



**LIST OF PLANNING APPLICATIONS AND OTHER PROPOSALS
SUBMITTED UNDER THE PLANNING ACTS TO BE DETERMINED BY
THE DIRECTOR OF ENVIRONMENT AND COMMUNITY SERVICES**

CIRCULATED SCHEDULE NO. 10/13

Date to Members: 08/03/13

Member's Deadline: 14/03/13 (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 and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

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

Dates and Deadlines for Circulated Schedule
During Easter Bank Holiday Period 2013

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
12/13	Thursday 21 March 2013	Wednesday 27 March 2013
13/13	Wednesday 27 March	Friday 05 April 2013

Above are details of the schedules that will be affected by date changes due to Easter Bank Holiday.

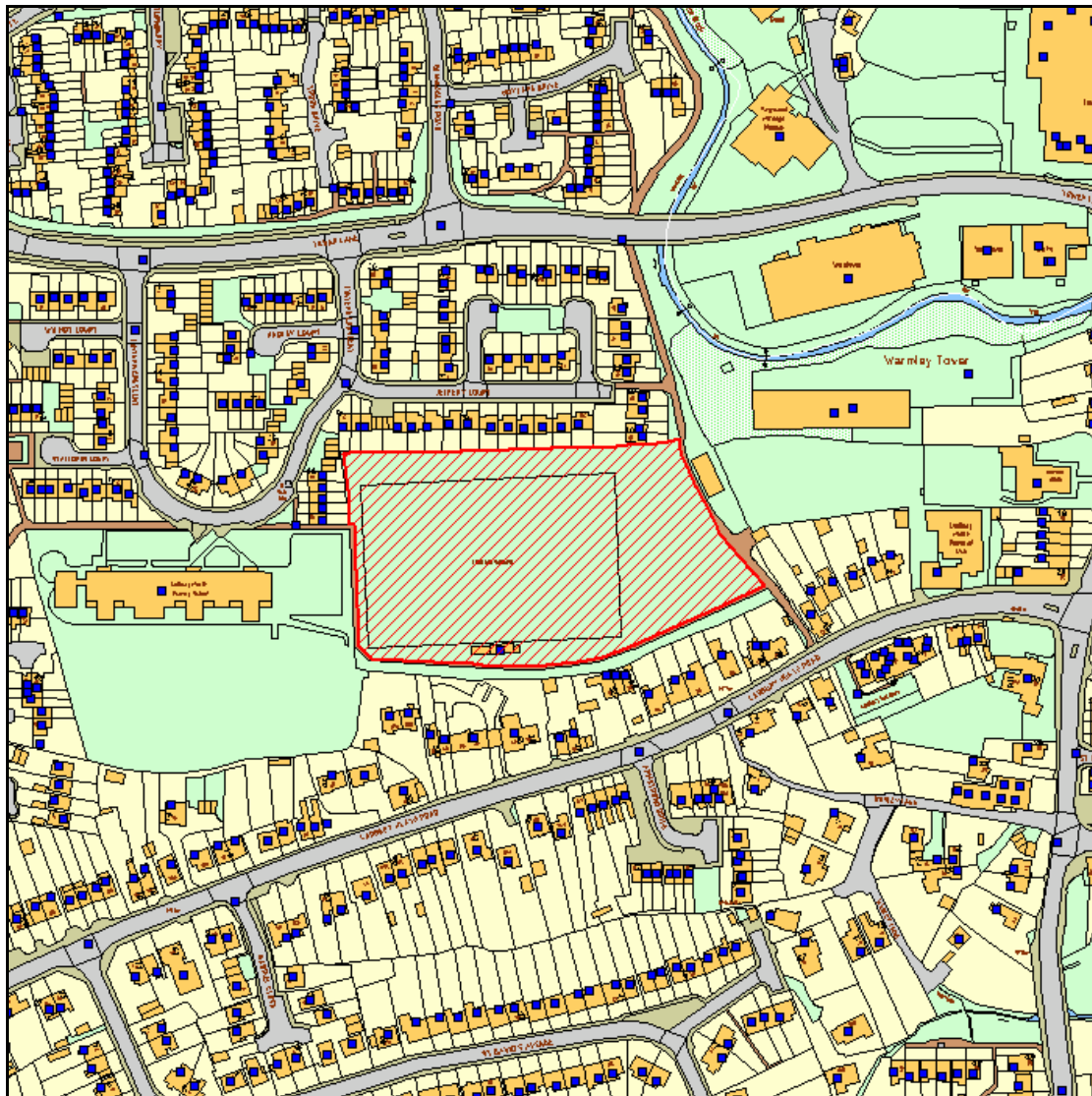
All other schedules during this period will be published as normal on Fridays

CIRCULATED SCHEDULE – 08 MARCH 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/3198/RV	Split decision See D/N	Cadbury Heath Football Club Springfield Park Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8BX	Parkwall	Oldland Parish Council
2	PK12/3813/CLP	Approve with Conditions	59 Barkers Mead Yate South Gloucestershire BS37 7GB	Yate North	Yate Town
3	PK13/0052/F	Approve with Conditions	Land Adjacent To 1 Hunters Close Hanham South Gloucestershire BS15 3EY	Hanham	Hanham Parish Council
4	PK13/0132/R3F	Deemed Consent	Hanham Abbots Junior School Abbots Avenue Hanham South Gloucestershire BS15 3PN	Hanham	Hanham Abbots Parish Council
5	PK13/0216/F	Approve with Conditions	49 Parkfield Rank Parkfield Road Pucklechurch South Gloucestershire BS16 9NP	Boyd Valley	Pucklechurch Parish Council
6	PT12/3373/CLE	Approve with Conditions	Harts Cottage Gloucester Road Almondsbury South Gloucestershire BS32 4JD	Severn	Olveston Parish Council
7	PT13/0074/F	Refusal	Frampton House New Road Olveston South Gloucestershire BS35 4DX	Severn	Olveston Parish Council
8	PT13/0138/F	Approve with Conditions	38 Hambrook Lane Stoke Gifford South Gloucestershire BS34 8QD	Frenchay And Stoke Park	Stoke Gifford Parish Council
9	PT13/0210/F	Approve with Conditions	4 Frome Villas Frenchay Hill Frenchay South Gloucestershire BS16 1LT	Frenchay And Stoke Park	Winterbourne Parish Council
10	PT13/0217/R3F	Deemed Consent	St Michaels C Of E Vc Primary School Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8SG	Stoke Gifford	Stoke Gifford Parish Council

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PK12/3198/RVC	Applicant:	Cadbury Heath Football Club
Site:	Cadbury Heath Football Club Springfield Park Cadbury Heath Road Cadbury Heath Bristol	Date Reg:	26th September 2012
Proposal:	Variation of conditions 3 and 6 attached to planning permission PK10/1630/RVC to alter the hours during which the floodlights can be used for evening and cup matches.	Parish:	Oldland Parish Council
Map Ref:	366660 172544	Ward:	Parkwall
Application Category:	Minor	Target Date:	16th November 2012



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 100023410, 2008. **N.T.S.** **PK12/3198/RVC**

REASON FOR REPORTING CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of residents' objections.

1. THE PROPOSAL

- 1.1 The application relates to Cadbury Heath Football Club, which is based at Springfield, Cadbury Heath. Houses fronting Cadbury Heath Road lie to the south and similar properties fronting Jeffery Court lie to the north of the site. To the west is Cadbury Heath Primary School and further houses fronting Lintern Crescent; to the east is more sporadic residential and commercial development. The route of a Public Right of Way (PROW) POL11, currently bounds the site to the east and west and crosses the southern part of the actual football pitch; in effect however the path has already been physically re-routed to the south of what is now the clubhouse. Hedgerows bound the field to the north and west.
- 1.2 The playing area is enclosed by a low spectator barrier beyond which, is a high perimeter fence, within which are gates to allow public access during non-playing days. To the east of the main pitch is an area used for training purposes; low level floodlights are utilised to illuminate this training area during winter training sessions. Vehicular access to the site is via Cadbury Heath Road.
- 1.3 Planning permission PK06/2475/F was granted to erect 8 no. floodlighting columns around the pitch, outside the spectator fencing but within the perimeter fencing; each column is 16 metres high with twin lanterns on top. Due to the proximity of neighbouring residential properties and concerns about light spillage, a number of conditions were imposed to restrict the use of the lights.
- 1.4 Condition 3 was subsequently revised by application PK08/2184/RVC and currently reads as follows:

'The floodlights hereby approved shall be used for afternoon matches up to 17.00 hours and for not more than 10 games per season which commence after 17.00 hours. Reasons: 'To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.'

Condition 6 was subsequently revised by application PK10/1630/RVC and currently reads as follows:

'The use of the floodlights hereby approved shall be restricted to the hours of 02.45pm – 5.00pm Saturdays or Bank Holidays and 06.30 pm to 10.00pm Monday to Friday inclusive with no use on Sundays. Any floodlighting of the pitch required after the end of games shall be from the two corner pylons on the northern boundary of the pitch only. Any use of the floodlights outside these hours shall only be with the prior written consent of the Local Planning Authority. Reason: 1. 'To minimise the effect of light spillage in the interests of

residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.’ 2. ‘To minimise the effect of light spillage in the interests of the quality of the environment, the open space and landscape in general, in accordance with Policies EP1, L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.’

- 1.5 The current application seeks revision of Condition 3 to extend the time for the use of floodlights for afternoon matches up to 17.30pm (for extra 30 minutes) and to vary Condition 6 to allow the use of floodlighting for afternoon matches up to 17.30pm (for extra 30 minutes) on Saturdays or Bank Holidays and evening cup matches up to 11.00 pm (for extra an hour).
- 1.6 The applicant has submitted a supporting statement and indicated the following reasons for the variation of conditions.

‘The application as it stands does not allow sufficient time for safe clearing up after matches on Saturdays, whereby at present 2 no. pylons on the northern boundaries are illuminated until 5pm. This needs to change to 5.30pm for safe clearing up purposes. Furthermore the application as it stands does not allow sufficient time whereby in the event of a cup match replay (first team only) goes into extra time and possibly penalties on Saturdays or evening matches.

Cadbury Heath Football Club now at the current status compete in 4 no. cup competitions where cup replays are a possibility, namely FA Cup, FA Vase, Les Phillips Cup and the GFA Cup. Although the situation whereby the game extends into extra time and penalties is a fairly rare occurrence, the club needs to be covered for this possible eventuality. For example the club up to the present have only had to apply to the council once in 2011/12 season for an extension of time to cover the eventuality of extra time and penalties, but on this occasion the extra time was not necessary.’

To address the officers’ concerns, the applicant also submitted the following statements:

‘We are unable to tell you how many cup matches a year are played, as this depends entirely on aspects of the draw as to whether a team is home or away. As stated in our justification statement the club compete in 4 cup competitions, all of which are normally played on Saturdays at normal time. It would be very rare to require extra time and penalties on Saturdays, but the club need to be covered in this eventuality. Replayed home cup games are generally played on evenings, this as a result of the first cup game being played away resulting in a draw with an evening home replay at Springfield Park. We must stress that this would cover cup replays only first team only.... We would point out that at the time of writing the club have only once (in 2011) applied for an extension of time for an evening cup replay, but on this occasion the game was completed by 9:15 whereby extra time was not required.’

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design in New Development

L1 Landscape Protection and Enhancement

L5 Open Areas within Urban Areas

EP1 Environmental Pollution.

LC3 Proposals for Sports and Leisure Facilities within the Existing Urban Area and Defined Settlement Boundaries.

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

CS1 High Quality Design

CS23 Community Buildings and Cultural Activity

2.3 Supplementary Planning Guidance
South Gloucestershire Design Check List (Adopted) 23rd Aug 2007

3. RELEVANT PLANNING HISTORY

3.1 P74/4457 Extensions to existing club premises (previous ID K441)
Approved 13th March 1975

3.2 P80/4336 Comprehensive development of approx. 318 acres of land for residential and educational purposes, public open space and local centre (outline) (previous ID K1124/35)
Approved 27th April 1981

3.3 P92/4167 Erection of changing rooms toilets and store. Refurbishment of spectator stand and tea room. (Previous ID K441/5)
Approved 15th May 1992

3.4 PK03/1961/F Erection of 8no. 16 metre high floodlights.
Withdrawn 2nd Feb 2004

3.5 PK04/2414/FDI Diversion of public footpath POL/11
Withdrawn 5 Dec 2007

3.6 PK06/2475/F Erection of 8no. 16m high floodlights.
Approved 22 Dec 2006

3.7 PK08/2184/RVC Variation of Condition 3 attached to planning permission PK06/2475/F dated 22 Dec 2006 to allow floodlighting to be used for afternoon matches up to 17.00hrs and not for more than 10 games per season that commence after 17.00hrs.
Approved 3 Oct 2008

- 3.8 PK10/1630/RVC Variation of Condition 2 attached to planning permission PK08/2184/RVC dated 25 July 2008 to include league and cup matches and variation of Condition 6 to allow use of floodlights from 2.45 pm to 5.00 pm Saturdays and bank Holidays and 6.30 pm to 10.00 pm Monday to Friday inclusive with no use on Sundays. Approved 08.09.2010.
- 3.9 PK12/1441/RVC Variation of Condition 5 attached to planning permission PK10/1419/F to read – No later than the 27 August 2015 or within one month of the completion of the permanent spectator seating accommodation hereby approved, whichever is the sooner, the temporary stand hereby approved shall be removed from site unless otherwise agreed in writing by the Local Planning Authority. Approved 16.07.2012

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No objection

4.2 Other Consultees

4.3 PROW Officer
This application is unlikely to have an adverse impact on the nearest recorded public right of way, ref footpath POL11. Therefore the officer raised no objection.

