



**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. 32/13

Date to Members: 09/08/13

Member's Deadline: 15/08/13 (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 your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

CIRCULATED SCHEDULE - 09 AUGUST 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/1566/F	Approve with Conditions	22 Charnhill Vale Mangotsfield Bristol South Gloucestershire BS16 9JT	Rodway	None
2	PK13/1924/F	Approve with Conditions	40 Mendip View Wick Bristol South Gloucestershire BS30 5PY	Boyd Valley	Wick And Abson Parish Council
3	PK13/2109/R3F	Deemed Consent	Beacon Rise Primary School Hanham Road Kingswood Bristol South Gloucestershire BS15 8NU	Woodstock	Hanham Parish Council
4	PK13/2240/F	Refusal	Land R/o 37-43 Birgace Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	Cotswold Edge	Hawkesbury Parish Council
5	PK13/2290/R3F	Deemed Consent	St Pauls Rc Primary School Sundridge Park Yate Bristol South Gloucestershire BS37 4EP	Yate Central	Yate Town
6	PK13/2322/R3F	Deemed Consent	Toghill Barn Farm London Road Wick South Gloucestershire BS30 5RU	Boyd Valley	Cold Ashton Parish Council
7	PK13/2394/CLP	Approve with Conditions	3 Highfield Avenue Hanham Bristol South Gloucestershire	Hanham	Hanham Parish Council
8	PT11/2086/CLE	Approve	Croft End Beacon Lane Winterbourne Bristol South Gloucestershire BS36 1JT	Winterbourne	Winterbourne Parish Council
9	PT13/1349/F	Approve with Conditions	Tower House 24 Gloucester Road Almondsbury South Gloucestershire BS32 4HA	Almondsbury	Almondsbury Parish Council
10	PT13/1518/F	Approve with Conditions	Tulip Ltd Oakley Green Farm Oakley Green Westerleigh South Gloucestershire BS37 8QZ	Westerleigh	Westerleigh Parish Council
11	PT13/2206/CLP	Approve with Conditions	Rowan House Bristol Road Thornbury South Gloucestershire BS35 3JA	Thornbury South And	Thornbury Town Council
12	PT13/2213/F	Refusal	The Stables Swinhay Lane Charfield Wotton Under Edge South Gloucestershire GL12 8EX	Charfield	Charfield Parish Council
13	PT13/2236/F	Approve with Conditions	20 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JL	Almondsbury	Almondsbury Parish Council
14	PT13/2257/ADV	Approve	Christ The King Rc School Easton Hill Road Thornbury Bristol South Gloucestershire	Thornbury North	Thornbury Town Council
15	PT13/2260/F	Approve with Conditions	1 Grove Bank Frenchay Bristol South Gloucestershire BS16 1NY	Frenchay And Stoke Park	Winterbourne Parish Council
16	PT13/2300/F	Approve with Conditions	Frampton House New Road Olveston Bristol South Gloucestershire BS35 4DX	Severn	Olveston Parish Council
17	PT13/2315/F	Approve with Conditions	14 Katherine Close Charfield Wotton Under Edge South Gloucestershire GL12 8TU	Charfield	Charfield Parish Council

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PK13/1566/F	Applicant:	Mr Geoff Cave
Site:	22 Charnhill Vale Mangotsfield South Gloucestershire BS16 9JT	Date Reg:	31st May 2013
Proposal:	Erection of first floor extension to enlarge entrance lobby.	Parish:	None
Map Ref:	365931 175825	Ward:	Rodway
Application Category:	Householder	Target Date:	23rd July 2013



© South Gloucestershire Council 2007.all rights reserved.

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

N.T.S.

PK13/1566/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a substantial bungalow of modern design, located within a valley bottom at the end of a cul-de-sac. The site is bounded on all sides by attractive residential properties set in large plots.
- 1.2 It is proposed to erect a small first floor extension to enlarge the entrance lobby located to the front of the bungalow and to clad the existing lobby in stone to match the existing house. The submitted plans also show the introduction of dormer windows into the roof space, these however are deemed to be permitted development under Part 1 Class A of The Town and Country Planning (General Permitted Development) Order and do not therefore form part of this planning application.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012.

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas

H4 - Development within Residential Curtilages

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.

South Gloucestershire Residential Parking Standards (Approved for Development Management purposes) 27 March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K633 - Extension to existing double garage to provide elderly persons dwelling unit.
Refused 17 April 1975

- 3.2 PK11/0103/F - Erection of detached double garage and storeroom.
Approved 18 Feb 2011

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Not a parished area.

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

Highway Drainage
No objection

Tree Officer
No objection

- 4.3 Local Residents

1 No response was received from the occupier of Charnhill Court who objects to the proposal; the concerns raised are summarised as follows:

- Overlooking of private garden and property from proposed dormer windows in the roof extension.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated in section 2.2 of this report are broadly in compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings.

- 5.2 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.

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

5.4 Scale and Design

The existing bungalow is a stone clad and rendered building of unique contemporary design. The proposed extension would not increase the overall foot-print of the building as it merely in-fills an area above the existing entrance lobby between two projecting front wings. The extension would have an oak frame and be double glazed with safety glazing. The existing ground floor lobby would be clad in stone to match the existing house. The proposed form would integrate very well within that of the existing building and as such would compliment the bespoke design of the property. The design of the proposal is considered appropriate and would adequately respect the massing, scale proportions, materials, overall design and character of the existing property. The proposal therefore accords with Policies H4(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012.

5.5 Impact Upon Residential Amenity

The proposal would make efficient use of land within the urban area, which accords with government guidelines contained in the NPPF. There would be no adverse impact on residential amenity in planning terms, the extension being to the front of the dwelling and some 25m from the nearest property opposite. The extension being at first floor level, would not take up any areas of amenity space. Any disturbance during the development phase would be temporary and low key only. The proposal therefore accords with Policy H4(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 5.6 A neighbour has raised concerns about loss of privacy due to overlooking from the proposed dormer windows, but these are to be inserted under permitted development rights and as such form no part of this planning application, notwithstanding the fact that they have been shown on the submitted plans. The side dormers would however have to be obscurely glazed and fixed in order to be permitted development, which would help to eliminate some of the overlooking.

5.7 Highway Issues

The proposed extension would not affect any of the parking areas and would not generate additional traffic to the site. There are therefore no highway objections to the proposal, which accords with Policies H4(C) and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Residential Parking Standards (Approved for development management purposes) 27 March 2013.

5.8 Environmental Issues

The site is in flood zone F2 but given the nature and scale of the extension there would be no risk from flooding or displacement of flood waters in the event of a flood. The proposal is considered to accord with Policies EP1, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.9 Landscape Issues

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

6. CONCLUSION

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

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).

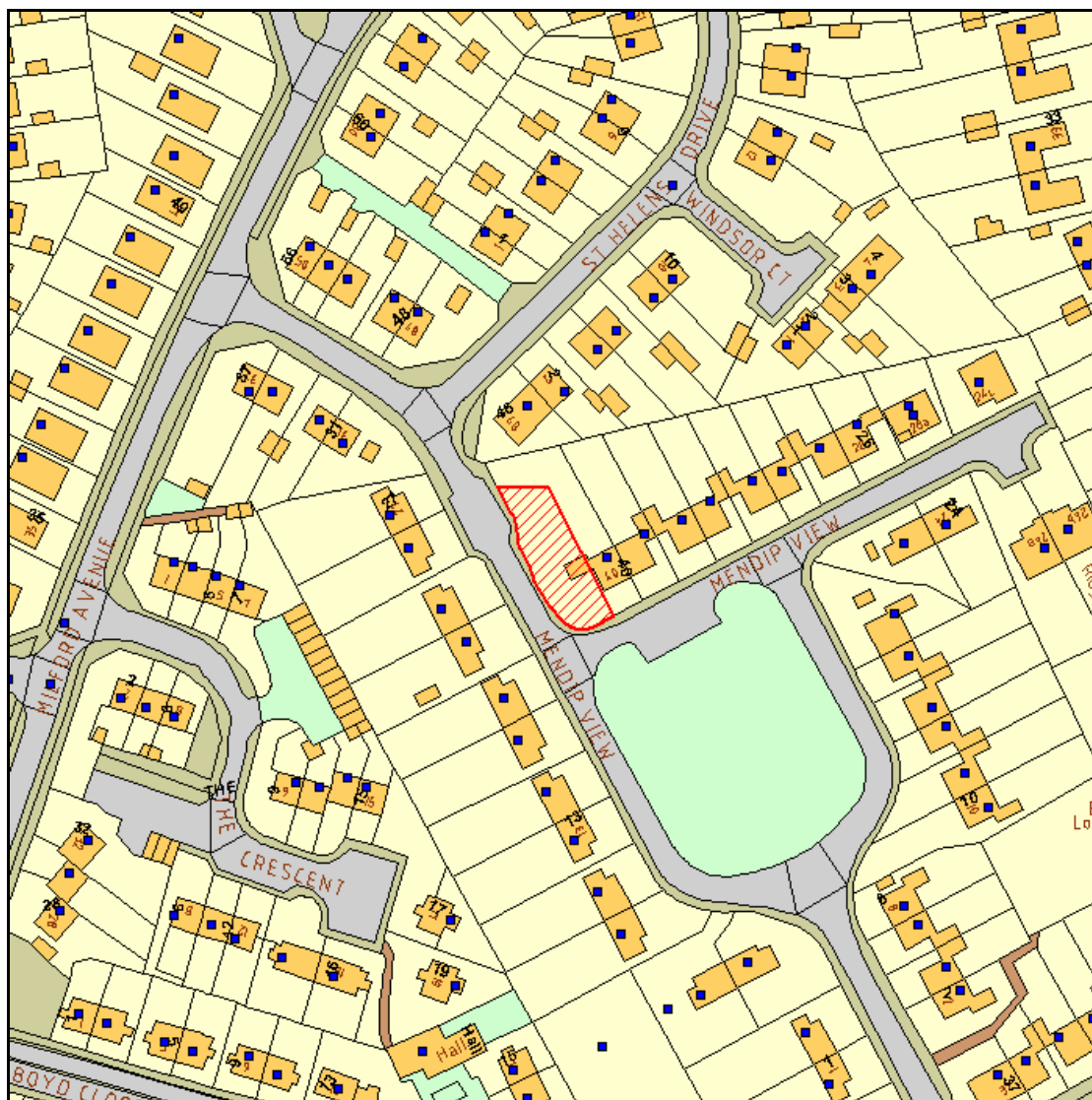
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PK13/1924/F	Applicant:	Mr And Mrs Stephen Stokes
Site:	40 Mendip View Wick Bristol South Gloucestershire BS30 5PY	Date Reg:	4th June 2013
Proposal:	Erection of 1no. detached dwelling with associated works	Parish:	Wick And Abson Parish Council
Map Ref:	370086 173188	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	25th July 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/1924/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application site lies within the garden of no. 40 Mendip View, a two-storey semi-detached property located on a corner plot. An area of open green space lies opposite the front of no.40 on lower ground. Similar residential properties lie to the side and rear of the site which is well enclosed by high hedgerows and existing outbuildings. Vehicular access to the existing property is via Mendip View into the side/rear end of the existing garden. The site lies within the Established Settlement Boundary of Wick and is also within the Bristol/Bath Green Belt.
- 1.2 It is proposed to erect a single, detached, two-storey 4-bed dwelling to the side of no. 40 and to introduce a new access and two parking spaces to the side of the existing access off Mendip View. A new pedestrian access would be introduced to the front of the new dwelling.

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework (NPPF).

- 2.2 Development Plans

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

CS1 - High Quality Design
CS5 - Location of Development
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L5 - Open Areas within the Existing Urban Areas and Defined Settlement Boundaries.
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T7 - Cycle Parking
T12 - Transportation Development Control Policy for New Development
H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions

for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.

H4 - Development within Residential Curtilages

H6 - Affordable Housing

LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).

LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions).

GB1 – Development within the Green Belt

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Approved 23rd August 2007.

Affordable Housing SPD Sept 2008

South Gloucestershire Council Residential Parking Standards (Approved for Development Management Purposes) 27 March 2013

Development in the Green Belt SPD Adopted June 2007

Trees on Development Sites SPD Adopted 2005

3. RELEVANT PLANNING HISTORY

- 3.1 P89/1519 - Erection of detached dwelling and garage; alterations to vehicular access (outline).

Refused 31 May 1989 for the following reason:

‘The proposal if allowed would result in a cramped form of development to the detriment of the amenities of the occupiers of adjoining dwellings and the visual amenities of the locality.’

Appeal Dismissed 1 Dec 1989

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
No comment

- 4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage

No objection subject to a SUDS Drainage Scheme being secured by condition.

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Historic Environment

No objection

Landscape Officer

A plan should be submitted to clarify what trees are to be retained.

Sustainable Transport

No objection subject to a condition to secure two off street parking spaces.

Wessex Water

A public surface water sewer runs through the site. No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Wessex Water under Building Regulations.

Other Representations

4.3 Local Residents

1 no. letter of objection was received from the occupier of 2a St Helens Drive who raised the following concern:

- The new building will obscure wonderful view of surrounding countryside from the rear of our property.

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. In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006.

5.2 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.

5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.4 It should be noted however that there is now no nationally prescribed figure for housing density.
- 5.5 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.6 It is also noted that an outline application for a dwelling in the curtilage of no.40 was refused in 1989 for the reasons listed at para.3.1 above and a subsequent appeal dismissed. That proposal however would have sited the dwelling to the rear of the site close to the boundary with no. 2a St Helens Drive and not to the side of no.40 as now proposed. Furthermore that application was determined under an entirely different policy regime than currently exists.
- 5.7 Green Belt Issues
 Although the site lies within the Established Settlement Boundary, the village of Wick is still within the Green Belt where inappropriate development is by definition harmful to the openness of the Green Belt. Policy GB1(A) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 lists those categories of development that are not considered to be inappropriate and these include limited infilling within the boundaries of settlements; this category is replicated at para. 89 of the NPPF. The Development in the Green Belt SPD describes infill development as '*..development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.*' No. 40 has a generous sized garden to both the rear and side and officers consider that the siting of one dwelling at the end of the existing row of houses represents limited infilling, which would not therefore be harmful to the openness of the Green Belt. Furthermore the proposal would not be contrary to the five purposes of including land in the Green Belt as listed under para.80 of the NPPF.

5.8 Density

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like the NPPF seeks to avoid development, which makes an inefficient use of land.

- 5.9 The proposal is considered to make efficient use of the land in what is a sustainable location within a village. Due to the physical constraints of the site and proximity of neighbouring houses, more than one additional dwelling could not realistically be accommodated on the plot and in this respect the proposal accords with government guidelines. In terms of its density alone, the development is not considered to be an overdevelopment of the site. In the previous appeal decision the Inspector acknowledged that *'...it would be possible to build a house on the site with reasonable space around it.'*

5.10 Scale and Design

In the previously refused scheme it was proposed to retain no.40 in its current form and merely sub-divide the rear garden to create a plot directly behind no.40. The new house would have been shoe-horned into the resultant plot with little regard for the established grain of development along Mendip View.

- 5.11 In the current proposal the existing side extension to no.40 would be demolished to create a larger plot. The plot would be sub-divided lengthwise which would allow the new dwelling to be sited immediately adjacent to the side of no.40, thus continuing the row of houses fronting the green with no forward projection of the established building line; this would now conform to the established grain of development. The house would be similar in scale and design to those within the street and would be similar in height; furthermore the materials to be used in construction would also be in-keeping with those used in neighbouring dwellings.

- 5.12 The revised scheme is now considered to be an acceptable design that would respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area, which accords with Policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.13 Transportation Issues

The existing vehicular access and two parking spaces would be retained to the rear of the site to serve the existing dwelling. It is proposed to create a new vehicular access alongside and to provide two parking spaces for the new dwelling in a tandem style arrangement. A revised plan has been submitted to demonstrate that the proposed parking spaces meet the minimum standard size of 4.8m deep by 2.4m wide. This level of off-street parking provision meets the minimum standards for a 4-bedroom house as listed in the South Gloucestershire Parking Standards. Subject to a condition to secure the parking spaces proposed prior to the first occupation of the house, there is no transportation objection.

- 5.14 Officers are therefore satisfied that the scheme accords with Policies T12, H2(A) and H4(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Residential Parking Standards.

5.15 Impact on Residential Amenity

The previous scheme was considered to have a detrimental impact on the amenities of neighbouring occupiers. The current proposal, being sited on a larger plot and alongside the existing dwelling, is considered to have overcome that previous objection.

5.16 The new dwelling would be a similar scale to no.40 and being set back from the side elevation of no.40 by 2m, with no significant projection to either front or rear, would have no overbearing impact on that property. Furthermore there would be fully 21m from the proposed rear elevation to the garden boundary of no.2a St. Helens Drive. Given the latter, there would be no significant issues of inter-visibility between the habitable room windows of these respective properties. The windows to the front would overlook the green, whilst to the west only a first floor bathroom and ground floor kitchen window are proposed but these would be some 20m from the windows in the houses opposite. Whilst there would be some overlooking of the gardens of no.40 Mendip View and 2a St Helens Drive this would be from a reasonable distance and in officer view should not justify the refusal of the application. It is considered that some overlooking of neighbouring property in a built up area is only to be expected, especially if sites are to be used efficiently for house building as required by government policy.

5.17 Good sized gardens would be retained for both the existing and proposed dwellings, in each case suitable for family occupation. A 1.8m fence would be erected to the east and north thus screening the garden at ground floor level.

5.18 In the previously refused application the Inspector considered that the proposed dwelling would dominate the outlook from the rear of no.40 Mendip View and 2a St Helens Drive. In the current scheme the proposed house would be located to the side of no.40 and considerably further away from no.2a, such that the relationship to neighbouring property would be very similar to the other houses along Mendip View and St Helens Drive. The occupant of no. 2a has raised concerns about loss of view of the surrounding countryside but it is a long established convention in planning that there is no right to a view across land in others ownership and therefore this matter is not a material consideration in the determination of this planning application.

5.19 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.20 Landscape Issues

The plot forms part of the garden of no.40 Mendip View. Under Local Plan Policy L5, within the Established Settlement Boundary development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Furthermore the NPPF at paras. 48 and 53 seek to resist development within residential gardens where it would cause harm to the local area. In his decision letter relating to the 1989 appeal the inspector opined the following: ‘..although

the site is neglected , it is open land which contributes to the generally spacious character of the estate, which would be eroded if the proposal was permitted.'

- 5.21 It is evident that the character of the site has since changed, in that it is now a well maintained garden within which a number of trees have become better established. The boundary hedge to Mendip View is now 2m high, so that the garden is no longer open to view from the public domain. It is noted that the submitted plans show that the hedge would be maintained at a level of 1.5m and all of the trees retained. In part, the proposed dwelling takes up space where the existing side extension stands so the overall loss of garden would not be excessive. In the previous scheme much of the garden to the rear of no.40 would have been lost. On balance the existing garden is not considered to be an open space that significantly contributes to the spaciousness of the area, such as the Green to the front does. Given the amount of garden that would be retained, the proposed development would not significantly harm the character of the local area; furthermore any harm that might occur is considered to be outweighed by the acknowledged need for housing in the wider area and the governments' aim to kick start the economy via the planning system by encouraging sustainable development and house building.
- 5.22 Given that the site lies within a built up area, the proposal would not adversely affect the visual amenity of the Green Belt.
- 5.23 The proposal is therefore in accordance with Policies L1, L5 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.24 Environmental and Drainage Issues
Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal which would utilise existing systems, however a SUDS Drainage Scheme would be secured by condition should planning permission be granted. The site is not prone to flooding. The proposal therefore accords with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.25 Affordable Housing
The proposal is for 1no. dwelling only, which is below the Council's threshold for affordable housing provision.
- 5.26 Education Service
The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.
- 5.27 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 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 would make efficient use of land within an Established Settlement, which would make a positive contribution to housing supply and sustainable development which accords with government guidelines contained in the NPPF.
- 6.3 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 Policies H2, H4 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

Reason

To comply with Policies L17, L18, EP1, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the first occupation of the dwelling house hereby approved, the access arrangement and car parking provision shall be implemented in accordance with the approved Site Plan Drawing No. 1953-4A and 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 H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Residential Parking Standards (Approved for development management purposes) 27th March 2013.

