



**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. 41/13

Date to Members: 11/10/13

Member's Deadline: 17/10/13 (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:

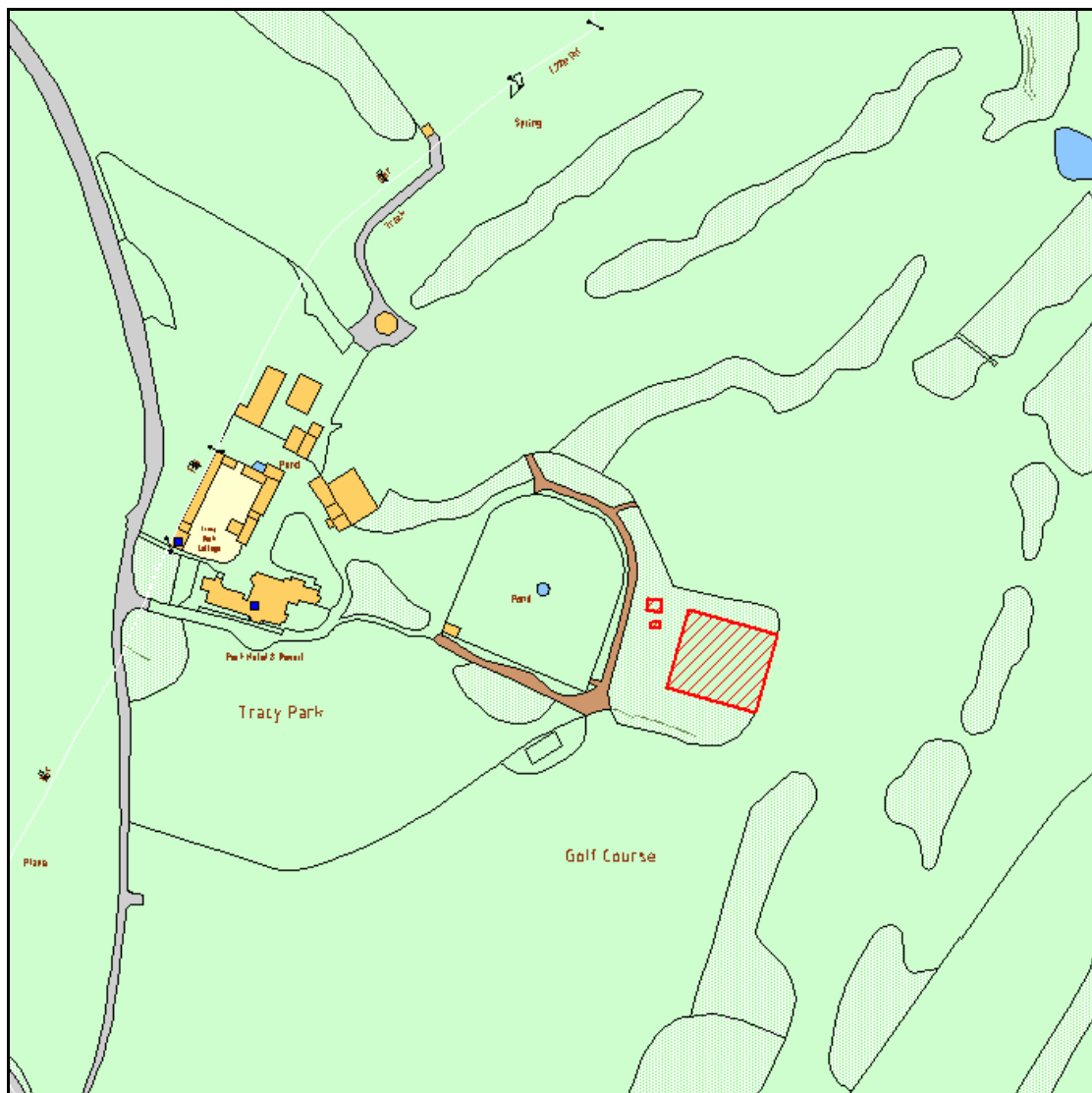
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 41/13 – 11 OCTOBER 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/2200/CLE	Approve with Conditions	Park Hotel And Resort Bath Road Wick South Gloucestershire BS30 5RN	Boyd Valley	Wick And Abson Parish Council
2	PK13/2813/F	Approve with Conditions	Land Rear Of 94 High Street Marshfield Chippenham South Gloucestershire SN14 8LS	Boyd Valley	Marshfield Parish Council
3	PK13/2961/RV	Approve with Conditions	Land At Southway Drive Warmley South Gloucestershire BS30 5JE	Oldland	Bitton Parish Council
4	PK13/2991/TRE	Approve with Conditions	1 Farm Gardens Downend South Gloucestershire BS16 6DE	Downend	Downend And Bromley Heath Parish Council
5	PK13/3049/F	Approve with Conditions	Rockland Road Sewage Interceptor Overndale Road Downend South	Downend	Downend And Bromley Heath Parish Council
6	PK13/3370/RV	Approve with Conditions	Land Between 84 And 90 Pearsall Road Longwell Green South Gloucestershire	Longwell Green	Hanham Abbots Parish Council
7	PT13/2461/F	Approve with Conditions	Land At Rookery Lane Pilning South Gloucestershire BS35 4JN	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
8	PT13/2821/F	Approve with Conditions	Land Between 2 And 8 The Green Stoke Gifford South Gloucestershire BS34 8PD	Stoke Gifford	Stoke Gifford Parish Council
9	PT13/2897/F	Approve with Conditions	Former St Peters Primary School 1B Bank Road Pilning South Gloucestershire BS35 4JG	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
10	PT13/3094/F	Approve with Conditions	82 Dragon Road Winterbourne South Gloucestershire BS36 1BJ	Winterbourne	Winterbourne Parish Council
11	PT13/3170/F	Approve with Conditions	The Stables Swinhay Lane Charfield Wotton Under Edge South Gloucestershire GL12 8EX	Charfield	Charfield Parish Council
12	PT13/3200/F	Approve with Conditions	25 Warren Close Bradley Stoke South Gloucestershire BS32 0BP	Bradley Stoke North	Bradley Stoke Town Council
13	PT13/3216/RVC	Approve with Conditions	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire BS35 3TT	Thornbury South And	Thornbury Town Council

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PK13/2200/CLE	Applicant:	Mr Ian Knipe
Site:	Park Hotel And Resort Bath Road Wick Bristol South Gloucestershire	Date Reg:	28th June 2013
Proposal:	Certificate of lawfulness for the existintg use of building and surrounding hard standing for storage of golf course related materials, plant and machinery and connected water tanks used in irrigating golf course.	Parish:	Wick And Abson Parish Council
Map Ref:	371336 171864	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	20th August 2013



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100023410, 2008.

N.T.S.

PK13/2200/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule for Member consideration in accordance with the adopted scheme of delegation as the application is for a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This is an application for a Certificate of Lawfulness to ascertain whether an existing large building for the storage of golf course related materials, plant and machinery, steel container and water tanks have been sited for a continuous period of more than four years at Park Hotel and Resort Bath Road, Wick.
- 1.2 The application site is situated to the west of Wick. All buildings, the hardstanding surrounding the large maintenance building and the water tanks are situated within a golf course. Park Hotel and Resort is long established golf course. The application site is only accessed via a track, which runs pass the south of the existing hotel buildings.

2. POLICY CONTEXT

- 2.1 Circular 10/97: Enforcing Planning Control: Legislative Provisions and Procedural Requirements.

3. RELEVANT PLANNING/ENFORCEMENT HISTORY

- 3.1 N290 Construction of two golf courses and the use of the main house and adjoining buildings as a club house. Approved 04.06.75
- 3.2 N290/1 Construction of one 18 hole golf course and one 9 hole golf course (layout plan). Approved 14.08.75
- 3.3 N290/2 Widening of main entrance driveway, construction of car parking facilities and improvement to junction of entrance driveway with Bath Road. Approved 11.12.75
- 3.4 N290/3 Alterations to outbuildings to provide professionals shop and changing room facilities with grill/bar over. Comprising or including works for the alteration or extension of a listed building. Approved 10.03.76
- 3.5 N290/4 Alterations to existing building to form restaurant and barn and installation of calor gas tank. Approved 11.03.96
- 3.6 N290/6 Change of use of part of first floor to form banqueting and conference centre. Installation of doorway at first floor level. Approved 15.09.77
- 3.7 N290/9 Use of first floor premises as offices. Approved 27.07.78

- 3.8 N290/16 Erection of 68 condominium apartments in walled garden.
Refused 24.07.80

- 3.9 N290/18 Erection of extensions to the main house to provide leisure centre, incorporating restaurant, bar, swimming pool, squash courts, changing rooms, professionals shop, health gymnasium and conference room; installation of foul water treatment plant. Approved 02.12.82

- 3.10 P88/2056 Erection of 120 bedroom hotel with associated restaurants, conference and leisure facilities. Construction of associated service yard, access roads and car parking facilities. Carrying out of improvements to junction of A420 (Bath Road). (Outline) Approved 20.02.90

- 3.11 P94/1229/L Works involving restoration of existing ground floor kitchen to provide bar/restaurant, installation of partition in new ground floor kitchen, installation of extractors via existing flue to first floor kitchen, installation of fire doors smoke detectors and emergency lighting and installation of fire resisting partition between function room and staircase. Approved 27.03.94

- 3.12 P97/4688 Conversion of existing stable block to hotel accommodation. Alteration to vehicular access. Approved 02.04.98

- 3.13 P97/4689/L Conversion of stable block to hotel accommodation. Alterations to vehicular access. Internal alterations to main house. Approved 02.04.98

- 3.14 PK02/3385/F Construction of earth bund, approx 130 metres long by 5.5 metres. Approved 19.12.02

- 3.15 PK06/0466/F Restoration of listed buildings and listed external features. Demolition of existing squash courts and extension and conversion of existing adjoining clubhouse to facilitate erection of two-storey 18 bedroom hotel. Erection of new golf clubhouse and health spa in walled garden, comprising: locker rooms, showers, toilets, club bar and kitchen, pro-shop, spa reception, therapy rooms, gym, exercise studio and indoor swimming pools. Construction of new access tracks and 54 space car park to east of walled garden on site of old tennis courts. Reconfiguration of existing car park. Refused 12.05.06

- 3.16 PK06/0468/F Demolition of existing buildings to facilitate the erection of new hotel. Erection of health and spa facilities, golf club house. Construction of road and car parking and associated access and landscaping. Refused 12.05.06