4.4 Environmental Services
The existing conditions 3 and 6 are in place to protect the amenity of the local residents whose properties are close to the pitch.

Whilst the proposed changes to the early evening times will have some affect (although minimal) on the amenity of local residents any extension to the late evening use of the floodlights will be likely to have a significant affect on the local residents.

Environmental Services Officer would recommend that the existing 22.00hrs (10pm) switch off be retained with any use outside of these hours continuing to need prior written consent of the Local Authority.

In addition to the consideration of the proposed later use of the lighting, the use of the lights will mean that the football match will be in play and noise from players and supporters will be likely to disturb residents.

4.5 Sustainable Transport
The application seeks to vary planning conditions 3 & 6, which were placed on a previous application for activities at the grounds of Cadbury Heath Football Club. These planning conditions limited the period for floodlighting could be used at the grounds. There are no highway objections to the proposed variation.

Other Representations

4.6 Local Residents

4no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- The proposed extended hours of illuminating the floodlights would cause difficulties with general living due to the power, intensity and proximity of the flood lights to the local residents.
- Each flood light has tow lights attached, there is no shield in place to stop peripheral light from entering the properties of residences adjacent to the football pitch.
- The results of the statutory light Nuisance case which specifically refers to the lights being on longer than currently allowed.
- The current illumination hours are more than adequate for purpose.
- The illumination is offensive as it stands and any further time, especially up to 11 pm is totally unacceptable.
- The club has stated in the previous season there was only one request, which was granted, and the extension was in that case not required. Therefore requesting formal extension is not necessary.

4.7 1 no. letter of support on the following grounds for the proposal was received:

The proposal would leave the football club able to finish matches under all circumstances.

The only time they would be used is if a cup match requiring extra time and penalties were required. This has not happened as yet since the floodlights have been installed and would happen on the very rare occasion. This application would be better in place as otherwise the football club would have to ask the council permission on all cup games. The Club has no intention of using floodlights unless absolutely necessary, after all electricity does not come cheap. Finally, football matches at Springfield kick off at 3.00 afternoons and 7.30 on evening this cannot be changed as it is a rule of the football association who the football club are governed by.

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 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 The proposal falls to be determined under Policy LC3 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the improvement of outdoor sports facilities within the existing urban area provided that:-
- A. Proposals for facilities which are likely to be major travel generators are located on sites which are, or will be, highly accessible by public transport, on foot and by bicycle; and
 - B. Development would not unacceptably prejudice residential amenities; and
 - C. Development would not have unacceptable environmental or transportation effects; and
 - D. Development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.
- 5.3 Under the current planning permission PK10/1630/RVC, Condition 3 currently limits the use of the floodlights for afternoon matches up to 1700 hours and for not more than 10 games per season, which commence after 1700 hours. Condition 6 restricts the hours of use of floodlights between 2.45pm to 5pm Saturdays or Bank Holiday and 6.30pm to 10pm Mondays to Fridays inclusive with no use on Sundays. Any floodlighting of the pitch required after the end of games shall be from the two corner pylons on the northern boundary of the pitch only. Any use of the floodlights outside these hours shall only be the prior written consent of the Local Planning Authority.
- 5.4 Planning History of the site
In assessing the impact of the proposal on local residential amenity and the environment in general, officers consider that it is worth reiterating the analysis

of the lights that was made in the original Committee report for PK06/2475/F, this was as follows:-

Government guidance in PPG17 (para.19) states that in considering applications for floodlighting, local authorities should ensure that local amenity is protected. It is proposed to illuminate the football pitch using Philips Optivision floodlighting. This very modern floodlighting has been specifically designed to be environmentally friendly, reducing the amount of light spillage to a minimum. Technical information submitted with the application confirms that the minimum column heights have been utilised to achieve the optimum lighting performance for the activity involved, as well as to limit obtrusive lighting effects. The same lights were allowed at The Ridings School (Winterbourne Sports Village) in Winterbourne, which is a rural village location, and more recently at Sir Bernard Lovell School, which is a suburban location similar to Cadbury Heath.

The lighting information submitted shows a maximum lantern tilt of 5 degrees, therefore the powerful discharge lamp inside the lantern should not be easily visible. When lit it will appear as a downward cone of light, and the calculations submitted indicate that the football pitch would be lit at an average of 219 lux. A light spillage plan has been submitted showing ISO Contours showing surface illuminance in Lux. Due to the close proximity of the houses (to the football pitch) along Jeffery Court (20m), Lintern Crescent (15m) and Cadbury Heath Road (15m – 35m), light spillage would be experienced at these properties, however for most part this would only fall within the range of only (1 – 10 lux); for comparison this is the equivalent of moonlight or low level street lighting, 5 – 30 lux would be Street/Carpark lighting and 100-150 lux the equivalent of inside house lighting at night. The Phillips Lighting Report acknowledges that the maximum figures of vertical illuminance on the surrounding properties are over the limit recommended by the ILE (Institute of Lighting Engineers), which would have an intrusive affect for some residents. The greatest potential for intrusion however would be in the autumn and winter months during the hours of darkness when people are unlikely to make use of their gardens and more likely to have curtains drawn. Furthermore the light spillage calculations do not take into account the effect of surrounding hedgerows and trees, of which there are fairly thick belts on the north, east and western boundaries of the site. These belts of vegetation could be enhanced by a scheme of supplementary planting.

*The Council's Senior Lighting Engineer has inspected the submitted technical data and confirmed that due to the close proximity of neighbouring residential properties to the proposed lights, **the lighting would have adverse effects due to light spillage on the surrounding residential properties.** Looking at the worst case scenarios, the columns would be a minimum distance of 16m from the rear elevation of no.22 Jeffery Court (9m from the rear garden fence) and 11m from the corner of no.30 Jeffery Court; 13m from the rear elevation of no 18 Lintern Crescent (5m from the rear garden fence) and 13m from the rear elevation of no.28 Cadbury Heath Road (10m from the rear garden fence). Having regard to the lighting type, optimum column height, proposed restrictions on hours of use and number of games that the lights would be used for, the Lighting Engineer is however satisfied that all the possible precautions*

have been made to minimise any unpleasant affect of unwanted light on the residential properties.

- 5.5 *Whilst it is acknowledged that the lights will inevitably have some adverse affect on visual and residential amenity, this must be balanced against the benefits that the lights would have for the football club, which is itself an important community facility. With possible promotion to a higher division or league restructuring likely to require floodlighting, officers are satisfied that there is a justified need for the lights. Where fixtures are lost due to periods of inclement weather, the lights would allow the football club to fulfil these fixtures on a more even basis throughout the season, rather than building up a backlog of fixtures, which would then have to be played on lighter evenings at the end of the season when local residents are more likely to be using their gardens. Officers are satisfied that conditions could be imposed so that the impact and use of the lights would be kept to an absolute minimum, and when assessed in the context of the enhanced sporting facility, the proposal is on balance considered to be acceptable. It is therefore proposed that conditions limit the use of the lights to no more than 10no. first team games per season and that the hours of use be limited to 2.45pm – 5.00pm Saturdays or Bank Holidays and 7.15pm – 9.30pm Mon to Friday inclusive with no use on Sundays. A further condition could be imposed to prevent use of the training pitch floodlights whilst the main lights are in use.*

The impact of the lighting has therefore been assessed in terms of impact on residential amenity, and the character of the wider area. It is considered that the type of lighting proposed, with conditions, will not unreasonably affect individual living conditions; and that the level of lighting is reasonable in the context of this urban location.

5.6 Environmental Matters and Residential Amenity

Policy EP1 does not permit development, which 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.

Officers consider that the key issue to consider in the determination of this application are the impact on the amenities of the local residents. In particular the matters to consider are the implications of the extended hours of use regarding light spillage and level of disturbance from noise that may occur later into the day.

The technical aspects of the lights were previously considered under application PK06/2475/F, whilst there were some concerns about the level of light spillage, this was considered to be acceptable subject to strict controls over the level of usage of the lights.

The Environmental Health Officer has previously confirmed that the lights have been subject of a complaint from a local resident but it was concluded at that time that there was no glare from the lights into the complainant's house and that the lights were not indicative of a statutory nuisance.

The Council's Environmental Health Officer and the Planning Case Officer have considered the proposed extensions of illumination hours.

The existing conditions 3 and 6 are in place to protect the amenity of the local residents whose properties are close to the pitch.

Officers acknowledge that the proposed changes to the early evening times would have some impact upon on the amenity of local residents, however it is considered that the impact would not be significant to warrant a refusal of this application.

Nevertheless, officers are concerning the proposed time extension of the use of the floodlights from currently 10pm the proposed 11pm as it is considered that the proposed hours would be very likely to have a significant impact on the local residents. In addition to the consideration of the proposed later use of the lighting, the use of the lights would mean that the football match would be in play and noise from players and supporters will be likely to disturb residents.

Given the modest increase in the hours of illumination proposed on the late afternoon, the requirements of the football club and health and safety issues, compared to the likely level of increased disturbance to neighbouring property, officers consider that the proposed hours of illumination on the late afternoon is acceptable, however, officers consider that the existing 22.00hrs (10pm) switch off should be retained with any use outside of these hours continuing to need prior written consent of the Local Authority to protect the amenity of the local residents.

5.7 Transportation Issues

Conditions 3 and 6 were not imposed for any highway safety reasons. Officers are satisfied that the proposed revisions would not result in any material impact on highway safety and hence there are no highway objections.

5.8 Other Issues Raised

A local resident has drawn officers' attention to the Statutory Nuisance. Officers consider that the current application should be determined on its individual merits, having regard to all material considerations, which includes the adopted Local Plan Policies, government guidelines and consultation responses.

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 assessed against Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006. It is considered that the proposed extension of the use of floodlight in later afternoon will not have significant adverse impact on the environment

immediate vicinity. The existing hours of use of floodlights in the late evening will be retained to protect the residential amenity of the neighbouring properties.

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

7. RECOMMENDATION

- 7.1 That the planning permission is re-issued with Condition 3 varied to read as follows:

'The floodlights hereby approved shall be used for afternoon matches up to 17.30 hours and for not more than 10 games per season which commence after 17.30 hours.'

- 7.2 And that Condition 6 varied to read as follows:

'The use of the floodlights hereby approved shall be restricted to the hours of 02.45pm - 05.30pm Saturdays or Bank Holidays and 06.30pm - 10.00pm Monday to Friday inclusive with no use on Sundays. Any floodlighting of the pitch required after the end of games shall be from the two corner pylons on the northern boundary of the pitch only. Any use of the floodlights outside these hours shall only be with the prior written consent of the Local Planning Authority.'

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 floodlights hereby approved shall be for the sole use of Cadbury Heath Football Club League and Cup Matches only.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The floodlights hereby approved shall be used for afternoon matches up to 1730 hours and for not more than 10 games per season which commence after 1730 hours.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. During the use of the floodlights hereby approved, there shall be no floodlighting of the adjoining training pitch.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. In the event of a mid-week floodlit game being played, using the lights hereby approved, there shall be no more than one floodlit training session (using the existing lights) within that week.

Reason

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. The use of the floodlights hereby approved shall be restricted to the hours of 02.45pm - 05.30pm Saturdays or Bank Holidays and 06.30pm - 10.00pm Monday to Friday inclusive with no use on Sundays. All games played on Saturdays or bank Holidays shall be finished no later than 5.00pm. Any floodlighting of the pitch required after the end of games shall be from the two corner pylons on the northern boundary of the pitch only. Any use of the floodlights outside these hours shall only be with the prior written consent of the Local Planning Authority.

Reason 1

To minimise the effect of light spillage in the interests of residential amenity in accordance with Policies LC3 and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To minimise the effect of light spillage in the interests of the quality of the environment, the open space and landscape in general, in accordance with Policies EP1, L5, and L1 of the South Gloucestershire Local Plan (Adopted) Jan 6th 2006.

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PK12/3813/CLP	Applicant:	Mr Steven Thorrington
Site:	59 Barkers Mead Yate Bristol South Gloucestershire BS37 7GB	Date Reg:	27th November 2012
Proposal:	Application for certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Yate Town Council
Map Ref:	371617 184046	Ward:	Yate North
Application Category:	Minor	Target Date:	18th January 2013



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 100023410, 2008. **N.T.S.** **PK12/3813/CLP**

INTRODUCTION

This application appears on the Circulated Schedule in accordance with the standard procedure for the determination of such applications.

1. THE PROPOSAL

- 1.1 This application seeks clarification that a proposed single storey rear extension does not require planning permission. The applicant is of the opinion that the proposed works are permitted development. The application site relates to a two storey detached property in Yate. It appears from Council records that the property's Permitted Development Rights for the enlargement of the dwellinghouse are intact.

2. POLICY CONTEXT

- 2.1 Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.

3. RELEVANT PLANNING HISTORY

- 3.1 P90/1135 Residential Development (Outline)
Approved 18 May 1990
- 3.2 P96/0600/39 Residential Development (Reserved Matters)
Approved 22 August 1996

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
An email was received stating "comments in support of application"

Other Representations

- 4.2 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 do not apply in this instance. It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.
- 5.2 The proposed development consists of a single storey rear extension. This development would fall to be assessed under the criteria of *Schedule 2, Part 1,*

Class A, of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse)

5.3 Development is not permitted by Class if:

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

The submitted site location plan shows that the host property benefits from a large curtilage and the proposed development, together with the existing dwelling would not exceed 50% of the total area of the curtilage.