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

Reason

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

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

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first occupation of the dwelling hereby approved, the boundary fences shall be erected in accordance with the approved plans.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PK13/2109/R3F	Applicant:	South Gloucestershire Council
Site:	Beacon Rise Primary School Hanham Rd Kingswood South Gloucestershire	Date Reg:	1st July 2013
Proposal:	Erection of a two storey extension to the south west elevation that incorporates a replacement kitchen and multi purpose use room. Demolition of existing kitchen block.	Parish:	Hanham Parish Council
Map Ref:	364731 172932	Ward:	Woodstock
Application Category:	Minor	Target Date:	21st August 2013



© South Gloucestershire Council 2007.all rights reserved.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 100023410, 2008. **N.T.S.** **PK13/2109/R3F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from a local resident and also because the application is submitted under Regulation 3.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two-storey extension to facilitate the creation of a replacement kitchen and also incorporates a multi-purpose use room. The proposal would involve the demolition of an existing kitchen block.
- 1.2 The application relates to Beacon Rise Primary School situated within the established settlement boundary of Kingswood and includes three locally listed buildings. The school buildings were built at the very beginning of the twentieth century and included three detached blocks of equal size and design, for boys, girls and infants. Each is built of pennant sandstone with dressed bath stone detailing and is based on three main roof ranges, linked to form a square plan. To each elevation are decorative Dutch style gables. The three blocks are arranged such that the front pair address Hanham Road, with a gap between forming a vista to the third behind. The application proposes the demolition of a detached kitchen block (not part of the three principal blocks described above) and the erection of a new two-storey extension on the side (south west) elevation of the rear block.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
LC4 Proposals for Education and Community Facilities within the
Existing Urban Area and Defined Settlement Boundaries
L15 Locally Listed Buildings
T12 Transportation Development Control

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

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

2.3 Supplementary Planning Guidance

SPD: Design Checklist 2007
SPD: Local List 2008

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------------------|--|
| 3.1 | P98/4588
Approved | Erection of single storey rear extension
22.9.98 |
| 3.2 | PK99/0223/TMP
Approved | Erection of temporary buildings for teaching
25.1.00 |
| 3.3 | PK00/1518/R3F
Approved | Erection of replacement porch to nursery classroom.
Alterations to existing access including new 1.8 m high entrance gates
27.7.00 |
| 3.4 | PK05/1317/R3F
Refused | Erection of 1.8m high boundary fence
26.8.05 |

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection

- 4.2 Other Consultees

Environmental Protection

No objection subject to informatives attached to the decision notice

Highway Drainage

No objection

Sustainable Transport

No objection

Listed Building Officer

No objection subject to conditions attached to the decision notice

- 4.3 Local Residents

One letter of objection has been received. The points are summarised as:

- removal of canteen would allow views into my property
- how would the removal of the structure affect my property
- concerned with future use of adjoining car park
- additional parking restrictions have been implemented in surrounding streets but none outside car park entrance or entrance to my property which at school drop off and pick up times is constantly blocked

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The proposal would be assessed against the above policies. It is considered that the proposed development accords with the principle of development and this is discussed in more detail below.

- 5.2 Policy LC4 allows proposals for the development, expansion or improvement of education facilities with the existing urban area provided:

A. Proposals are located on sites which are highly accessible on foot and by bicycle; and

The site is located close to the local centres of both Kingswood and Hanham and therefore highly accessible on foot and bicycle.

B. Development would not unacceptably prejudice residential amenities; and

Concerns have been expressed by a local resident regarding firstly, the demolition of the existing canteen block to which part of his dwellinghouse is attached and secondly, the potential intervisibility created by the erection of a two storey block serving as new kitchen and multi-use room extension to the main block. This property, Rockleigh, is currently screened from the main Frome block by the canteen and divided from the school grounds by a 1.8 metre high wall.

Following the completion of the proposed extension to Frome Block, the existing canteen block would be demolished. Plans indicate a very small area of this block is currently attached to Rockleigh. Concerns have been expressed by the owner of this property with regard to how these alterations would affect his dwelling. This is outside the remit of a planning report, however, any proposal must pass strict building regulations where professional engineers deal with structural assessments.

The proposed two-storey structure would be located approximately 35 metres away from the closest residential property, Rockleigh. Openings in the proposed two-storey extension would be in the southwest and northwest elevations. Given the openings in the southwest elevation, closest to Rockleigh would be at ground floor level comprising a double entrance door and small window, and in combination with their distance from it, the proposal is considered not to adversely impact on the residential amenity of this property.

C. Development would not have unacceptable environmental or transportation effects; and

It is noted that the site is adjacent to a historic landfill site. There are no in principle objections to the proposal subject to informatives relating to contaminated land and those relating to work on construction sites being attached to the decision notice. Highway Engineers have assessed the proposal and state that there would be no direct transportation or highway impact arising from the proposed development.

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.

The proposal relates to the removal of an existing substandard canteen and the construction of an extension to the southwest elevation to serve as a new kitchen with teaching support accommodation below. No existing parking spaces currently provided within the site would be affected. The proposal

would therefore not give rise to unacceptable levels of on street parking or impact on highway safety.

A comment from a local resident makes reference to future use of a car park. It is acknowledged that future development may arise on the site in the form of additional classrooms to accommodate a predicted rise in demand for primary school places in the area. This does not fall under the remit of this current application and would be carefully considered should future applications affecting the car park be received by the Local Planning Authority. Likewise, the current parking arrangements in nearby streets is not something that can be addressed under this application.

5.3 Design and Visual Amenity

The proposed extension would be to the side (south west) elevation of the block known as Frome Block and the removal of the canteen which is located further to the south west approximately 25 metres from the existing block. The proposal would measure approximately 12.3 metres in width, 11.5 metres at its maximum depth and between 6 and 7.8 metres at its highest point. The principle floor level of Frome block is approximately a storey height above ground level and this has created the opportunity to form teaching support accommodation below the proposed kitchen. This area would comprise a large multi-purpose meeting room, and an interview/quiet room.

It is considered that this proposed location for the extension is appropriate as it would maintain the appearance of the blocks from Hanham Road and their spatial relationship with each other, which is regarded as an important characteristic. The scale, design and materials of the proposed extension are considered acceptable and overall the architectural and historic significance of the buildings will be maintained.

- 5.4 With regard to the kitchen blocks, these have clearly been subject of some intensive alterations and additions and as such they have a slightly unattractive and shabby appearance. The application states that the brick buildings with their part asbestos cement roofing and part concrete tiles, 'are in a poor state of repair. It is stated they are unfit for purpose, structurally unsound, very poorly insulated and currently suffer from damp and condensation. It is stated that their retention and refurbishment would be uneconomically viable. Given the above, there is no in principle objection to their removal.

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.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a representative sample panel of natural stone walling of at least one metre square showing the natural stone, coursing and mortar pointing, as well as a sample of dressed stone, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed samples, which shall be retained on site until completion of the development for consistency.

Reason: In order that the development is of an appropriate quality of design that serves to maintain the architectural and historic interest of the locally listed building in accordance with national guidance set out at the NPPF and policies L15 and D1 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

3. Prior to the commencement of development a representative sample of timber boarding shall be submitted and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed samples, which shall be retained on site until completion of the development for consistency.

Reason: In order that the development is of an appropriate quality of design that serves to maintain the architectural and historic interest of the locally listed building in accordance with national guidance set out at the NPPF and policies L15 and D1 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

4. Notwithstanding previously submitted details, and prior to the commencement of the development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be accompanied by drawings at a minimum scale of 1:5, including sections:

- a. all new windows (including cill and head/lintel details).
- b. all new doors (including frame and head details)
- c. reveals
- d. eaves, verges and ridges
- e. all new vents and flues;
- f. rainwater goods

The works shall be completed in accordance with the agreed details.

Reason: In order that the development is of an appropriate quality of design that serves to maintain the architectural and historic interest of the locally listed building in accordance with national guidance set out at the NPPF and policies L15 and D1 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

5. Notwithstanding previously submitted details, and prior to the commencement of the development representative samples of roofing materials shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed details.

Reason: In order that the development is of an appropriate quality of design that serves to maintain the architectural and historic interest of the locally listed building in accordance with national guidance set out at the NPPF and policies L15 and D1 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PK13/2240/F	Applicant:	Messrs Bendeaux, Starling And Gardener
Site:	Land R/o 37-43 Birgace Road Hawkesbury Upton Badminton South Gloucestershire GL9 1BH	Date Reg:	27th June 2013
Proposal:	Erection of 3 no. dwellings with access, parking and associated works.	Parish:	Hawkesbury Parish Council
Map Ref:	377890 186636	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	19th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/2240/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of many letters of support from local residents.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the construction of three detached dwellings on a green field site adjacent to the village of Hawkesbury Upton. The three dwellings would all be single storey only and would each have two bedrooms and a study. The remainder of the site would then be split up to provide parking and garden space.
- 1.2 The application states that the three homes would all be for residents over the age of 55 with a local connection and have expressed a willingness to enter into a S106 agreement to ensure this.

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
L1	Landscape Protection and Enhancement
L2	Cotswolds Area of Outstanding Natural Beauty
H3	Residential Development in the Countryside
H6	Affordable Housing
H7	Affordable Housing – Rural ‘Exceptions’ Schemes
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control

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

CS1	High Quality Design
CS5	Location of Development
CS18	Affordable Housing
CS19	Rural Housing Exception Sites
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

Affordable Housing SPD Adopted September 2008

3. RELEVANT PLANNING HISTORY

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

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
"The Parish Council Objects to the proposed planning application for the following reasons;
- The Parish Council is aware the Planning application falls outside the village development boundary
 - It comes without a supporting housing survey;
 - It also pre-empts the PSP DPD.
- 4.2 Highway Drainage
No Objection subject to conditions
- 4.3 Environmental Protection
No Objection subject to conditions
- 4.4 Councils Landscape Architect
Objects to the scheme
- 4.5 Councils Transportation Officer
No Objection
- 4.6 PROW officer
No Objection
- 4.7 Housing Enabling
Objects

Other Representations

- 4.8 Local Residents
Approximately 43 letters of support have been received in relation to this application. The letters primarily support the application as the writers all believe Hawkesbury Upton to be in need of this type of accommodation.

Approximately 6 letters of objection have also been received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application site lies outside of the defined settlement boundary. The application is to develop the site for retirement bungalows (NOT recognised as affordable housing).

As the development is outside of the settlement boundary and not within an existing residential curtilage, the application stands to be assessed against the requirements of Policy H3 of the adopted local plan.

5.2 Residential Development in the Open Countryside

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

5.3 Rural Exceptions Policy

Whilst this application is not for affordable housing and therefore is not a rural exception site, the approval of housing on the adjacent site also outside of the village development boundary in 1994 has been raised by the agent. In the interest of completeness therefore, the rural exceptions policy will also be discussed.

5.4 It is indeed true that in 1994, the erection of 10 houses was allowed on a site immediately adjacent to this application site. These 10 houses were also outside of the defined settlement boundary. However, the 10 houses subject of the 1994 application were true affordable houses and a S106 agreement was signed to secure this. Therefore, there are no planning similarities between this 1994 approval and the scheme currently for consideration in terms of the policies that apply.

5.5 Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy (which relate to rural exceptions sites) allow for small scale proposals for affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. *social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market* and therefore would be contrary to Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy.

5.6 Visual Amenity/Area of Outstanding Natural Beauty

The site is located on the south west corner of Hawkesbury Upton and is located outside the Settlement boundary. Hawkesbury Upton is washed over by the AONB. Although the open and exposed character of the surrounding landscape make it potentially highly sensitive to change, with regards to Policy L1 the development would not significantly change the landscape character of the area. The proposed development would be viewed against the back drop of the existing relatively modern properties currently forming the edge of Hawkesbury.

The South Gloucestershire Landscape Character Assessment has noted that “More recent built development, such as at Hawkesbury Upton, is situated on higher ground on the edge of the older village core, where the new rooftops break the skyline and there is little tree cover, making it visually prominent within the wider landscape.”

- 5.7 There is scope to improve the southern approach to Hawkesbury with hedge and tree planting which would help to screen, soften and integrate the settlement edge within the surrounding landscape. There is scope therefore for the development to enhance the settlement edge of Hawkesbury Upton. However the combined footprints of the proposed bungalows do not leave adequate space for boundary hedges and standard native trees to mature. Any planting on the boundary should be mixed native hedge, but not the hornbeam and beech as proposed as this would have a domesticating effect on the rural landscape character. One of the proposed trees is located under the existing telegraph wires – this would need to be relocated. By blocking the views of the open countryside the proposed development would have a detrimental effect on the outlook of the existing adjacent properties and allotment holders. This impact would be reduced by the fact that they are bungalows. However the overall layout and mass of the combined dwellings would need to be altered and reduced in order to help maintain views out of from the existing settlement. With regards to Policy L1 and L2 the development could enhance the southern approach to Hawkesbury Upton through robust hedge and tree planting on the boundary however, given that there is a strong policy objection to the proposal, this has not been pursued further.

5.8 Design

The proposal is for the erection of three bungalows with very large footprints. The dwellings would be constructed of natural stone and have slate roofs. The plans appear to show that the dwellings will share the garden space with no formally defined private gardens. The site also appears to lie on a backland plot, being accessed by an existing agricultural access lane to the site tucked up behind the existing dwellings on Birgage Road.

- 5.9 Whilst, in the opinion of your officer, the dwellings will appear quite out of keeping with the immediately adjacent dwellings, this on its own is not put forward as a reason for refusal. The neighbouring properties are of no special architectural merit and so it is not considered that there is any merit in reflecting the existing built form. Therefore, there is no objection to the style and design of the dwellings

5.10 Access

The Councils highway officer has raised no objection to the proposed development. Adequate off street parking and turning provision is made to meet the needs arising. Although there is some concern regarding the distance the bins would have to be wheeled, this alone is not of sufficient concern to warrant the attachment of an additional refusal reason.

5.11 Residential Amenity

Whilst not shown on the plans, the site does have a slight gradient to it whereby the site slopes up gently away from the rear of dwellings 37 to 48. As a result, the proposed bungalows will be at a slightly higher level than the floor level in the existing properties. There is also an existing single storey extension on the rear of No. 37 that is not shown on the plans.

5.12 There is concern that one of the proposed bungalows, that is the bungalow at the bottom of the gardens of No's 37 and 39, will have a detrimental impact on the existing level of amenity afforded to these dwellings. Whilst the proposal is or bungalows only, the eaves height will be 2.4 metres with a maximum height up to 5.4 metres. The rear wall of the proposed bungalow will be less than 8 metres from the rear extension on No. 37 and less than 9 metres from the main rear wall of No. 39. Windows and doors are shown in the rear elevation of the proposed dwelling facing towards No's 37 and 39 and due to the lack of sections, your officer cannot be certain that the existing boundary treatment will obstruct visibility.

5.13 Because of the massing and height of the proposed bungalow, its proximity to the existing boundary fence and the fact that it will span almost the entire rear boundary of numbers 37 and 39 Birgace Road, it is considered that the proposed development will have an overbearing impact on the existing level of residential amenity afforded to these properties. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

5.14 Whilst the level of amenity space proposed is minimal, given that children will not reside in the development, the level is considered to be acceptable to meet the needs of the development.

5.15 Policy

It has been suggested through the consultation process that the village development boundary should be adjusted to accommodate this development. It is therefore appropriate just to clarify the current policy position.

5.16 The South Gloucestershire Core Strategy is at an advanced stage of preparation and merits substantial weight in determining current planning applications. The Core Strategy in Policy CS5 (and Policy CS34) re-confirms the current settlement boundaries around villages.

5.17 Policies CS5 (Location of Development) and CS34 (Rural Areas) set the context for development affecting a rural area. As the proposal is outside the settlement boundary of Hawkesbury Upton the site is regarded as being in the open countryside and therefore contrary to Policy CS5 (and CS34). Policy CS5 of the Core Strategy states that "in the rural areas communities will be empowered to shape the future of their own area through opportunities presented by Neighbourhood Planning." Policies CS5 and CS34 of the Core Strategy also require the council to review the rural settlement boundaries in the Policies Sites and Places Development Plan Document (PSP DPD) and undertake a review of the approach to the distribution of housing in the rural areas to include engagement with the local community and other

stakeholders/parties. Should the local community, via the parish council, identify a need for housing in their area, to sustain the village, this could be delivered either through neighbourhood planning or the PSP DPD. Both approaches would require a thorough and transparent assessment of all site/location options in order to identify the most appropriate and deliverable site/ location. Initial work on the Policies Sites and Places DPD has commenced. However at this stage no weight can be given to this document when determining planning applications.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application be refused for the following reasons;

Contact Officer: Marie Bath
Tel. No. 01454 864769

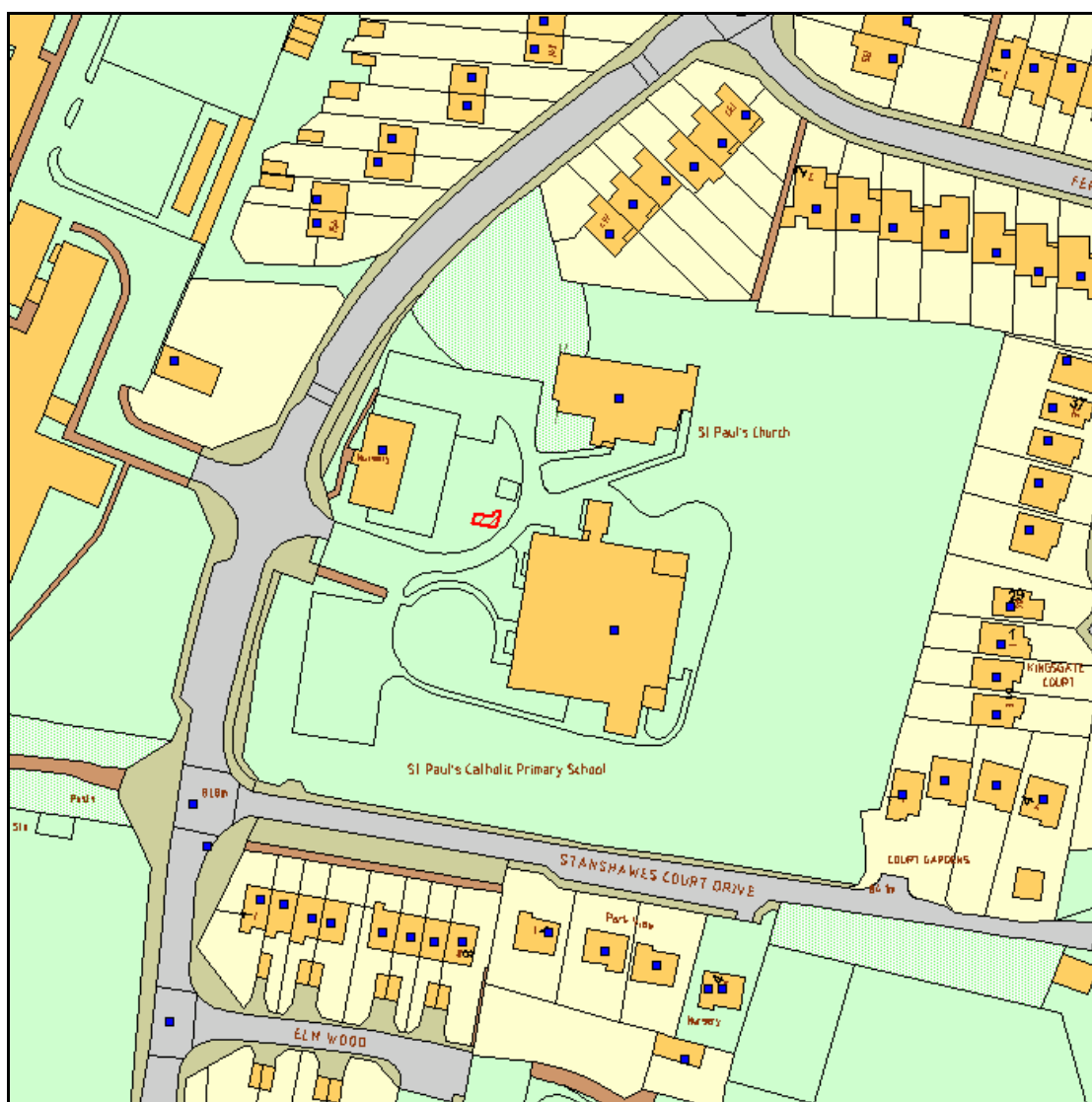
REASONS FOR REFUSAL

- 1. Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy (which relate to rural exceptions sites) allow for small scale proposals for affordable housing to meet a local need where market housing would not normally be acceptable because of planning policy constraints. Although the applicant proposes to restrict occupation of the 3 dwellings for purchasers aged 55 and over with a local connection, this type of tenure is not deemed affordable housing as defined by the NPPF i.e. social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market and therefore would be contrary to Planning Policy H7 of the South Gloucestershire Local Plan and Policy CS19 of the Core Strategy. Policy H3 of the South Gloucestershire Local Plan states that 'proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following – Affordable housing on Rural Exception sites, Housing for agricultural or forestry workers, or replacement dwellings.' The application is for three retirement dwellings and therefore the proposal does not fall within one of the three limited categories of development and the application is contrary to the requirements of Policy H3 of the Adopted Local Plan.

2. Because of the massing and height of the proposed bungalow closest to No's 37 to 49 Birgage Road, its proximity to the existing boundary fence and the fact that it will span almost the entire rear boundary of numbers 37 and 39 Birgage Road, it is considered that the proposed development will have an overbearing impact on the existing level of residential amenity afforded to these properties. The rear wall of the proposed bungalow will be less than 8 metres from the rear extension on No. 37 and less than 9 metres from the main rear wall of No. 39. Windows and doors are shown in the rear elevation of the proposed dwelling facing towards No's 37 and 39 and due to the lack of sections and the existing change in ground levels, your officer cannot be certain that the existing boundary treatment will obstruct visibility. The application is therefore contrary to the requirements of Policy H3 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PK13/2290/R3F	Applicant	Mr J Clements
		:	Streetcare and Transport
Site:	St Pauls Rc Primary School Sundridge Park Yate Bristol South Gloucestershire	Date Reg:	1st July 2013
Proposal:	Erection of cycle shelter.	Parish:	Yate Town Council
Map Ref:	371305 181945	Ward:	Yate Central
Application Category:	Minor	Target Date:	22nd August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/2290/R3F

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 Apollo' type cycle shelter complete with associated hardstanding to accommodate 10no cycles, and 5no. galvanised 'Sheffield' type stands.
- 1.2 The application site comprises St Pauls Rc Primary School situated adjacent to an established residential area of Yate.