- 3.17 PK06/2554/F Restoration of listed building and listed external features. Demolition of existing squash courts and extension and conversion of existing adjoining clubhouse to facilitate erection of two-storey 18 bed roomed hotel. Erection of new golf clubhouse and health spa in walled garden, comprising: locker rooms, showers, toilets, club bar and kitchen, pro-shop, spa reception, therapy rooms, gym, exercise studio, and indoor swimming pools. Construction

of new access tracks and 54 space car park to east of walled garden on site of old tennis courts. Reconfiguration of existing car park. Withdrawn 22.11.06

- 3.18 PK06/2492/LB Alteration and repairs to listed buildings including demolition of existing squash courts and erection of extension to former stables and new clubhouse etc within walled garden. Withdrawn 18.12.06

4. **CONSULTATION RESPONSES**

4.1 Wick and Abson Parish Council

No objection

4.2 Other Consultees

Conservation Officer:	No objection
Archaeology Officer:	No comment
Public Rights of Way:	No objection
Highway Officer:	No objection

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

- 5.1 In support of the application, the following information/evidence has been submitted:-

Personal appearance under Oath from Mr Robert Wilmott, Mr Jason Steven, Mr Gordon Foote and Mr Gary Vile dated 29 May 2013, in which he states the following (in summary focusing on the relevant issues related to this application):

- I work at Tracey Park Golf Club, Wick as greenkeeper. (Mr Robert Wilmott and Mr Gordon Foot have done so since 2001, and Mr Gary Vile have done so for over 13 years, and Mr Jason Steven is head greenkeeper)
- During 2008 a company known as Severn Steel Buildings Limited constructed a large steel portal framed building on existing tennis courts. The building is located approximately 100 metres to the east of the main listed house.
- In the autumn of 2008 the other greenkeepers and I relocated from our previous maintenance compound, which was located adjacent to the existing car park to this new building. The surrounding hard standing that we also use comprises of the remains of the old tennis courts.
- At the end of February 2009 a tea room that had been used by employees of the golf course for breaks burnt down and we then set up a tea room in the new building built by the above the company.

5.2 The Relevant Test of the Submitted Evidence

Circular 10/97 makes it clear that the onus of proof is on the applicant, but that in determining applications for a Certificate of Lawfulness, the relevant test of

the evidence is “the balance of probability” and not the more onerous criminal burden of proof, namely “beyond reasonable doubt”.

Thus, the Council must decide whether it is more probable than not that the submitted evidence shows that the applicant has built the existing buildings for storage of golf course related materials, plant and machinery, and water tanks for more than four years in question.

6. SUMMARY OF CONTRARY EVIDENCE

6.1 No opposing evidence has been received and the Council could find no evidence in opposition to the submitted evidence.

7. EVALUATION

7.1 Hierarchy of Evidence

The evidence submitted comprises a mix of statutory declarations and letters. The Council also has photographic records of the site from dated aerial photographs. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

- Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall
- Other personal appearance under oath or affirmation.
- Verifiable photographic evidence.
- Contemporary documentary evidence, especially if prepared for some other purpose.
- Sworn written statements (witness statements or affidavits) which are clear as to the precise nature and extent of the use or activity at a particular time.
- Unsworn letters
- Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.2 To support the case, the applicant submitted a site location plan, (Drawing No. 13053/001), a block plan (Drawing 13053/003), and an existing elevations and floor plan (Drawing 13053/002). The red-edged area on the submitted site location plan includes the main entrance of the golf course, the vehicular access across the main buildings / hotels of the golf course, a large steel frame maintenance building, a steel container, 2 no. water tanks, and the surrounding area.

7.3 It is considered that the main entrance of the site including the vehicular access, surrounding area outside the former tennis court should not be

included within the red-edged plan as they are used in association with the golf course. Therefore the officers have amended the red-edge site location plan accordingly for the purposes of assessing this application.

7.4 The applicant's claim has been split into three distinct parts, which will be considered separately. These three parts are as follows,

- 1) The existing large building and the surrounding hard standing
- 2) The existing steel container
- 3) The connected water tanks

These parts have been assessed in turn below.

7.5 Existing large building and surrounding hard standing

The applicant has submitted four personal appearances by oaths, which declares that the existing large building was built since 2008 and the tearoom was set up within the building in February 2009. This corroborated evidence, which relates directly, clearly and precisely to the applicant's claim and they are considered to carry significant weight in favour of the applicant's claim.

The Council's own historic 1991 aerial photo shows that the area was largely used as tennis court. The historic 2008-2009 aerial photo shows that the existing large building was on site and the hardstanding was constructed around the large building on the remainder of the tennis court.

This verifiable photographic evidence demonstrates that the existing building and hardstanding have been in place for the required four years period and does not conflict with any other evidence submitted in support of the applicant's claim.

However, the photographs do not prove a continuous use of the building. This evidence is considered to carry moderate weight.

The Case Officer visited the site in June 2013, and visually it was clear that the applicant had been using the building for the storage of plant and machinery for some considerable time. There was no evidence on site to dispute that the applicant's claim. Additionally, there is no enforcement case relating to the existing large building.

There is no counter evidence to dispute this claim or to be weighed against the evidence above. It is considered that the evidence submitted demonstrates on the balance of probabilities that the applicant has stationed the building on the site for the required four years period.

7.4 The existing steel container

Whilst there are four oath confirmations from the current employees, the oaths do not mention the existing steel container, as such is considered to carry no significant weight.

The Council's historic aerial photographic record for 1999, 2005, 2006 and 2008-9 do not clearly show the steel container in existence. This verifiable photographic evidence therefore cannot demonstrate that the steel container has been in place for the required four years period and does conflict with any other evidence submitted in support of the applicant's claim.

On this basis it is considered on the balance of probabilities that the steel container has not been built on site for required four years period.

7.6 The existing water tanks

Two tanks are situated to the west of the existing large building. The tanks would need to have been in place for more than four years in order to benefit from immunity.

The submitted oath confirmations do not mention the existing water tanks.

Nevertheless the Council's historic aerial photographic records of 2006 and 2008-9 do show a structure in existence and the site plan of PK06/0466/F also shows the existing water tanks. It is therefore considered that there are sufficient evidence to demonstrate that the water tanks have been in place for the required four years period and does not conflict with any other evidence submitted in support of the applicant's claim.

On this basis it is considered on the balance of probabilities that the water tanks have been built on site for required four years period.

8. CONCLUSION

- 8.1 Officers conclude, objectively that on the balance of probability, according to the submitted evidence, the following,
- 8.2 That the existing large steel building, the operation of the provision of the hardstanding and 2 no. water tanks edged red on the site plan scale 1:2500 has been in place for a continuous period of four years from the date of submission of this application.
- 8.3 That the existing steel container has not been in place for a continuous period of 4 years before the date of submission of this application.

9. RECOMMENDATION

- 9.1 That the Council issue the Certificate of Lawfulness with a description as stated in par.8.2 and refuse the development as described in par.8.3.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. There is considered to be sufficient evidence weighing in favour of the applicant's claim that the existing large steel frame maintenance building, the surrounding hard standing and 2 no. water tanks were erected at Park Hotel and Resort, Bath Road, Wick for a period of at least 4 years immediately prior to the submission of this application and no contradictory evidence has been received. Having assessed the evidence provided, it is considered that on the balance of probability the applicant has provided sufficient evidence to demonstrate that the building including the surrounding hard standing and the tanks edged red on the Site Plan (Existing) Scaled 1:1250 were built more than 4 years immediately prior to the submission of this application. Therefore it is considered that the Certificate should be issued for the building. For avoidance of doubt, this Certificate does not make the 'steel storage container' lawful.

ITEM 2

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PK13/2813/F	Applicant:	Mr John Davis
Site:	Land Rear Of 94 High Street Marshfield Chippenham South Gloucestershire SN14 8LS	Date Reg:	6th August 2013
Proposal:	Demolition of existing commercial building and erection of 4no. dwellings with access and associated works.	Parish:	Marshfield Parish Council
Map Ref:	377705 173765	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	1st October 2013



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100023410, 2008. **N.T.S.** **PK13/2813/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of 4 dwellings on a 0.09ha plot of land to the rear of no.94 High Street, Marshfield. The site lies within the Established Settlement Boundary of Marshfield, the Marshfield Conservation Area, The Cotswolds Area of Outstanding Natural Beauty and adjacent to a Grade II Listed Building i.e. no 94 High Street. Vehicular access into the site is from Robbins Close to the north.
- 1.2 A number of redundant commercial buildings currently occupy the site. Conservation Area Consent PK13/2812/CA has been sought for the demolition of these buildings within the Conservation Area.
- 1.3 The application follows the refusal of a similar scheme PK12/1268/F for the erection of 3 dwellings (see para. 3.5 below). The current proposal is supported by the following documents:
 - Design and Access Statement (Revised)
 - Ecological Appraisal
 - Assessment of the Historic Environment
 - Ground Contamination Assessment
- 1.4 This application should be read in conjunction with application PK12/1340/CA.

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework (NPPF) March 2012
Historic Environment Practice Guide
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) 6th January 2006
 - D1 - Design
 - L1 - Landscape Protection and Enhancement
 - L2 - Cotswolds AONB
 - L9 - Species Protection
 - L11 - Archaeology
 - L12 - Conservation Areas
 - L13 - Listed Buildings
 - L17 & L18 - The Water Environment
 - EP1 - Environmental Pollution
 - EP2 - Flood Risk and Development
 - EP6 - Contaminated Land
 - H2 - Residential Development within the existing Urban Area

H6 - Affordable Housing
T7 - Cycle Parking Provision
T12 - Transportation Development Control Policy for New Development
LC2 - Provision of Education Facilities
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Emerging Plan

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 - High Quality Design
CS5 - Location of Development
CS9 - Managing the Environment and Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist

Marshfield Conservation Area Advice Note Adopted 29 March 2004.

The South Gloucestershire Landscape Character Assessment : Character Area LCA2, Marshfield Plateau.

The South Gloucestershire Biodiversity Action Plan

South Gloucestershire Council Residential Parking Standards (Approved for development management purposes) 27 March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 N2581/1 - Erection of a portal frame implement storage building.
Approved 10 April 1980
- 3.2 N2581/2 - Erection of portal frame building 45ft x 54ft. For the use for storage purposes (in accordance with the revised details received 23 Nov 1983).
Approved 19 Oct 1983
- 3.3 PK11/1089/CA - Demolition of commercial building.
Withdrawn 11 May 2011
- 3.4 PK11/1088/F - Demolition of existing commercial building and erection of 1no. detached dwelling and 2no. semi-detached dwellings with access and associated works.
Withdrawn 11 May 2011
- 3.5 PK12/1268/F - Demolition of existing commercial building and erection of 1no. detached dwelling and 2no. semi-detached dwellings with access and associated works. (Resubmission of PK11/1088/F)
Refused 12th July 2012 for the following reason:

'The application site is located within the Marshfield Conservation Area, the character or appearance of which it is desirable to preserve or enhance. The proposed development, by virtue of its scale, mass, form, height and design would have a harmful impact on the character and appearance of the Conservation Area. The development is, therefore, considered to be contrary to Policies D1 and L12 of the adopted Local Plan, section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the Historic Environment Practice Guide.'