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

The submitted plan demonstrates that the rear extension would not exceed the height of the roof apex of the existing dwellinghouse.

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

The submitted plan demonstrates that the eaves heights of the extension would not exceed that of the existing dwellinghouse.

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

The principal elevation of the property is the south elevation, which fronts onto Barkers Mead. The proposed extension is to the rear of the dwelling.

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

The dwellinghouse is detached. The proposed extension would be single storey and not extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or exceed 4 metres in height

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

The extension would not have more than one storey.

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

The rear extension would not be within 2 metres of the boundary of the curtilage of the dwellinghouse.

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

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

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

The extension would not comprise any of the above.

A.2 In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if:

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

The dwelling is not sited on Article 1(5) land (ie.a National Park, the Broads, an area of outstanding natural beauty, a conservation area, or land within a World Heritage Site).

A.3 Conditions

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

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

The facing materials of the existing dwelling are of brick and the submitted plans illustrate the use of brick. This would be similar to the walls of the existing property and therefore this condition is considered to be met.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

- (i) obscure-glazed, and
(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**

As the proposal relates to a single storey extension no upper-floor windows are proposed. This condition is considered to be met.

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

The proposal is only for a single storey extension.

5.4 Conclusion

It is considered that the proposed single storey rear extension satisfies the requirements of the (General Permitted Development) (Amendment) (No.2) (England) Order 2008, and planning permission is not required.

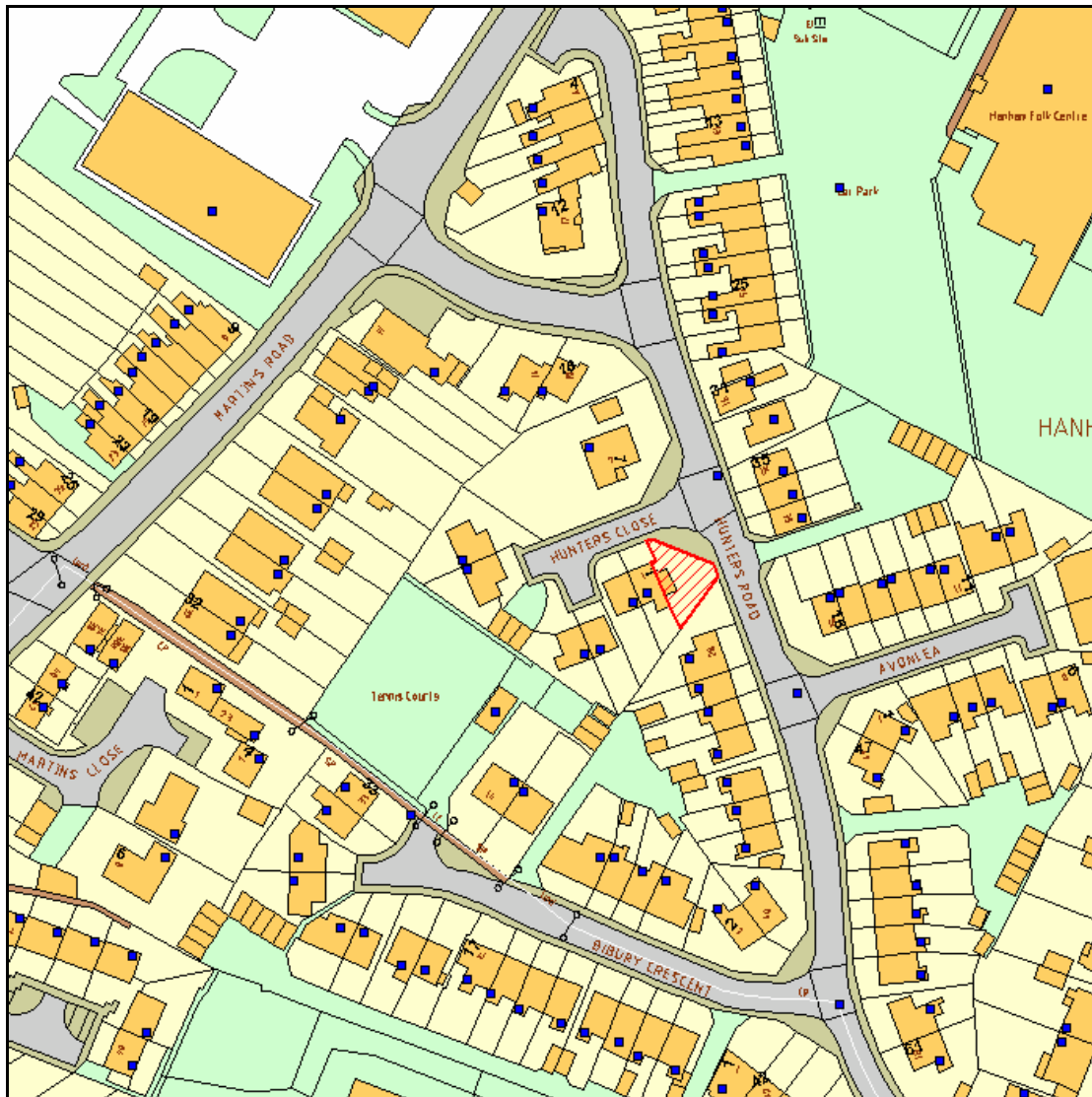
6. RECOMMENDATION

- 6.1 A Certificate of Lawful Development be granted.**

**Contact Officer: Elizabeth Dowse
Tel. No. 01454 862217**

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PK13/0052/F	Applicant:	Project Construction Ltd
Site:	Land Adjacent To 1 Hunters Close Hanham Bristol South Gloucestershire BS15 3EY	Date Reg:	10th January 2013
Proposal:	Erection of 1.no dwelling and associated works. Creation of new vehicular access. (Amendment to previously approved scheme PK11/0347/F).	Parish:	Hanham Parish Council
Map Ref:	364237 172128	Ward:	Hanham
Application Category:	Minor	Target Date:	6th March 2013



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 100023410, 2008. **N.T.S.** **PK13/0052/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission to erect a detached, two-storey, two-bedroom dwelling house to the side of a semi-detached property located at the entrance to Hunters Close, a small cul-de-sac located just off Hanham Town Centre. The application site currently forms the side garden of no.1 Hunters Close. Vehicular access would be provided from a separate access off Hunters Road.
- 1.2 Planning permission PK11/0347/F was granted in April 2011 for a very similar scheme. Although the amendments now proposed are relatively minor, they do alter the appearance of the proposed dwelling and cannot be dealt with as a non-material amendment, hence the need for a fresh application.
- 1.3 In the current proposal the internal layout of the rooms has been revised, with a resultant re-arranging of the respective windows and doors. Other than these changes, the only other revision is the position of the front path leading to the front door of the dwelling. The previous application was determined at the DC East Committee and was the subject of a site visit by the Sites Inspection Sub-Committee (East).

2. POLICY CONTEXT

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

- 2.2 Development Plans

Joint Replacement Structure Plan (Adopted Sept 2002)

Policy 01 - Sustainable Development Objectives

Policy 02 - Location of Development

Policy 33 - Housing Provision and Distribution

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

CS1 - High Quality Design

CS5 - Location of Development

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design

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

L1 - Landscape Protection and Enhancement

L5 - Open Areas within existing Urban Areas and Defined Settlements

L9 - Species Protection

L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T7 - Cycle Parking Provision
T8 - Parking
T12 - Transportation

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1931/F - Erection of two-storey side extension to form 2no. flats.
Refused 21 August 2008 on the following grounds:
- Siting of the bin store would be intrusive within the street scene.
 - Insufficient provision for storage and collection of waste and recyclable materials.
 - Insufficient parking provision.
 - Inadequate provision of cycle storage.
- 3.2 PK11/0347/F - Erection of 1no. detached dwelling and associated works.
Approved 6th April 2011

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
Objection – Overdevelopment; proposed plans would detract from the visual impact of the close. There is little amenity space for the new dwelling. The provision of one parking space is inadequate when on-street parking in Hunters Close is already an issue. A local primary School is located nearby, concerns raised over safety issues with additional vehicles manoeuvring as this is a designated safer route to school.

- 4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

Planning permission (PK11/0347/F) has previously been granted on this site for a two-bed dwelling.

This current proposal again proposes a two-bed dwelling. The vehicular access and parking for the proposed dwelling is the same as the previously approved proposal. However, no parking has been submitted for the existing dwelling. One parking space was permitted as part of the original proposal. A revised plan needs to be submitted showing a parking space for the existing dwelling measuring at least 4.8m deep x 2.4m wide.

There appears to be a wall or boundary treatment shown on the plan, which runs alongside the parking space for the new dwelling. More detail needs to be provided on this, as the height of it could impede a vehicle door being opened, thus rendering the proposed parking unusable.

Subject to the above being provided, there is no transportation objection to this proposal.

A revised plan was subsequently provided.

Technical Support – Street Care

No objection subject to condition to secure a SUDS Drainage Scheme.

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Hanham District Green Belt Conservation Society

No response.

The Coal Authority

No objection.

Other Representations

4.3 Local Residents

2no. letters of objection have been received from local residents; the concerns raised are summarised as follows:

- Inaccurate plans – existing garage to be demolished is not shown.
- No parking space is shown retained for the existing property.
- Overdevelopment – would detract from the open plan concept of Hunters Close.
- The proposed vehicular access would be in conflict with the children attending local schools.
- Additional noise and disturbance.
- Inadequate parking provision for existing house.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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 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 The acceptance in principle of a detached dwelling house of the same scale, appearance, siting and layout was previously established with the grant of planning consent PK11/0347/F. The established use of the land is residential curtilage. The site is located within the existing built-up area, as identified on the South Gloucestershire Local Plan (Adopted) 6th January 2006 Proposals Map. Policy H4 allows development, including new dwellings, within residential curtilages; subject to a number of criteria, which are discussed below.
- 5.6 Scale and Design
Hunters Close is a small cul-de-sac, within which are two-storey, semi-detached houses of regular design. The properties within the cul-de-sac are characterised by open-plan frontages; the side garden to no. 1 however is quite large and is enclosed by a 1.8m high close board fence.
- 5.7 The proposed dwelling would be very similar in appearance to no.1 in terms of scale, form and design. The materials to be used in construction would match those of no.1, as would the roof ridge height and eaves level. It is proposed to retain the boundary fence enclosing most of the plot so the existing situation would be replicated.
- 5.8 The proposal is therefore considered to be in-keeping with the character of the location and would not adversely affect the street scene. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.7 Impact upon Residential Amenity
The proposed dwelling would be set back from the front elevation of no.1 by 1.2m but would not protrude beyond the single-storey extension to the rear of no.1. There would be a 1m gap between no.1 and the proposed dwelling and a 9m gap to the side elevation of no.26 Hunters Road. This arrangement is the same as previously approved and would not result in any loss of amenity due to overbearing impact. There are no windows proposed for the side elevations of the new house and there are no windows in the facing side elevations of no.1 Hunters Close or no.26 Hunters Road; there would therefore be no loss of privacy due to inter-visibility. Whilst there would be some overlooking of neighbouring gardens from the proposed first floor windows, this would be from a reasonable distance; officers consider that some overlooking of gardens is only to be expected in a densely populated urban location such as this and would not therefore be grounds for refusal.

- 5.8 Concerns have been raised by a local resident about additional noise and disturbance; the plot is however already a residential garden and given the level of back-ground noise in this location, the increased noise and disturbance to result from an additional two-storey dwelling would be insignificant. Whilst there may be some disturbance for neighbouring occupiers during the construction phase, this can be adequately addressed by a condition to control the hours of working. Adequate private amenity space would be retained to serve both the existing and proposed dwellings. A total of 34sq.m. of garden space would be provided for the new two-bedroom house and this level of amenity space is comparable to and actually slightly larger than, several nearby dwellings in Hunters Road. The proposed level of amenity space is the same as previously approved.
- 5.9 Officers therefore conclude that the proposal would not prejudice the amenities of existing or future occupiers and as such accords with Policy H4(B) and H4 (D) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.10 Transportation Issues
Revised plans have been submitted to address the initial concerns raised by the Transportation Officer (see para. 4.2 above). As in the previously approved scheme, the existing garage to the side of no.1 Hunters Close would be demolished and one parking space retained to the front. A single off-street parking space would be provided for the proposed dwelling. This is the same level of parking provision as previously approved and this accords with the Council's maximum parking standards adopted under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. It is noted however that the site lies in a very sustainable location, close to a range of shops, local services, schools and public transport routes. The proposed level of parking provision is therefore acceptable. The traffic generation from one new dwelling is unlikely to have any adverse impact on the surrounding road network.
- 5.11 A secure cycle store would be provided within the enclosed garden area of the new dwelling, as would a bin storage facility. Concerns have been raised about the position of the proposed access for the new house but this is the same as previously approved; the Council's Transportation Officer has raised no objection to this access, which could already be inserted under the extant permission. There are therefore no objections on highway safety grounds and the proposal is considered to accord with Policies T7, T8, T12 and H4 C of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.12 Environmental Impacts
The site itself is currently not subject to excessive levels of noise, pollution, smell, dust or contamination. Subject to a condition to secure an appropriate scheme of drainage to include a Sustainable Drainage System (SUDS) the Council's Drainage Engineer raises no objection in principle to the proposal. A coal mining risk assessment has been submitted in support of the application and the Coal Authority have raised no objection to the scheme. The proposal therefore accords with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.13 Landscape Issues

There is no in-principle landscape objection to the proposal. The site is already enclosed by a high fence and is not considered to be an important open space that contributes to the distinctiveness of the locality. There is no significant vegetation within the site. The proposal therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.14 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.15 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.16 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

6.1 Given that a very similar scheme was previously approved, the only issue for consideration is whether or not the proposed amendments would now render the scheme unacceptable. Officers consider the amendments to be relatively cosmetic. In this case there is a balance to be drawn between the need to provide residential accommodation in sustainable urban locations and the impact of the scheme on the character of the surrounding area. Since the previous approval in 2011, the Government have introduced the National Planning Policy Framework, which positively supports sustainable economic growth and development; this is a further material consideration in favour of the scheme, which would create additional living accommodation as well as jobs for the construction industry. Officers consider that there are no material grounds to oppose the scheme.