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

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 PK04/1079/F - Erection of classroom extension. Approved 22nd April 2004
- 3.2 PK02/2978/F - Erection of two storey building for use as a children's nursery with associated works. Approved 21st January 2003

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Transport Officer
No objection

- 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 Apollo' type cycle shelter complete with associated hardstanding to accommodate 10no cycles, and 5no. galvanised 'Sheffield' type 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 entirely within the boundary of the school site and would not be visible from the surrounding residential dwellings. It is considered that the proposal would not prejudice the residential amenity of nearby occupiers.

5.3 Transport

The application site has an existing cycle shelter and hardstanding area situated adjacent to the access driveway to the School. The proposal would be in addition to the existing cycle facilities on the site and would be located next to them: extending the existing hardstanding area. It is considered that the proposal would positively contribute to the provision of more sustainable methods of transport to serve the School. The proposal raises no concerns in terms of highway safety and is therefore 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 on the roof and would be similar in design to the existing cycle shelter on the site. The shelter would be located on an extended area of hard surface adjacent to the existing cycle shelter. The proposal is considered minor in scale and the design of it 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 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

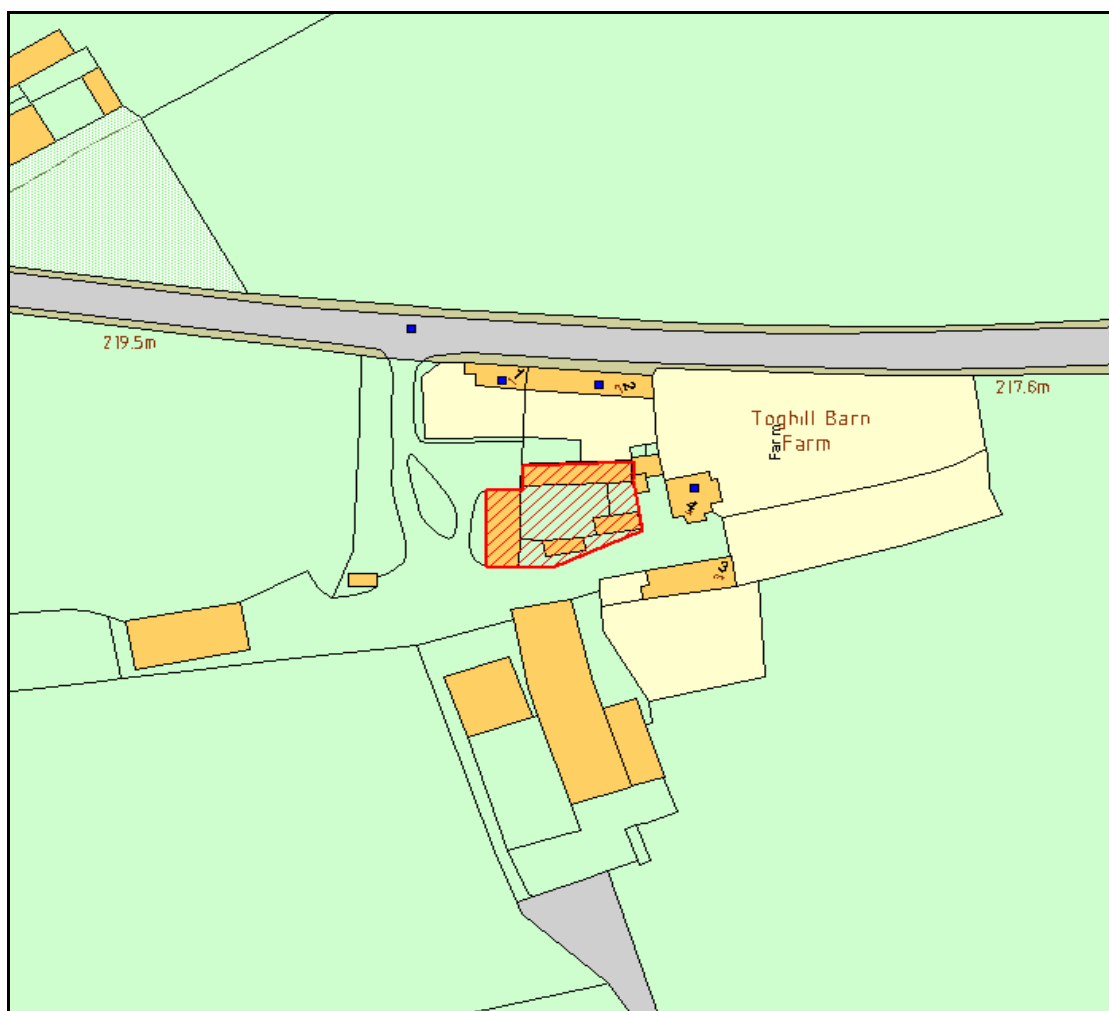
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 32/13 – 09 AUGUST 2013

App No.:	PK13/2322/R3F	Applicant:	South Gloucestershire Council South Gloucestershire Council
Site:	Toghill Barn Farm London Road Wick South Gloucestershire BS30 5RU	Date Reg:	9th July 2013
Proposal:	Conversion of existing barn and stable block to form 1no. dwelling with associated works.	Parish:	Cold Ashton Parish Council
Map Ref:	373648 172605	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	29th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/2322/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted by the Council itself.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of an agricultural building to residential use. The building is situated at the top of Tog Hill, in the Green Belt and the Cotswolds Area of Outstanding Natural Beauty. It stands at the centre of a farm group and was last used as a barn and stables. It is a two storey building built of stone, under a tiled roof, in two parts, a two storey element and a single storey range, at 90 degrees to the main part of the building, linked by a wall. The site has been marketed for commercial workspace, suitable for offices, storage, workshop or holiday let and is now proposed for residential use. A residential curtilage would be formed between the two elements of the 4 bedroom dwelling proposed. The area from the west of the barn up to the access was originally included in this proposed residential curtilage but the site boundary has now been amended to exclude this.
- 1.2 The site is accessed off the A420 via the farm access. To the north, bordering the road, are two dwellings and others lie to the east and south of the site, all using the same access.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
DETR Circular 03/99
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
GB1 Green Belt
L2 Cotswolds AONB
E7 Re-use of agricultural buildings
H10 Residential Conversion of agricultural buildings
T12 Highway safety
L9 Wildlife
EP1 Environmental pollution
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Development in the Green Belt (2007)
Residential Parking Standards (2013)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Cold Ashton Parish Council

No objection, provided that the access onto the A420 is improved and the circular rick stands on the right hand side of the entrance are preserved and made a feature of.

4.2 Other Consultees

Environmental protection

Due to the likelihood of contamination of the site, a condition is recommended requiring a desk top study and remediation.

Transportation

No objection, subject to a condition requiring the requisite visibility to be achieved at the site access.

Technical Services

A site visit has shown that the site has ground conditions conducive to the necessary rate of soakage. No objection.

Ecologist

No objection, subject to conditions to safeguard swallows and bats.

Landscape

No objection subject to the inclusion of a condition regarding the detailing of the stone wall on the southern boundary of the site.

Public Rights of Way

The proposed development is unlikely to affect the nearest public right of way LCA/15 that runs from the south west of the proposed development boundary along the roadway that is the entrance track to the various buildings at Toghill Barn Farm.

4.3 Local Residents

One letter was received, making a general comment, asking if a full survey for bats and swallows will be carried out.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies in the Green Belt, where it is not inappropriate to change the use of buildings, as long as the openness of the Green Belt is not compromised. Other issues are the visibility for vehicles leaving the site access, means of drainage, the marketing of the site and the impact of the conversion on the landscape and natural beauty of the area.

While it is considered that the site is not situated in a very sustainable location, the first consideration is to try to achieve a use which would be of benefit to the rural economy in accordance with policy E7. Marketing of the site for a business use has been carried out as required by criterion A of policy H10 and

no business user could be found. The proposal therefore needs to satisfy the other limbs of policy H10.

It is concluded that, subject to the following analysis, the proposal would be acceptable in principle.

5.2 Green Belt

The Local Plan policy GB1 allows for the conversion of buildings in the Green Belt, as long as doing so does not compromise the openness of the Green Belt. The external effects of the proposal are limited to the creation of a garden area and the provision of parking. Both of these would be limited to the area enclosed by the existing buildings and linking wall and this would prevent any impact on the openness of the Green Belt when viewed from the public realm. No extensions are proposed to the building itself. The size of the curtilage proposed has been reduced through negotiation. The area removed provides the opportunity for some appropriate landscaping, which is recommended to be required by the condition shown below. The proposed change of use is therefore considered to accord with policy GB1 of the adopted Local Plan. The NPPF broadly follows the Local Plan policy with regard to the Green Belt and cites the Green Belt's two most important attributes to be its openness and its permanence. Since this proposal is not considered to harm its openness or its permanence (the site remains in the Green Belt) then it is considered that the proposal also accords with the guidance in the NPPF. A condition has been appended to ensure that permitted development right are removed to ensure that any proposed extensions receive scrutiny, in order to protect the openness of the Green Belt.

5.3 H10: Re-use of Rural Buildings

Policy H10 sets the requirement that buildings in rural locations should first be tested for a business use in order to benefit the rural economy. In regard to this, a marketing statement has been compiled by David James and Partners which states that the property was placed on the market in May 2012 with advertising in newspapers and on their rural property website, with a guide price dependent on use. The rates suggested in the advertising are considered to be appropriate and the marketing statement confirms that, despite interest in the property, no requests were made for particulars, no viewings were requested and no negotiations conducted. This is considered to represent a suitable duration for the marketing of the site, at a reasonable rate and it is concluded that the site could not viably be put to an employment use in accordance with criterion A of policy H10. A residential use therefore becomes the next best option and criterion A is considered to have been satisfied.

Policy H10 also requires that buildings to be converted to residential use are of permanent construction. In this case, it is considered that the buildings are suitable to convert and the works to achieve this would be limited to repairs at most, not affecting the intrinsic character of the buildings. It is also required that the buildings are in keeping with their surroundings, which, as they are central to the farm group, is considered to be the case. In this regard they are also considered to be well related to a group of buildings, satisfying criterion E. For the reasons given above, it is also considered that the proposal would not have a detrimental impact on the character of the countryside. The effect on the

amenities of the surrounding area will be examined separately below. Subject to that analysis, it is considered that the proposal accords with policy H10 of the adopted Local Plan.

5.4 Transportation

There has been no highway objection raised to this proposal, and while it is considered that the change of use would lead to a greater number of vehicular movements at the junction than the re-commenced agricultural use of this building, which can only be accessed via the same access point, this increase is considered to be marginal in context.

The farm is located 2 Miles to the east of Wick village along the A420 between Wick and Marshfield. It is in a rural location and relatively isolated, with its access directly onto the A420. Previously there have been 4 houses on site and the traffic movements from this site would have also included the traffic to and from the dairy farm on site. Whilst active, the farm generates traffic on its own merit. The farmer would have traveled with his tractor and trailers between the farm areas either side of the A420 and there would have been tankers and delivery lorries coming to the farm. As the farm will no longer be operational then all farming traffic will discontinue as part of this proposal. Instead, the access would be used by five dwellings. The A420 where the site access is located is subject to 60mph speed limit and as such, vehicular speeds are high. With this in mind, it is essential to provide adequate visibility splays from the site access onto the main road. The applicant has provided a plan showing details of visibility splays. The submitted plan indicates that appropriate length of visibility splays of 2.4m by 215m can be achieved from the site access onto the main road but this requires removing/trimming back some of the existing vegetation either side of the access. A condition is recommended below ensuring that the visibility splay shown on the amended plan is provided and maintained. Subject to compliance with this, the proposal is considered to accord with policy T12 of the adopted Local Plan.

5.5 L9: Wildlife

The building has been surveyed and an ecological report supports the application. The Council's Ecologist has assessed this report. The ecological appraisal by Burrows Ecological concluded that while buildings 3 and 4 were unsuitable habitats, buildings 1 and 2 contained gaps and crevices offering roosting opportunities for use by bats and recommended that the latter be subject to at least three dawn/dusk surveys. An internal inspection of buildings 1 and 2 and two dawn and one dusk bat survey were carried out in mid-late May 2013 by Wessex Ecological Consultancy.

A scattering of droppings (probably brown long-eared bats) was recorded in the upper floor of building 1. At least four brown long-eared bats were recorded in the upper floor of building 1 and a single *Myotis* sp (possibly a Natterer's bat from analysis of droppings within building 1) was recorded emerging from the eaves of building 1. All species of bats are protected under the Wildlife & Countryside Act 1981 (as amended) and Countryside & Rights of Way Act 2000, as well as by European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), which is transposed into British law by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations').

As a European Protected Species (EPS), a licence under Regulation 53/56 of the Habitat Regulations is required for development to be lawful. A recent judicial review (2009, Woolley v East Cheshire BC) directed that, to fully engage with the Habitats Directive/Habitat Regulations, planning applications should be subject to the same 'tests' under Article 16/Regulation 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application. For a licence to be issued, the application has to satisfy the three 'tests' under Regulation 53/56. It has to be:-

- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;*
- *There is no satisfactory alternative;*
- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*

The bat survey dated April/May 2013 by Wessex Ecological Consultancy includes a series of mitigation measures to avoid potential impacts on two species of bats (*Myotis* sp and brown long-eared bats). The measures include construction of a void above the kitchen with an external access point; and a series of niches accessed through vents within the roof's ridge. Applying the three 'tests', the first relates to development which is regarded as being of '*overriding public interest of an 'economic nature'*'. Regarding the second '*no satisfactory alternative*' test, the development maintains a series of access points and roosting opportunities suitable for the species of bats recorded using the building and, given this, it is considered that the scheme satisfies the second EPS licensing test in that it demonstrates that there is '*no satisfactory alternative*'. Regarding the third test of '*favourable status*', the design of the scheme provides for a series of roosting spaces suitable for use by the two species of bat recorded using buildings 1 and 2. Given this, it is considered that the development would not be '*detrimental to the maintenance of the species at a favourable status in their natural range*'. The mitigation measures in the bat survey dated April/May 2013 by Wessex Ecological Consultancy form the relevant condition recommended below.

In regard to birds, the ecological appraisal by Burrows Ecological dated March 2013 recorded swallows using buildings 1 and 2. As access to their usual nesting locations would be lost if the building were to be converted, the appraisal proposed providing a series of artificial nest sites for swallows within an open-fronted building as part of the development. The design and access statement proposes that artificial swallow nest cups are erected within the open wood and garden stores forming part of the stables and this is also required by the appropriate condition recommended below. Subject to compliance with this, it is considered that the proposal accords with Local Plan policy L9.

5.6 Residential Amenity

The building stands in a central location within its grounds, set well back from the cartilage of the bungalow to the north. Under this proposal, the two cartilages would not connect, but an intervening parcel of agricultural land would divide them. The separation distance between the building on site and the dwelling to the north, taking into account the boundary treatment and that both would be single storey, is considered to adequate to ensure that this proposal would not compromise existing standards of residential amenity for either the proposed or the existing dwelling.

5.7 Drainage

Although initially objecting to the proposal, it has been demonstrated to Technical Services that the site is suitable to take a septic tank with an approved method of overflow irrigation. Implementation of this would be required and achieved through the Building Regulations and the proposed septic tank meets the terms of Circular 03/99 and policy EP1 of the adopted Local Plan.

5.8 Visual Amenity, AONB and Landscape

The barns are located within a complex of agricultural and residential buildings. Potentially the biggest impact that a conversion can have on the surrounding landscape character is through the creation of a domestic curtilage and its boundary treatments. The domestic curtilage has been restricted to the area to the south east of the barns, as shown on the amended plan. There is a well with water pump and four corn ricks outside the residential curtilage area and due to the landscape amenity of the area, which forms the setting for the approach to the site, these features have been sought to be preserved, by means of the relevant condition recommended below.

This domestic curtilage area is visually contained by the barn to the north and west. The Dutch barn and garage on the southern boundary are being removed. It is proposed to construct a new stone wall to match the existing – the height of this wall needs to be specified, the current wall is 2.5m high. Views into the site from the open countryside and public footpath to the south will be restricted by the existing agricultural buildings. However Tog Hill Farm will be undergoing further changes in ownership and possibly land use and to preserve the rural character in the event of these agricultural buildings ever being removed it is considered preferable for the new stone wall to be tall enough to screen views of the car parking and other domestic paraphernalia. A condition is therefore recommended below, requiring the details of the height, materials and construction style of the new stone wall on the southern boundary, which will be expected to respect the site's Cotswold AONB setting and policy L2.

6. CONCLUSION

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

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

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The development shall be implemented in full accordance with the recommendations of the bat survey carried dated April/May 2013 by Wessex Ecological Consultancy and the proposed floor plans and elevations hereby approved.

Reason

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

3. Prior to the commencement of development, details of a scheme of artificial nesting sites (nesting cups) for swallows shall be submitted for approval in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme prior to the first occupation of the barn.

Reason

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

4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F and H), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To prevent later extensions to the dwelling that would affect the openness of the Green Belt and character of the barn to accord with policies Gb1 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land]to accord with Policies EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 7. Prior to the commencement of development a plan indicating the design, construction, height, materials and type of boundary treatment to the southern boundary of the site shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is first occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 8. Prior to the first use or occupation of the development hereby approved, a visibility splay as indicated on plan 05 A shall be created for the access onto the A420. The visibility splay shall be kept free of all vegetation or other obstruction over 0.6 metres in height above ground level thereafter..

Reason

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

- 9. The hay ricks to the west of the site access for the farm group shall be retained.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 10. Notwithstanding the approved plans, 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) casement windows in place of the sash windows shown on the plans.

Reason

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

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PK13/2394/CLP	Applicant:	Mr P Gillard
Site:	3 Highfield Avenue Hanham South Gloucestershire BS15 3RA	Date Reg:	5th July 2013
Proposal:	Application for Certificate of Lawfulness for the proposed installation of side and rear dormers.	Parish:	Hanham Parish Council
Map Ref:	364739 172138	Ward:	Hanham
Application Category:	Minor	Target Date:	27th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/2394/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed installation of a rear dormer window and a side dormer window at No 3 Highfield Avenue, Hanham would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 The application property is a two-storey detached dwelling and is located within the defined settlement boundary of Hanham.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class B.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection received
- 4.2 Local Residents
None received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Proposed and Existing block plan – drawing GA 001 sheet 1; Existing and proposed first and second floor plans – drawing GA 002; Existing elevations – drawing GA 003; Proposed front and side elevations – drawing GA 004. .

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence

submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B of the GPDO 2008. The site is in use as a dwellinghouse, and there is no evidence to indicate that the permitted development rights have been removed. Schedule 2, Part 1, Class B of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, provided that it meets the criteria as detailed below:

6.2 Installation of rear dormer and hip to gable roof enlargement.

B1 Development is not permitted by Class B if—

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

Neither the proposed rear dormer nor the proposed side dormer will exceed the height of the highest part of the existing roof.

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

The proposed dormer extensions will be on the rear and side elevations, which are not the principal elevations, and do not front a highway.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The dwelling is a semi-detached property and the total cubic content of the proposed rear and side dormers is approximately 21.21 m³.

- (d) it would consist of or include—**
(i) the construction or provision of a veranda, balcony or raised platform, or
(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or

The proposed development will not consist of any of the above.

- (e) the dwellinghouse is on article 1(5) land.**

The application site is not located on article 1(5) land.

Conditions

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

The materials to be used in the development will be rooftiles to match those of the existing dwellinghouse and shingles of a colour to match the tiles.

- (b) **Other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 cm from the eaves of the original roof.**

The edge of the dormers are shown to be not less than 20cm from the lowest part of the eaves of the original roof.

- (c) **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**

The windows in the side elevation will be obscure glazed with opening parts more than 1.7 metres above floor level.