3.6 PK12/1340/CA - Demolition of commercial building. (Resubmission of PK11/1089/CA).
Approved 12th July 2012

3.7 PK13/2812/CA - Demolition of existing commercial building.
Approved 9 Oct 2013

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council
No objection.

4.2 Other Consultees [including internal consultees of the Council]

Ecology

There are no ecological constraints to granting planning permission. Conditions will be required relating to a scheme of bat access points ('bat slates'), house sparrow nest boxes and a landscape planting strategy.

Historic Environment

No objection subject to a condition to secure an Archaeological Watching Brief and the buildings being recorded to an appropriate English Heritage level prior to demolition.

English Heritage

No comment.

Sustainable Transport

No objections

Environmental Protection

No objections subject to a condition related to possible Contaminated Land and mitigation methods.

Landscape

The proposed 4m high wall on the southern boundary of Plots 3 and 4 should be reduced. A landscape condition should be placed on any permission.

Highways Drainage

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

Conservation Officer

In terms of the proposed dwellings, I have no objection to the scheme and I am of the opinion that the design will preserve the character and appearance of the conservation area, in accordance with Policy L12 of the adopted Local Plan. The development will also result in a positive change to the garden setting of the listed building in accordance with Policy L13 of the adopted Local Plan. The proposed wall on the southern boundary of plots 3 and 4 should be reduced in height to 2m.

Other Representations

4.3 Local Residents

E-mails of objection were received from one local resident; the concerns raised are summarised as follows:

- Overdevelopment – Plot 4 should be omitted.
- Contrary to grain of the mediaeval development.
- Inappropriate scale in relation to the Listed Building – the height of Plot 3 should be reduced.
- Loss of views for nos. 94 & 96 High Street.
- Parking should be re-located to the west to increase garden space.
- Southerly boundary wall is too high at 4m.

6no local residents supported the scheme. The following is a summary of the comments made:

- The existing commercial buildings' are an eyesore; the development would be an asset to the site and village.
- The design will blend well within the existing development.
- The buildings are two-storey and will not be overbearing.
- The off street parking provision has been addressed.
- The proposed access is good.
- Increased garden size for no.94.
- The proposal would be harmonious with the Crest Development.
- Plots 3 & 4 should not be re-orientated as suggested as this would cause overlooking of 23 Robbins Close.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPS5 – 'Planning for the Historic Environment' (although The Historic Environment Practice Guide has been retained). The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

- 5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.
- 5.3 The South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications 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. Given the advanced stage that the Core Strategy has now reached, the policies therein, although not yet adopted can now be afforded increased weight.
- 5.4 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.
- 5.5 Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 seeks to preserve or enhance the character or appearance of the Conservation Area. Policy L13 seeks to preserve the setting of Listed Buildings.
- 5.6 Also of relevance is Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications, both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and seeks to avoid development, which makes an inefficient use of land. The highest density that can be achieved within the various local considerations need to be taken into account. The proposal equates to 44 units per hectare, which given the constraints on development of

this site within a Conservation Area and close to a Grade II Listed Building, is considered to be appropriate.

- 5.8 The proposal is considered to make efficient use of the land in what is a sustainable location, close to the centre of Marshfield, within easy walking distance of shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.9 Scale, Design and Impact on the Conservation Area
Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 only permits new development where good standards of site planning and design are achieved. Criterion A of Policy D1 requires that siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. These criteria are carried forward into Policy CS1 of the emerging Core Strategy. Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 seeks to preserve or enhance the character or appearance of the Conservation Area.
- 5.10 The application site lies within the Conservation Area of Marshfield and to the north of the Grade II Listed 94 High Street, an early 19th century two and a half storey house with attic accommodation lit by dormers. It is a classically designed building of natural ashlar stone with a slate mansard roof, small pane Georgian sash windows and an ashlar stone porch. It sits slightly back from the footpath and fronts a linear plot that extends north towards Tanners Walk/Robbins Close. To the north of the listed buildings are a series of large, industrial buildings that occupy land that previously served as the burgage plot and domestic gardens for number 94 High Street. A single building is shown on the 1880 OS map as being positioned approximately midway along the plot and aligned east-west and which may have functioned as stables.
- 5.11 The application seeks permission for the erection of 4 dwellings on the site; two detached cottages fronting Tanners Walk and a pair of semi-detached houses positioned to the rear, aligning with the modern development to the west. This modern development, also in the Conservation Area has clearly been designed to respect the traditional character of the Conservation Area. In this respect, a sympathetic palette of natural materials has been used to give the development a traditional feel and appearance, with the buildings adopting historic building forms and proportions. A mix of two and two and a half storey buildings can be found within the area, with the taller buildings focussed in a cluster at the centre of the development along the main through road. Away from these buildings and on the 'back roads', the scale of the buildings diminish as they become traditional 2 storey buildings of vernacular proportions. A playground forms an area of open space adjacent to the development site to the south. The development is located on an extension of the historic Back Lane, which runs east west along the former northern boundary of Marshfield. The historic character of the Back Lane area is essentially one of small, modest cottages and converted agricultural outbuildings that formerly served as storage or ancillary accommodation or workshops for the buildings fronting the High

Street. On the northern side of the road, modern detached dwellings form little cul-de-sacs of development that fail to respect the character and grain of historic settlement. The Tanners Walk development has a character of its own and the application site sits at the junction between these two areas.

- 5.12 A series of pre-application consultations and drawings were submitted previously, and advice was offered at this time in respect of the design, scale and massing of the proposals. An application PK11/1088/F was also submitted and subsequently withdrawn due to a lack of heritage appraisal and concerns over the scale of the proposed development. A subsequent application (PK12/1268/F) for the demolition of existing commercial building and erection of 1no. detached dwelling and 2no. semi-detached dwellings with access and associated works was refused for the reason listed at para. 3.5 above.

Policy considerations

In terms of policy, Policies D1, L12 and L13 of the adopted Local Plan will be relevant.

D1 *Development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that:*

A. Siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality.

L12 *Development within or affecting a conservation area will only be permitted where it would preserve or enhance the character or appearance of the conservation area. In particular proposals should demonstrate that:*

A. Size, form, position, scale, materials, design, colour and detailing have proper regard to the distinctive character and appearance of the conservation area; and

B. Buildings, groups of buildings, historic street and plot patterns, open spaces, building lines, views, vistas, ground surfaces, boundary walls and other architectural or hard landscape features which contribute to the character or appearance of the conservation area are retained;

L13 *Development including alterations or additions affecting a listed building or its setting will not be permitted unless*

A. The building and its setting would be preserved;

The policies and guidance contained in NPPF are also a material consideration.

Para 132 states:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the

heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Para 137 states:

Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

Guidance contained in paragraph 80 of the Historic Environment Practice Guide requires that attention be paid to the extent to which the design of new development contributes positively to the character, distinctiveness and significance of the historic environment.

“A successful scheme will be one whose design has taken account of the following characteristics of the surroundings, where appropriate:

- 1. The significance of nearby assets and the contribution of their setting.*
- 2. The general character and distinctiveness of the local buildings, spaces, public realm and the landscape.*
- 3. Landmarks and other features that are key to a sense of place.*
- 4. The diversity or uniformity in style, construction, materials, detailing, decoration and period of existing buildings and spaces.*
- 5. The topography.*
- 6. Views into and from the site and its surroundings.*
- 7. Green landscaping.*
- 8. The current and historic uses in the area and the urban grain.*

Some or all of these factors may influence the scale, height, massing, alignment, materials and proposed use in any successful design.”

Paragraphs 113 to 117 of the Practice Guide provide some definitions of setting and are summarised below:

“Setting is the surroundings in which an asset is experienced. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral... The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting.”

Assessment of proposal

- 5.13 The current application has been submitted with a Heritage Assessment, which describes the character of the site and its surroundings but does refer to the previous, refused scheme of development. Any reference therein to the development scheme should, therefore, be disregarded. The detrimental impact of the existing industrial buildings on the setting of the listed building and the character and appearance of the Conservation Area as identified in the report is undisputed. The removal of these buildings and the creation of a larger garden plot to the listed building will ultimately enhance its setting and there is, as stated in the appraisal, an opportunity to create a more sympathetic housing scheme on the workshop site subject to the details and materials employed in the design.
- 5.14 In response to officer concerns about the previously refused scheme a revised scheme has been submitted to meet those concerns. In the course of this current application, further revisions have been made at officer request which include the following:
- Plot 2 – porch omitted.
 - Plot 2 – modified bay window.
 - Plot 2 – rooflights replaced with pitched dormers.
 - Amended verges and eaves.
 - Plot 4 – amended windows.
 - Store building retained to rear of no.94.
 - Southern boundary wall reduced in height from 4m to 2m.
- 5.15 The scale of the buildings has been aligned with the neighbouring buildings; 1.5 storey high buildings front Tanners Walk/Robbins Close and this is similar to the older style converted buildings in the vicinity. The 2- storey buildings tie in with the 2-storey building in the middle of the neighbouring site. The plan and height of the development appears to cascade down in scale in order to give prominence to the main Listed Building fronting the High Street.
- 5.16 The proposed palette of materials has been informed by those found in the locality. The proposed dormer windows now align with neighbouring buildings and smaller gabled elements have been added to the rear of the buildings, which is in-keeping with surrounding buildings. Chimneys have been added to give a rural character typical of Marshfield.
- 5.17 The proposed design now maintains the vernacular style of the Conservation Area and makes the most efficient use of the site. The site layout ensures that the parking areas are not conspicuous from the public realm. Subject to a number of conditions to secure details of design, the design will preserve the character and appearance of the Conservation Area, in accordance with Policy L12 of the adopted Local Plan. The development will also result in a positive change to the garden setting of the Listed Building in accordance with Policy L13 of the adopted Local Plan