6.2 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.

a) Due to the scale and position of the proposed dwelling in relation to the adjacent dwellings, the proposal would not give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

b) It has been assessed that the proposed dwelling is designed to respect and maintain the massing, scale, proportions, materials vernacular and overall

design and character of the street scene and surrounding area. 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.

c) The proposal provides adequate access and off street parking within the site. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

d) The proposal is a good quality design and layout, which adequately integrates with urban context. The proposal therefore accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

e) The proposal would not result in direct or indirect impact on trees of significance or other important landscape features within or adjacent to the site. The proposal therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

f) Whilst the development of the site would result in the loss of some garden space, the contribution of this space to the character of the area is not significant. The application therefore complies with the requirements of Policy L5 of the South Gloucestershire Local Plan (Adopted).

g) The application would not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6.3 The decision to grant outline planning consent 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 consent 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. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the dwelling 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 T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

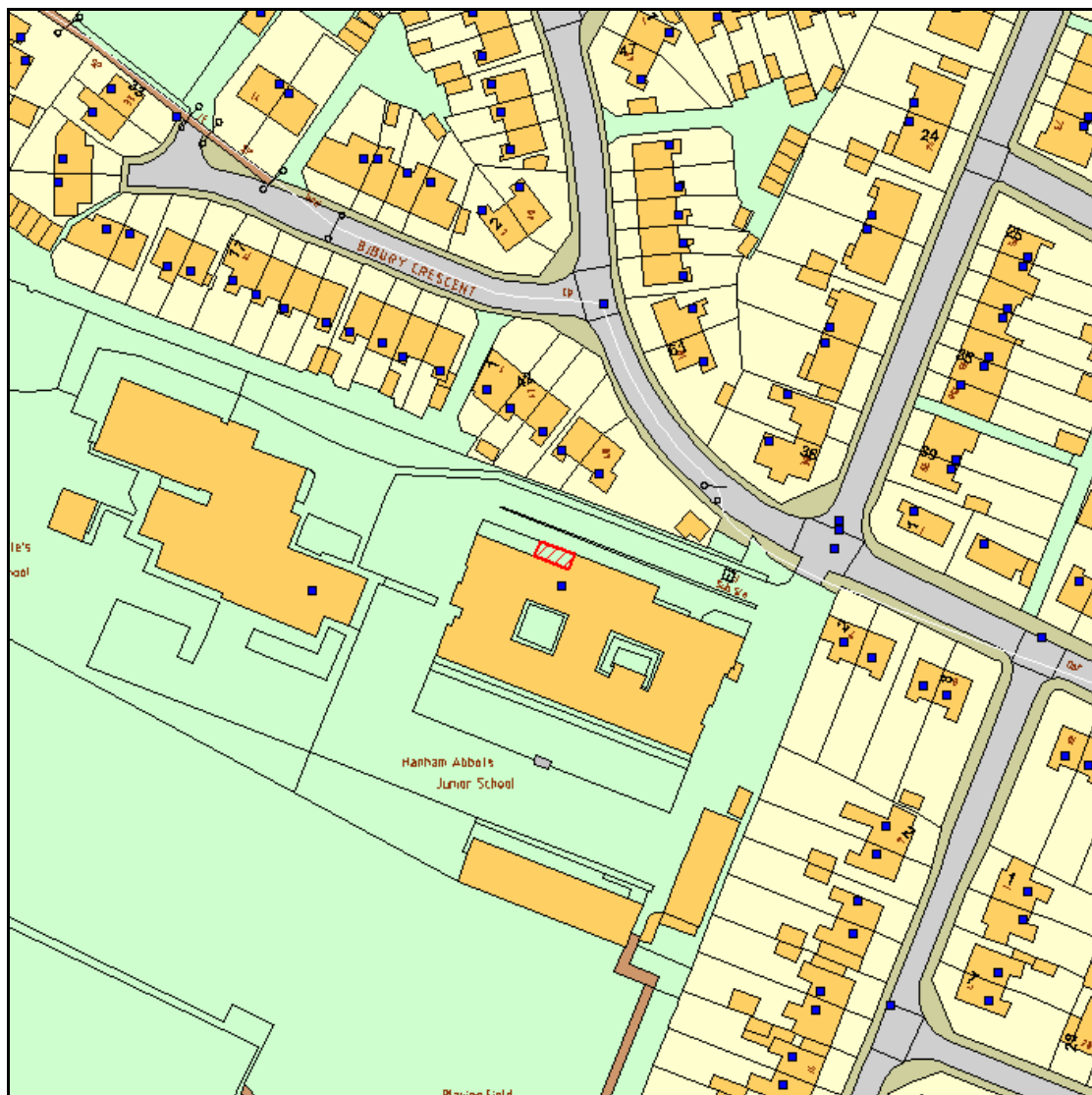
4. No development shall take place until drainage details proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (eg soil permeability, watercourses, mining culverts) within the development have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and before the development is first occupied..

Reason

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

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PK13/0132/R3F	Applicant:	Mr M Coyne
Site:	Hanham Abbots Junior School Abbots Avenue Hanham South Gloucestershire	Date Reg:	30th January 2013
Proposal:	Construction of hardstanding to facilitate erection of 1no. Broxap Wardale type cycle shelter and cycle stands.	Parish:	Hanham Abbots Parish Council
Map Ref:	364269 171981	Ward:	Hanham
Application Category:	Minor	Target Date:	25th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it comprises an internal submission.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 1no, 'Broxap Wardale' type cycle shelter complete with associated hardstanding to accommodate 12no 'Sheffield' type cycle stands.
- 1.2 The application site comprises Hanham Abbots Junior School, situated within an established residential area of Hanham.

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
- LC4 Provision for Education and Community Facilities within the Existing Urban Area and Boundaries of Settlements
- T12 Transportation Development Control Policy for New Development
- T8 Parking Standards
- L1 Landscape Protection and Enhancement

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

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility

- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted) 2006

3. RELEVANT PLANNING HISTORY

- 3.1 The site has an extensive planning history, none of which is directly relevant to the proposal.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
No objection
- 4.2 Transport Officer
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of 1no. 'Broxap Wardale' style cycle shelter; to accommodate 6no. Sheffield cycle stands. Policy LC4 of the adopted Local Plan allows for expansion and improvement to education and community facilities in principle provided there is no adverse impact on residential amenity or transport.

5.2 Residential Amenity

The proposed cycle shelter would be located adjacent to the north elevation of the site, within the boundary of the school. The proposal would not be in close proximity to any of the surrounding dwellings and as such it is considered that it would not prejudice the residential amenity of them.

5.3 Transport

The application site has an existing hardstanding area with 8no. Sheffield stands at the front of the School. The proposal is for the erection of 1no. Broxap Wardale cycle shelter for the provision of 6no. Sheffield cycle stands, which would accommodate 12no. bicycles. The proposal would be in addition to the existing cycle facilities on the site. It is considered that the proposal would positively contribute to the provision of more sustainable methods of transport to serve the School. The proposal is not adjacent to the highway and raises no concerns in terms of highway safety. The proposal is therefore considered acceptable in terms of policies LC4, T8, and T12 of the adopted local plan.

5.4 Design/ Visual Amenity

The proposed cycle shelter would be constructed in a steel frame with glazing. The shelter has a length of 5 metres, a width of 2.14 metres, and a maximum height of 2.2 metres. The shelter would be located in place of a small area on the north elevation of the school, which is currently laid to grass with some minor planting.

The shelter is considered minor in scale and the design of the proposal is considered acceptable in the context of the school and the local area. The existing area, which is currently laid to grass, is not significant in terms of scale or landscape value. As such the proposed shelter is considered acceptable in terms of policies D1 and L1 of the South Gloucestershire Local Plan (Adopted).

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 1no. cycle shelter, by virtue of its location and small scale, would not prejudice the residential amenity of surrounding dwellings, and would not prejudice highway safety. The design of the proposal is considered acceptable in the context of the site and the locality. Accordingly the proposal is considered acceptable in terms of policies D1, LC4, T8, T12, and L1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

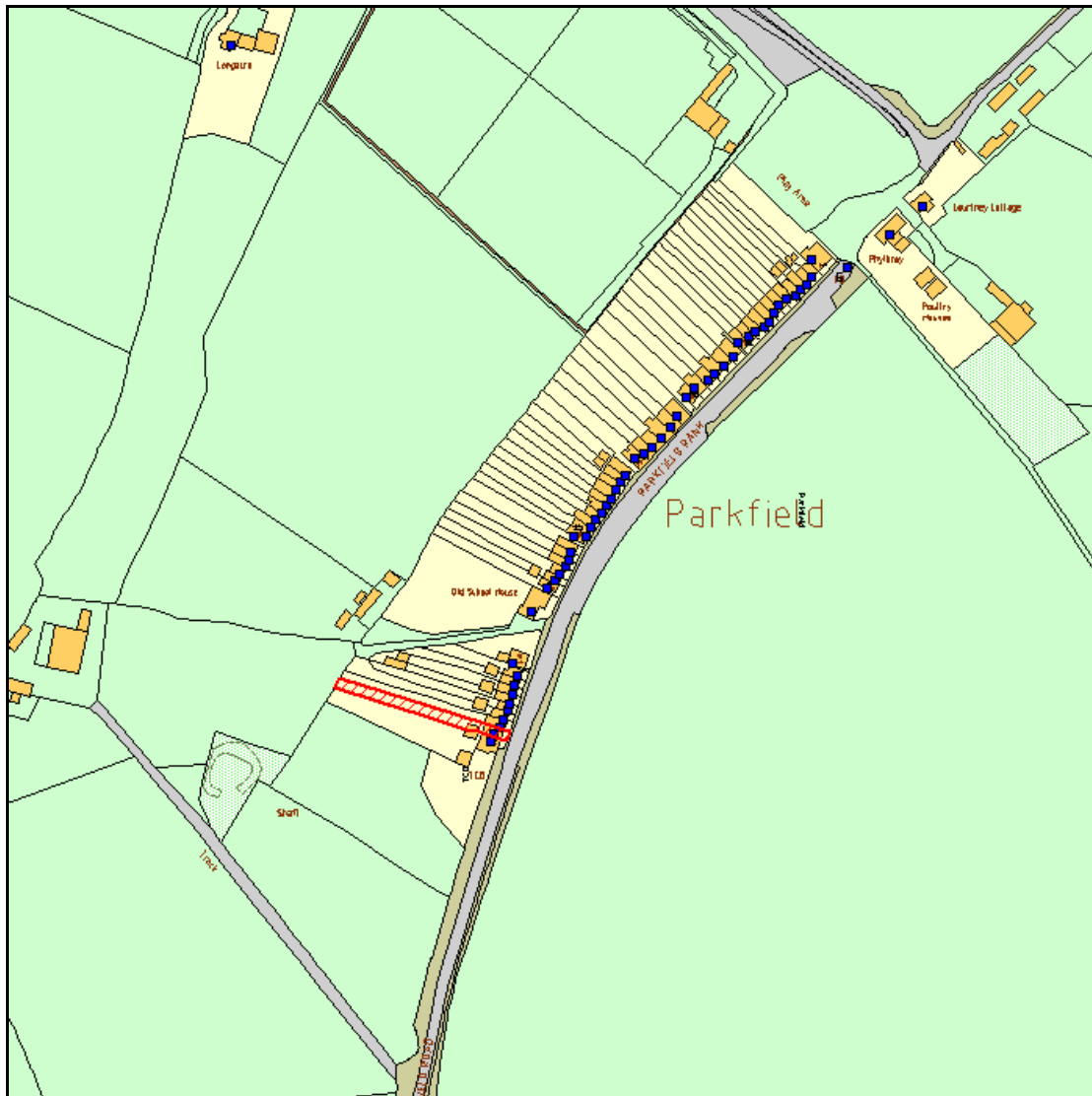
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

<p>App No.: PK13/0216/F Site: 49 Parkfield Rank Parkfield Road Pucklechurch Bristol South Gloucestershire</p>	<p>Applicant: Mr Simon Bishop Date Reg: 4th February 2013</p>
<p>Proposal: Demolition of existing outbuildings to facilitate the erection of a three storey and single storey rear extension and installation of front dormer window to provide additional living accommodation.</p>	<p>Parish: Pucklechurch Parish Council</p>
<p>Map Ref: 369073 177263 Application Category: Householder</p>	<p>Ward: Boyd Valley Target Date: 27th March 2013</p>



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of a concern raised by the Parish Council, the concern being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application relates to a late 19th C, mid-terrace cottage (no.49); one of a number of former miners cottages that make up Parkfield Rank. The terrace lies in open countryside and Green Belt land adjacent to Parkfield Road; to the west of Pucklechurch. The location is rural in character with open fields lying to the east and west.
- 1.2 It is proposed to demolish an existing single-storey outbuilding located to the rear of no.49, to facilitate the erection of a rear three-storey and single-storey extension, to provide additional living accommodation. An existing single-storey kitchen would be incorporated within the three-storey element. It is also proposed to install a dormer window in the front roof slope facing Parkfield Road.
- 1.3 The three-storey element would be gable-ended and would subsume the entire width of the rear elevation of the cottage; protruding 2.8m from the main body of the cottage, which is the same as the existing single-storey kitchen. The proposed single-storey extension would protrude a further 3.5m beyond the three-storey element and have the same width but this would be no further than the end elevation of the outbuilding that it would replace. The single-storey extension would have a low mono-pitch roof with eaves at 2.5m.

