when considering the original application given the impact on light levels to those properties. It is considered that the current proposal would if allowed result in Plot 2 being moved back towards a position previously deemed unacceptable. In summary therefore with regard to Plot 2 (and Plot 1 should an application be brought forward for that property) it is considered that while the extension does not encroach into the Root Protection Area of the protected trees the relationship/juxtaposition between the trees and the dwelling would increase the overshadowing of the extension and would lead to unacceptable pressure to reduce the trees. This element is therefore considered unacceptable and contrary to Policy D1 and L1 of the South Gloucestershire Local Plan and Policy CS1 of the Emerging Core Strategy.

5.5 Transportation

Given the scale and the location of the proposed extensions it is not considered that there will be any impact upon highway safety

5.6 Other Issues

Concern has been raised that the proposed development will have an impact upon ecology. Given that the part of the proposal that would have an impact

upon the protected trees would be refused, it is not considered that there would be an adverse impact upon ecology.

Concern has been raised that insufficient amenity space would be retained should the proposal be approved. Given the scale of the development and the remaining available garden space at Plots 3, 4 and 5 it is not considered that the refusal of the application on this basis would be warranted.

5.7 Conditions

The recommended conditions are relevant to the red line around the application site. The conditions are worded to ensure that the details previously approved by discharge of condition are implemented in full.

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 issue a split decision 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 Planning permission is **REFUSED** for the erection of a single storey rear extension to Plot No.2 (as an amendment to Planning Approval PT11/1634/F) for the following reason:

The proposed extension to Plot 2 (as shown on Drawing No.09-032/02G) by reason of its close proximity would have an adverse impact upon the future health and amenity value of Oak Trees protected by a Tree Protection Order (TPO 0736). The proposal is therefore contrary to Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted)

- 7.2 Planning permission is **GRANTED** for the erection of a single storey rear extension to Plot No.3, 4 and 5 (as an amendment to Planning Approval PT11/1634/F) for the following reasons:

- a) The design of the proposed development has been fully assessed. It is considered that the development would achieve good standards of siting planning and design. This is because the siting, overall layout, density, form, scale, height, massing, detailing, materials, are informed by, and respect and enhance the character and appearance of the site and locality. The proposed development would therefore accord with H4 and D1 and H2 of the South Gloucestershire Local Plan (adopted) January 2006.

- b) The impact of the proposed development on nearby properties has been fully assessed. It is considered that the siting and scale of proposal would not result in a material loss of privacy, an overbearing effect. The proposed development would therefore accord with Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.
- c) The impact of the proposed development in terms of transportation has been fully assessed. The proposed development would not have an adverse impact upon highway safety. The proposed development would therefore accord with Policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.
- d) The proposed development would not harm the amenity and longevity of trees within the development site. The proposed development would therefore accord with Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

Contact Officer: David Stockdale
Tel. No. 01454 866622

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. Notwithstanding the provisions of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting the Order with or without modification) no rear extensions, other than such development or operations included on the plans hereby approved, shall be erected on plots 1 and 2 without the prior written consent of the Local Planning Authority.

Reason

To enable the Local Planning Authority to closely monitor the long term health and visual amenity of the trees, and the impact on residential amenity, and to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The development shall be carried out strictly in accordance with the approved panel, which shall be retained on site until completion of the development, for consistency as agreed by the letter from South Gloucestershire Council dated October 18th 2012.

Reason

In order that the development is of a satisfactory form of design and external appearance, and serves to preserve the setting of the locally listed church, in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The development shall proceed in accordance with the roofing materials agreed in the letter from South Gloucestershire Council dated 18th October 2012

Reason

In order that the development is of a satisfactory form of design and external appearance, and serves to preserve the setting of the locally listed church, in accordance with national guidance set out in Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The brick work and tiles materials used for the extensions hereby approved shall match that of the original building.

Reason

In order that the development is of a satisfactory form of design and external appearance, and serves to preserve the setting of the locally listed church, in accordance with national guidance set out in Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the period of construction shall be restricted to Monday - Friday 07.30 - 18.00, Saturday 08.00 - 13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The development shall be constructed in accordance with the details and measures securing a good standard of energy conservation and the protection of environmental resources (Condition 7 - PT11/1634/F)) as agreed in the letter from South Gloucestershire Council dated 18th October 2012.

Reason

In order to ensure that the proposal attains the requisite good standard of design in relation to energy conservation and the protection of resources in accordance with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; the adopted South Gloucestershire Design Checklist SPD (2007); and policy CS1 of the South Gloucestershire Core Strategy Proposed Changes Submission Draft (December 2010).

8. The development shall be carried out in accordance with the details approved by the letter from South Gloucestershire Council dated 18th October 2012 securing Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies EP1 and L17/L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Development shall be carried out in accordance with the scheme of landscaping approved by the letter from South Gloucestershire Council dated 18th October 2012.