6. RECOMMENDATION

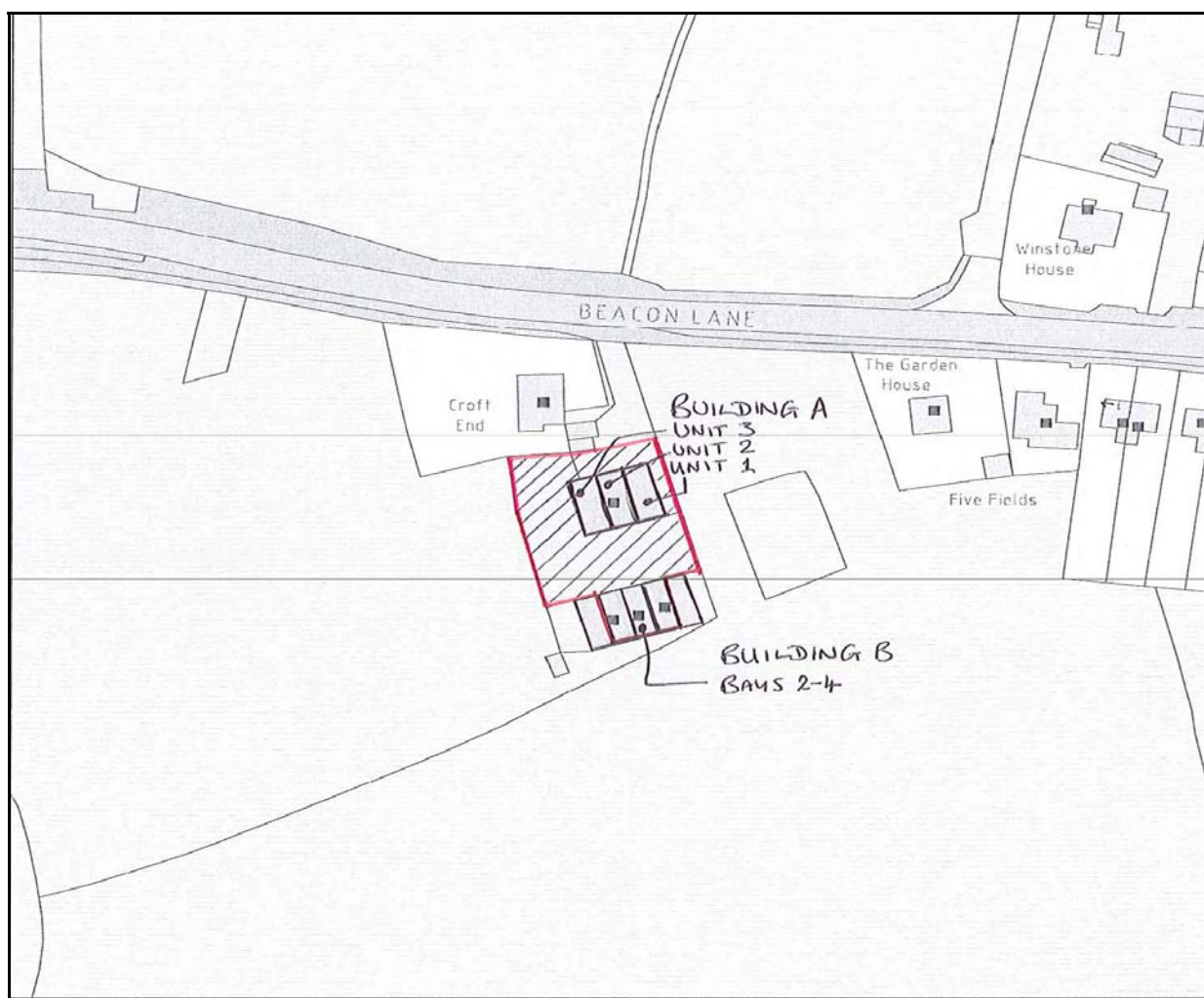
- 6.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that on the balance of probability the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore permitted development.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT11/2086/CLE	Applicant:	Mr J Amos
Site:	Croft End Beacon Lane Winterbourne Bristol South Gloucestershire	Date Reg:	5th July 2011
Proposal:	Application for Certificate of Lawfulness for the existing use of Building A Units 1, 2, and 3 for Vehicle Repairs, Bodywork and Paint Spraying and Building B Bays 1 to 4 for Storage of vehicles pre and post repair from Building A. (Resubmission of PT10/3463/CLE).	Parish:	Winterbourne Parish Council
Map Ref:	364423 180557	Ward:	Winterbourne
Application Category:	Minor	Target Date:	24th August 2011



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT11/2086/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule in accordance with agreed procedures as it relates to an application for a Certificate of Lawfulness for an existing use.

1. DESCRIPTION OF DEVELOPMENT

- 1.1 An application is made to demonstrate on the balance of probability that the site known as Croft End, Beacon Lane, Winterbourne has been used for B2 and B8 uses. Specifically the site is split in the application form into Building A and Building B.
- Building A is said to have three units which are numbers 1 to 3. These are claimed to be used for vehicle repairs, including mechanical repairs, bodywork and paint spraying.
Building B is a large open sided five bay building of which is claimed the four western bays have been used for storage ancillary to the businesses taking place in building A.
- 1.2 It is worth noting that this is a resubmission of a previous scheme and the site area has been reduced in scale significantly to exclude the bungalow, garden, agricultural land and the eastern bay of building B.
- 1.3 The application is made on behalf of Mr Jon Amos, the owner of the site. The applicant claims that the use began in 1997 (more than ten years before the date of this application). It is further claimed that there has been no interruption in those activities since the use began and that there has been no material change in the use of the site since the activity began.
- 1.4 This is not an application for planning permission where the planning merits of the case are to be considered against the development plan policies, but an application for a Certificate of Lawfulness. The test is to assess whether on the 'balance of probabilities' (not beyond reasonable doubt) the uses as described have been carried out on the site for a continuous period of at least ten years. The evidence submitted by the applicant and any counter evidence found or supplied during the application is analysed in this report.

2. POLICY CONTEXT

- 2.1 National Guidance/legislative framework
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35
Circular 10/97 'Enforcing Planning Control: Legislative provisions and Procedural Requirements'

3. MOST RELEVANT SITE HISTORY

- 3.1 PT09/5890/F Detached garage. Permitted development
- PT10/0680/F Erection of single storey rear extension to form additional living accommodation. Approved 27/4/2010

PT10/3463/CLE Application for Certificate of Lawfulness for the existing use of Building A Units 1, 2, and 3 for Vehicle Repairs (Class B2) and Building B for Storage of vehicles and other items (Class B8). Withdrawn

There is no enforcement history related to the red lined area.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 A summary of tax returns indicate that rent was realised for 'Beacon Lane'. This appears to have increased steadily since 1996 although there is an obvious reduction in the rental income between 2005 and 2007. These figures are raised as summaries by Prowting and Partners Ltd Chartered Accountants in respect of the applicants and his, now deceased, parents and refer to the money raised in rent from only the Beacon Lane properties. Additionally letters which contain sensitive information have been received as part of this application. These show that John Amos and Mr Keohane (applicants Business partner) were sold vehicles on a trade basis by a major car company between 24/6/2005 and 18/10/2007, have a 13 year old trade account with a car accessories store locally and during the period 1999 to 2008 were sold five second hand ex-company vans by a local firm. There are also 15 letters from customers who have bought, often more than one car (details given), since 2000. These also indicate that the transactions took place from Croft End. Further evidence is produced by bank statements dated October 2002 to December 2010 indicating that a significant number of car related transactions have taken, including high value purchases from Manheim Auctions.
- 4.2 Statutory declaration from Jonathan Amos dated 13th May 2011. Now co owner of the site with Elizabeth Trindle. When his father retired in 1985 they together used buildings A and B for car and tractor repairs, and the storage of cars, tractors and various other items. In 1997 building A was split into three and unit A1 and A3 were used for spraying cars and light vehicle repairs. Unit two was used by J Amos himself and business partner Rodney Keohane. The business involves acquiring vehicles in various states of repair, storing them on site and using unit A2 for repairs(including mechanical repairs/bodywork and paint spraying and post repair storage pending collection by purchasers. Reference is made to the submission of the above tax return information and an explanation for the dip in rental income is given which related to low rental receipts as an incentive to Both Mr Nickells and Mr Sanders was given at the start of their tenancy.
- 4.3 Statutory declaration from Elizabeth Tindle dated 11th May 2011, who has visited the site for thirteen years and states that Unit 1 has been used for light vehicle repairs, unit 2 as a workshop and car repairs by J Amos, and unit three for car spraying. Building B has been used for storage of cars, tractors and other items. The concrete hardstanding was in existence and used for customer vehicles for the existing businesses.
- 4.4 Statutory declaration of Peter Hitchman, dated 17th May 2011, a teacher and brother-in-law to Mr Amos, who keeps rare breed birds on the adjoining land and attends the site daily to tend to the birds. He confirms that the buildings

have been used continuously for separate car associated businesses, and building B has been used continually for storage.

A further, unsworn comment was received from Mr Hitchman that he has never paid rent to the Amos's as he is part owner of the land where the chickens are kept. He asserts that the rental income was from the use of the barns which have been continuously occupied.

- 4.5 Statutory declaration of Nicholas Sargent, a contracts manager who has visited the site as a customer using the services of both of the car repair businesses at A1 and A3. He has also stored his boat in the rear barn for over ten years. The rear barn was also being used for the storage of cars and other items. Unit two has been used as a workshop by Jonathan Amos for his car repair business for over ten years.
- 4.6 Statutory declaration of Rodney Keohane, an Aeronautical Technician at GKN Aerospace who has visited the site since 1996 both as a business partner and customer using the services of both businesses in units 1 and 3 in building A. During this time there were also cars and other items being stored in building B and buildings A2 and B were used by Jonathan Amos and himself for their car business which involves acquiring vehicles in need of repair, storing them in Building B, repairing them in building A2 (mechanical, bodywork, paint spraying) and post repair storage awaiting collection by customers.
- 4.7 Statutory declaration of David Crookes of Cricklade, dated 9 June 2011, who operated his business D C AutoCare in unit 1 between April 1997 and August 2005. The business involved light vehicle repairs operating Monday to Friday 8am to 6pm and Saturday 8am to 1pm. During his occupation of unit 1, unit 2 was used by Jonathan Amos for his car repair business, unit 3 was used for car repairs and car spraying. These uses were uninterrupted during his occupation. Building B was being used for storage cars and other items. The concrete hardstanding around both buildings was used in association with the existing business uses.
- 4.8 Statutory declaration of Ian Sanders, dated 17 May 2011, who occupied unit 3 between 1997 and 2001, and again from 2006 to present day (1 December 2010) for his businesses called Ian Sanders and Spot on Mobile Repairs respectively. This building involved repairs and car spraying. The business operates between Monday to Friday 8am to 6pm and Saturday 8am to 1pm. Whilst in occupation in unit three, unit two was being used by Jonathan Amos for his car business, and that unit one was used for light vehicle repairs. Building B was used for storage, cars and other items. All these uses continued uninterrupted during the period of his occupation of unit A3. The concrete hardstanding was used in association with the existing businesses. At the commencement of his occupation he was offered attractive rental terms as a commercial incentive.
- 4.9 Statutory declaration of John Nickells of Little Stoke, dated 13 May 2011, who occupied unit 1 from August 2005 to present date as BS Auto Maintenance. This is light vehicle repairs and operates Monday to Friday 8am to 6pm and Saturday 8am to 1pm. Whilst in occupation of unit 1 he states that unit 2 was

being used by Jonathan Amos for his car business and unit 3 was used for car spraying. Building B 'is being' used for storage of cars and other items. He confirms that hardstanding is used in association with the existing business uses.

5. SUMMARY OF CONTRARY EVIDENCE

5.1 Correspondence received

Letters from or on behalf of three addresses, each objecting to the application have been received and relevant information is drawn as follows.

- 5.2 Mr Chilcot raises planning concerns but offers no evidence either way. He notes that the accounts submitted do not appear to detail from whom or for what rent has been paid and so do not demonstrate a continued business use. There is not evidence of business rates being paid. He also, in the previous response he refers to, notes that the application indicates that the applicants wife works in the planning department and suggests that the application goes to committee as a result.
- 5.3 J Anthony of a Kingswood address objects but raises no 'evidence' that the site has not been used as applied for.
- 5.4 Pegasus Planning have written on behalf of Mr Clarke on 1 August 2011, resident at The Garden House and appended his letter regarding the previous (withdrawn) application for certificate of lawfulness. He summarises the eight statutory declarations and gives his view as to how the application should proceed to determination. He is concerned that there is a lack of corroborative evidence and that his client has contradicted the claims in the Statutory Declarations but not provided any weightier statement from the client. He acknowledges that Sworn Statements have more weight than unsworn letters.
- 5.5 Mr Clarke asserts in a letter dated 20/7/2011 that there has definitely not been continuous of the entire site for the said purpose and the use has only intensified over the last two years. Between 2001 and 2005 the buildings were largely vacant apart from occasional recreational use by the applicant.
- 5.6 Mr Clarke in his letter dated 21/7/2011 has raised his concerns about the appropriateness of some of the people who submitted statutory declarations as they are relatives, family friends and alleged tenants who have a vested interest in the land. He asserts that the accounting figures are subjective and he believes the evidence insufficient. He also asserts that the rental figures show the charge to the brother in law who kept chickens and J Amos's own use for storage. He further advises that when Mr Amos's mother passed away the bungalow was let out as a multiple let. He notes that there are no receipts with the application to support the application.
- 5.7 Mr Clarke notes that in the agents statement it states that gaps are to be expected with people moving on, and that this infers that the premises have not been in continuous use as required by the application.
- 5.8 Mr Clarke advises that a Google earth aerial photograph (dated 14 April 2007 apparently a Saturday) shows very little use of the yard and that this shows that all the people who were using the site were in fact not. Mr Clarke also asserts that the use of

the site actually increased on weekends and Saturdays. The photograph shows very small use of the yard with four cars in close vicinity to the buildings in question and a further three cars parked closer to the bungalow. He asserts that this is less than use the site today. The photo also shows that there were no containers at the site at that time.

- 5.9 Mr Clarke also raises his views about the appropriateness of the site being used for B2 and B8 uses. Mr Clarke also suggests that the roof space of the units have become the habitat of bats and due consideration needs to be given to the impact and disturbance upon their habitat. Mr Clarke also raises his views about the appropriateness of the advertising of the application.

5.10 Councils Aerial photography

1 Aerial photo taken around July 1999 shows:

- i. Concrete apron around building A and in front of building B.
- ii. 12cars parked around building A,
- iii. No cars parked in front of building B

2 Aerial photo taken May to July 2005 shows:

- i. Concrete apron around building A and in front of building B (unchanged)
- ii. 3 cars parked around building A.
- iii. No cars parked in front of building B

3. Aerial photo taken in 2006 shows

- i. Concrete apron around building A and in front of building B (unchanged).
- ii. 12cars parked around building A
- iii. No cars parked in front of building B

4. Aerial photo taken 2008/2009 shows;

- i. Concrete apron around building A and in front of building B (unchanged).
- ii. 5 cars parked around building A
- iii. 3 cars parked in front of building B

6. OTHER REPRESENTATIONS RECEIVED

6.1 Winterbourne Parish Council

No objection (no evidence either way supplied)

7. EVALUATION

- 7.1 The application for a certificate of lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown 'on the balance of probability', not 'beyond reasonable doubt'. As such the applicant needs to provide precise and unambiguous evidence to show this 'balance of probability'. The current application was submitted on 27 June 2011 and as such the purpose of this application is to test whether the site and specifically building A has been in B2 use and whether four bays of building B have been used for storage ancillary to the businesses in Building A since 27 June 2001. The storage is not claimed to be a separate use class or unit (*Burdle v SOS for the Environment* 1972). The onus is on the applicant to provide evidence and this does not need to be corroborated by 'independent' evidence in order to be accepted. As such one might expect evidence to be provided by people known to the applicant as they are/were in a position to know what was occurring on site as they were actually there and involved. Such evidence

has been submitted containing facts about the operation of the site and this is provided in sworn statements. Taking into account all of the evidence, is the applicants version of events more than probable? Is the evidence sufficiently precise and unambiguous when taken as a whole? Was there continuous use over the ten year period on the balance of probabilities? If this is the case then the local planning authority must issue a Certificate of Lawfulness for an existing Use or Development.

7.2 Hierarchy of evidence

When assessing the evidence supplied in support of certificate of lawful use application, different types of evidence are given different weight. Generally speaking the weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements / appearance under oath at Public Inquiry.
4. Unsworn letters

This report considers the aerial photos, contemporaneous evidence (accountancy figures and bank statements) and eight statutory declarations submitted by the applicant which carry greater weight than the neighbours letters.

- 7.3 Eight Statutory declarations have been received which show that each of the three units in building A have been used by individual car repair businesses. Whilst it is appreciated that there is a gap in the occupation of building A3 referred to in the statutory declaration by Ian Sanders, as he did not occupy the unit between 2001 and 2006 the other statutory declarations cover this period by stating that the unit was continuously used for car repairs/spraying.
- 7.4 The Accountancy figures appear to show that rental income was achieved from the site at Beacon Lane and that this rose significantly when the bungalow was let out after the applicants mother passed away, leaving the bungalow empty.
- 7.5 Concern has been raised that the local ratings records have not been investigated and it is correct to say that there is no rating for the property, the ratings officer has been advised and has now been to site. However this only proves that the properties have not been paying the correct rates, not that the buildings have not been used as claimed. Whilst it is appreciated that the neighbour and his planning consultant raise doubts about the case these doubts need to be weighed against the substantial weight of evidence, of a higher level, given in support of the application and the contemporary photographic evidence which does imply that the concrete apron provided parking related to the use of Building A since 1999, given that it largely congregates around building A.
- 7.6 It is worthy of note that the business owners are not always present on site during the 'working day' as found by officers of the council on occasions. This does not mean that the site is not in use but that the business owner has been called away perhaps to collect or carry out work off site. Indeed the owner of Spot on Mobile Repairs may have a jobs ongoing at building A3 but may also be out carrying out a small job

elsewhere. This does not constitute a gap in usage. The small scale nature of the businesses run in these units often call for the operator to be off site. Indeed the planning officer found a customer waiting for the owner of the business at A1 to arrive but knew that the owner was often 'in and out'.

- 7.7 It is noted that times of operation are given for the whole of the period for building A1 and part of the occupation of building A3. This can be incorporated into the terms of the certificate for these two units. However no evidence is given by the applicant regarding the hours of business use for Unit A2 and it is known that the business runs alongside their existing employment and so may be used irregularly. The neighbour, Mr Clarke, identifies that the site has been operational until late in the evening on a regular basis and, commenting on a Google Earth photo taken (apparently) Saturday 14th April 2007, that 'in real terms, the use of the site actually increased on weekends and evenings'.
- 7.8 It is noted that the site has become more secure with new gates being erected at the access to Beacon Lane and the garage doors fronting Beacon Lane have been changed to roller shutter doors during the course of this application and since works to modernise the bungalow alongside this site have been carried out. Whilst the gates and installation of roller shutters is development which might need planning permission this does not affect the operational development continuing inside building A nor alter the relationship of Building A and B.
- 7.9 Aside from the storage of cars in Building B is the storage of a tractor and other agricultural equipment in the eastern bay which is not part of the application, and more critically a boat and other none car related storage in the western bay. The boat storage is mentioned by Nicolas Sergeants statutory declaration but this is not related to the business use. This prevents use of that clearly defined bay of Building B from being used continuously as car storage associated with the businesses in Building A. As such only the central three bays can reasonably be said to be 'ancillary storage of vehicles pre and post repair from Building A' as described in the application.
- 7.10 The information provided within the statutory declarations clearly shows that the buildings A1, A2 and A3 have been used as three individual small car repair businesses which included the spraying of vehicles. The Council has assessed the contemporary evidence found in the aerial photographs and found no contrary evidence to disprove this application.
- 7.11 The neighbour in his comments listed above at paragraph 5.2 suggests that the application should go to Committee rather than Circulated Schedule because he believes that the applicant's wife works in the planning department. In fact it is the agent's wife who works in an admin position in Business Support within Environment and Community Services rather than the applicants wife. An application by a member of the Council's staff or their spouse would ordinarily be dealt with at committee, but as the relationship relates to the agent the application is referred to Circulated Schedule for a decision under delegated powers as is normal for a Certificate of Lawfulness, rather than to Development Control Committee. In Paragraph 5.9 above Mr Clarke also raises his views about the appropriateness of the site being used for B2 and B8 uses but these are a criticism of the application rather than an offer of contrary evidence for this application and might be more relevant if a planning application were submitted, where the local planning authority can consider the

planning merits of the case. Mr Clarke also suggests that the roof space of the units have become the habitat of bats and that due consideration needs to be given to the impact and disturbance upon their habitat. This is not relevant to the certificate application under consideration but was raised with the Council's Ecologist nonetheless. Mr Clarke also raises his views about the appropriateness of the advertising of the application. Given that the site is surrounded by agricultural land a site notice was posted and a consultation letter was sent to Mr Clarke, who lives in the nearest dwelling to the site. This level of advertising is considered sufficient and appropriate to advertise the Certificate application.

6. CONCLUSION

It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that Building A has been used as three individual car repair businesses, the central three bays of Building B have been used as ancillary storage relating to building A and the surrounding concrete apron has been used as associated parking.

7. RECOMMENDATION

That a Certificate of Lawful Existing Use is granted denoting the subsections of building A into three separate planning units and part of building B as ancillary to Building A because it is shown that on the balance of probability that those parts of the site have been in those uses for a continuous period of over ten years.