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

GB1 - Green Belts

H4 - Development within Residential Curtilages

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.
Development in the Green Belt SPD (Adopted) June 2007.

3. **RELEVANT PLANNING HISTORY**

- 3.1 None

4. **CONSULTATION RESPONSES**

- 4.1 Pucklechurch Parish Council
The Parish Council has no objection in principle to the 3 storey rear extension or the front facing dormer but would like to query whether the additional single-storey to the rear constitutes over-development of the original house.

- 4.2 Other Consultees [including internal consultees of the Council]

Landscape Officer
No objection

Other Representations

- 4.3 Local Residents
No responses

5. **ANALYSIS OF PROPOSAL**

- Principle of Development
- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPG2 – Green Belts and 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. In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006.
- 5.3 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 EiP is due to re-open for one day on March 7th 2013. 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.

Green Belt Issues

- 5.6 The most important attribute of Green Belts is their openness. Inappropriate development is by definition harmful to the Green Belt. In the first instance officers must consider:

- a) whether the development is inappropriate within the Green Belt for the purposes of the NPPF and Local Plan Policy GB1; and
- b) whether the development causes any other harm; and
- c) if the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

- 5.7 Policy GB1(A4) only permits limited extension or alteration of existing dwellings in the Green Belt provided that it does not result in a disproportionate addition over and above the size of the original building. There is a similar criterion in the NPPF, which refers to 'buildings' as opposed to just dwellings. The Council's adopted Supplementary Planning Document clarifies that for the purposes of the Green Belt policy, for older homes the original dwelling is taken as that at July 1st 1948. Any additions that have occurred since the original dwelling date will be considered cumulatively and will count against the overall increase in volume of the dwelling when new additions are being assessed.

- 5.8 In applying the 'disproportionate' test, the Council's adopted Supplementary Planning Document states (pg6) that:

'Whether an addition is considered 'disproportionate' or not depends on the individual circumstances of the site, and what type of addition is proposed. The Council will assess this on a case-by-case basis.'

'In assessing whether a proposal is disproportionate or not, account will be taken of the following:

1. *The increase in volume of the original dwelling (i.e. excluding any extensions or alterations that have already taken place);*
2. *The appearance of the proposal – it should not be out of proportion with the scale and character of the original dwelling;*
3. *Existing extensions and outbuildings within the curtilage.*

As a general guide, an addition resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable.

House extension additions that exceed 30% will be carefully assessed with particular regard to the second test in the box above – i.e. whether the proposal would appear out of scale and proportion. The larger a house becomes in excess of 30% of its original size, the less likely it is that new extensions will be considered acceptable.'

- 5.9 The term 'original dwelling' refers in this case to the volume that the dwelling was on July 1st 1948. Officers have inspected the large single-storey outbuilding that formerly served as a washhouse and concluded that it is likely to be a pre-1948 construction. Furthermore the OS map for 1921 clearly shows an outbuilding to the rear of no.49. Officers are therefore satisfied that the outbuilding can be considered as part of the original dwelling.
- 5.10 The original miners cottages within Parkfield Rank were very small, comprising only two small rooms downstairs and two small rooms upstairs. As a result, in order to make the accommodation commensurate with modern living standards, many of the cottages have been extended to the rear and the lofts converted to living accommodation. Several of the cottages have three-storey gable ended extensions very similar to that now proposed at no 49 and some have additional single-storey extensions as well. Such an example was recently approved at neighbouring no. 48 (see PK12/3615) and it is noted that the increase in volume for that scheme was in the region of 40%.
- 5.11 In the case of no.49 the proposed three-storey element is very similar to that at no.48; the proposed single-storey element would however project further to the rear but no further than the existing single-storey outbuilding. In many respects therefore, the proposed single-storey element would replicate the existing scale and form of the existing washhouse that has traditionally stood on the site for many years.
- 5.12 On balance therefore, the overall scheme is not considered to be disproportionate when considered in relation to the original dwelling including outbuildings and as such is not inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt; neither would it be contrary to the purposes of including land within the Green Belt.
- 5.13 Whether the development causes any other harm will be considered in the following sections of the report.
- 5.14 Scale and Design
The proposed gable-ended three-storey element would be very similar in design, scale and appearance to several similar extensions on neighbouring dwellings within the terrace. The apex of the gable roof ridge would be at the same level as that of the cottage with eaves also at the same level. The materials to be used in construction would match those of the existing house i.e. rendered walls and tiled roof. The single-storey element would be larger than many of those on neighbouring properties, projecting a further 3.5m beyond the three-storey element. As noted above however, this merely replaces the existing washhouse and would be similar in scale and mass. The extensions would therefore integrate very well within the existing built form and viewed against the existing terrace with its plethora of rear extensions, the

- proposal would not appear as an incongruous element. Being tucked away to the rear the extensions would not be prominent within the street scene.
- 5.15 Many of the cottages have had their lofts converted to additional living accommodation and as a result, many have dormer windows to the front roof slope. The dormers vary in size and design but the majority have flat roofs. The loft to No.49 has previously been converted to a bathroom and a velux roof light is already located in the front roof-slope. The proposed conversion would provide an additional bedroom at third floor level and would require the introduction of a flat roofed dormer to replace the existing velux roof light in the front roof-slope. Given the proliferation of dormer windows within the terrace, the proposed dormer would not look out of place within the street scene.
- 5.16 The scale and design of the proposal are on balance considered appropriate for this property and would adequately respect the massing, scale proportions, materials, overall design and character of the existing property and terrace. 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.
- 5.17 Impact Upon Residential Amenity
Due to the orientation and siting of neighbouring properties, the only potential concern is the impact of the proposed extension upon the adjacent neighbouring terraced properties nos.48 and 50.
- 5.18 Given the depth of the extension proposed and presence of two and three-storey extensions of similar scale to the rear of the adjoining properties, there would be no significant overbearing impact for the occupiers of these properties.
- 5.19 At ground floor level a single-storey extension is in the process of being built at no. 48 whilst to the rear of no.50 is another large outbuilding that is located even further down the garden than the washhouse at no.49. There are no windows proposed for the side elevations, which might cause loss of privacy due to overlooking; a condition would prevent the future insertion of windows in these elevations. There are no houses to the front or rear of the terrace that would be overlooked. The high level windows in the proposed three-storey rear extension would afford some overlooking of neighbouring gardens but this relationship is no different than for many of the existing properties within the terrace and does not justify refusal of the application. The rear garden although narrow, is extremely long and provides more than adequate amenity space for existing and future occupiers.
- 5.20 The proposal would make efficient use of a previously developed site, which accords with government guidelines contained in the NPPF. There would be no significant adverse impact on residential amenity in planning terms. Any disturbance during the building phase would be temporary only; this could be mitigated for by imposing a condition to control the hours of working. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.21 Highway Issues

There are no on-site parking facilities but as Parkfield Road is a dead-end road, there is no through traffic. All parking is either within the road or in the various lay-byes or pulling-off areas. The proposal is unlikely to generate any significant additional traffic. There are therefore no highway objections to the proposal, which accords with Policies H4(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Environmental Issues

The extension would be the subject of Building Regulation Control. Existing drains and sewers would be utilised. The site is not prone to flooding. The proposal would accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 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. Although lying within the Green Belt, the extension would not be prominent, as it would be incorporated within the existing terrace and well screened from the open fields to the east and west. The proposal therefore accords 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 impact of the proposed development on the character of the surrounding area, which would in this case not be adversely affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. An acceptable level of off-street parking would be provided in accordance with Policies H4 and T8 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. Adequate amenity space would be provided to serve the development, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

5. The design of the scheme would be in accordance with Policy D1 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.

6. There would be no adverse landscape implications to result from the scheme, in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.

7. The drainage implications of the scheme have been considered including SUDS in accordance with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. The proposal would not be inappropriate development within the Green Belt and would therefore accord with Policy GB1 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 side elevations of the rear extensions 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.

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PT12/3373/CLE	Applicant:	Mrs Deborah Jones
Site:	Harts Cottage Gloucester Road Almondsbury South Gloucestershire	Date Reg:	12th October 2012
Proposal:	Application for Certificate of Lawfulness for an existing use of land as residential curtilage.	Parish:	Olveston Parish Council
Map Ref:	361686 185326	Ward:	Severn
Application Category:	Minor	Target Date:	4th December 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because it comprises a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for an existing use of land as residential curtilage.
- 1.2 The application site comprises a strip of land approximately 663 square metres in area to the southeast of Harts Cottage and abuts the north-western boundary of Gloucester Road. The application land is accessed via a pedestrian gate from the main garden of the property and is heavily vegetated by plants and trees.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (Development Management Procedure) (England) Order 2010
Circular 10/97: Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0361/F, erection of 1.8 metre high boundary fence, refusal, 02/04/12.
- 3.2 PT07/1641/F, alterations to roofline to facilitate change from flat roof to pitched (Resubmission of PT07/0931/F), approval, 16/07/07.
- 3.3 PT07/0931/F, alteration to roofline from flat to pitched roof, withdrawn, 15/05/07.
- 3.4 N924/6, erection of two storey side extension to provide study, dining room and W.C. with 2 bedrooms over. Erection of double domestic garage, approval, 09/02/84.
- 3.5 N924/1, formation of an agricultural access to a trunk road (A38), refusal, 14/08/75.
- 3.6 N924, residential development on approximately 16 acres. Construction of new vehicular and pedestrian access, refusal, 13/02/75.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
No objection

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Two statutory declarations have been submitted as evidence in support of the application.

5.2 Declaration by Deborah Ann Jones

The first statutory declaration is submitted by the applicant Deborah Anne Jones who lives at the application dwelling Harts Cottage and is signed by a solicitor. She declares that the property was purchased on 1st February 2004. At the time of the purchase all of the area of lawns, borders and established trees were described as forming the overall garden. The land hatched in red has been maintained and mown along with the rest of the garden continually since they arrived. Shelter that the established trees provide has been used by the applicant to plant a large rare and valuable collection of Snowdrops. Further numerous planting of shrubs and bulbs has also been undertaken. In addition, the applicant states that she has clipped established evergreens to hedges and topiary figures. Further, a number of Leylandii trees have been planted by the applicant to shelter the property from the A38. The applicant states that she uses the area for sunbathing, eating and playing with family and friends. The area at the top of the drive included in the red line plan submitted has always been used to park and turn their cars and those of visitors in order to join the A38 driving forward.

- 5.3 The applicant states that the suggestion that the application land was for agricultural purposes came as a complete surprise and that neighbours who have lived in their house for more than 20 years have always known the land to be used as garden by the current and previous owners.

5.4 Declaration by Deborah Joy Stone

The second statutory declaration is submitted by Deborah Joy Stone of Rock House Farm, Littleton Upon Severn and is signed by a solicitor. She declares the following statements: that she purchased and was the sole owner of the freehold property known as Harts Cottage on or about September 1999; When the property was purchased the land hatched red clearly formed part of the overall garden of Harts Cottage and was used by friends in conjunction with the wider garden area for sitting out and for children to play; the land hatched red was always maintained and the grass mown when the remainder of the garden was maintained. The area was also cultivated with a number of domestic fruit trees and by the planting of various bulbs and shrubs; The said use of the land as garden ground continued without interruption from the said time of my purchase in 1999 until the property was sold by me in or about February 2004; It was also apparent that the said land had been used by the owners and occupiers of Harts Cottage as part of the domestic garden for many years prior to my own purchase and in my opinion has never been utilised for agricultural purposes.

5.5 Additional Information Submitted

In addition to the above, the applicant has submitted a Land Registry Plan with the HM Land Registry stamp dated 08/2000. The applicants has also clarified that in relation to the declaration made by Deborah Jones that the parking area is not a formal area of hard standing but a loosely hardcored area used for occasional turning.

6. **EVIDENCE OF CONFLICTING EVIDENCE SUBMITTED**

6.1 No evidence of conflicting information has been received.

7. **ANALYSIS OF PROPOSAL**

7.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy; it is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance, it must be demonstrated that the land outlined in red has been used as residential curtilage for a continuous period of 10 or more years.

7.2 Annex 8 of Circular10/97 "Enforcing Planning Control" states that *"if the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability"*".

7.3 The statutory declarations submitted cover a period from September 1999, when Deborah Joy Stone first became the sole owner of the property, to the present date, where Anne Jones and her husband presently own it. The statutory declaration submitted by Deborah Joy Stone indicates that she sold the property around February 2004, whilst the statutory declaration submitted by Deborah Ann Jones indicates that they purchased the property on 1st February 2004. Accordingly, it is considered on the balance of probability that the evidence submitted demonstrates a 10-year continuous use. Both statutory declarations are sufficiently precise and unambiguous and categorically state that the land hatched in red was always maintained along with the rest of the garden; was planted with domestic plants and shrubs; was used as a garden for amenity purposes such as sitting out, playing and eating; and that it has never been used for agricultural purposes during the continuous occupation of the previous two owners.