5.18 Landscape

- Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape. Policy L2 seeks to preserve the natural beauty of the Cotswolds AONB.
- 5.19 There are no significant views of the site from Marshfield High Street and given the developed nature of the site, officers do not consider that the site is an open space that contributes to local character (Policy L5).
- 5.20 The open space to the west is faced onto from a modest terrace and two larger detached properties, creating the feel of a village green. Given that the development site is entirely enclosed within built development the impact of the scheme on the wider landscape and Cotswolds AONB is not considered likely to be so significant as to warrant refusal of planning permission. Notwithstanding the indicative planting shown on the submitted plans, a suitable scheme of landscaping should be secured by condition.
- 5.21 On balance therefore and subject to the landscape condition suggested above, the proposal accords with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Archaeology

- The site lies within the medieval planned town of Marshfield, which was established and founded in the thirteenth century. Marshfield itself has earlier origins but its period of prosperity dates to this time. Long narrow strips known as burgage plots were established with a main dwelling on the street front and ancillary buildings (in Marshfield often connected with malting) running back along the burgage plot. A number of fairly recent industrial buildings now occupy much of the site although some smaller buildings of an earlier period occupy part of the site immediately behind, these buildings are due for replacement.
- 5.23 With the known history of the site it would be expected that significant archaeological structures and deposits would be present over much of the site. However the current buildings on the site are based on concrete rafts of uncertain depth, these rafts are likely to have caused considerable disturbance to any archaeology on the site. An archaeological watching brief could be secured by condition. Although the industrial buildings are not worthy of retention they have a number of features, which means that they should be recorded to the appropriate English Heritage level prior to demolition. The buildings immediately behind no 94 should also be recorded, to a higher level; both sets of building recording can be incorporated into the brief for the watching brief. Subject to such a condition the scheme accords with Policy 11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.24 Transportation Issues

Nine parking spaces would be provided i.e. two per dwelling with one visitor parking space, which accords with the Council's new minimum Residential Parking Standards. There is an existing access directly from Robbins Close but the development would be served by a new access that would be widened to 4.5m. The visibility splay at the access and access width is considered to be satisfactory. Adequate bin storage facilities would also be provided within the site, close to the access. There are no highway objections and the scheme is considered to accord with Policies T12, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.25 Impact Upon Residential Amenity

As regards overbearing impact and overshadowing; officers are satisfied that given the layout of the site and the distance between the respective dwellings that there would be no significant issues of overbearing impact or loss of privacy. Officers consider that some overlooking of neighbouring property is only to be expected in urban locations and that in this case the level of overlooking is not so detrimental as to justify refusal of planning permission. The access already serves the application site and traffic levels to the proposed dwellings is likely to be less than to the previous commercial uses. 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.

- 5.26 Adequate amenity space would be provided to serve the development and there is a playground and public open space immediately next to the site. Whilst there is no right to a view across private land, officers consider that the scheme would provide a significant improvement in visual terms. The proposal is therefore considered to be acceptable in terms of impact on residential amenity and in this respect accords with Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.27 Environmental and Drainage Issues

There are no objections on environmental grounds subject to a condition to ascertain the extent of any contamination and method of mitigation should contamination be found. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal subject to a condition to secure a SUDS Drainage Scheme. The disposal of asbestos falls under environmental legislation and licensing rather than planning control. Appropriate informatives would be attached to any decision for approval.

5.28 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. The application includes an ecological assessment of the site

carried out on 16th February 2011 on behalf of the applicants. February is a sub-optimal time of the year to carry out field work, being outside what is generally acknowledged to be the most appropriate surveying months (spring/summer) when most species of flora or fauna are active or in flower.

5.29 The site consists of three industrial buildings and an area of hard-standing of negligible value for nature conservation. No evidence of use by bats was recorded during the survey. There are no sufficiently mature trees on site; and the buildings were not of a type or design, which would provide suitable roosting conditions for bats.

5.30 Notwithstanding the above, officers consider that a series of bat access points ('bat slates' or otherwise) be provided within the roof structure of the new properties. Similarly, a number of nest boxes for house sparrow (a declining species nationally and included on the RSPB Red List of Species of Conservation Concern) should be affixed to the new dwellings. This should form the basis of a series of appropriately worded planning Conditions.

5.31 The report also recommends a landscape planting scheme of mixed native shrubs which is supported and should form the basis of an appropriately worded planning Condition.

5.32 Affordable Housing

The proposal is for 4no. dwellings only, which is below the Council's threshold (15) for affordable housing provision.

5.33 Education Service

The development comprises 4no. dwellings only and this is below the threshold (5) for contributions towards Education.

5.34 Community Services

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

6. CONCLUSION

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

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

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.

3. Notwithstanding previously submitted details and prior to their installation or construction, the design and details including materials and finishes of the following items shall be submitted to and approved in writing by the local planning authority:

- a. Eaves, verges and ridges
- b. All windows (including glazing bars, cill, reveal and lintels)
- c. All external doors
- d. Front door hoods & canopies
- e. Railings to plot 2
- f. Dormers
- g. Bay window to plot 2
- h. All extract vents, flues, gas and electric meter boxes
- i. Chimneys (including pots)
- j. Rainwater goods and soil pipes including colour and method of fixing. For the avoidance of doubt, all rainwater goods and soil pipes shall be cast metal.

The design details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 together with cross section profiles. Cross sections through mouldings and glazing bars shall be submitted at full size. The scheme shall be implemented strictly in accordance with the approved details.

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.

4. All doors and windows shall be of a traditional painted timber construction and finished in a colour to be agreed in writing by the local planning authority and thereafter so maintained in the approved colour and material unless an alternative is first approved in writing by the local planning authority.

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.

5. No development shall commence until representative samples of all external facing and roofing materials have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

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.

6. No development shall commence until a sample panel of stonework for the new boundary of at least one square metre, showing the stone, coursing, coping, joints, mortar and pointing, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

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.

7. No development shall commence until a sample panel of render of at least one square metre, showing the colour, texture and finish, has been constructed on site and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved panel, which shall be retained on site until the completion of the scheme, to provide consistency.

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.

8. No wires, pipework, satellite dishes or other aerials, alarms or other paraphernalia shall be affixed to the external elevations of the development hereby approved other than with the prior written agreement of the local planning authority.

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.

9. 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. Thereafter the drainage scheme shall be implemented in full accordance with the details so approved, prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of sustainable development and to accord with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

Reason

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

11. 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 1

To protect the character and appearance of the Landscape, Conservation Area and natural beauty of the Cotswolds AONB and to accord with Policies D1/L1/L2/L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Reason 2

To create habitat in the ecological interests of the area and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the development hereby approved, details of a scheme to provide bat access points within the structure of the new roofs ('bat slates') and house sparrow bird boxes, shall be drawn up and agreed with the Council in writing. Thereafter all works are to be carried out in accordance with the approved scheme.

Reason

In the ecological interests of the area and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. No windows other than those shown on the plans hereby approved shall be inserted at any time in the elevations of the dwellings hereby approved.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1/H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. 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.

15. Prior to the first occupation of the dwelling houses hereby approved, the access arrangement and car parking provision for the proposed dwellings shall be implemented in accordance with the approved Proposed Site Plan Drawing No. 3592/003 Rev E and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of access and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H2 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.

16. Prior to the first occupation of the dwellings hereby approved, the boundary walls shall be erected in accordance with the approved Proposed Site Plan Drawing No. 3592/003 Rev E.

Reason

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

17. A) 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.

B) 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.

C) 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.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

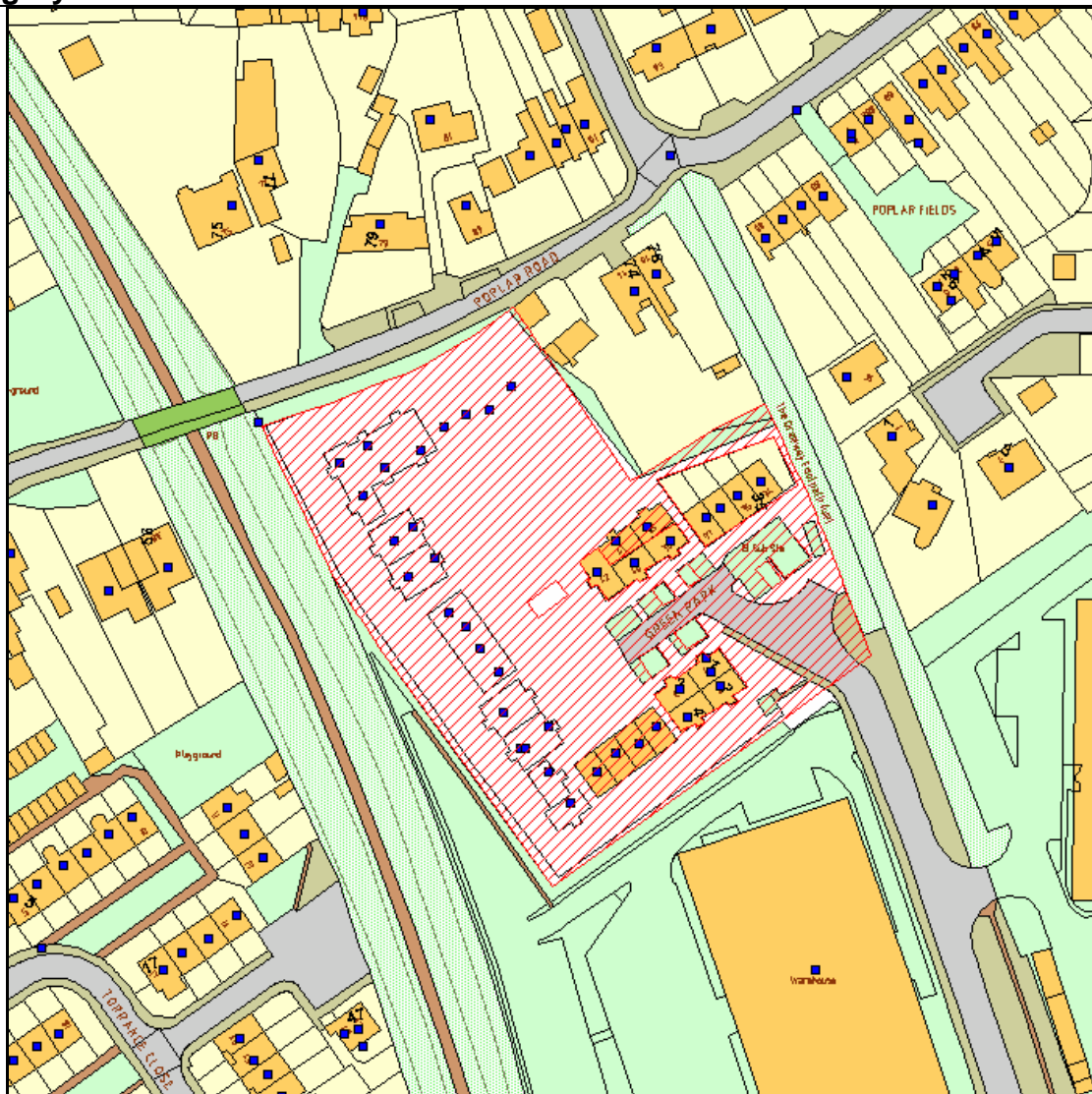
Reason

To ensure that adequate measures have been taken to mitigate against soil contamination/contaminated land to accord with Policies EP1/EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 3

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PK13/2961/RVC	Applicant:	Bellway Homes Ltd
Site:	Land At Southway Drive Warmley South Gloucestershire BS30 5JE	Date Reg:	8th August 2013
Proposal:	Variation of condition 5 attached to planning permission PK10/0990/RVC to alter the time period for implementation to six months from the date of this decision.	Parish:	Bitton Parish Council
Map Ref:	367879 172484	Ward:	Oldland Common
Application Category:	Major	Target Date:	4th November 2013



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100023410, 2008.