- i) The use of Unit 1 of Building A for light vehicle repairs (use class B2) between the hours Monday to Friday 8am to 6pm and Saturday 8am to 1pm.
The use of Unit 2 of Building A for light vehicle repairs, bodywork, paint spraying and post repair storage (use class B2).
The use of Unit 3 of Building A for light vehicle repairs and spraying (use class B2) between the hours of Monday to Friday 8am to 6pm and Saturday 8am to 1pm.
- ii) The use of bays 2, 3 and 4 (the central section) of Building B (as shown on the attached plan) for the ancillary storage of vehicles awaiting repair or collection associated with the use of Building A.
- iii) The use of the area shown hatched black on the attached plan for ancillary parking in association with the uses as specified in this Schedule of Units 1-3 of Building A and Bays 2,3 and 4 of Building B.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

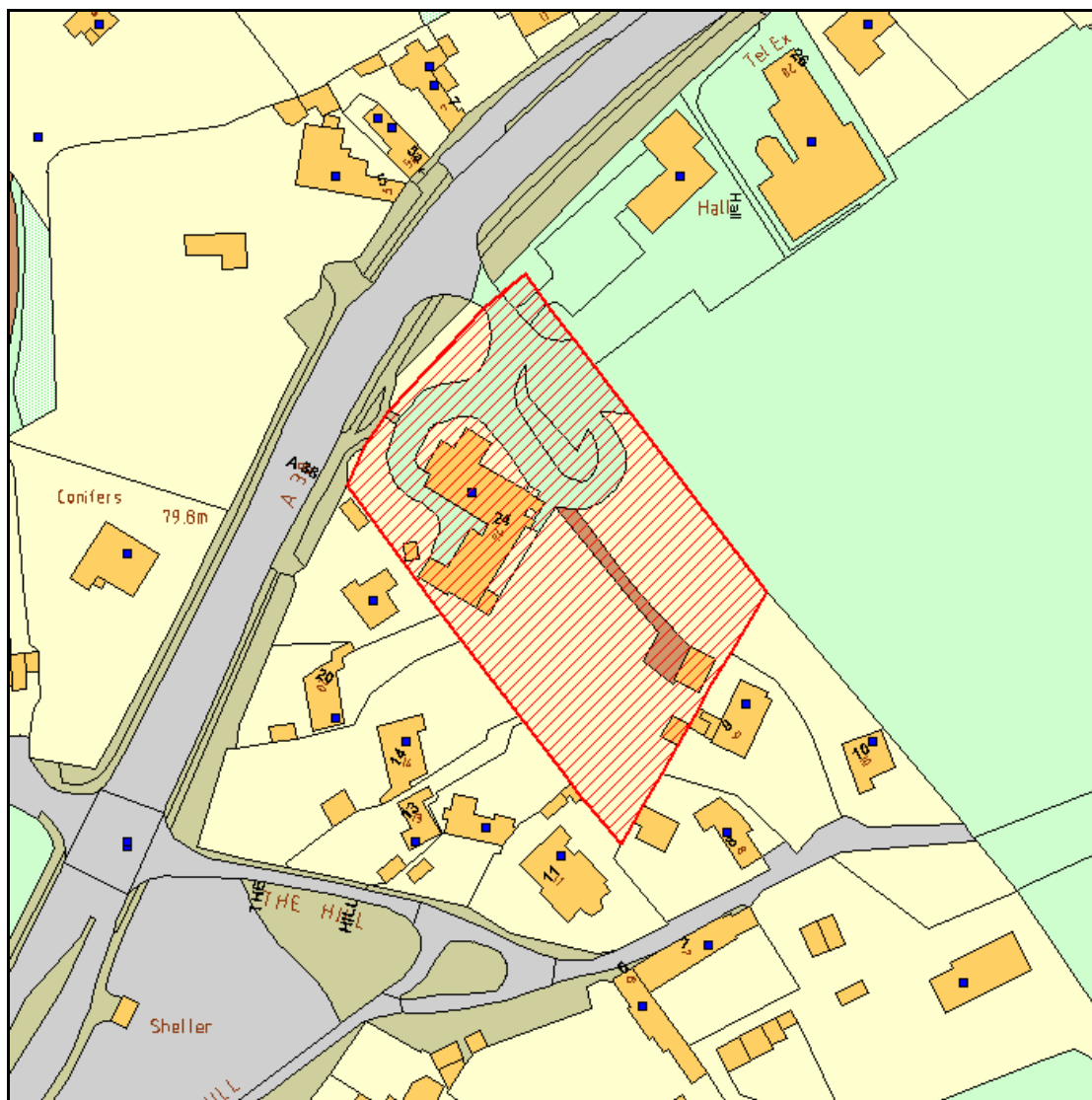
CONDITIONS

1. The evidence in total demonstrates on the balance of probability that the following uses have been operational for a continuous period of 10 years immediately prior to the submission of the application and that this remains on site at the time of determining this application.

- i) The use of Unit 1 of Building A for light vehicle repairs (use class B2) between the hours Monday to Friday 8am to 6pm and Saturday 8am to 1pm.
The use of Unit 2 of Building A for light vehicle repairs, bodywork, paint spraying and post repair storage (use class B2).
The use of Unit 3 of Building A for light vehicle repairs and spraying (use class B2) between the hours of Monday to Friday 8am to 6pm and Saturday 8am to 1pm.
- ii) The use of bays 2, 3 and 4 (the central section) of Building B (as shown on the attached plan) for the ancillary storage of vehicles awaiting repair or collection associated with the use of Building A.
- iii) The use of the area shown hatched black on the attached plan for ancillary parking in association with the uses as specified in this Schedule of Units 1-3 of Building A and Bays 2,3 and 4 of Building B.

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT13/1349/F	Applicant:	Mr Graham Pendrill
Site:	Tower House 24 Gloucester Road Almondsbury South Gloucestershire BS32 4HA	Date Reg:	25th April 2013
Proposal:	Part Change of Use of the ground floor to mixed use as (Class D2) Cinema and Theatre (Sui-Generis).	Parish:	Almondsbury Parish Council
Map Ref:	360709 184025	Ward:	Almondsbury
Application Category:	Minor	Target Date:	17th June 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/1349/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule owing to the letters of objection that have been received.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the change of use of part of the ground floor of the building for use as a 1940's community theatre and cinema.
- 1.2 The application site comprises the Grade II listed Tower House on the west side of Gloucester Road, Almondsbury. The premises are located within the Almondsbury settlement boundary that is washed over by the Green Belt.
- 1.3 An amended ground floor plan has been received omitting the proposed male toilet (with the retained female/ disabled facility to be shared) owing to concerns that this would not be acceptable for the purposes of building regulations approval.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework (Technical Guidance)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H4: Development within Existing Residential Curtilages

L13: Listed Buildings

LC3: Proposals for Sport and Leisure Facilities

LC4: Proposals for Educational and Community Facilities

GB1: Development in the Green Belt

T7: Cycle Parking

T12: Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector

Preliminary Findings and Draft Main Modifications September 2012

CS1: High Quality Design

CS5: Location of Development

CS9: Managing the Environment and Heritage

CS23: Community Infrastructure and Cultural Activity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/0638/ADV: Display of freestanding non-illuminated projecting sign. Refused: 15 May 2000
- 3.2 P99/1385: Change of use of part of premises for sale of antiques (Class A1). Permitted: 4 November 1999
- 3.3 P96/2508: Change of use from hospital to private residence. Permitted: 19 December 1996
- 3.4 P95/1301/L: Erection of a two-storey and single storey extension to the hospital to form a Nursing Home. Permitted: 24 July 1995
- 3.5 P95/1300: Erection of a two-storey and single storey extension to the hospital to form a Nursing Home. Permitted: 24 July 1995

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Objection:

- Will impinge on Scout activities;
- No details of disabled access have been provided;
- Concerns over light pollution from car park;
- Car park is not large enough- 21 spaces for 40- 50 people;
- No parking shown for existing residents;
- There is no agreement for use of Scout car park;
- Access difficult to cross over the busy A38;
- Contraventions planning policies;
- Last bus leaves Tower House area at 22.30 before proposed finish;
- Scout Hall has full access rights using the entrance to Tower House.

4.2 Other Consultees

Drainage Engineer: no comment

Environmental Protection: no objection in principle

Highways DC: no objection subject to conditions

Conservation Officer: no objection

Other Representations

4.3 Summary of Local Residents Comments:

63 letters of objection expressing the following concerns:

- Rubbish left after previous events posed health and safety risk;
- The wrong location for this proposal;
- Noise and disturbance caused by past events at unsociable times;
- Users would be reliant on cars;
- The premises share an access with the Scout hut;
- Would undermine existing two pubs and social club;
- Out of character with area- Bristol/ Cribbs Causeway suggested;
- Owner received sizeable grant to restore building;
- Concerns expressed for safety of scouts;

- Concerns expressed regarding proposal to sell alcohol;
- Would prejudice residential amenity;
- Hospital should be restored to its former glory;
- Would prejudice the local cultural centre of Thornbury;
- A38 is already too busy;
- Parking on the road would be inappropriate/ unsafe;
- There is no need for this facility;
- It might compromise activities undertaken by the scouts;
- Opening times clash with Beavers going home/ cubs & scouts arriving;
- Evacuating the building in an emergency would be near impossible;
- Physical works would be required- detrimental to listed building;
- The car park is not large enough;
- Not suitable for disabled people;
- Previous application for business use was refused;
- Would result in loss of housing;
- Contrary to policies L13, EP1, E3, LC4 and CS9;
- Would be prejudicial to a local bat population;
- The applicant undertook no pre-application discussions with residents;
- One letter suggests conditions (14) in the event permission is granted;
- The building is in a poor state of repair and a risk to future users;
- Disadvantages of proposal would hugely outweigh any benefits;
- The building should be used as a care home;
- In the spirit of local residents views deserve to be acknowledged and supported;
- Is there sufficient lighting proposed for the car?
- Emergency exit/ toilet facilities are not sufficient;
- Additional waste facilities will be required;
- Sole justification for calling this a community facility is that it happens in the community;
- More of the residential element is to be converted afterwards;
- Money spent on enterprise would go long way to repairing the building.

- 4.4 1 letter received raising no objection but with the following comments:
- A similar function is provided at St. Mary's Church hall, Olveston;
 - Would it be viable?
 - What other uses would fall under the same use class if approved?
 - The application should be specifically restricted to the proposed use.

- 4.5 4 letters of support:
- It is what the community needs;
 - Many residents are elderly and it would have considerable appeal;
 - It would be a good use and there is sufficient parking;
 - It would help retain the building in a good state of repair;
 - Highways DC has raised no objection;
 - It has been adapted to ensure it is friendlier to neighbours.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Policy LC4 advises that proposals for educational and community facilities within the existing urban area and the defined settlement boundaries will be permitted provided that:

- Proposals are access by foot and bicycle; and
- Development would not prejudice residential amenity; and
- It would not have an unacceptable environmental/ transportation impact; and
- It would not give rise to unacceptable levels of on street parking to the detriment of the amenities of the surrounding area and highway safety.

It is noted that the criteria of planning policy LC3 reflect the above.

5.2 Policy GB1 advises that the change of use of land or existing buildings will only be permitted where it would not have a materially greater impact than the present authorised use. The buildings should also be of permanent construction and capable of conversion without complete or major reconstruction whilst the form, bulk and design of the building should be in keeping with its surroundings.

5.3 Policy L13 advises that development including alterations or additions affecting a listed building will not be permitted unless the building and its setting would be preserved. Further, features of architectural or historic interest should be retained and the character, historic form and structural integrity of the building should also be retained.

5.4 Notwithstanding the above, consideration has also been given to the principle of the development in this out of centre location. The National Planning Policy Framework advises:

'Local planning authorities should apply the sequential test to planning applications for main town centre uses that are not in an existing centre and not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to a town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.'

5.5 In this instance, the proposal relates to a cinema that might be considered as a town centre use (albeit not a retail use). However, given the scale of development that is proposed in addition to the very limited opening hours that could be conditioned, it is not considered that this proposal would prove a viable town centre use or undermine the function/ vitality of any nearby local centres. This would be subject to conditions in respect of the scale of the proposal and the hours of use. If these were to be subject to change (by way of a future planning application), then it is likely that the applicant would need to address these issues.

5.6 The Proposal

The Tower House was built originally as a cottage hospital in 1891. It is a large visually striking building built in the style of Norman Shaw, with Renaissance

and Queens Anne details and constructed of brick with stone dressings and steeply pitched plain tile roofs. The only substantial alteration to the building is a 1930's extension, as it otherwise appears to have been relatively little altered. The clock tower is a distinctive element of the building. The building is now in residential use.

- 5.7 The application seeks full permission for the change of use of 180 square metres of floor space comprising the ground floor reception hall and main hall for use as a 1940's community theatre and cinema (Class D2) accessed via the existing main entrance and lobby. Freestanding, removable staging, lighting and church pews would be utilised with no permanent alterations proposed as part of this application.
- 5.8 The Design and Access Statement advises that the proposal would not result in the loss of any residential units given that the application site comprises the applicant's own home. Part of the ground floor has in the past been used for the sale of antiques (P99/1385) although this use has now ceased.
- 5.9 The proposal would accommodate a capacity of approximately 50 people and employ 3 full time staff. A small bar would be provided that would be ancillary to the cinema/ theatre (the premises are subject to a separate license application). *'The owner wishes to make clear that the proposed theatre and cinema venue will be a community facility to be made use of by local arts groups, theatrical organisations, and community groups at ground floor only.'* The opening hours would be 7pm to 11pm Wednesday to Saturday that the Design and Access Statement advises, *'are deemed reasonable for a community theatre and cinema venue'*. Notwithstanding this, further to concerns raised by Officers, these proposed opening hours have now been amended to 7pm to 10pm Wednesday to Saturday.
- 5.10 The Design and Access Statement further cites that the cinema/ theatre venue would show productions/ films that would produce a certain level of controlled noise; *'Details of proposed speakers with noise limiters will be submitted throughout the life of the application'*. (These details have not been received.) However, it also advised that *'The proposed change of use is confined to the front ground floor of the property, to allow the remaining residential wing of the house to act as a buffer to neighbouring residential properties'*.
- 5.11 Design/ Visual Amenity
The application details that no physical works would be required and thus on this basis, there would be no objection to the proposal on design/ visual amenity grounds. On site, it was though noted that earth works would be required to provide car parking spaces 7 – 11. However, it is not considered that these works would generate a refusal reason and could also form the basis of a suitably worded condition (in the event that planning permission was granted) if considered to be necessary.
- 5.12 Listed Building Considerations
Use of the building for cinema showings is potentially sympathetic and could provide income revenue for the building that could contribute to its repair and maintenance. However, the application as submitted was not clear on what

changes might be required to the building fabric to facilitate the change of use, particularly in relation to fire safety/ disabled access regulations (it is stated that no physical changes are proposed although such might be required to allow Building Regulations approval). To help address this concern, further information has been submitted that has been discussed with the Councils Principal Building Control and Conservation Officers. This has resulted in the omission of the originally proposed male toilet with the female/ disabled facility now to provide combined facilities; this is because the male toilet would have been accessed via a lengthy corridor that would have run through the heart of the dwelling and which would not meet with building regulations approval. The impact of any further changes that might be required (i.e. fire and noise protection) are understood to be minimal although are not covered by this application. It is understood that these works might require the benefit of listed building consent.

5.13 In respect of the additional car parking, the Councils Conservation Officer also noted that the parking plan shows further parking to what is already a large parking area that has a negative impact on the setting of the listed building. However, this impact would need to be balanced against other factors, including the potential requirement for a new use to help provide a viable future for the building. Therefore, in the event that the change of use was considered to be appropriate with additional parking required, it is considered a landscaping condition might help to mitigate this impact.

5.14 In view of the above, subject to conditions, there is no objection to this application on listed building grounds.

5.15 Impact on the Openness of the Green Belt

There is no objection to the proposal having regard to its impact on the openness of the Green Belt. In this regard, the building is of permanent construction and the additional car parking spaces proposed could be satisfactorily accommodated the details of which could form the basis of a suitably worded condition as outlined above.

5.16 Residential Amenity

The application site falls within a predominantly residential area although the premises themselves sit within a large plot dictating that neighbouring properties are positioned further away. Officers are mindful that a low key cinema/ theatre use might happily operate in this area but also share some of those concerns raised by local residents given that the scheme could introduce a large number of people onto the site 4 nights a week up to 11pm. Officers have sought to reduce this impact and the applicant has agreed to a closing time of 10pm. On balance, this is considered to be acceptable subject to a condition to ensure that the site is vacated by 10pm; i.e. to avoid a film finishing at 10pm with a subsequent period of time required for persons to then vacate the site which could cause problems of noise disturbance. It is also considered that a condition should be attached to prevent any associated outdoor activities/ events to protect surrounding neighbours from further noise disturbance that might result.

- 5.17 Further to the above, it is also considered necessary to add a condition to restrict any subsequent change of use of the premises.
- 5.18 The above assessment of the proposal considered the scheme on its own merits and does not give undue weight to previous events referred to above which are understood to have caused problems.
- 5.19 Highway Safety
The site is accessed off the A38; historically it was a cottage hospital, and more recently a family home with ancillary antique sales. Although the sale of the antiques has stopped it is noted that this use might potentially start again without the need for a further planning application.
- 5.20 The application proposes 21 car parking spaces and cycle storage for the use, whilst the Design and Access Statement advises that there is potential to utilise the adjacent scout hall car park for overflow parking as necessary (albeit with the comments received outlined above seemingly contradicting this). Notwithstanding this, the Councils Highways Engineer has assessed the application on the basis that this overflow car parking is not available.
- 5.21 The theatre/ cinema is proposed to be for 50 users although it is not uncommon for leisure uses such as this for users to car share, whilst there is also the potential for walking and cycling to the site. On this basis, the provision of 21 parking spaces is considered to be appropriate number having regards to the scale of the proposal. Moreover, the proposed opening hours would be out of the typical network peak with it also noted that the premises benefit from a right turn lane so access to/ from the site.
- 5.22 For the above reasons, the Councils Highways Engineer has raised no objection to the scheme. However, the submitted details are considered to be limited and therefore a number of conditions would be required in the event that planning permission is granted. In addition to those already referred to, these would require details of the proposed cycle parking.
- 5.23 Outstanding Issues
Comments received raise concerns as to the viability of the proposal. It is not considered that this comprises a material planning consideration in the assessment 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.

7. **RECOMMENDATION**

7.1 Planning Permission is **GRANTED** subject to the following conditions:

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not operate outside the hours of Wednesday - Saturday 7pm - 10pm with the premises vacated (including the outside areas) by 10pm.

Reason

In the interests of residential amenity and to accord with Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The premises shall be used as a cinema only and for no other purpose (including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason

In the interests of residential amenity and highway safety and to help safeguard the character of this listed building, all to accord with Planning Policies LC4, L13 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

1. All fire-proofing or works of upgrading to the fabric of the building including doors, windows, floors walls and ceilings;
2. Details of all new fixed ramps;
3. Details of all new signage and alarm systems.

Development shall thereafter strictly accord with these approved details.

Reason

In order to safeguard the special architectural or historic interest of the listed building in accordance with Planning Policy L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In the interest of visual and residential amenity and to accord with Planning Policies EP1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, full details in respect of the formation of the proposed new car parking spaces including full landscaping details shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason

In the interests of visual amenity and highway safety and to accord with Planning Policies D1, L1, L13 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the first opening of the facility hereby approved, full details of the sound equipment to be used and the proposed noise limiters shall be submitted to and approved in writing by the Local Planning Authority. These details shall include details of the proposed maximum noise levels at agreed points on the application site boundary. Thereafter, development shall strictly accord with these approved details.

Reason

In the interests of residential amenity and to accord with Planning Policies LC4 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development detailed plans showing the provision of cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall proceed in accordance with the agreed scheme, with the cycle parking facilities provided prior to the first use of the proposals and thereafter retained for that purpose.

Reason

To encourage non-car modes of transport and to accord with Planning Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006.

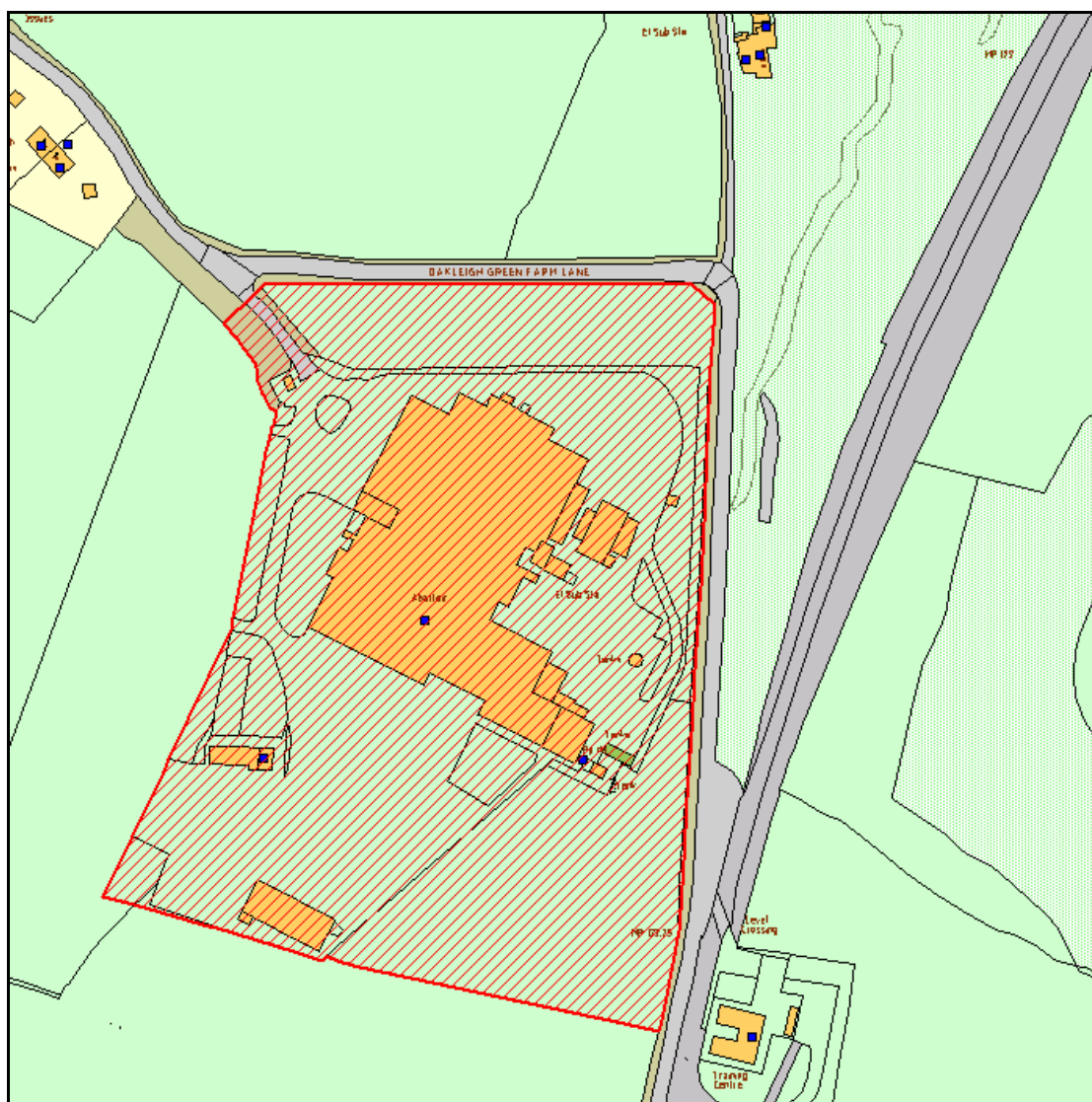
9. The proposal hereby approved shall accommodate no more than 50 persons.