Reason

To protect the character and appearance of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. All works shall be carried out in accordance with the approved mitigation strategy for the population of slowworms recorded on the site approved by the letter from South Gloucestershire Council dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. All works shall be carried out in accordance with the approved mitigation strategy for the population of hedgehogs recorded on the site approved by the letter from South Gloucestershire Council dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. All works shall be carried out in accordance with the 'ecological (habitat creation and) management plan' approved by the letter from South Gloucestershire Council dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. All works shall be carried out in accordance with the scheme of bird nest boxes suitable for use by the species recorded in the ecological survey by Michael Woods Associates (dated July 2011) approved by the letter from South Gloucestershire Council dated 18th October 2012.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. Prior to the first occupation of the development hereby permitted, the means of vehicular access shall be constructed in accordance with the approved plan known as 10052/100 received 28th November 2012 (Application PT12/3950/RVC)

Reason

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

15. Prior to the first occupation of plots 1, 2 and 5 Homebuyer Packs shall be prepared which clearly state that there are trees within the property's boundaries that are covered by Tree Preservation Orders and that any works proposed to these trees will require the submission of a planning application. The Homebuyers Packs must be made available to the first occupants of plots 1, 2 and 5.

Reason

In the interests of the health and visual amenity of the tree(s), and the residential amenity of occupiers, and to accord with Policies L1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. All works shall be carried out in accordance with the revised 'Pegasus Arboricultural Report' dated 11th July 2011 unless otherwise agreed in writing by the Council.

Reason

To protect the wildlife and the ecological interests of the site, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

REASONS FOR REFUSAL

1. The proposed extension to Plot 2 (as shown on Drawing No.09-032/02G) by reason of its close proximity would have an adverse impact upon the future health and amenity value of Oak Trees protected by a Tree Protection Order (TP0 0736). The proposal is therefore contrary to Policy L1 and D1 of the South Gloucestershire Local Plan (Adopted)

Applicant: Mr John Horricks
Date Reg: 3rd January 2013

Parish: Winterbourne
Parish Council

Ward: Frenchay And
Stoke Park

**Target
Date:** 13th February
2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as an objection to the proposed works has been received from the Parish Council.

1. THE PROPOSAL

- 1.1 This application provides notification of proposed works to trees located within the Frenchay Conservation Area. It gives notice to the Local Planning Authority of the intent to carry out the listed works and offers an opportunity to bring works to trees under the direct control of the Authority by serving a Tree Preservation Order (TPO).
- 1.2 The works proposed consist of: a 50% reduction to 1no. Liquid Amber; and, the felling of 2 Conifer trees, 1 Xmas tree, and 1 Poplar tree.
- 1.3 All the trees are located in the rear garden of a property on Cliff Court Drive in Frenchay. The garden is located on the steep northern slope of the River Frome Valley. This is an enclosed, wooded, valley with a green and rural character. There are a significant number of trees both in the valley and the curtilage of the property.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Trees) Regulations 1999

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3363/TCA No Objection 12/12/2006
Works to fell 1 no. Ash tree situated within Frenchay Conservation Area
- 3.2 PT02/2039/TCA No Objection 30/07/2002
Works to trees in the Frenchay Conservation Area: Fell 1no. Sycamore, 1no. Ash, 1no. Pine and 1no. Cyprus; Crown reduction by 35% to 1no. Ash and 1no. Poplar; Crown reduction by 30% to 1no. Ash; Removal of lower level overhanging branch on 1no. Oak; Removal of branch resting on mill to 1no. Ash; and, Removal of lowest 3 branches to 1no. Cherry.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection: No reason given for the proposed works or for the removal of the trees, works are therefore considered to be unnecessary.
- 4.2 Tree Officer
No Objection: Trees offer limited visual amenity to the area and do not fulfil the criteria for a TPO.

Other Representations

- 4.3 Local Residents
No responses received

5. ANALYSIS OF PROPOSAL

- 5.1 This application gives notice to the Local Planning Authority for a 50% reduction to 1no. Liquid Amber; and, the felling of 2 Conifer trees, 1 Xmas tree, and 1 Popular tree, all located within the Frenchay Conservation Area.
- 5.2 Principle of Development
Under the Planning (Listed Buildings and Conservation Areas) Act 1990, it is recognised that trees can make a special contribution to the character and appearance of a conservation area. The Town and Country Planning Act 1990 makes special provision for trees in conservation areas which are not the subject of a Tree Preservation Order. Under Section 211, subject to a range of exceptions, planning permission is required for works to a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their general control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree(s) should be taken into account.
- 5.3 The Popular, Conifers and Xmas Tree are proposed to be felled. The Popular is located at the base of the slope. It has grown to be a tall, slender tree. On the site visit the applicant indicated that this tree had a fungal infection and had died. The two conifer trees are in close proximity to the rear elevation of the property and do not add to the quality or distinctiveness of the locality. The Xmas tree is located to the side of the garden. It is not a mature tree, nor of a good shape. Generally, the river valley is characterised by deciduous trees. The Xmas tree does not contribute to this character.
- 5.4 It is proposed to reduce the Liquid Amber by 50%. This tree is a pleasant specimen but oversized for the location. Located in the rear garden, it is not visible from the wider environment.
- 5.5 The Council's Tree Officer has assessed the trees. It is considered that the trees offer any visual amenity to the area. As a result, the trees are not considered worthy to meet the requirements of a TPO.
- 5.6 The Tree Officer has no objection to the proposed works.

6. RECOMMENDATION

- 6.1 It is recommended that NO OBJECTION be raised to these works.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438