N.T.S.

PK13/2961/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from Bitton Parish Council, the concerns raised being contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is located at the north-western end of Southway Drive, Warmley. The site is approximately 1 hectare in area. It is bound to the west by the Bristol to Bath Cycleway, and to the east by residential properties and the Dramway – a definitive right of way. To the south of the site lies a factory (B2) premises whilst the site is bound to the north by Poplar Road, which serves residential properties.
- 1.2 Outline consent PK01/1876/O and reserved matters PK05/0928/RM consent were granted for the erection of 41 live/work units. Condition 4 of the reserved matters consent restricted the use of the units to live/work only. Eleven of the units were subsequently built and sold on the open market. Due however to viability issues, permission (PK10/0990/RVC) was subsequently granted to remove condition 4 of PK05/0928/RM to allow the remaining units to be occupied as solely residential units. A S106 Agreement was signed to secure £10,000 towards a Traffic Regulation Order on Southway Drive, £118,217 towards additional Primary School provision, 4no. units of affordable housing and a 4% monitoring fee.
- 1.3 The remaining units have now been constructed and sold with 4 of the units being recently acquired by Knightstone Housing Association. During the course of that transaction it came to light that condition 5 of planning permission PK10/0990/RVC had not been formally discharged. Condition 5 reads as follows:

Details of improvements to the Dramway Footpath (from Poplar Road to Southway Drive) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the improvements so approved shall be implemented/constructed to adoptable standards prior to the first occupation of any of the C3 dwelling houses.

Reason

In the interests of highway safety and to enhance the recreational route having regard to the need arising from the development proposal, in accordance with Policies T12 and LC12 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 1.4 Whilst draft details of the improvements to the Dramway Footpath had been submitted and agreed with the Council's PROW officer, these have not been implemented. Given that these works should have been completed prior to the occupation of the C3 units, the applicant is technically in breach of this condition and given that the units are now all sold and virtually all occupied, the condition cannot be complied with.

- 1.5 In order to regularise this situation, the applicant seeks to vary the wording of the condition to read as follows:

Details of improvements to the Dramway Footpath (from Poplar Road to Southway Drive) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the improvements so approved shall be implemented/constructed to adoptable standards within 6 months of the date of this decision notice.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27 March 2012
Circular 11/95 - The Use of Negative Conditions

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design
L1 - Landscape Protection and Enhancement
L8 - Sites of Regional and Local Nature Conservation Interest
L9 - Species Protection
L17 & L18 - The Water Environment
EP1 - Environmental Pollution
EP2 - Flood Risk and Development
T8 - Parking Standards
T7 - Cycle Parking
T12 - Transportation Development Control Policy for New Development
E4 - Safeguarded Employment Areas
H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Areas and Defined Settlement Boundaries.
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)
LC12 - Recreational Routes

2.3 The South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 - High Quality Design
CS5 - Location of Development
CS12 - Safeguarded Areas for Economic Development
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS18 - Affordable Housing

2.4 Supplementary Planning Guidance

South Gloucestershire design Check List (SPD) adopted 23rd August 2007.
Affordable Housing (SPD) Adopted Sept. 2008
Trees on Development Sites Adopted Nov 2005

3. RELEVANT PLANNING HISTORY

- P95/4493 - Residential development (Outline). Refused on grounds that contrary to Kingswood Local Plan defined Employment Area, and the roads giving access to the site are unable to accommodate the vehicular, pedestrian and cycle trip generation from the proposed residential use.
- K448/69 - Residential development (Outline, but included siting – 25 dwellings, design and external appearance). Refused May 1996 on same grounds as P95/4493.
(Appeal withdrawn).
- P96/4766 - Erection of two-storey office development (B1 (3509m²).
Approved July 1997.
- P97/4734 - Erection of two-storey office development (B1) (Revised layout to planning approval P96/4766)
Approved 1998.
- PK01/1876/O - Erection of residential/work units (B1) with associated works (outline)
Approved 20th May 2003
- PK05/0928/RM - Erection of 41no. residential/work units (B1) with 68no. car parking spaces, external appearance, siting, design, landscaping and associated works. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK01/1876/O).
Variation of condition 15 attached to previously approved scheme PK01/1876/O.
Approved 5th Sept. 2005
- PK10/0990/RVC - Removal of condition 4 attached to planning permission PK05/0928/RM to allow the units approved to become solely residential units.
Approved 27 Feb. 2012

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Object on the following grounds:

In view of the history of the site it was felt that the last legal completion of the development could be a very long time off. Existing residents are already using the accesses to the Dramway, evidenced by conditions at the two access points.

Councillors were very concerned at mention of improvements to the Dramway, the details of which were not specified. The path is accessible and vegetation cut back three times a year under a contract let by Bitton Parish Council. Any works to the Dramway must ensure that the drilled limestone sleeper blocks must remain in place and undamaged because of their unique historical and archaeological importance.

4.2 Other Consultees

Environmental Protection

No adverse comments

Ecology

There are no ecological constraints to granting planning permission

Highway Drainage

No comment

Landscape Officer

No comment

Other Representations

4.3 Local Residents

No responses

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred in this report provide a robust and adequately up to date basis for the determination of the application.

- 5.3 The South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications 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. Given the advanced stage that the Core Strategy has now reached, the policies therein, although not yet adopted can now be afforded increased weight .
- 5.4 Policy H2 permits residential development within the Urban Areas subject to a number of criteria; most of the criteria are replicated in Policy H4 of the South Gloucestershire Local Plan which allows for development within existing residential curtilages, provided it is in keeping with the character of the area and satisfies several criteria relating to design, scale, highway safety and impact upon visual and residential amenities.
- 5.5 Policy T12 relates generally to highway safety whilst Policy LC12 seeks to safeguard and enhance recreational routes.
- 5.6 In the determination of this application officers must consider why the condition was imposed in the first place and what has changed since, that would now justify a variation to the wording of the condition.
- 5.7 At the time of application PK10/0990/RVC for the removal of condition 4 to allow the units to become solely residential, the Council's Transportation Officer considered that the proposal would increase traffic compared to the then extant live/work use on the site and as such the increase in traffic would be during the morning and peak hours. Pedestrian movements, in particular those of children going to and from school would also increase as a result of the proposal.
- 5.8 In order to address these matters it was therefore considered appropriate to impose a condition to improve the length of the Dramway (from Poplar Road to Southway Drive) in the form of widening to 2m and re-laying the existing route surface. Condition 5 was attached to the subsequent planning permission, the intention being that the works would be complete before the C3 houses were occupied.
- 5.9 Clearly as most of the houses have now been occupied, this condition cannot now be legally complied with. In order to therefore overcome this matter, the applicant's have requested that the time frame for compliance be altered to 6 months hence of the decision should this current application be approved.
- 5.10 The applicant has shown intent to comply with the original condition by submitting draft details of the proposed works, which were accepted by the PROW officer but these works have to date not been implemented.
- 5.11 Officers consider that the proposed revised timeframe i.e. 6 months, for implementation is reasonable, especially given that the PROW officer has suggested some amendments to the originally submitted details of works that would further enhance the footway.

- 5.12 Some concerns have been raised by Bitton Parish Council (see para. 4.1 above) about the proposed timeframe for implementation and the nature of the works proposed.
- 5.13 Since the Parish Council commented, the description of the proposal has been revised. Whereas the timeframe for implementation was originally proposed to be within 3 months from the last legal completion of sale of the houses, this would now be 6 months from the date of any planning approval granted. In any event, the Parish Council's concerns have proven to be unfounded, as the applicant has recently confirmed in writing that the final legal completion was secured on 6th September.
- 5.14 The rest of the wording of the condition is no different than previously approved so officers consider that it would be unreasonable to now object to it. The proposed works to the footpath would need to be agreed by the PROW officer so the integrity of the Dramway footpath would not be at risk.
- 5.15 Given the above therefore and in order for the developer to comply with the condition, officers consider it appropriate to vary the wording of condition 5 as proposed. (As a point of information, since condition 2 of the original permission has now been discharged, condition 5 will now become condition 4).

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 permission for the variation of condition 5 (now listed as condition 4) attached to planning permission PK10/0990/RVC be GRANTED. The revised wording of the condition to be as follows:

Details of improvements to the Dramway Footpath (from Poplar Road to Southway Drive) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the improvements so approved shall be implemented/constructed to adoptable standards within 6 months of the date of this decision notice.

Reason

In the interests of highway safety and to enhance the recreational route having regard to the need arising from the development proposal, in accordance with Policies T12 and LC12 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. Building operations shall be in accordance with the roofing and external facing materials approved by the Council on the 4th August 2006.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The parking facilities shown on the plans hereby approved shall be retained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E,) , or any minor operations as specified in Part 2 (Class B), 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. (For the avoidance of doubt, this condition applies only to the units constructed and occupied as C3 residential dwellinghouses).

Reason

To protect the amenities of neighbouring occupiers given the restricted size of the plots and to ensure a satisfactory standard of design, in accordance with Policies H2 and D1 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. Details of improvements to the Dramway Footpath (from Poplar Road to Southway Drive) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the improvements so approved shall be implemented/constructed to adoptable standards within 6 months of the date of this decision notice.