Reason

In the interests of residential amenity and highway safety and in view of the out of centre location of the development, all to accord with the provisions of the National Planning Policy Framework and Planning Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT13/1518/F	Applicant:	Tulip UK Ltd
Site:	Tulip Ltd Oakley Green Farm Oakley Green Westerleigh South Gloucestershire BS37 8QZ	Date Reg:	28th May 2013
Proposal:	Erection of 2no. two storey infil extensions to existing abattoir, erection of a hot water tank and enclosure and a static, open air, drive through lorry washing facility and associated works.	Parish:	Westerleigh Parish Council
Map Ref:	369139 178815	Ward:	Westerleigh
Application Category:	Major	Target Date:	19th August 2013



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT13/1518/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as a result of responses received to the consultation process, contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 2no. two storey infill extensions to the existing abattoir buildings, erection of a hot water tank and enclosure and a static, open air, drive through lorry washing facility and associated works. It is considered that the proposals are required to modernise the plant and, allowing it to operate in accordance with upcoming and future guidance and Government requirements, principally relating to animal welfare, food hygiene, the phasing out of Hydrofluorocarbons (HFC's) and improvements to energy efficiency.
- 1.2 The site itself is an existing abattoir facility located on Oakleigh Green Farm Lane, off the Westerleigh Road. The site is self contained and relatively isolated although in relative proximity further along the lane are further industrial type installations such as the rail head and oil refinery. The site comprises a large single and part two storey industrial building plus a number of related outbuildings which is surrounded by hard standing and areas for parking for vehicles and deliveries, beyond which is some landscaping and enclosure. The site is located within the designated Green Belt.
- 1.3 The application has been subject to Screening Request whereby it was concluded that the proposals did not constitute development that required a full Environmental Impact Assessment within the meaning of the 2011 Regulations. A Flood Risk Assessment has been submitted with the application.

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

L1 Landscape Protection and Enhancement

GB1 Development within the Green Belt

T12 Transportation Development Control Policy for New Development

L17 The Water Environment

EP1 Environmental Pollution

EP2 Flood Risk and Development

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

CS1 High Quality Design

2.3 Supplementary Planning Guidance
South Gloucestershire Council Green Belts

3. RELEVANT PLANNING HISTORY

- 3.1 N1075/1, Site Address: Oakleigh Green Farm Westerleigh, Decision: COND, Date of Decision: 14-JUN-79. Proposal: Erection of abattoir and provision of lairage and parking facilities on approximately 7 acres (outline).
- 3.2 N1075/2, Site Address: Oakleigh Green Farm Westerleigh, Decision: APP, Date of Decision: 24-JAN-80. Proposal: Construction of effluent treatment plant for proposed abattoir
- 3.3 The Abattoir Oakleigh Green Westerleigh, Decision: AFP, Date of Decision: 12-AUG-82. Proposal: Erection of 2.4 m (7.8 ft) high security fence around lorry parking and loading area
- 3.4 P84/1913, Site Address: Oakleigh Green Farm, Westerleigh., Decision: AFP, Date of Decision: 25-JUL-84. Proposal: Erection of extension of 780 sq.Ms.(8,400 sq.Ft.) To existing abattoir for use as boning room, and for packing and refrigerated storage purposes.
- 3.5 P85/1903, Site Address: Westerleigh Railhead Westerleigh, Decision: AFP, Date of Decision: 24-JUL-85. Proposal: Erection of overhead 11 kv electricity supply line supported on wooden poles, to provide a 3 phase mv supply to westerleigh railhead, along the line indicated in m.E.B. Application no. 5619.P95/2262, Site Address: Oakley Green Farm Westerleigh Road Westerleigh, Decision: AFP, Date of Decision: 26-FEB-96. Proposal: Erection of extension to amenity area to provide reception, extended mess room and extended changing room.
- 3.6 P88/2283, Site Address: Oakleigh Green Farm Westerleigh, Decision: AFP, Date of Decision: 17-AUG-88. Proposal: Erection of two extensions, one of 1560 square metres (17000SQ ft) the second of 1155 square metres (12430 sq ft) to existing abattoir; construction of associated access road and parking area.
- 3.7 P86/2609, Site Address: The Abattoir Westerleigh, Decision: AFP, Date of Decision: 26-NOV-86. Proposal: Erection of extension to existing premises to form low level chiller unit.
- 3.8 P88/1068, Site Address: The Abattoir Oakleigh Green Westerleigh, Decision: AFP, Date of Decision: 10-MAR-88. Proposal: Erection of lairage building of 700 sq. Metres (7.534 sq. Feet)
- 3.9 P88/1412, Site Address: F.M.C. Oakleigh Green Westerleigh, Decision: AFP, Date of Decision: 05-APR-88. Proposal: Erection of two extensions, one of 675 sq metres (7,265 sq feet) the second of 1785 sq metres (19,215 sq feet) to existing abattoir, construction of associated access road and delivery and despatch area

- 3.10 P88/3013, Site Address: Oakley Green Farm Westerleigh, Decision: AFP, Date of Decision: 30-NOV-88. Proposal: Erection of two extensions one of 1,590 sq.Metres (17,120 sq.Ft.) The second of 1,460 sq. Metres (15,720 sq.Ft.) To existing abattoir
- 3.11 P89/1223, Site Address: Oakleigh Green Farm Westereleigh, Decision: AFP, Date of Decision: 26-APR-89. Proposal: Erection of 981 square metre (10560 sq ft) extension to existing abattoir/food processing plant.
- 3.12 P95/1631, Site Address: Oakley Green Farm Westerleigh Road Westerleigh, Decision: AFP, Date of Decision: 26-JUN-95. Proposal: Erection of extensions of 499 square metres floorspace to provide dispatch chill and tray wash areas.
- 3.13 P95/2262, Site Address: Oakley Green Farm Westerleigh Road Westerleigh, Decision: AFP, Date of Decision: 26-FEB-96. Proposal: Erection of extension to amenity area to provide reception, extended mess room and extended changing room.P98/1522, Site Address: Dalehead Foods Oakley Green Farm Oakley Green Westerleigh South Glos, Decision: WDR, Date of Decision: 18-FEB-99. Proposal: Storage and Distribution Building with ancillary office, amenities etc
- 3.14 P96/1520, Site Address: Dalehead Foods Oakley Green Farm Westerleigh Bristol, Decision: AFP, Date of Decision: 10-JUN-96. Proposal: Extension and alterations to catering and changing facilities and ancillary to food processing unit
- 3.15 P98/1863, Site Address: Dalehead Foods Oakley Green Farm Oakley Green Westerleigh Bristol, Decision: AFP, Date of Decision: 27-JUL-98. Proposal: Erection of extension to provide enlarged dispatch facilities. Erection of extension to provide new reception and extended canteen/new toilet facilities.
- 3.16 PT01/0589/F, Site Address: Dalehead Foods Ltd (Abattoir) Oakleigh Green Westerleigh South Gloucestershire BS37 8QZ, Decision: COND, Date of Decision: 12-APR-01. Proposal: Construction of carbon dioxide stunning pit and enclosure, and re-positioning of yard office
- 3.17 PT06/2700/F, Site Address: Tulip Fresh Foods Ltd Oakleigh Green Lane Westerleigh BRISTOL South Gloucestershire BS37 8QZ, Decision: COND, Date of Decision: 02-FEB-07. Proposal: Erection of infill extension to workshop to construct new plantroom. Installation of 2 no. condenser units.
- 3.18 PT07/1172/F, Site Address: Abattoir at Oakleigh Green Farm Lane Westerleigh Yate Bristol BS37 8QZ, Decision: WITHDN, Date of Decision: 04-JUN-07. Proposal: Erection of 3 no. extensions to house new roasting ovens with associated chill store rooms, new kitchen and extend existing dispatch bays.
- 3.19 PT07/1975/F, Site Address: Tulip Fresh Meats Oakleigh Green Lane Westerleigh BRISTOL South Gloucestershire BS37 8QZ, Decision: COND, Date of Decision: 19-SEP-07. Proposal: Erection of 3 no. extensions to house new roasting ovens, provide new kitchen/testing room and extend existing dispatch bays (Resubmission of PT07/1172/F).

4. **CONSULTATION RESPONSES**

4.1 Westerleigh Parish Council

Council object to the application due to existing drainage capacity (and existing associated problems) within the village. An upgrade to existing facilities must be made prior to any such application being permitted.

4.2 Other Consultees

The Environment Agency

No objection in principle, subject to compliance with the Flood Risk Assessment and information relating to drainage matters associated with the operations. The proposals may require an Environmental Permit and it is advised that the applicants contact the EA.

Fisher German (on behalf of Esso Petroleum)

No objections subject to consideration of apparatus in close proximity to the proposals and the considerations of their publication 'Special Requirements for Safe Working' are adhered to. Separate contact with the applicants will also be made.

Environmental Protection

No objection subject to consideration of construction sites criteria

Ecology

No objections subject to consideration of nesting birds season

Urban Design

The relatively small size of the 'infill extension' in relation to the plant and intention to use materials to match the existing building is noted. I defer to landscape colleagues with regard impact on the openness of the green belt. As such there is NO objection.

Landscape

There is no landscape objection to this application with regards to Policy L1 of the Adopted Local Plan.

Sustainable Transportation

The proposed application will not make any material impact either on the highway network or operation of the site which will result in a highway hazard, as a consequence there is no transportation objection to this proposal.

Highway Drainage

No objection

Public Rights of Way

The development is unlikely to affect the nearest footpath ref. LWE63/30 which runs adjacent to the eastern boundary of the site and there are therefore no objections to the proposal. Standard limitations regarding rights of way and adjacent development apply.

Historic Environment
No archaeological objection

4.3 Local Residents
No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The abattoir facility already exists at this location and the principle of the use for the site is therefore established. The proposals are for an infill development on land already within the boundaries and usage of the abattoir to enable the facility to operate and continue operating in accordance with the required environmental standards. The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits, it is considered that these proposals would positively contribute to those interests, subject to detailed development control consideration. The policies of the National Planning Policy Framework are material considerations in the consideration of planning decisions.

5.2 Green Belt

One of the main principles of Green Belt policy is to protect the openness of Green Belt land. This is reflected in national guidance and local policy. Policy GB1 refers to extensions and infill development on a residential basis but does not specifically refer to infill development in a commercial sense. Further to this and in terms of the Green Belt the NPPF, which is a material consideration which should now be given considerable weight, provides a list of potential exception developments (para. 89), that may not be considered as inappropriate in the Green Belt. Amongst these exceptions is limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. It is apparent that the site is previously developed and is also in continuing use, the area of infill proposed is on operational land within the confines of the facility located within and between existing built up areas of the facility. In this respect it is not considered that the proposals, given their location, scale and design and in context with the existing site and surroundings would have a materially greater impact upon the openness of the Green Belt or the purpose of including land within it than the existing development in this instance.

5.3 Visual Amenity

It is considered that given the location of the proposals in context with the rest of the facility. Materials used would match those of the existing facility.

5.4 Drainage Capacity

The applicants have and will continue to need a 'Consent to the Discharge of Trade Effluent' agreement, under the Water Industry Act 1991. This governs the

volume and speed of the discharge of trade effluent into the Westerleigh village sewage system. The operators must currently operate within these limits and the proposed development would not increase the capacity of the site and would have no impact on the volume of trade effluent. Discharge is monitored and reported to the Environment Agency as part of the sites EA Pollution Prevention Control Permit for the site. All waste water is treated before being discharged into the system. Further to this there are no objections to the proposals on drainage grounds either from the Councils Highways Drainage Officer or the Environment Agency.

5.5 Local Amenity

The use of the site is already established and it is not considered that the addition of such an infill extension would give rise to any material amenity impact in their own right, particularly given the location of the proposals in relation to the site and the its relationship and distance to the nearest residential properties.

5.6 Transportation

It is not considered that there would be any significant highways implications arising from the proposed infill development. The proposals would represent a modernisation of the existing facility to meet up to date environmental standards and would not represent an increase in capacity.

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 application is for infill development at an existing operational abattoir facility, the addition of the areas of infill are acceptable in scale and design and as such are considered to accord with the NPPF in terms sustainable development and Green Belt principles and Policies D1, L1, L17, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 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 planning permission is granted, subject to the conditions recommended.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated May 2013.

Reason:

To prevent flooding by ensuring the satisfactory disposal of surface water from the site and to accord with Policy EP2, L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT13/2206/CLP	Applicant:	Mr And Mrs Shipway
Site:	Rowan House Bristol Road Thornbury South Gloucestershire BS35 3JA	Date Reg:	25th June 2013
Proposal:	Certificate of lawfulness for the proposed erection of single storey rear and side extension	Parish:	Thornbury Town Council
Map Ref:	363619 189463	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	16th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2206/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear and side extension at Rowan House, Bristol Road, Thornbury would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995 (As Amended).
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit; the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) Order 1995 (As Amended), Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/5812/F - Erection of 2no. new dwellings and 2no.detached garages with associated works. Approved 18th January 2010

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Highway Drainage
No comment
- 4.3 Local Residents
One comment was received from a local resident with the following observations:
- It is important that the generation of dust and noise be kept to a minimum, particularly at this time of year when all nearby homes will of necessity have many windows open.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 PLANS
Received 19th June 2013: Site Location Plan (J00379 OSMAP)
Existing Combined Plans (J00379 S01)
Proposed Combined Plans (J00379 P01)

6. EVALUATION

6.1 Principle of Development

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

The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO (As Amended) 1995.

- 6.2 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) Order 1995 (As Amended), which refers to the enlargement, improvement or other alteration of a dwellinghouse. This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

7 Erection of a single storey rear extension

A1 Development is not permitted by Class A 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 proposed extension 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 maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse. As such the proposal meets this criterion.
- (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 proposed eaves height would not exceed the eaves height on the existing dwelling. As such the proposal meets this criterion.
- (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 proposed extension would be to the rear of the dwelling not on a principal or side elevation as such the proposal accords with this criterion.

- (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 host dwelling is a detached property. The proposed extension would be single storey and would extend a maximum of 3.65 metres in depth. Furthermore the proposed extension would have a maximum height of 3.6 metres. As such the proposal accords with this criterion.

- (f) **The enlarged part of the dwellinghouse would have more than one storey**
The proposal is single 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 proposal would be located within 2 metres of the boundary of the curtilage of the dwellinghouse and the maximum eaves height would be 2.5 metres. As such the proposal accords with this criterion.

- (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**
(iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposal would extend beyond the side elevation of the dwellinghouse, However, the proposal is single storey, would not exceed 4 metres in height, and would not have a width greater than half the width 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 proposal does not include any of the above and consequently meets this criterion.

A2 In the case of a dwellinghouse on article 1(5) land, development is not permitted if:

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, 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 site is not located within article 1(5) land and as such the proposal meets this criterion.

A3 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 proposal would be finished in materials to match those of the existing dwellinghouse.
- (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**The proposal does not include the installation of any upper floor windows.
- (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 single storey.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (As Amended)

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT13/2213/F	Applicant:	c/o Agent
Site:	The Stables Swinhay Lane Charfield Wotton Under Edge South Gloucestershire	Date Reg:	28th June 2013
Proposal:	Erection of first floor side extension to form additional living accommodation	Parish:	Charfield Parish Council
Map Ref:	371702 193561	Ward:	Charfield
Application Category:	Householder	Target Date:	19th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2213/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because two responses have been received from members of the public in support of the application contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a first floor side extension to form additional living accommodation.
- 1.2 The application site comprises a locally listed two storey semi detached cottage located on the north-eastern side of Swinhay Lane within the open countryside outside of any defined settlement boundary.
- 1.3 The cottage is constructed of stone with a clay tiled roof and timber fenestration. The property benefits from a modern single storey side extension, which is finished in render. The property is served by a significant garden to the side and rear. A railway line extends adjacent to the rear boundary. The grade II listed building Huntingford Mill is located directly to the west of the site on the opposite side of Swinhay Lane.

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
L13 Listed Buildings
L15 Buildings and Structures that Make a Significant Contribution to the Character and Distinctiveness of the Locality
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
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/1587/F, erection of single storey side extension to form lounge/kitchen/diner, approval, 08/06/04.
- 3.2 PT06/2666/F, erection of rear porch (amendment to previously approved scheme PT06/1089/F), approval, 16/10/06.

3.3 PT06/1089/F, erection of rear porch, approval, 12/05/06.

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council

The Parish Council took on board comments of neighbours and the fact that this is the third application to increase the size of the property in a short space of time. However, in this instance they had no objections.

4.2 Drainage Officer

No comment

4.3 Transportation DC Officer

No comments

4.4 Archaeological Officer

No objection

4.5 Conservation Officer

Seek amendments or refuse

4.6 Network Rail

No objection in principle

4.7 Local Residents

One letter of objection and two letters of support have been received from members of the public. The following is a summary of the reasons given for objecting:

- ☐ Over development of the site;
- ☐ Detrimental to the privacy of occupiers of the adjoining property;
- ☐ Traffic and parking issues.

The following is a summary of the reasons given in support of the proposal:

- The new accommodation will be a great benefit to the occupiers;
- Efforts have been made to provide a scheme in keeping with the original buildings which will enhance the surrounding area;
- The design appears well considered and is subservient to the property.

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. The main issues to consider are the appearance/form of the extension and the impact on the character of the locally listed building and the setting of the adjacent listed building (policies D1, H4, L13 and L15 of the Local Plan); the impact on the residential amenity

of neighbouring occupiers (policy H4 of the Local Plan), and the transportation effects (policies T12 and H4 of the Local Plan).

5.2 Appearance/Form and Impact on the Character of the Area and the Setting of the Listed Building

The proposal extends the full width of an existing single storey side extension and replicates the simple pitched roof form of the existing dwelling. Whilst the ridge height is dropped lower than existing, the scale, bulk and proportions of the extension are considered overly large and unsympathetic to the character of the original cottage. The proposal comprises modern timber casement windows the design of which are not sympathetic to the traditional character of the property and have a harmful impact on its appearance. The proposal replicates the design of the existing fenestration, which will exacerbate the harm of the extension. The French doors and glazing proposed in the gable are considered to be adversely out of keeping with the traditional solid character and simple form of the dwelling and is therefore unacceptable.

5.3 Although the applicant has proposed cladding the existing rendered extension and the first floor extension in stone it is not considered that this positive aspect sufficiently outweighs the harm caused by the scale and bulk of the extension and the replication of the unsympathetic fenestration.

5.4 The Local Planning Authority expressed concerns regarding the scale and massing of the extension at pre application stage; the applicant has not acceded to the advice given. Accordingly, it is considered that the proposal by reason of its scale, massing and appearance is adversely out of keeping with the character of the locally listed building to the detriment of its character and visual amenity and the setting of the grade II listed building Huntingford Mill; the proposal is therefore, contrary to policies D1, H4, L13 and L15 of the South Gloucestershire Local Plan (adopted) January 2006.

5.5 Residential Amenity

The closest property to the application dwelling is The Granary, which is adjoined to the north-western side elevation. Given that the proposal does not extend significantly past the front and rear building lines of the dwelling, it is not considered that it will have a significant adverse effect on the residential amenity of neighbouring occupiers through loss of natural light or privacy; the extension will be well screened by existing built form and no windows will directly face towards the neighbouring property. All other properties are located at a sufficient distance from the site to not be significantly adversely affected. A sufficient amount of private amenity space will be left to serve the host dwelling.

5.6 Transportation

Given the nature of the proposal it is not considered that there will be a significant increase in vehicular traffic to the detriment of local highway conditions. An adequate amount of off street parking is available within the site to serve the proposed development.

5.7 Further Matters

Whilst it is noted that the proposed extension will be of great benefit to the occupiers in terms of maximising their accommodation; it is considered that this

can be given little weight and does not outweigh the harm caused by the proposal

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission is REFUSED for the following reason.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

- 1. The proposed extension by reason of its scale, massing and external appearance will have an adverse effect on the character and visual amenity of the locally listed building and adversely affect the setting of the grade II listed building Huntingford Mill. The proposal is therefore, contrary to policies D1, H4, L13 and L15 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT13/2236/F	Applicant:	Mr K Davies
Site:	20 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JL	Date Reg:	25th June 2013
Proposal:	Erection of detached garage (Retrospective). (Amendment to scheme previously approved under PT11/3250/F).	Parish:	Almondsbury Parish Council
Map Ref:	361887 184497	Ward:	Almondsbury
Application Category:	Householder	Target Date:	15th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2236/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached garage. The development has already started; the garage has been built to a large extent; therefore, the application will be assessed retrospectively.
- 1.2 Planning permission was granted under application PT11/3250/F for the erection of a detached dwelling and detached double garage, which replaced a small bungalow on the site. The application was recommended for refusal by the Planning Officer but this recommendation was overturned and planning permission as granted by the Development Control (WEST) Committee. This application alters the height and siting of the garage.
- 1.3 The site is located on the southern side of Hortham Lane within the open Green Belt and outside of any defined settlement boundary. The site contains two trees that are protected by Tree Preservation Orders (TPOs).