7.4 No contrary evidence has been submitted through the consultation procedure; the Council records, in terms of the planning history and overhead satellite photos, do not categorically conflict with the evidence submitted in support of the application. Accordingly, it is considered that the statutory declarations

should be afforded significant weight. It is considered that there is sufficiently clear and unambiguous evidence submitted to demonstrate that on the balance of probability the land hatched in red on the plan submitted has been used as a residential garden for a continuous period of 10 years or more.

8. RECOMMENDATION

8.1 A Certificate of Lawfulness of existing use is GRANTED for the following reason:

Sufficient evidence has been submitted to demonstrate that, on the balance of probability, the strip of land to the southeast of the property and hatched red on the attached plan has been used as a residential garden for a continuous period of 10 years or more immediately prior to the submission of the application.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PT13/0074/F	Applicant:	Ms Anne Berry
Site:	Frampton House New Road Olveston South Gloucestershire	Date Reg:	22nd January 2013
Proposal:	Erection of boundary wall 1.7m at highest point. (Retrospective)	Parish:	Olveston Parish Council
Map Ref:	360159 186914	Ward:	Severn
Application Category:	Householder	Target Date:	18th March 2013



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PT13/0074/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

One response has been received from a neighbouring resident in support of the planning application, which is contrary to officer's recommendation.

1. THE PROPOSAL

- 1.1 The proposal is a retrospective application to demolish parts of a boundary wall that forms visibility splays at the entrance to the development site, and erection of a wall from one corner of Frampton House to the entrance to the site on New Road. The newly erected wall has been constructed across a courtyard shared by Frampton House (applicant) and Morton House.
- 1.2 The development is on the boundary, and within the grounds, of a pair of detached houses, on a residential road in Olveston.

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

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

L12 Conservation Areas

T12 Transportation Development Control

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

Olveston Conservation Area - Supplementary Planning Document (January 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1615/F - Erection of first floor rear extension to form additional living accommodation. **Approved with conditions.**
- 3.2 PT03/1748/F - Erection of two detached four bedroom dwellinghouses with integral double garages. **Approved with conditions.**
- 3.3 PT02/0077/O - Erection of 3 dwellings (outline). **Refused.**
- 3.4 PT01/3377/O - Erection of two detached dwellings on 0.1 hectares of land (outline). **Approved with conditions (at appeal).**

3.5 PT00/2102/O - Erection of new dwelling (outline). **Approved with conditions (at appeal). Costs awarded.**

3.6 PT00/0859/O - Erection of new dwelling (outline). **Refused.**

Each of the planning applications references 3.2 to 3.6, are for the erection of dwelling houses on the site that is now occupied by Frampton House and Morton House. The site for these applications was then known as 'Land adjacent to Court End House.'

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council

Object on grounds of:

- i) breach of conditions applied to original planning permission for Frampton House and Morton House.
- ii) loss of amenity to Morton House as the development has prevented vehicles accessing the garage.
- iii) development is out of keeping with the existing development
- iv) lack of visibility of the highway for drivers when exiting the application site
- v) damage to wall that forms boundary of the Olveston Conservation Area and has historical significance in its own right.

4.2 Highways Officer

Object on grounds of highway safety.

4.3 Conservation Officer

Object on grounds of harmful effect on Olveston Conservation Area.

4.4 Planning Enforcement

Noted that having assessed the works, recognised that permission was required and invited an application.

Other Representations

4.5 Local Residents

Support for the application has been received from the occupier of the neighbouring property (Morton House) when responding to the Parish Council's response in 4.1 above.

- i) although planning conditions had been breached new government legislation would overrule these, and that works are covered by permitted development rights.
- ii) original approved designs for the houses prevented vehicles accessing the garage. Also that the newly erected wall allows vehicles to be parked off the road hence the works are an improvement on the existing situation.
- iii) the height of the newly erected wall is in keeping with the height of all the boundary walls.
- iv) visibility afforded by the new layout is an improvement.

- v) the wall has no planning designation but recognises this is a sensitive part of the village, and that the newly erected wall has been constructed professionally.
- vi) whilst work was being carried out people were complimentary and stated it was an improvement on the previous situation.

5. **ANALYSIS OF PROPOSAL**

5.1 The Site

The application site is occupied by two detached houses and is bounded by a traditionally built stone wall which forms the boundary with New Road. The height of the wall varies along the boundary from 1.8m up to 2.1m. The implemented permission to develop the site (PT03/1748/F) formed an entrance through this stone wall and the construction of two visibility splays (also constructed from stone) from the newly formed ends of the wall, stretching into the site. The two houses share a courtyard between the front of the houses and the stone wall along New Road, which was designed to be used as a turning area for vehicles.

5.2 Principle of Development

The development seeks permission for works to a boundary treatment that forms access from the houses onto a public highway. Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 is supportive of such development subject to it providing safe access to and from the site for non-vehicular highway users, and not having an unacceptable effect on road, pedestrian and cyclist safety.

The proposal also includes works to part of the site used for a vehicle turning area. Development within the curtilage of existing dwellings is subject to policy H4 which requires works to respect the design and character of the property and surrounding area, to not prejudice highway safety or retention of an acceptable level of parking provision, and which do not prejudice the retention of adequate private amenity space.

Development affecting a conservation area is assessed against policy L12 that requires form, materials, design and detailing to have regard to the character or appearance of the conservation area. It also favours proposals where features, such as boundary walls and hard landscape features that contribute to the character of the conservation area, are retained.

Development proposals are tested against policy D1 which seeks good standards of design for new development.

5.3 Highways

Concern was raised by the Highways Officer in respect of the application. The implemented planning permission for development of the site (PT03/1748/F) applied a number of conditions, two of which are of particular relevance to this aspect. Condition 8 requires the retention, in perpetuity, of the agreed parking in the form of garaged car parking spaces to ensure adequate parking facilities and highway safety. Condition 9 requires the retention, in perpetuity, of the courtyard turning facility and stone wall visibility splays and that the turning

area must only be used for that purpose. Highway conditions have not altered since the development was granted planning permission in 2003.

The approved car parking facilities referred to in condition 8 comprised of a double garage at Frampton House and a double garage at Morton House, housing 4 cars in total. The courtyard, and its provision solely for turning vehicles as designated by condition 9, would allow cars to manoeuvre on the private turning area, and exit the site (with the splays providing adequate visibility) safely onto the highway in a forward gear.

The existing position shows a single garage at Frampton House and double garage at Morton House. The applicant notes in the submitted material that the works for which permission is being sought, permit both properties to park four cars off the highway and that the 'shared drive' (turning facility) would not permit parking of cars on this space due to access restrictions. However it has not been demonstrated how the pre-works arrangement precludes this, or how the post-works arrangement allows it.

Due to the height of the boundary wall alongside New Road, the 2003 permission deemed the visibility up and down New Road to drivers leaving the site to be inadequate from the point of view of highway safety, and thus contrary to planning policy. The splays at the access point perform an important function of widening the perspective of the highway to a safe degree as users leave the site. It is considered that the removal of the splays result in driver visibility being reduced to an unacceptable degree, increasing the likelihood in conflicts and collisions between users of the pavement and carriageway. Furthermore, construction of the dividing wall across the turning area and use of this area for parking restricts the opportunity to turn cars within the site and therefore leave the site in a forward gear. In this case drivers would either have to reverse (with further limited visibility) onto the highway, or perform a turning manoeuvre on the highway to allow them to reverse into the site in order they can leave in a forward gear.

As such the works are considered to be detrimental to highway safety and are thus contrary to policies T12 and H4 of the South Gloucestershire Local Plan.

5.4 Historic environment

The historic stone wall alongside the boundary with New Road has been recognised in previous applications on this site as being an important feature of the area that offers a level of local amenity, however until recently the wall has not been awarded any formal designation or protection.

The Council have recently carried out a review of the boundaries of the Olveston Conservation Area as part of the Supplementary Planning Document (SPD) for the Olveston Conservation Area. The revised boundaries were subject of a public consultation between August and October 2012, and approved at the Planning, Transportation and Strategic Environment Committee held on 30th January 2013. As such, revisions to the boundaries partly coincide with the determination period for this application which was validated on 21st January 2013 and expires on 18th March 2013.

The revised Olveston conservation area boundary runs along part of the east side of New Road, and along the historic stone wall that forms the front boundary of the application site. As such the development's relationship to the conservation area boundary can be considered a material consideration in determining the application. Although the works that are subject of this application are not included within the revised conservation area, policy L12 applies the same tests to development whether it is within or affects a conservation area. As the works are within a matter of metres of the realigned boundary, it can be considered that they affect the conservation area.

Concerns have been raised regarding the works by the Conservation Officer. The site sits within the character area, specified in the conservation area SPD, known as the 'Village Core', and adjoins the boundary with the 'Haw Lane' character area. The SPD highlights the sense of enclosure created by the stone boundary walls in these areas. Although the splayed walls themselves are not part of the original historic fabric in this area, they are of similar appearance, height and form to the adjoining historic wall, and as such contribute to the feeling of enclosure to the road. The loss of these splay walls is therefore considered harmful to the character of the conservation area.

The new blockwork dividing wall is capped with coping stones and finished in a cement render. It is finished on its western end with a stone pier capped with a single large stone, close to the site boundary. Although the rendered blockwork could be considered in keeping with the style of the houses themselves, it has an untraditional appearance relative to the stone boundary wall and is therefore, also considered harmful to the character of this part of the conservation area.

It is concluded that, overall, the works do not preserve or enhance the character or appearance of the Olveston Conservation Area and are therefore contrary to policy L12 of the South Gloucestershire Local Plan.

5.5 Design and residential amenity

Following removal of the two visibility splays the original boundary wall ends have been finished with stone pillars built to the same height as the wall at that location, measuring approximately 1.8m in height. The dividing wall, measuring up to 1.7m in height, is formed of blockwork with concrete render to match the appearance of the two houses. The end of the wall is finished with a stone pier with similar appearance to the newly created pillars on the boundary wall. In this respect the solid, regular appearance of the design of the dividing wall is considered to be in keeping with the finish of the houses it serves. However the close proximity to the historic boundary wall creates a clash of styles and the subsequent harm caused to the conservation area outweighs any adherence to the appearance of the residential building. The design of the wall fails to respect and enhance the character of both the site and the locality, and therefore does not comply with policy D1 of the South Gloucestershire Local Plan.

The dividing wall segregates the shared turning area and, as such, could be perceived to increase the amenity afforded to each property as it acts as a clear boundary and defining private space. Conversely the wall prevents the

use of the shared area for which it was designed, its physical presence takes up space, and as such its effect is considered to be detrimental to residential amenity for both houses. Similarly the position of the dividing wall will restrict vehicular access into the garages of Morton House which could be perceived to affect the residential amenity for current or future occupiers. However it cannot be predicted how current or future occupiers of either house use or, may wish to use, their dwelling houses. In summary, it is considered the works have a neutral effect on residential amenity.

5.6 Other considerations

The majority of comments received in consultee responses have been assessed and responded to within the report, however any outstanding points are covered within this section.

a) Although planning conditions had been breached, new government legislation would overrule these. Additionally the works are covered by permitted development rights.

- Planning legislation and national and local planning policy in effect at the time of this decision has been applied accordingly. The implemented planning permission for development of the site (PT03/1748/F) applied a condition that removed permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995 (as amended) Part 2 (Class A) for erection of walls or other means of enclosure. Therefore planning permission is required for the development.

b) The original approved designs for the houses prevented vehicles accessing the garage.

- Assessment of the plans submitted for planning permission were considered to be suitable for purpose in this case.

c) The newly erected wall has been constructed professionally.

- Quality of workmanship is not a planning consideration.

d) Whilst work was being carried out people were complimentary and stated it was an improvement on the previous situation.

- Although members of the public may have opinions related to appropriateness of land use, 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.

e) Other properties in the road have to reverse out onto the road but do not have such restrictions applied.

- Each planning application has to be considered on its own merits, and factors applied in assessing this application may differ on other sites in the immediate vicinity.

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 works detrimentally affect features of the development site that were designed to provide adequate highway safety to occupiers and users of the public highway, and a degree of residential amenity to occupiers of the two dwelling houses. The application has not demonstrated that this effect can be mitigated for. The works are therefore contrary to policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

The development works sit alongside the boundary of the Olveston Conservation Area, the character and appearance of which it is considered desirable to preserve or enhance. The works, by virtue of their materials and appearance, and effect on the feeling of enclosure provided by the boundary and splay walls are harmful to the conservation area. The design of the walls also fails to respect the character of both the site and locality. The works are therefore contrary to policies L12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

7. RECOMMENDATION

- 7.1 That planning permission is **refused** for the reasons set out in the decision notice.