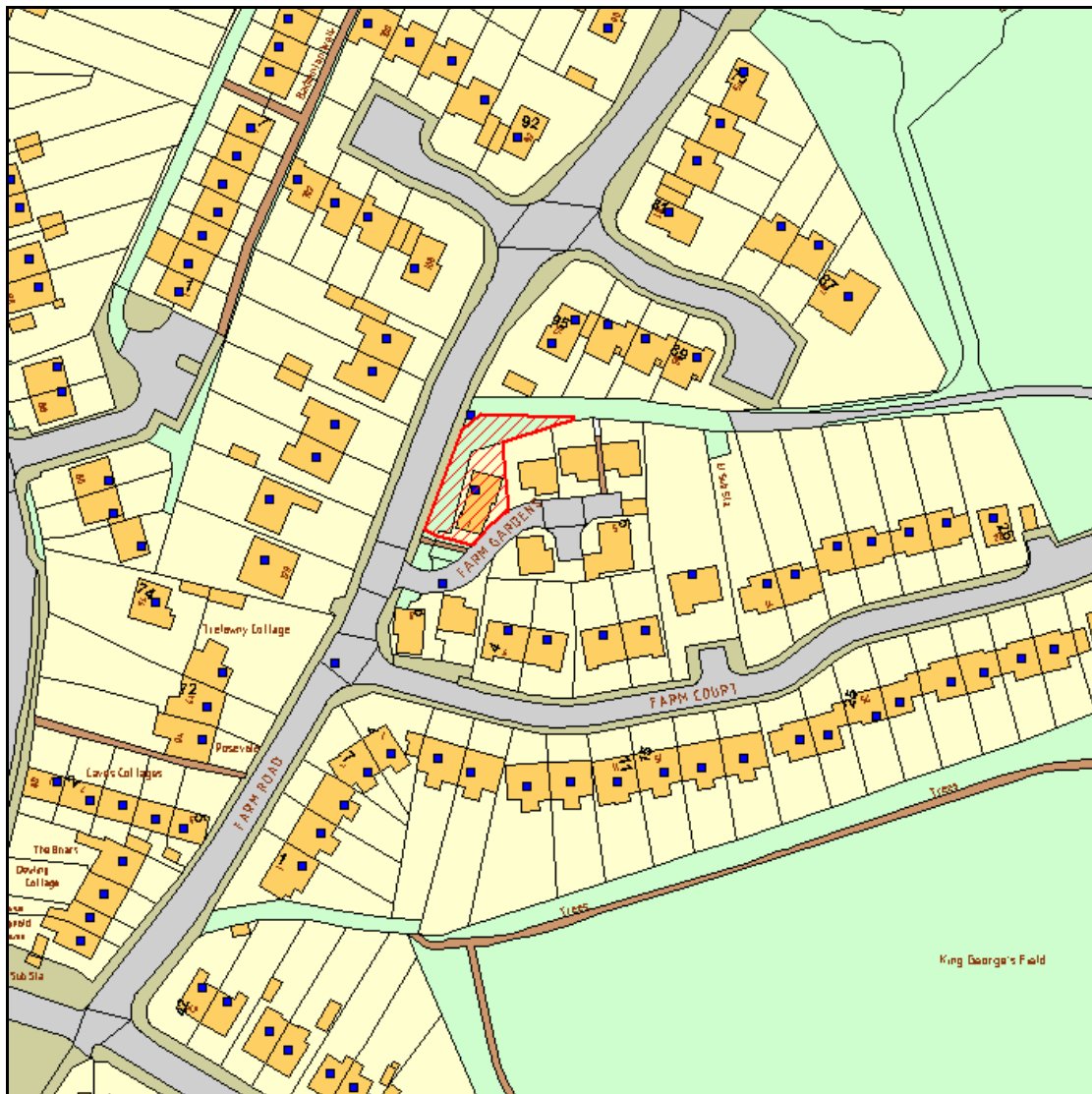
Reason

In the interests of highway safety and to enhance the recreational route having regard to the need arising from the development proposal, in accordance with Policies T12

and LC12 respectively of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

Applicant: Mrs Maria Gannon
Date Reg: 2nd September 2013
Parish: Downend And Bromley Heath Parish Council
Ward: Downend
Target Date: 24th October 2013



PK13/2991/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been made by local residents which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for works to 4no. Sycamore trees, covered by Tree Preservation Order SGTPO03/11 dated 15th June 2011, to crown lift by 3 metres, and thin by 25%.
- 1.2 The trees are situated within the rear garden of 1 Farm Gardens, offering high visual amenity within the surrounding area.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning Act 1990
The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/1808/TRE - Works to various trees to crown lift by 4 metres and crown thin by 25% covered by Tree Preservation Order TPO3/11 dated 15 October 2011. **Withdrawn 16th July 2013**
- 3.2 PK12/3542/TRE - Works to crown reduce by approximately 3 metres and crown raise by 4 metres 1no.Sycamore tree covered by Tree Preservation Order TPO3/11 dated 15 October 2011. **Refused 20th December 2012**

4. CONSULTATION RESPONSES

- 4.1 Parish Council
No objection provided the applicant does not exceed the 3m crown lift and 25% thinning.
- 4.2 Tree Officer
No objection.

Other Representations

- 4.3 Local Residents
Two letters of objection have been received from local residents. One of which has been submitted on behalf of four local residents. The comments are outlined as follows:
 - Owner knew properties were covered by TPO at time of purchase.
 - Until the houses were built at the rear of our properties we had an outlook of many trees and greenery. All but the remaining trees were removed.

We understand that the Council wishes to maintain as many trees as possible to aesthetically enhance the area where possible and feel that the trees should be left alone at this present time unless they become dangerous.

- The trees should not be vandalised in the proposed manner.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of a tree, which makes a significant contribution to the character and visual amenity of the area.

5.2 Consideration of Proposal

The application seeks consent works to 4no. Sycamore trees, covered by Tree Preservation Order SGTPO03/11 dated 15th June 2011, to crown lift by 3 metres, and thin by 25%. The trees are situated to the rear boundary of 1 Farm Gardens offering high visual amenity to the locality and worthy of their protected status.

5.3 The trees have been subject to previous applications. The most recent of which was withdrawn in July 2013 following the advice from the Tree Officer that the works as proposed were excessive. At the time of this application the Tree Officer recommended a crown lift of 3 metres and this is reflected within this application - the current proposal is to lift the crown by 3 metres and thin by 25%. The works as proposed are considered to be ongoing management and are therefore in accordance with good arboricultural practice. Reducing the canopy would allow for greater penetration of light and wind whilst ensuring the long-term retention of the trees and the visual amenity they offer. The height reduction of 3 metres would abate any damage to the fence and shed roof. It is further noted that consent is not required for works to abate an actionable nuisance.

5.4 All comments made by local residents are noted, however, it is highlighted that the proposed works have been considered by the Council's Tree Officer who does not raise any objections in terms of the health or visual amenity of the trees. There are therefore no objections to the application in terms of the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

6. RECOMMENDATION

6.1 That consent is **GRANTED**.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

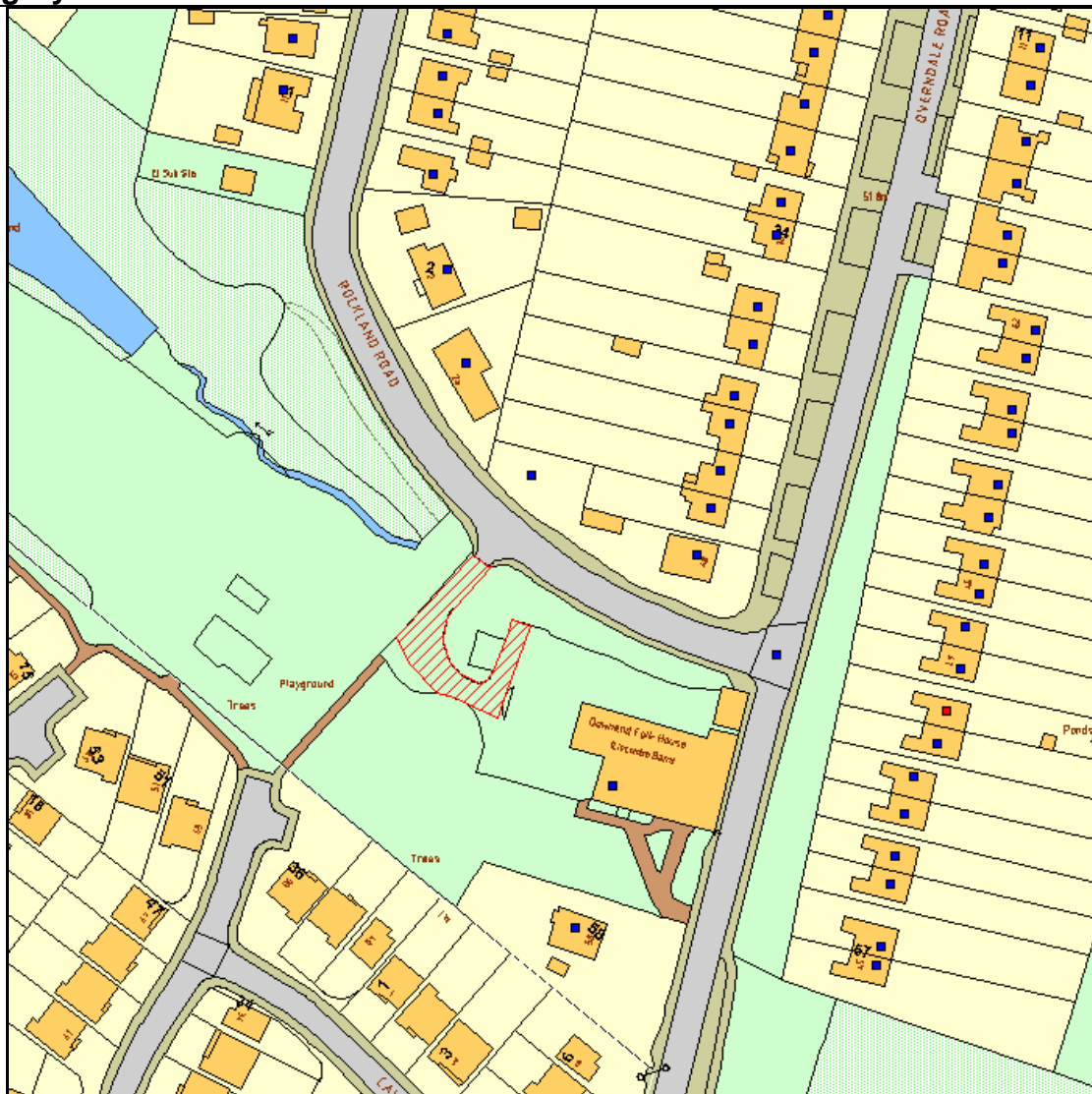
Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

ITEM 5

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PK13/3049/F	Applicant:	Wessex Water
Site:	Rockland Road Sewage Interceptor Overdale Road Downend South Gloucestershire	Date Reg:	19th August 2013
Proposal:	Change of use of land from amenity to facilitate the erection of kiosk mounted on a concrete plinth and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364681 176984	Ward:	Downend
Application Category:	Minor	Target Date:	9th October 2013



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N.T.S.