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
GB3 Redevelopment of the Major Developed Site in the Green Belt at Hortham Hospital, Almondsbury
H3 Residential Development in the Countryside
H4 Residential Development in Existing Residential Curtilages
L1 Landscape Protection and Enhancement
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
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 N3356 , erection of Woolaways bungalow. No objection 23 March 1977.

- 3.2 P96/2363, erection of building for use as child psychology clinic, construction of new access and car parking. Approved 31 December 1996 but never implemented.
- 3.3 PT06/0865/F, demolition of existing buildings. Erection of 270 dwellings on 34.17 hectares of land to include new access, landscaping bunds, public open space, landscaping details associated work to Hortham Lane and Hortham Lane/A38 junction, approval, 29/03/07.
- 3.4 PT08/2994/F, change of use from hospital unit (Class C2) to residential use (Class C3). Approved 11 December 2008.
- 3.5 PT11/2939/TRE, work to 1no. Pine tree to raise canopy by 5m, 15% crown reduction to reshape and remove dead wood. Refused 09/11/11.
- 3.6 PT11/3250/F, demolition of existing dwelling. Erection of replacement dwelling, detached double garage and associated works, approval, 09/02/12. (This application was recommended for refusal by the Officer but approved by Committee).

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No objection
- 4.2 Drainage Officer
No comment

Other Representations

- 4.3 Local Residents
Six letters of objection have been received from members of the public including a petition signed by 15 local residents. The following is a summary of the objections received:
- Garage does not sit comfortably in the streetscene;
 - Out of keeping with the scale and siting of surrounding built form;
 - The garage could be used to provide additional living accommodation;
 - Ground levels appear to have been raised which exacerbates the impact of the garage;
 - Obtrusive to passing traffic and neighbours;
 - Concerns how a plot with a small prefab house 46m² has been allowed to become a huge multi room dwelling at least 215m²;
 - Concerns how PT11/3250/F was recommended for refusal by one planning committee then passed on the same day by another planning committee;
 - Impact on residential amenity through loss of privacy and due to the bulk and appearance of garage;
 - The development has not been built in accordance with the approved plans;

- The fact that the garage has been erected differently from the previous approved plans invalidates the original planning permission;
- Increase in size is unnecessary;
- The plans for the approved development contain no dimensions;
- Adverse impact on the Green Belt.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

Planning permission was granted under application PT11/3250/F for a dwelling and garage. The garage under construction is within the development site. The principle of the development is therefore, acceptable by virtue of approval under planning permission PT11/3250/F. When compared to the size of the dwelling and garage originally permitted at the site, it is considered that the changes to the garage in terms of scale and siting will not have a significantly adversely greater effect on the openness of the Green Belt. Given that the scale and siting of the garage have changed the main issues to consider are its appearance/form and the impact on the character of the area (policies D1 and H4 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan), and the transportation effects (policy H4 of the Local Plan).

5.2 **Appearance/Form and Impact on Surrounding Area**

The garage originally approved measured approximately 6.1 metres in width, 6.1 metres in length and 5.3 metres at ridge height falling to 2.2 metres at the eaves. The side elevation of the approved garage was sited approximately 5.3 metres from the street and aligned with the side elevation of the neighbouring garage.

5.3 The garage erected measures approximately 6 metres in width, 6.8 metres in length and approximately 5.9 metres at ridge height falling to 2.5 metres at the eaves. The side elevation of the garage is positioned forward of the side of the neighbouring garage at a distance of approximately 3.5 metres from the street at the closest point. The proposal comprises two separate up and over vehicular doors instead of a double up and over vehicular door originally approved. It is noted that the garage is on land that is higher than Hortham Lane and the neighbouring site; however, the agent has clarified that ground levels on site have not been materially altered. Furthermore, it was noted in the Officer Report for the original application PT11/3250/F that ground levels at the site were originally some 1 metre above Hortham Lane.

5.4 The concerns raised by neighbouring occupiers regarding the alterations to the scale and siting of the proposed garage and the effect on the visual amenity of the streetscene are noted. The garage is significantly higher than the neighbouring garage and therefore, it is very prominent in the streetscene. However, this is to a large extent due to the topography of the site, which has not materially changed. Therefore, weight has to be given to the fact that planning permission was previously granted for a garage at the site, which although 60cm and 30cm lower at ridge and eaves height respectively and set further

- back from the street, would still have appeared significantly higher than the neighbouring garage and will have still been prominent within the streetscene.
- 5.5 Whilst the proposed garage is positioned forward of the neighbouring garage, it does not appear adversely out of keeping with the siting of the surrounding built form; it is still set 3.5 metres back from the street at the closest point with adequate room for native planting to be undertaken, which will help soften the appearance of the main bulk of the garage. The applicant has specified a native hedge to be planted in the condition details that were approved and if permission is granted, a condition is recommended to ensure that the planting is carried out within the next available planting season following the first occupation of the dwelling. Accordingly, on balance, it is not considered that the garage will appear adversely obtrusive within the streetscene.
- 5.6 Given the above, whilst it is noted that the changes to the garage exacerbate its impact, on balance, it is not considered that the proposal will have a significantly adversely greater impact on the visual amenity of the streetscene than the previously approved garage. The applicant has specified a render finish for the walls in beige and dark red double Roman roof tiles; the applicant has stated that the materials are those previously agreed with the Local Planning Authority under application PT11/3250/F. Accordingly a condition on this basis is not required if permission is granted.
- 5.7 Residential Amenity
The closest neighbouring property is no.22 to the east, which is approximately 14 metres from the proposed garage. The location of the garage to the west of the neighbouring property is such that it will not be directly visible from views from the principal windows in the property. Therefore, given the separation distance, it is not considered that there will be an unreasonable effect on the residential amenity of neighbouring occupiers through loss of natural light or outlook. No windows are proposed in the garage; therefore, it is not considered that any significant adverse privacy issues will be introduced. Concerns have been raised that the garage could provide additional accommodation at first floor level; however, it is not considered that the insertion of roof lights at a later date will unfairly prejudice the privacy of neighbouring occupiers given the siting of the garage in relation to the neighbouring property (no.22) and the level of separation. A condition to restrict first floor windows in the rear elevation of the garage is however, recommended if permission is granted in the interests of the privacy of neighbouring occupiers. In addition, a condition is also recommended if permission is granted to ensure that the building is only used for purposes ancillary to the residential use of the property.
- 5.8 Single storey properties on the northern side of Hortham Lane will directly face the proposed garage; therefore, careful consideration is required regarding the affect on the residential amenity of occupiers. Given that there is a separation distance of approximately 30 metres between the proposed garage and neighbouring properties to the north it is not considered that there will be an unreasonable effect on occupiers through loss of natural light, outlook or privacy. All other neighbouring properties are located at a sufficient distance from the site to ensure that occupiers are not adversely affected.

5.9 Transportation

Whilst the scale and siting of the garage have changed from the previous approval, it is not considered that the changes will bring about any significant adverse issues in terms of parking or highway safety.

5.10 Further Matters

The Concerns raised by neighbouring occupiers regarding other discrepancies between the approved plans and the dwelling under construction are noted. This issue will be raised with the Council's Enforcement Team. The previously approved consent PT11/3250/F has been implemented. The decision cannot be reconsidered under this application. The only matters for consideration relate to the differences between the approved garage and the proposed garage which has been addressed in the main part of the report.

5.11 The discrepancies do not invalidate the previous consent; the applicant is correctly seeking amendments to rectify the issue through the submission of a planning application.

5.12 Whilst the plans submitted for the proposed development and the development previously approved under PT11/3250/F contained no dimensions they were drawn to scale. This therefore, allowed the Local Planning Authority to take measurements from the drawings.

5.13 It is noted that the proposed site plan submitted includes a wooden shed, children's shed, and chicken shed and run. These structures require planning permission as permitted development rights were removed in the original application for the dwelling. However, the applicant is only seeking planning permission for the amendments made to the garage; therefore, the granting of planning permission and the approval of the site plan does not give the applicants the right to erect these structures. Separate planning permission will be required and an informative note advising the applicants of this is recommended if permission is granted.

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.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The garage hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as no.20.

Reason

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

2. The landscaping details shown on drawing no. 737W11 SP P/B received by the Council on 22nd June 2012 shall be carried out within the first available planting season following the first occupation of the dwelling approved under application PT11/3250/F.

Reason

In the interests of the character and visual amenity of the area and to accord with policies D1 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No new windows shall at any time be inserted into the eastern (rear) elevation of the garage.

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. 32/13 – 9 AUGUST 2013

App No.: PT13/2257/ADV
Site: Christ The King Rc School Easton Hill
 Road Thornbury Bristol South
 Gloucestershire

Applicant: The Governors
Date Reg: 25th June 2013

Proposal: Display of 1 no. non-illuminated fence mounted sign.

Parish: Thornbury Town Council

Map Ref: 364549 190455

Ward: Thornbury North

Application Minor

Target

Category:

Date:



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2257/ADV

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application seeks advertisement consent for the display of 1no. non-illuminated fence mounted sign. The signage is already in place and the application is therefore retrospective. The sign is and consists of white writing on a red background with yellow outline around the edge. The sign would measure 2.35 metres by 1.150 metres.

1.2 The application relates to the frontage of Christ The King School, facing Easton Hill Road, Thornbury.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council
No objection

4.2 Highways
There is no transportation objection to the signage as submitted

Public Rights of Way
The application does not affect any nearby public rights of way

4.3 Local Residents
One letter of objection has been received. Whilst they have had no objections to signs outside the school in the past, however this sign is approximately 2.5m x 1.25m and painted bright red and is the first thing seen in the morning and the last thing seen at night. It asked that this sign is rejected but there would be no objection to a smaller sign.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment.
Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an

appreciable impact on a building or on their surroundings should be subject to the Local Planning Authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Visual Amenity

The signage is approximately 8.4 metres back from the highway and on the opposite side of the road from the nearest residential dwellings. It is located on a green railed fence and is set amongst a backdrop of the school car park and the school beyond, and a variety of street furniture and signage, it is stated that the sign replaces a previous one that was located here. It is not considered that the nature and scale of the sign at this location would in its own right have a significant or material adverse impact or indeed a cumulative impact to the detriment of the visual amenity of the area.

5.3 Public Safety

The sign is located on the frontage of the school on the existing fencing where it will not impede pedestrian or vehicular movements around the site and is located on the entrance to the school car park. There are no transportation objections to the proposals.

6. **CONCLUSION**

6.1 In accordance with Section 220 of the Town and Country Planning Act 1990 and Regulation 4 of the Advertisement Regulations 1992, 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

7. **RECOMMENDATION**

7.1 That Advertisement Consent is GRANTED.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CIRCULATED SCHEDULE NO. 32/13 – 9 AUGUST 2013

App No.:	PT13/2260/F	Applicant:	Mr & Mrs Johnson
Site:	1 Grove Bank Frenchay Bristol South Gloucestershire BS16 1NY	Date Reg:	27th June 2013
Proposal:	Erection of 1no. detached dwelling with associated works. (Amendment to previously approved scheme PT11/2194/F).	Parish:	Winterbourne Parish Council
Map Ref:	364395 178087	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	19th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2260/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule for determination as objection comments have been received from the Parish Council and members of the public. These comments are contrary to the officer recommendation for approval.

1. THE PROPOSAL

1.1 This application seeks planning permission to erect a detached dwelling within the curtilage of 1 Grove Bank in Frenchay. A previous application, PT11/2194/F, granted planning permission for a dwelling on this site. The current application seeks to make amendments to the approved scheme. Amendments to previously approved schemes are only possible by submitting a new, complete, planning application.

1.2 A number of changes are proposed between the approved development and the proposed development. These comprise of:

FRONT ELEVATION

- Change to the windows: full metal casements with leaded window lights proposed but without fanlights

REAR ELEVATION

- Bi-folding door retained at ground floor level only
- Two casement windows to replace bi-fold doors and balcony at first floor level
- Single frame casement to replace glazed gable and balcony at second floor level

SIDE ELEVATION (south, facing 1 Grove Bank)

- Change to the ridge of the roof line. Higher ridge section to the rear of the property extended towards the front of the property by approximately 1.9 metres over the linking section
- Sky lights repositioned
- Large picture window added (with obscure glazing) over the door to replace slightly dormered casement window
- Addition of glazed entrance porch with lean-to roof

SIDE ELEVATION (north, facing 51 Park Crescent)

- Change to the ridge of the roof line. Higher ridge section to the rear of the property extended towards the front of the property by approximately 1.9 metres over the linking section
- Removal of non-windowed dormer in the roof

RESIDENTIAL CURTILAGE

There is also a change to the extent of residential curtilage associated with the new dwelling, which has been extended. However, the curtilage of the proposed dwelling remains within the curtilage of the existing dwelling of 1 Grove Bank.

GROUND LEVELS

The rear section of the proposed dwelling was previously designed to be slightly dug into the ground. Under the current proposal the ground floor will be at ground level. This means that there will be reduced head room on the second floor/attic level.

- 1.3 The site is not covered by any statutory or non-statutory designations; however the site is located adjacent to both the boundary of the Bristol and Bath Green Belt and the Frenchay Conservation Area.

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

L1 Landscape

EP1 Environmental Pollution

T12 Transportation

H2 Proposals for Residential Development within Defined Settlement Boundaries

H4 Development within Existing Residential Curtilages

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

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standard (Approved for Development Management Purposes) March 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT13/1356/NMA Objection 24/05/2013
Non material amendment to PT11/2194/F to alter fenestration to south, west and east elevations and addition of glazed entrance porch.
- 3.2 PT11/2194/F Approved with Conditions 30/08/2011
Erection of 1no. detached dwelling with access and associated works.
- 3.3 N3914/1 Approved with Conditions 04/05/1978
Erection of boundary wall (maximum 11ft. 4ins. in height)

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection: Development would result in a 5 bedroom property with only one parking space and small garden. This would lead to on-street parking. Development would be directly adjacent to the boundary of the site with 51 Park Crescent.

4.2 Transport

No objection: Level of parking does not accord with the recent residential parking standard; however, as this is an amendment to a previously approved scheme additional vehicular parking cannot be requested.

4.3 Ecology

No objection: Informative note should be added regarding nesting birds

4.4 Drainage

No objection: Condition should be attached requiring SUDS and surface water drainage details. Informative note should be attached regarding the paving of dwelling frontages.

4.5 Environmental Protection

No objection: Request a condition on construction site operations.

4.6 Local Residents

One letter of objection was received. Objection was raised on the grounds that the proposed dwelling will contain five bedrooms which would result in undesirable infilling and that there is insufficient car parking provided within the development. It was also raised that the objections to PT11/2194/F still stand, particularly regarding shadowing.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for a detached dwelling within the curtilage of 1 Grove Bank in Frenchay. The development proposed is an amendment to a previously approved planning application, PT11/2194/F – an extant application for a four-bedroom dwelling. Plans submitted for the amended scheme show a five-bedroom dwelling. This has been achieved by effectively subdividing the first floor rear bedroom into two.

The internal arrangement does not require planning permission as it does not surmount to development. It would be possible to build out the extant permission and then subdivide the bedroom without a planning application. Therefore, although there is a nominal increase in the number of bedrooms within the property this is not relevant to determining this application.

5.2 Principle of Development

The development proposed is acceptable in principle. A previous application for a dwelling on this site was approved under PT11/2194/F. Further to this, as the site is located within the settlement boundary of Frenchay residential development is supported by both policies H2 and H4 of the Local Plan.

5.3 Design and Layout

- The most significant differences between the previously approved scheme and the current application is the proposed fenestration, massing and site area (curtilage). Materials are to remain the same as is the general location of the proposed dwelling, by the northeast boundary of the plot.
- 5.4 **CURTILAGE:** The curtilage of the proposed dwelling is to be increased over the curtilage associated with the previous approval. However, the land within the enlarged curtilage forms part of the existing curtilage of 1 Grove Bank. There will be no residential encroachment into the adjacent countryside and green belt as a result of this application. The garden for the proposed dwelling will run along the side of the existing property and then turn by 90° to the south. This will result in part of the eastern end of the existing garden being included within the curtilage of the new dwelling. Despite the enlargement to the curtilage, sufficient amenity space is retained for 1 Grove Bank.
- 5.5 It is not considered that the proposed garden is small. The curtilage as indicated would provide sufficient amenity space for both dwellings (the proposed and existing). The size of the proposed garden is commensurate with the size of the proposed dwelling.
- 5.6 **MASSING & GROUND LEVEL:** The previously approved proposed dwelling could be split into three distinct sections: front section, facing the road; linking section of similar proportions to the front section directly behind; and, a rear section that has a higher ridge and which attaches directly onto the link section.
- 5.7 Under this application it is proposed to raise the ridge height of the linking section to that of the rear section. The linking section would continue to have a smaller width than the rear section but would become integrated into the roof at the back. This would therefore bring the start of the higher part of the ridge closer to the front of the property.
- 5.8 However, the higher ridge is set back from the front section by the depth of that section (approximately 5.5 metres) and the ridge would not extend above the chimney stack. The alteration to the roof line is not considered to be detrimental to the visual amenity of the vicinity or the massing and general appearance of the dwelling as it would remain at the rear of the property and somewhat secluded from view.
- 5.9 It is also proposed to alter the ground levels. The semi-subterranean ground floor has been removed but the ridge height remains constant. As a result there is a reduction in the available head height on the second floor level. As the overall height of the dwelling remains unchanged, this alteration is considered de-minimus.
- 5.10 **FENESTRATION:** While the above represent the most significant alterations to the form and layout of the development, the changes to the fenestration make the most significant alteration to the general appearance of the dwelling, particularly at the rear.

- 5.11 The changes to the fenestration are listed in paragraph 1.2. The alteration to the rear extension create a more traditional elevation with casement windows at first and second floor level. Bi-fold doors are not out of character with the proposed development and are suitable.
- 5.12 At the front, the changes to the window style result in a more simple appearance. To the north, the removal of the non-windowed dormer also improves the visual appearance. On the south elevation a glazed porch is proposed as it a large picture window. These elements reflect the modern design approach hinted at by the bi-fold doors. The picture widow helps to establish the importance of this elevation, particularly the location of the front door. The changes to the fenestration meet the design standard established by policies D1 and H4 of the Local Plan.
- 5.13 Amenity
Whilst most of the alterations have little impact on residential amenity, the proposed picture window in the south elevation could impinge on the privacy of nearby occupiers. However, it is proposed that this window will be obscure glazed. An obscure glazed window will retain privacy and is acceptable. A condition will be attached to any consent to ensure that this window remains obscure glazed.
- 5.14 It has been suggested that the proposed dwelling would cause a shadow over the adjacent garden. Under the previous application the loss of light was given due consideration and was not considered to be prejudicial to the extent to warrant refusal of the application. The amendments to the proposed dwelling would have little material difference over that which has already been approved.
- 5.15 Transport
Only one off-street parking space is proposed to serve the dwelling. This falls short of the required level under the residential parking standard, which would require three spaces to be provided. The extant planning permission, PT11/2194/F, also only provides one parking space. As a four-bedroom dwelling this too would fail to meet the parking standard as three- and four-bedroom properties require two spaces.
- 5.16 Planning permission would not be required to make internal alterations to the extant planning permission (if built) to enable the creation of a fifth bedroom. It is therefore possible under the existing permission that a five-bedroom dwelling could be created with one parking space.
- 5.17 The parking provision has been assessed by the Council's highways officer. Whilst it would be desirable for further parking to be provided, as this application is an amendment to a previously approved scheme and one parking space was previously considered sufficient, there is no scope to require additional spaces to be provided. On that basis there is no transportation objection to the proposed development.

5.18 Density, Drainage and Environmental Protection

The proposed density is no different to that previously approved. It is still the opinion of the Local Planning Authority that the development site achieves an efficient and sustainable use of land.

5.19 Drainage details have not been submitted with the application. Conditions will be attached requesting information regarding sustainable urban drainage and surface water discharge to be submitted. From the records held by the Local Planning Authority, none of the conditions attached to the previous permission have been discharged.

5.20 A condition has been requested by the environmental protection team regarding construction sites. As the site is located within a residential area such a condition is considered reasonable.

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 the policies listed in section two. The development is considered to reach an acceptable standard of site planning and design and would not have a prejudicial impact on residential amenity. The development, when assessed against the conditions imposed accords with the above policies.

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 It is recommended to GRANT permission subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor window on the south elevation shall be glazed with obscure glass to level 3 standard or above.