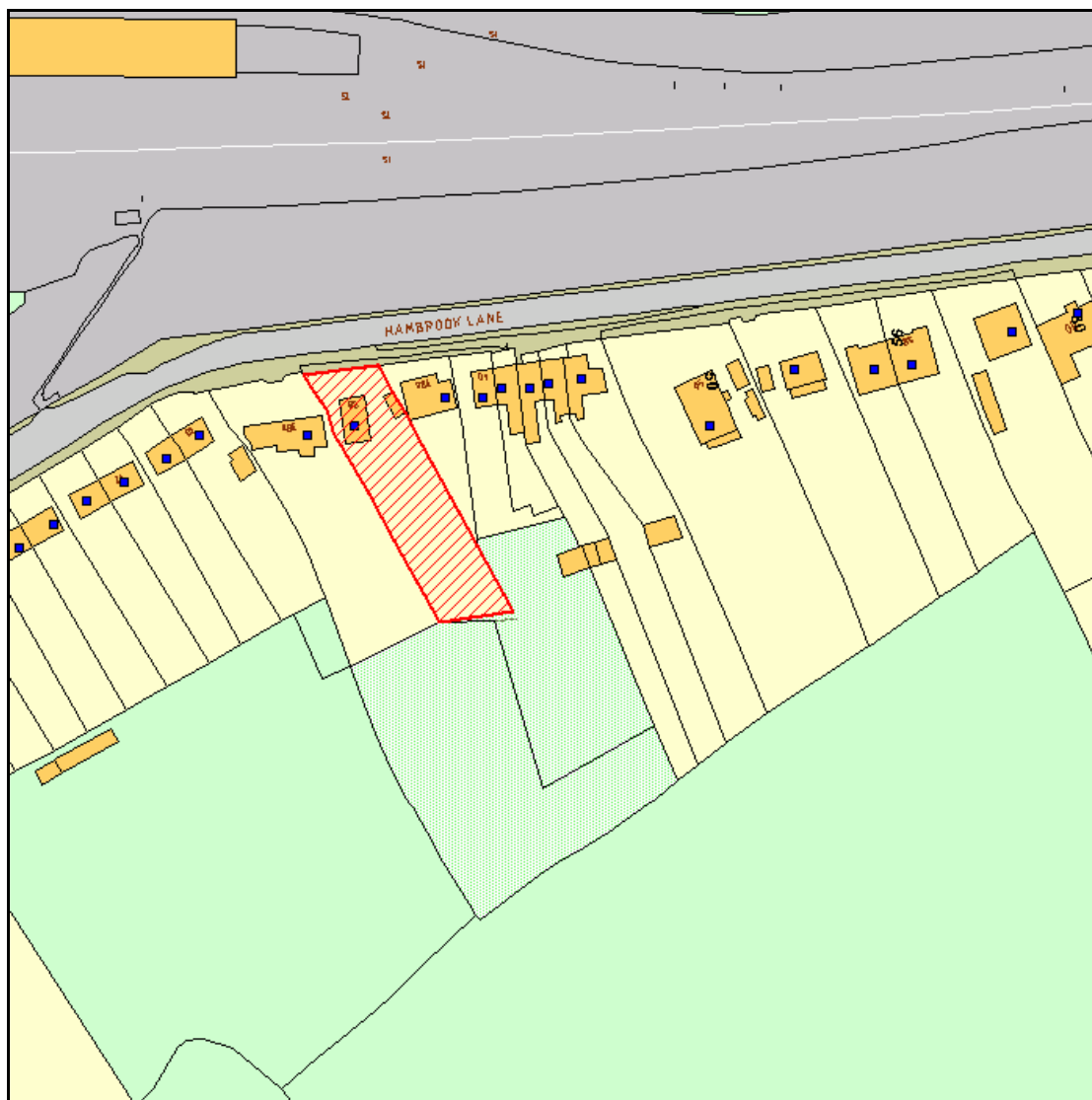
Contact Officer: Christopher Roe
Tel. No. 01454 863427

REASONS FOR REFUSAL

1. The works detrimentally affect features of the development site that were designed to provide adequate highway safety to occupiers and users of the public highway, and a degree of residential amenity to occupiers of the two dwelling houses. The application has not demonstrated that this effect can be mitigated for. The works are therefore contrary to policies T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The development sits alongside the boundary of the Olveston Conservation Area. The works, by virtue of their materials and appearance, and effect on the feeling of enclosure provided by the boundary and splay walls are harmful to the conservation area. The design of the walls also fails to respect the character of both the site and locality. The works are therefore contrary to policies L12 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PT13/0138/F	Applicant:	Mr P Alan
Site:	38 Hambrook Lane Stoke Gifford Bristol South Gloucestershire BS34 8QD	Date Reg:	21st January 2013
Proposal:	Alterations to height of privacy screens on rear balcony. (Amendment to previously approved scheme PT11/3460/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362867 179504	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	15th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received from the Parish Council and neighbouring occupiers contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for alterations to the height of privacy screens on the rear balcony. The proposal forms an amendment to a previously approved scheme (PT11/3460/F).
- 1.2 The application site comprises a two-storey detached dwellinghouse located on the southern side of Hambrook Lane. The site is located within the open countryside outside the defined settlement boundary and within the Bristol/Bath Green Belt. The northern front boundary of the site forms the limits of the Green Belt and settlement boundary.
- 1.3 Planning permission was granted under application PT11/3460/F for the erection of a two-storey side extension to form an integral garage and to provide living accommodation and the construction of a balcony on the rear elevation. The approved plans for the balcony included privacy screens measuring approximately 2.93 metres by 1.93 metres at either side of the balcony to restrict any direct views into neighbouring gardens. The proposed application is submitted as the design and height of the privacy screens is materially different to the approved scheme.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
H4 Residential Development within Existing Residential Curtilages
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
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/3654/F, demolition of existing dwelling to facilitate the erection of 2no. dwellings. Construction of new vehicular access with associated works, refusal, 06/02/07.

- 3.2 PT11/2682/F, erection of two storey side extension to form integral garage and provide additional living accommodation. Construction of balcony to rear elevation, refusal, 12/10/11.
- 3.3 PT11/3460/F, erection of two storey side extension to form integral garage and provide additional living accommodation; construction of balcony to rear elevation and construction of terracing in rear garden (retrospective) (resubmission of PT11/2682/F), permission granted for two storey side extension and refused for the construction of rear terracing, 22/12/11.
- 3.4 PT12/1625/F, construction of rear terracing to replace existing (unauthorised) terracing. Construction of basement store. (Retrospective), approval, 20/07/12. Appeal relating to conditions imposed was dismissed.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
Objection - Overlooking

Other Representations

- 4.3 Local Residents
Four letters of objection have been received from neighbouring occupiers. The following is a summary of the objections received:

- Overlooking issues into neighbouring properties;
- Screens are now made from frosted glass rather than a solid material and should be to maximum density (level 5);
- The lower height of the screens and curved ends will allow average height persons to view over the screens;
- Width of balcony should be measured and confirmed to ensure the privacy screens proposed will provide sufficient cover;
- Concerns that development when carried out will not be in accordance with the approved plans;
- Overlooking issues will be exacerbated if the property is used as a HMO;
- Length of balcony should be checked to ensure that it is 1.5 metres to ensure that the screens cover the full length of the balcony;

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
It is not considered that the proposal will have a materially greater affect on the openness of the Green Belt than the previously approved scheme (PT12/3480/F). The proposal comprises changes to privacy screens previously approved in terms of scale and design. Accordingly, the principle of the development is acceptable by virtue of policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the appearance/form of the proposal (policies D1 and H4 of the Local Plan); the affect on the residential amenity of neighbouring occupiers

(policy H4 of the Local Plan); and the transportation affects (policy H4 of the Local Plan).

5.2 Appearance/Form

The proposed screens comprise obscure glass between steel support posts. The screens are lower at the front than the rear due to the curved top. The screens appear solid and well made. It is considered that they will not appear adversely out of keeping with the character of the host dwelling or surrounding built form.

5.3 Residential Amenity

The screens measure approximately 2 metres in height at the apex closest to the rear elevation of the dwelling and curve down to approximately 1.56 metres at the point furthest from the dwelling. The screens measure approximately 1.5 metres in width. The approved balcony in the original application (PT11/3460/F) projected approximately 2 metres from the rear elevation of the dwelling, however, the balcony has been constructed narrower at 1.5 metres, and this is reflected in the plans submitted. Officers are satisfied that the length of the balcony shown on the plans submitted reflects the situation on site. Accordingly, the 1.5 metre long screens will extend the full length of the ends of the balcony.

5.4 Concerns have been raised that the height of the proposed screens will not provide sufficient screening and that it will be possible for average height persons to see over the top of the privacy screens into neighbouring properties at a point closest to the end rail of the balcony. These concerns are understood, and it is also noted that the screens proposed are significantly lower than shown on the previously approved plans; however, it is considered on balance, that the screens will obscure the majority of views into neighbouring properties and any views over the top of the balcony screens will generally be infrequent and will not be to an extent where the privacy of neighbouring occupiers will be significantly adversely affected. Realistically the majority of the permanent use of the external living area will be for sitting purposes and therefore, the privacy screens proposed will ensure that there will be no permanent views into the neighbouring properties. If permission is granted a condition is recommended to ensure that the privacy screens are obscured to level 5 at all times.

5.5 It is not considered that any issues will be introduced in terms of loss of natural light or outlook.

5.6 Transportation

Given the nature of the proposal it is not considered that there will be a significant adverse transportation affect.

5.7 Further Matters

Concerns have been raised that the development will not be carried out in accordance with the approved plans and that the impacts of overlooking will be exacerbated if the application functions as a HMO. However, the use of the dwelling as a HMO is restricted by condition in application PT12/1625/F.

Accordingly, these issues are separate enforcement matters, which are beyond the scope of this application.

6. CONCLUSION

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

The proposal will not have a materially greater impact on the openness of the Green Belt than the previously granted scheme (PT11/3460/F). The proposal therefore, accords with policies GB1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The scale, form and appearance of the proposal is acceptably in-keeping with the character of the host dwelling and surrounding properties. The proposal therefore, accords with policies D1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

On balance, the proposal will not have a significant adverse affect on the residential amenity of neighbouring occupiers through loss of natural light or privacy. The proposal therefore, accords with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not introduce any significant adverse transportation affects and accords with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

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 privacy screens hereby approved shown on plan no. 3195/P4 J shall be retained at all times.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

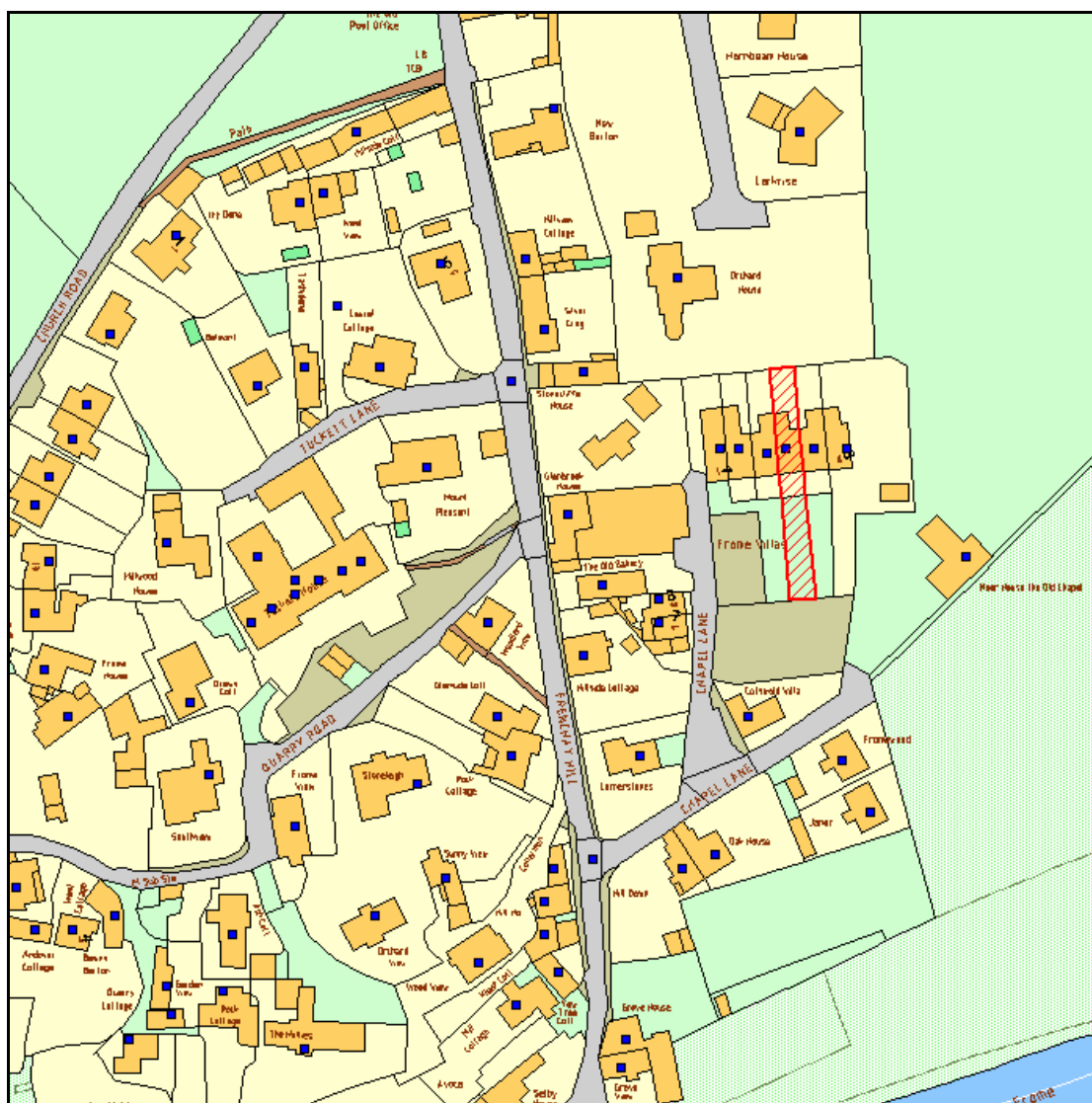
3. The glazing used in the privacy screens hereby approved shall at all times be obscured to level 5.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 13/10 – 8 MARCH 2013

App No.:	PT13/0210/F	Applicant:	Mr Robin Butterworth
Site:	4 Frome Villas Frenchay Hill Frenchay Bristol South Gloucestershire	Date Reg:	24th January 2013
Proposal:	Erection of single storey rear extension to provide additional living accommodation (Resubmission of PT12/3904/F)	Parish:	Winterbourne Parish Council
Map Ref:	364175 177428	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	19th March 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because a letter of objection has been received from a neighbouring occupier contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to provide additional living accommodation. The application forms a resubmission of application PT12/3904/F, which was withdrawn.
- 1.2 The application site comprises a two-storey terrace property located on the eastern side of Chapel Lane within the established residential area of Frenchay. The site is located within the Frenchay Conservation Area.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
L12 Conservation Areas

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 Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 N184/LBC, demolition of part of wall to form enlarged window opening, approval, 03/01/80.
- 3.2 PT12/3904/F, erection of single storey rear extension to form additional living accommodation, withdrawn, 22/01/13.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Conservation Officer
No objection subject to conditions.