PK13/3049/F

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of consultation responses received, raising certain concerns over the proposals:

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of land from amenity to facilitate the erection of a kiosk mounted on a concrete plinth, and associated works. The kiosk is part of a wider development at the site to improve the quality of water discharges and alleviate foul flooding in the area.
- 1.2 The site is part of a grassed area that lies adjacent to the car park that serves Downend Folk House on Rockland Road in Downend.

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

T12 Transportation Policy for Development Control

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2012) Main Modifications
CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant.

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Parish Council
No objection

- 4.2 Other Consultees

Environmental Protection
No objection

Sustainable Transportation
No objections

Highway Drainage

No objection

Historic Environment

No objection

Other Representations

4.3 Local Residents – (Downend Folk House)

One letter has been received in response to the application not objecting to the proposals but raising concerns regarding the potential parking impact during construction:

This foul water interceptor is to be buried at Downend Folk House, and whilst we have no objections to the reason for, or the location of the underground tank, we are very concerned about the impact on street parking that this work will have if it is carried out between October 2013 and March 2014.

For the duration of the work period over one third of the parking spaces at Downend Folk House Association's premises (Lincombe Barn) will be lost, and this is during the Association's busiest period. This will mean far more parking on the surrounding roads – Rockland and Overndale, neither of which have normally much spare capacity.

We have been in discussions with Wessex water concerning the timescales, and they are aware of our concerns.

Could this be taken into consideration when making the planning decision.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 states that proposals will be permitted subject to certain criteria and where good standards of site planning and design are achieved. The purpose of the development is to improve the quality of water discharges and also alleviate foul flooding in the area. The application is to provide a kiosk that will in turn serve the infrastructure and equipment necessary to achieve this. Much of the work necessary is permitted development, however it is considered that the associated kiosk requires separate planning permission. The principle of the development is therefore acceptable subject to the following detailed assessment.

5.2 Design / Visual Amenity

The proposal consists of the erection of a mounted kiosk on a concrete plinth. The kiosk would measure 2.3 metres wide, 0.5 metres depth and approximately 1.75 metres high. The kiosk would be green glass reinforced plastic and would be sited on a small concrete plinth. It is considered that the kiosk is of a modest size and its colour would make the development inconspicuous given its surroundings. It is not considered that the kiosk could be construed as having a significant or material detrimental impact upon the area or wider streetscene.

5.3 Highway Safety

Whilst the representation received regarding potential loss of parking spaces and subsequent displacement of vehicles during the projects implementation phase is noted it should also be acknowledged that much of the project is permitted development. The scale and nature of the associated kiosk is therefore only a relatively small part of the project which is to be undertaken as permitted development and therefore the concerns regarding the loss of any car parking during the implementation phase would remain regardless of the need for the kiosk. There are no objections to the proposals from the Highway Officer and beyond the implementation phase the only transportation requirements associated with the development would be occasional servicing which it is stated would be approximately twice a year.

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 It is considered that the proposals for a small kiosk to serve the remainder of the drainage infrastructure works at this location is acceptable and in accordance with Policy D1 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 be granted subject to the planning conditions and informatives attached to the Decision Notice.

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.

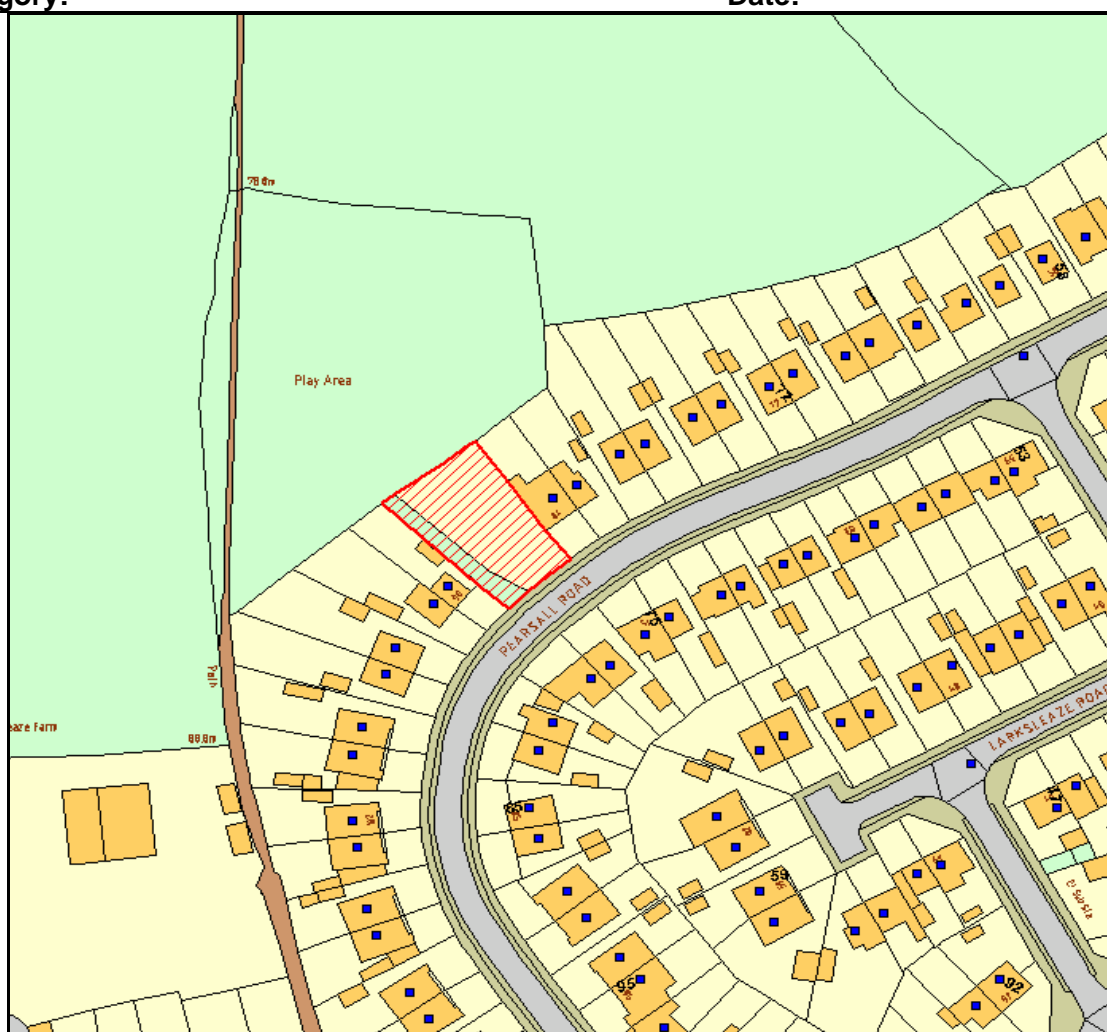
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PK13/3370/RVC	Applicant:	Harub Ltd
Site:	Land Between 84 And 90 Pearsall Road Longwell Green South Gloucestershire BS30 9BE	Date Reg:	13th September 2013
Proposal:	Variation of condition 3 attached to planning permission PK13/2714/RVC to allow an obscure glass restricted opening window to be inserted in the northeast and southwest elevations at first floor level - partly retrospective	Parish:	Hanham Abbots Parish Council
Map Ref:	365331 170877	Ward:	Longwell Green
Application Category:	Minor	Target Date:	5th November 2013



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PK13/3370/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following the receipt of letter of objection from a local resident and an objection from Pucklechurch Parish Council.

1. THE PROPOSAL

1.1 The application seeks consent for the variation of condition 3 attached to planning permission PK13/2714/RVC, to allow an obscure glass restricted opening window to be inserted in the northeast and southeast elevations at first floor level.

1.2 Condition 3 reads:

No windows other than those shown on the plans hereby approved shall be inserted at any time in the northeast or southwest elevations of the semi-detached properties hereby approved adjacent to neighbouring properties of No. 84 and No. 90 Pearsall Road respectively

Reason

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

1.3 This follows a recent non-material amendment application to which the LPA objected given concerns expressed by neighbours. Under an NMA application the views of neighbours are not usually considered and therefore it was felt that a full application should be submitted where the concerns of neighbours could be fully addressed.

1.4 The application site relates to an infill plot of land situated within the established residential area of Longwell Green on Pearsall Road.

1.5 The openings for the windows have already been made, with the understanding that should this application be unsuccessful they can be blocked up. As such this application is retrospective. Additional details were received to show the windows would be non-opening below a height of 1.7 metres, top hung and of obscure glazing.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

EP4 Noise Sensitive Development

H2 Residential Development within Urban Areas

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

T8 Parking Standards

T12 Transportation for New Development
L1 Landscape protection and Enhancement

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft
(October 2012) and Further (March 2013) Main Modifications

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Landscape
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity

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

3. RELEVANT PLANNING HISTORY

- | | | |
|---------------------------|---------------|---|
| 3.1 | PK13/2714/RVC | Variation of condition 5 attached to planning permission PK12/3050/F to allow the felling of 1no. Horse Chestnut tree.
Approved
27.8.13 |
| 3.2 | PK13/2698/NMA | Non material amendment to PK12/3050/F to install obscure, restricted opening windows to first floor northeast and southwest elevations.
Objection
21.8.13 |
| 3.3 | PK12/3050/F | Erection of 1no. pair of semi detached dwellings with parking, access and associated works.
Approved
5.12.12 |
| Related to site next door | | |
| 3.4 | PK08/1115/F | Erection of a single storey rear extension to form additional living accommodation.
Approved
23.5.08 |
| 3.5 | K572/1 | Outline application for residential development on approx 6.3 hectares
Refused
8.6.91 |
| 3.6 | K572 | Outline application for residential development on approx 14.5 acres, construction of new vehicular and pedestrian access
Refused
13.3.75 |

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council
No objection

Pucklechurch Parish Council

Object to the Variation of Condition 3 on the grounds that it is in contravention of the original planning permission and that these windows will overlook the neighbouring property

4.2 Other Consultees

Sustainable Transport

No objection

Highway Drainage

No objection

Tree Officer

No objection

Other Representations

4.3 Local Residents

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

- loss of privacy due to line of sight into our property – no matter which way the window was hung there would be a gap giving an unrestricted sight line into a toilet/bathroom and a direct view into our extension, constituting a threat to our privacy, especially as it is our children's playroom
- the application states the obscured window has restricted opening, however the developer would have no power over the subsequent owner deciding to override these restrictions and install fully opening fittings
- if it is deemed necessary to permit the window we would strongly request that it be permanently fixed and obscured with no opening capabilities and is smaller. There are other methods to ventilate a room without using a window, such as an extractor fan or a sun pipe with integral ventilation

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

As mentioned above the proposal seeks consent to allow the insertion of obscure glass restricted opening windows to be inserted in the northeast and southeast elevations at first floor level. Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for the erection of infill dwellings within existing curtilages, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality.