Reason

To protect the residential amenity of the neighbouring occupiers]and to accord with Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To minimise disturbance to occupiers of nearby buildings and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north east elevation of the property.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

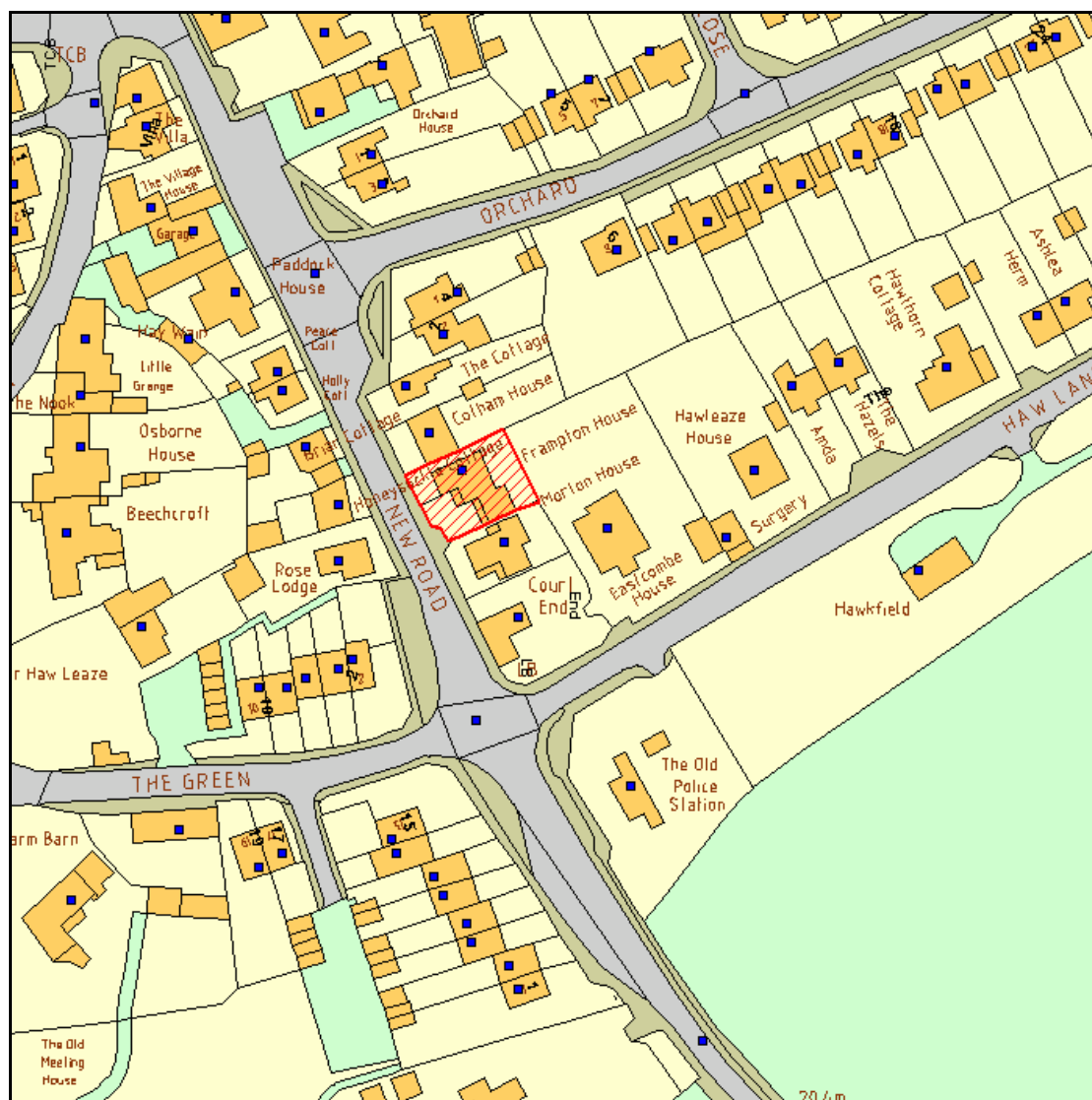
7. Prior to the commencement of development full details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 32/13 – 09 AUGUST 2013

App No.:	PT13/2300/F	Applicant:	Ms A Berry
Site:	Frampton House New Road Olveston Bristol South Gloucestershire	Date Reg:	26th June 2013
Proposal:	Erection of boundary wall 2.0m at highest point. (Retrospective) (Resubmission of PT13/0074/F)	Parish:	Olveston Parish Council
Map Ref:	360159 186914	Ward:	Severn
Application Category:	Householder	Target Date:	16th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2300/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination, as objection comments have been received, which are contrary to the recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect a boundary wall. The application is retrospective; the boundary wall has already been erected. However, the wall as proposed is shorter than the wall at present.
- 1.2 This application is a resubmission of PT13/0074/F, which was refused as per officer recommendation by the Development Control (West) Committee on 11th April 2013.
- 1.3 Permission is sought for a boundary wall between Frampton House and Morton House, which share an access onto New Road. The wall will be a maximum of 2 metres in height (at the highest point) and extend 2.6 metres from the pillar supporting the lean-to roof over the garage of Frampton House.
- 1.4 Frampton House and Morton House were granted planning permission under application PT03/1748/F subject to a number of conditions.
- 1.5 Planning permission is required for this development for three reasons:
 - i. the proposed wall would breach condition 8 of PT03/1748/F which required the retention of parking spaces hence after;
 - ii. the proposed wall would breach condition 9 of PT03/1748/F which required the retention of adequate manoeuvring areas hence after;
 - iii. condition 2 of PT03/1748/F removed permitted development rights.

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

L12 Conservation Areas

GB1 Development within the Green Belt

T12 Transportation

H4 Development within Existing Residential Curtilages

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

CS1 High Quality Design

CS8 Improving Accessibility

- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT13/0074/F Refused 17/04/2013
Erection of boundary wall 1.7m at highest point. (Retrospective).

Refusal Reasons –

(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.

- 3.2 PT10/1615/F Approved with Conditions 09/08/2010
Erection of first floor rear extension to form additional living accommodation.
- 3.3 PT03/1748/F Approved with Conditions 02/10/2003
Erection of two detached four bedroom dwellinghouses with integral double garages.
- 3.4 PT02/0077/O Refused 25/04/2002
Erection of 3 dwellings (outline)
- 3.5 PT01/3377/O Approved at Appeal
Erection of two detached dwellings on 0.1 hectares of land (outline).
- 3.6 PT00/2102/O Approved at Appeal
Erection of new dwelling (outline)
- 3.7 PT00/0859/O Refused 29/06/2000
Erection of one dwelling (outline).0074/F

4. **CONSULTATION RESPONSES**

4.1 Olveston Parish Council

Objection: Conditions attached to a previous consent appear to have breached; however, should adequate room be provided for manoeuvring then the Parish Council would consider the purpose of some of the original conditions observed. Concern over damage to the original boundary wall and impact on the

conservation area. Parish Council would expect South Gloucestershire Council to enforce the full re-instatement of the stone wall at the front of the property.

4.2 Highways

No objection: The shortened wall allows for the movement of vehicles by utilising the neighbouring property's driveway and is therefore broadly in accordance with the conditions of the implemented planning permission (PT03/1748/F).

4.3 Conservation

No objection: No objection subject to a condition covering the finish of the natural stone wall and sample panels showing stone, coursing and mortar.

4.4 Landscape

No objection: Development would not be contrary to policy L1.

4.5 Drainage

No comment

Other Representations

4.6 Local Residents

Two letters have been received: one comment of support from the adjacent neighbour and one letter of objection.

Letter of support –

- Development would enable the residents of Frampton House and Morton House to park off road.

Letter of objection –

- Proposal is contrary to conditions of previous planning permission.

It should be noted that the objection letter refers to PT00/2102/O – which was not the implemented planning permission. However, the points raised regarding the contravention of conditions is considered relevant.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks permission for a boundary wall at a property in Olveston.

5.2 Principle of Development

Development within existing residential curtilages is generally supported by policy H4 of the Local Plan. However, to accord with policy H4 the proposed development must reach an adequate standard of site planning and design, and must not have a prejudicial impact on either residential amenity or highway safety.

5.3 The proposed wall is located along the boundary of the property in an area that forms a residential access onto the public highway. Development must

therefore accord with policy T12 of the Local Plan. This policy is supportive, in principle, of development provided that the access remains safe for all uses of the highway, pedestrians and cyclists.

5.4 In addition, because the development sits directly adjacent to the Olveston Conservation Area, the proposal must accord with the provisions of policy L12 to be acceptable.

5.5 Finally, all development must be assessed in terms of design. The design standard for the district is set by policy D1 of the Local Plan. This policy seeks high standards of site layout and design in all development.

5.6 Therefore, the development is acceptable in principle subject to a detailed assessment against the criterion of the above policies.

5.7 Highway Safety

When planning permission was granted for the erection of Frampton House and Morton House (under PT03/1748/F) highway safety was assessed. At this time it was considered necessary to impose a number of planning conditions to ensure that adequate parking and manoeuvring space was retained within the curtilage of the property. The aim of these conditions was to ensure that vehicles leaving these properties did not have to reverse onto the public highway.

5.8 Planning permission PT03/1784/F was subject to the following two conditions: (8) the off-street car parking facilities (ie. garaged car parking spaces) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose; and, (9) none of the buildings shall be occupied or the use commenced until the associated access and on site manoeuvring area have been provided in accordance with the approved plans. The turning facilities shall not be used, thereafter, for any purpose other than the manoeuvring of vehicles.

5.9 The revised planning application under consideration here sees the removal of a number of obstructions to the safe manoeuvring of vehicles within the curtilage. The reduction in the length of the wall, wall wings, and the removal of the planter allow pedestrian visibility and turning space. In essence, this planning application will provide the same conditions that were sought under PT03/1784/F. On that basis there is no transportation objection to the proposal.

5.10 The highways officer has requested that these works be undertaken within three months of permission.

5.11 Conservation

Application PT13/0074/F was refused for two reasons, one of which was the impact on the setting of the Olveston Conservation Area.

5.12 The amended application reinstates the visibility splays which help to reintroduce the sense of enclosure along New Road as you enter the conservation area. It also proposes to reconstruct the wall from natural stone

to a similar appearance to the historic wall. These amendments have reduced the impact on the setting of the conservation area and the entrance way is now no longer considered to be harmful. As such, the development is not contrary to policy L12 and the previous second refusal reason has been overcome.

5.13 Design

Design considerations relate to the proposed wall between Frampton House and Morton House. The front boundary wall has been assessed above under the section on conservation. However, to ensure that a satisfactory appearance to the wall is achieved a number of conditions will be attached requiring samples of the natural stone, the coursing and mortar. This is to protect the character and appearance of the conservation area and to achieve high standards of site design.

- 5.14 The boundary wall between the two properties would run forwards of the pillar supporting the lean-to roof over the garage of Frampton House for 2.6 metres. The wall would relate mostly to the two properties contained on the site, behind the historic wall. Therefore the most suitable design would be that which is in keeping with the external appearance of these dwellings and the conservation area. Therefore it is not considered that the proposed wall would be detrimental to visual amenity and would not be contrary to policy D1.

5.15 Amenity

Development should not have a prejudicial impact on residential amenity. Under the previous application, PT13/0074/F, it was assessed that the proposed wall would have a neutral impact on residential amenity. The impact on residential amenity of the development currently proposed is not considered to have a different impact from the previous application. Therefore, it is not considered that the development would be prejudicial to residential amenity.

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 the policies listed in section two of this report. It is not considered that the proposed wall would be detrimental to highway safety or the setting of the conservation area and an acceptable standard of design has been reached.
- 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 The recommendation is to GRANT planning permission subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three months from the date of that the attached conditions are discharged.

Reason

To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended) and to improve highway safety conditions in the locality in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Prior to the commencement of development details of the proposed walling materials shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance in the Olveston Conservation Area, and to accord with and Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

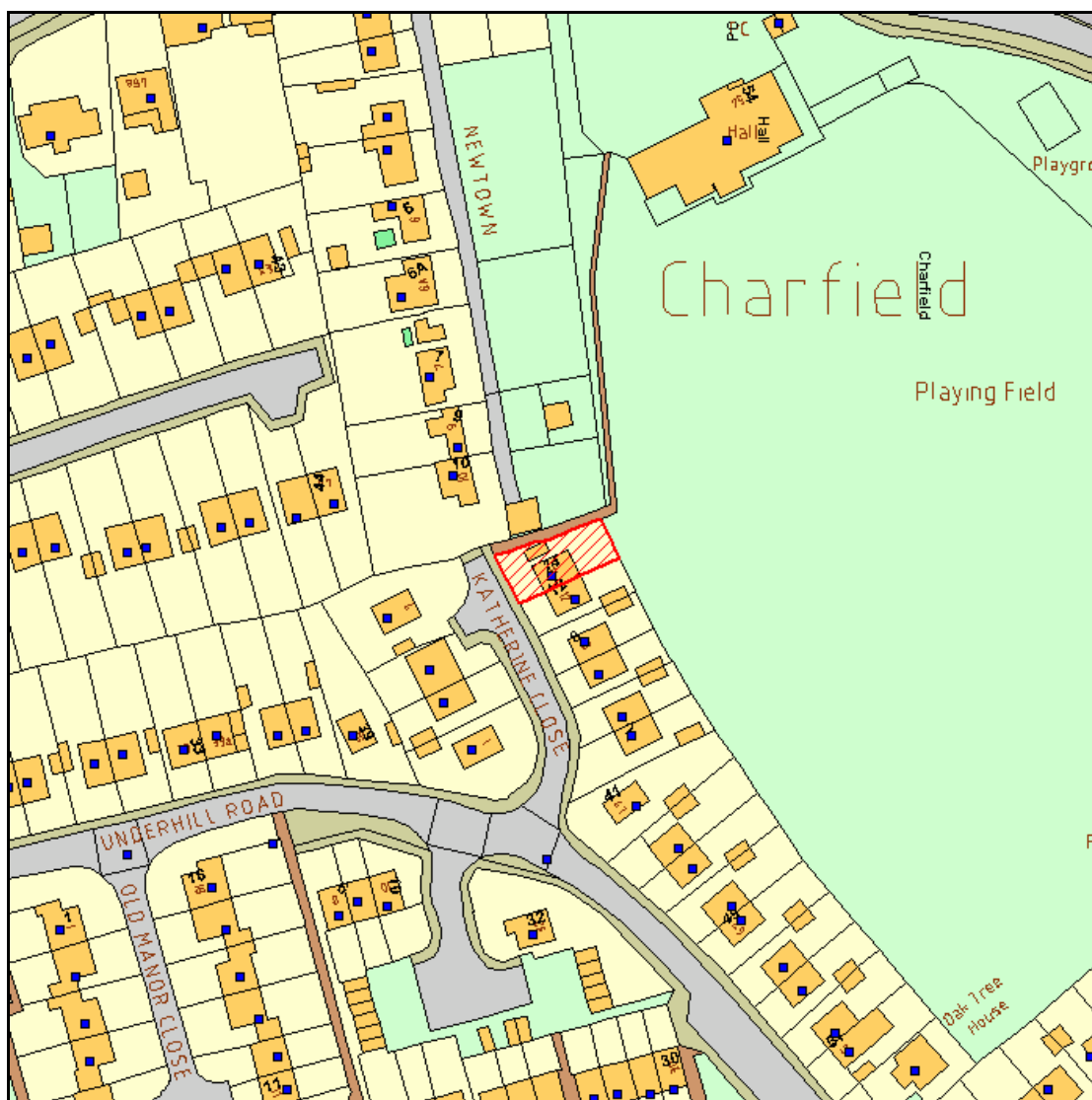
3. Sample panels of stonework, demonstrating the colour, coursing and mortar are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete.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

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/13 – 09 AUGUST 2013

App No.:	PT13/2315/F	Applicant:	Mr D Kington
Site:	14 Katherine Close Charfield Wotton Under Edge South Gloucestershire GL12 8TU	Date Reg:	28th June 2013
Proposal:	Erection of single storey front and side extension to form additional living accommodation.	Parish:	Charfield Parish Council
Map Ref:	372249 192130	Ward:	Charfield
Application Category:	Householder	Target Date:	20th August 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/2315/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule as mixed comments have been received from the Parish Council and a member of the public which may form the basis of an objection. An objection would be contrary to the recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey front extension and a single storey side extension. The site is part of a pair of semi-detached houses located at the end of Katherine Close in Charfield. Adjacent to the site runs a public footpath that links Katherine Close with the public playing fields.
- 1.2 The proposed front extension will project 1.6 metres beyond the front elevation and cover the whole width of the original dwellinghouse. This extension mimics the front extension on the adjoining property. The side extension would project 3.3 metres from the side elevation and be flush with the original front elevation of the house. The extension would be 6.5 metres deep to link into the existing side and rear extension permitted under PT08/1166/F. Both extensions are of single storey only.
- 1.3 To facilitate the erection of the side extension, the existing garage will be demolished. Although the garage will be lost, two parking spaces will be retained within the front curtilage of the property.
- 1.4 The comments received relate mainly to the proposed erection of a boundary wall along the adjacent public footpath (and to the front of the property). It is stated on the submitted plans that these walls are to be constructed under permitted development and are therefore not included within this planning application.

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

L5 Open Areas within Defined Settlements

T12 Transportation

H4 Development within Existing Residential Curtilages

LC9 Protection of Open Space and Playing Fields

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

CS1 High Quality Design

CS8 Improving Accessibility

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Approved for Development Management Purposes) March 2013

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT08/1166/F Approved with Conditions 29/05/2008
Erection of rear and side conservatory

4. **CONSULTATION RESPONSES**

4.1 Charfield Parish Council

No objection: The Parish Council have no objection to the planning application; however, as they are the owners of the adjacent footpath and the wire mesh fence that runs along side the Parish Council would like the following comments noted:

- The height of the wall is not stated, just that it will be carried out under permitted development;
- Parish Council would like confirmation of the finished height of the proposed wall and where the height will be reduced to enable pedestrian visibility and to ensure the that the footpath does not become a dark tunnel;
- Parish Council seek confirmation that the wall is to be built inside the wire fence so that the footpath isn't diminished in width.

Should the above be satisfactory the Parish Council is happy with the proposed development.

4.2 Drainage

No comment

4.3 Local Residents

One comment has been received from a member of the public. This comment states that the height of the proposed wall along the footpath is not shown. Should the wall be 1 metre in height, there would be no objection. However, should the wall be 2 metres in height then it would have an overbearing impact on the footpath and may deter pedestrians. The fence and path are owned by the Parish Council.

5. **ANALYSIS OF PROPOSAL**

- 5.1 This application seeks planning permission for a single storey front extension and a single storey rear extension at a property in Charfield.

5.2 Principle of Development

Development within existing residential curtilages is supported, in principle, by policy H4 of the Local Plan. Whilst the development may be acceptable in

principle, policy H4 stipulates that an assessment of the design, impact on residential amenity, and transportation needs to be made to determine the overall acceptability of the scheme. Therefore the determination of this application is based on the analysis below.

5.3 Design

The proposed front extension mimics an existing front extension on the adjoining property (no.12). It will see a projection of 1.6 metres to the front of the property with a lean-to roof. The cladding will be retained at first floor while the extension will be finished in bricks to match those of the existing dwelling.

- 5.4 A side extension is proposed to replace the existing detached garage. At present, the location of the garage does not make efficient use of the site resulting in unused corners and walkways. A 3.3 metre wide side extension is proposed to replace the garage and associated underused external space. The extension will sit flush with the front elevation of the original dwelling and will have a lean-to roof along the side elevation. This will abut the existing hipped roof of the rear and side conservatory. Bricks are proposed that match the bricks of the existing dwelling.

- 5.5 Overall the proposed development retains the character and appearance of the existing dwelling and makes the most efficient use of the site. The front extension will not be out of character with the vicinity as the adjacent property has an almost identical extension. Although the development will increase the massing along the side of the property, adjacent to the footpath, this is not considered that the design of the proposed extensions would have a detrimental impact on the function or use of this route. The proposed development is in accordance with policies D1 and H4 of the Local Plan.

5.6 Amenity

Amenity should be considered in terms of the impact on the host dwelling and any impacts on nearby occupiers or the vicinity. The site for the proposed extension is currently underused as an inefficient use of land has occurred. The proposed development will provide additional living accommodation within impacting upon the availability of private amenity space at the property.

- 5.7 The proposed development will not have a prejudicial impact on the amenities of any nearby occupier. The extensions are limited to single storey only and no windows are proposed to materially alter the existing outlook from the site or privacy of nearby properties.
- 5.8 Located in close proximity to the adjacent public footpath there is the potential for the development to impact on the amenities of the uses of this route. However, the side extension will replace an existing detached garage. Therefore, buildings are already located in close proximity to the footpath and the proposed development will not have a materially greater impact than the built form as existing.
- 5.9 Overall it is not considered that the development will have a prejudicial impact on residential amenity.

5.10 Transport and Parking

As part of the development, the existing garage will be demolished. However, two off-street parking spaces will be retained in the front curtilage of the property.

- 5.11 To accord with the residential parking standard, two off-street parking spaces are required at three- and four-bedroom dwellings. It is assumed that the existing property offers no more than four bedrooms. Therefore adequate off-street parking is retained.

5.12 Boundary Wall

A number of comments have been received regarding the proposed boundary wall. The applicant has indicated on the submitted plans that the proposed wall is to be constructed under permitted development. As such, the walls have not been included within the description of development and have not been assessed as part of this application.

- 5.13 Notwithstanding the above, for the walls to comply with permitted development regulations the wall to the front of the property, adjacent to Katherine Close, may not exceed 1 metre in height and the wall to the side, adjacent to the footpath, may not exceed 2 metres in height. Any wall proposed that exceeds this would require a planning application and it is at that time that the merits of the proposed wall would be assessed.

- 5.14 With regard to the retention of the wire mesh fence and the location of the proposed boundary wall, as the wall falls out of the remit of this planning application this is considered to be an issue best addressed by the respective land owners.

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 the policies listed in section two of this report. An acceptable standard of site planning and design has been achieved and the development is not considered to have an impact on residential amenity or highway safety. As such, the proposal accords with the above mentioned policies.
- 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 It is recommended to GRANT permission subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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