Other Representations

4.3 Local Residents

Two letters of response have been received from neighbouring occupiers, which raise no objections to the development. One of the respondents does however, raise concerns regarding the impact of the proposal on the adjoining property (no.5 Frome Villas) in terms of loss of natural light.

One letter of objection has been received from a neighbouring occupier. The following is a summary of the objections received:

- Existing property has light limitations due to north facing position and high wall on rear boundary;
- The proposal will 'box' in neighbouring occupiers and result in a loss of light to neighbouring property;
- The extension should be reduced in size.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the development proposed. Given the nature of the proposal the main issues to consider are the appearance/form of the extension and the impact on the character of the Conservation Area (policies D1, H4 and L12 of the Local Plan); and the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan).

5.2 Appearance/Form and Impact on Conservation Area

The proposal comprises an 'L' shaped footprint, which wraps around an existing two-storey rear projection. The proposal extends the full width of the rear elevation and extends to a depth of approximately 6 metres from the main dwelling and 2.4 metres from the existing rear projection. The proposal is encompassed by a lean-to roof with flat clay tiles, which contain 2no. rooflights in the side slope. An existing random stone wall on the eastern boundary is to be demolished and replaced by a 2.2 metre (approx) high random local stone wall with reclaimed brick quoins, which will form the side (east) elevation of the extension proposed. The opposite parapet wall proposed comprises a render finish with coping stone. The rear (northern) elevation comprises a random stone finish with solid timber frame French doors with full height windows either side.

5.3 The scale, siting and form of the extension are considered to be acceptably in-keeping with the character of the host dwelling. In addition, the use of high quality materials will ensure an acceptable standard of finish, which will respect the character of the Conservation Area. If permission is granted conditions are recommended to ensure that details regarding the finish of the stonework and roof tiles, timber door, and eaves, flues and vent details are agreed with the Local Planning Authority.

5.4 Residential Amenity

- The main impact of the proposal is on occupiers of the adjoining property to the east given that it will result in a 2.2 metre (approx) high stone wall being located directly on the flank boundary for a distance of 6 metres (approx). In the previous scheme that was withdrawn the east flank elevation comprised a 2.5 metre (approx) high parapet wall, however, the parapet wall design has been removed so that the wall ends at eaves level to reduce the impact on neighbouring occupiers.
- 5.5 Objections have been raised from the adjoining occupiers on the basis that the proposal will have an enclosing affect on the corridor from their rear garden door and result in a loss of light to their property. These concerns are noted. The officer requested a reduction in length of the extension to alleviate the concerns of the neighbouring occupiers. The applicant has not acceded to this request. Notwithstanding this, it is important to make a balanced judgement on the degree of impact of the development and to consider whether it will unreasonably prejudice the amenities of neighbouring occupiers.
- 5.6 The officer has visited the site and noted that the rear of the properties receive little light due to the north facing aspect; in addition, a high quarry wall is located along the rear boundary of the rear gardens which encloses the gardens. The proposed extension due to its proximity to the flank boundary and its length will enclose a corridor outside the rear door of the neighbouring occupier and result in some loss of light in the evenings. The concerns of the neighbouring occupier are noted here. However, a 2 metre high boundary wall could be erected the entire length of the boundary under Part 2 (Minor Operations) Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) without planning permission. Accordingly, the majority of the enclosure formed by the eastern elevation of the extension proposed could be erected as a boundary wall without planning permission and this holds significant weight when considering the proposal.
- 5.7 Accordingly, the lower height of the wall adjacent to the eastern boundary and hipped design of the roof, which slopes away from the neighbouring boundary, give the extension a relatively low profile. Given the length of the extension and the terrace design of the dwellings, the impacts on the residential amenity of neighbouring occupiers has been given very careful consideration. On balance, given that the majority of the eastern elevation of the proposal could be erected under permitted development, it is considered that the proposal will not have an unreasonable affect on the residential amenity of neighbouring occupiers through loss of natural light or outlook.
- 5.8 No windows are proposed in the eastern flank elevation adjacent to the neighbouring boundary, and if permission is granted, a condition is recommended to restrict openings in this elevation. It is not therefore, considered that the proposal will adversely affect the privacy of neighbouring occupiers.

6. CONCLUSION

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

The proposal is acceptably in-keeping with the character of the host dwelling and surrounding properties in terms of scale, form, siting and materials and will not adversely affect the visual amenity of the Conservation Area. The proposal therefore, accords with policies D1, H4 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

The length of the extension proposed, the siting adjacent to the neighbouring flank boundary, and the terrace design of the properties is such that the impacts of the proposal on neighbouring occupiers have been given very careful consideration. However, the fact that the majority of the eastern side elevation of the proposal could be erected as a boundary wall without planning permission holds significant weight. Accordingly, on this basis, and given the hipped roof design of the extension and relatively low profile, it is concluded on balance that there will not be a significant adverse affect on the residential amenity of neighbouring occupiers through loss of natural light, outlook or privacy. On balance, the proposal is in accordance with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

- 7.1 Planning permission is GRANTED subject to the conditions in the decision notice.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

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. No windows shall be inserted at any time in the eastern and western (side) elevations of the extension hereby approved.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

3. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To achieve an adequate standard of external appearance in the interests of the character and visual amenity of the Conservation Area and to accord with policies D1 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

4. Prior to the commencement of development samples of the roofing and external facing materials including the finish for the timber doors 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 achieve an adequate standard of external appearance in the interests of the character and visual amenity of the Conservation Area and to accord with policies D1 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

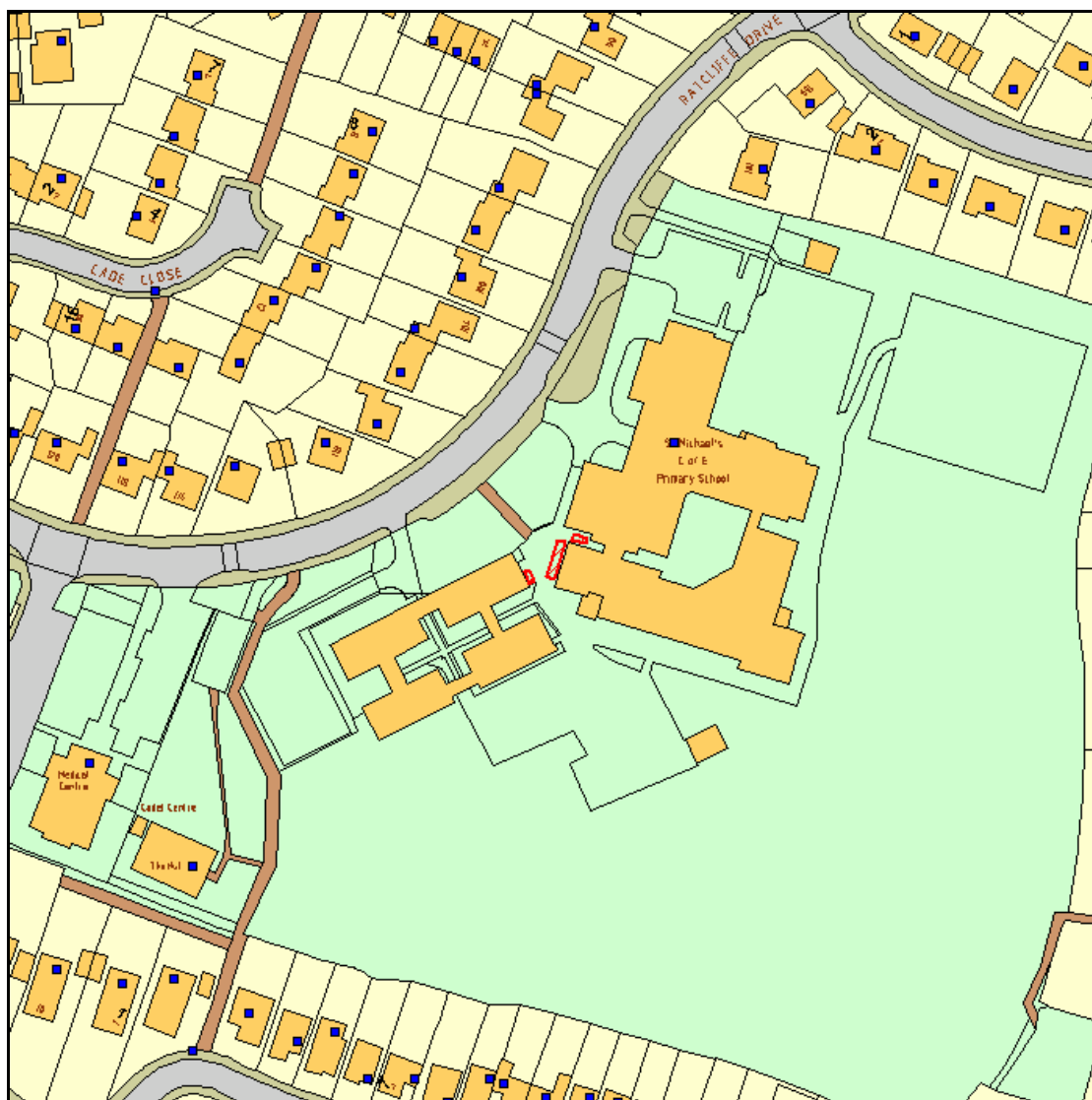
- (a) eaves;
- (b) all new vents and flues.

Reason

To achieve an adequate standard of external appearance in the interests of the character and visual amenity of the Conservation Area and to accord with policies D1 and L12 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 10/13 – 8 MARCH 2013

App No.:	PT13/0217/R3F	Applicant:	Mr Mark Freeman
Site:	St Michaels C Of E Vc Primary School Ratcliffe Drive Stoke Gifford South Gloucestershire	Date Reg:	30th January 2013
Proposal:	Installation of 2 no. cycle shelters, relocate 1 no. cycle stand and install 1 no scooter stand and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362340 180043	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	25th March 2013



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 100023410, 2008. **N.T.S.** **PT13/0217/R3F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated in accordance with procedure given that the applicant is South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 2no, 'Broxap Wardale' type cycle shelters, 1no. lockable scooter stand, and the relocation of 1no. cycle stand.
- 1.2 The application site comprises St Michaels C of E Primary School, situated within an established residential area of Stoke Gifford.

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
LC4 Provision for Education and Community Facilities within the Existing Urban Area and Boundaries of Settlements
T12 Transportation Development Control Policy for New Development
T8 Parking Standards
L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted) 2006

3. RELEVANT PLANNING HISTORY

- 3.1 The site has an extensive planning history, none of which is directly relevant to the proposal.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection
- 4.2 Transport Officer
No objection

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of 2no, 'Broxap Wardale' type cycle shelters, 1no. lockable scooter stand, and the relocation of 1no. cycle stand. Policy LC4 of the adopted Local Plan allows for expansion and improvement to education and community facilities in principle provided there is no adverse impact on residential amenity or transport.

5.2 Residential Amenity

The proposed cycle shelters would be located adjacent to the north west elevation of the site, within the boundary of the school. The proposal would not be in close proximity to any of the surrounding dwellings and as such it is considered that it would not prejudice the residential amenity of them.

5.3 Transport

The application site has existing Sheffield stands and 2no. cycle shelters spread across the north and northwest sides of the site. The proposal is for the erection of 2no. Broxap Wardale cycle shelters, 1no. scooter store, and the relocation of the existing Sheffield stands. The proposal would create provision for the additional storage of approximately 10no. cycles and 10no. scooters.

It is considered that the proposal would positively contribute to the provision of more sustainable methods of transport to serve the School. The proposal is not adjacent to the highway and raises no concerns in terms of highway safety. The proposal is therefore considered acceptable in terms of policies LC4, T8, and T12 of the adopted local plan.

- 5.4 The proposed 2no. cycle shelters would be constructed in a steel frame with glazing. The shelters would have a length of 4.10 metres, a width of 2.16 metres, and a maximum height of 2.2 metres. The shelters would be located in place of the existing Sheffield stands shows on inset B of drawing no. 501, re-using the existing tarmac surface.

The shelters are considered minor in scale and the design of the proposal is considered acceptable in the context of the school and the local area. As such the proposed shelters are considered acceptable in terms of policies D1 and L1 of the South Gloucestershire Local Plan (Adopted).

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 proposal, which includes 2no. cycle shelter and 1no. scooter store, by virtue of location and small scale, would not prejudice the residential amenity of surrounding dwellings, and would not prejudice highway safety. The design of the proposal is considered acceptable in the context of the site and the locality. Accordingly the proposal is considered acceptable in terms of policies D1, LC4, T8, T12, and L1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the application is **APPROVED** subject to the conditions on the decision notice

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

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).