5.2 Background information to the history of the Site

The plot of land subject of this application stands in-between two sets of semi-detached properties along Pearsall Road. Planning permission for a pair of semi-detached properties was granted in December 2012. Pearsall Road is within an established residential area comprising a mixture of single storey and two-storey dwellinghouses and the insertion of these proposed dwellinghouses into the existing gap was considered to complete the street line/arc of housing along this road. An application to vary condition 5 of PK12/3050/F regarding the replacement of a tree in the rear garden of one of the plots was approved in August 2013.

5.3 Design and Visual Amenity

The proposal to vary condition 3 (attached to PK13/2714/RVC) seeks to allow a small obscure glazed window to be inserted into the side elevations of both of the proposed dwellings. As mentioned above additional details to confirm the design of the windows as being top hung, with the parts of the windows which can be opened being 1.7 metres above the floor of the room in which the windows are installed and being obscure glazed. The scale and design of the proposed windows is considered acceptable and appropriate to the dwelling and area as a whole.

5.4 Residential Amenity

The agent has stated that the purpose of the bathroom windows is to allow natural light and ventilation into the bathroom with privacy being protected by using a top hung window with obscure glass and restricted opening. Concerns have been expressed by neighbours and a Parish Council that the proposal would impact on their privacy, however, the proposed windows are a standard design used in many developments. The design is an accepted alternative to traditional glazing which allows light and air into a dwellinghouse without impacting on the privacy of close neighbours. As such Officers consider that the privacy of neighbours would be assured and the proposal is thus acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The 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. A replacement standard size Rowan Tree, to be located in the western corner of the plot, shall be planted in the first planting season following the felling hereby authorised

Reason

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

3. Windows hereby approved in the northeast and southwest elevations of the semi-detached properties shall be of obscure glazing and 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 windows are installed.

Reason

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

4. Appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling

Reason:

To ensure a satisfactory means of drainage and pollution control in order to comply with South Gloucestershire Local Plan (Adopted) January 2006 Policy L17, L18, EP1, EP2 and Town and Country Planning Order 2008 (No 2362) Class F

5. The off-street parking facilities shown on the plan Proposals - ref 844 - P202 hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose

Reason

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

ITEM 7

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.: PT13/2461/F

Site: Land At Rookery Lane Pilning South
Gloucestershire BS35 4JN

Proposal: Change of use of land from agricultural
to land for the keeping of horses.
Erection of 4 no. stalls and tack room.
Storage use in connection with the
keeping of horses. Erection of access
gates.

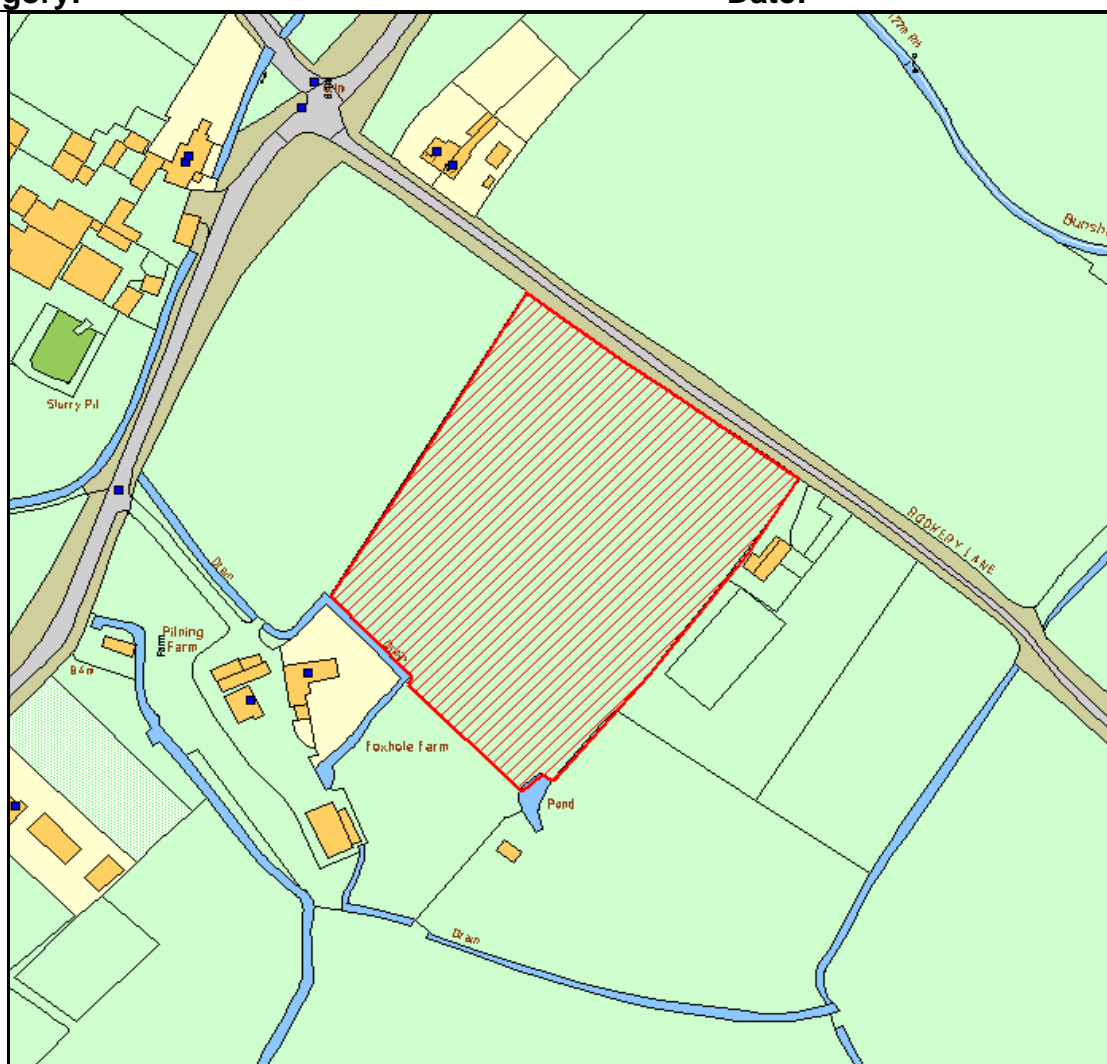
Applicant: Miss H Mccarthy
Date Reg: 29th July 2013
Parish: Pilning And
Severn Beach
Parish Council

Map Ref: 357050 184980

Ward: Pilning And
Severn Beach
Target 23rd October 2013

Application Category: Major

Target Date:



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N.T.S.

PT13/2461/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is circulated to Members because the Parish Council's comments conflict with the officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a stable building that would provide 4 stables and tack room. Three of the stables are already erected; the final stable and tack room are to be erected at the southern end of the block of stables.
- 1.2 A caravan to be used for storage purposes originally formed part of this application but was removed at the request of the officer. Consultation for seven days regarding this will overlap into the period of this circulated report.
- 1.2 The application site relates to agricultural land situated in open countryside at Pilning.

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
GB1	Development in the Green Belt
L1	Landscape Protection and Enhancement
L8	Sites of Regional and Local Conservation Nature Interest
L9	Species Protection
E10	Horse Related Development
T12	Transportation Development Control Policy for New Development
EP2	Flood Risk and Development
L17 and L18	The Water Environment

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1	High Quality Design
CS5	Location of Development
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Landscape Character Assessment Area 20; Pilning Levels

3. **RELEVANT PLANNING HISTORY**

None on the site itself but on adjacent land to the east :

P96/1627 Use of 1.962 hectares of land for the keeping of horses, together with the erection of (2No.) stables and adjoining store. Construction of horsebox turning area. Approved subject to conditions limiting use to private stabling and keeping of horses only and no fences other than those shown.

4. **CONSULTATION RESPONSES**

4.1 **Pilning and Severn Beach Parish Council**

Objection for the following reasons:

-because it is retrospective, erected over the Christmas period 2012/13.

-the access gate was also widened without proper drainage which means that the road now floods in times of heavy rain and at times of little rain the water can not flow.

The muck heap is (currently) close to the rhine and hedgerow so run off will be going directly into the watercourse.

It is not necessary to have a caravan on site and this will promote the site being used as residential.

4.2 **Other Consultees**

Drainage Officer: No objection

Environment Agency: No objection

Highways DC: No objection

Landscape Officer: No objection subject to conditions relating to subdivision, storage of vehicle and jumps and for the submission of a management plan for the hedgerow.

Wessex water No response

Urban Design No comment

Lower Severn Drainage Board No comment

Avon Wildlife Trust No comment

Ecology No objection but suggests ecological management plan.

Other Representations

4.3 **Local Residents**

No comments received

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed

against the policies within the NPPF taken as a whole. The presumption in favour of development stands to be tested further in relation to the policies of the local plan.

5.2 Planning policy E10 advises that proposals for horse related development will be permitted outside of the defined settlement boundaries and urban areas provided that:

- It would not have an unacceptable environmental effect, and;
- It would be acceptable having regard to issues of residential amenity; and
- The proposal would be acceptable having regard to issues of highway safety; and
- Safe and convenient access to bridleways and riding ways is available to users; and
- There are no existing suitable buildings that could be converted; and
- The design of the buildings, size of the site and the number of horses to be accommodated has proper regard to horse welfare.

5.3 Design/ Visual Amenity

The application seeks full planning permission for the change of use of 1.4 hectares of agricultural land to use for the keeping of horses and for the erection of a row of four stables/stalls and a tack room. This could accommodate 4 horses. It would measure 16m by 3.5m and would have a ridge height of 2.5m. The building would be located at ninety degrees to and approximately 12m from the hedge bounding Rookery Lane. The application also indicates use of an existing vehicular access and the location of hardstanding and turning area. The siting of a muck heap, located a minimum of ten metres from the surrounding ditch is also shown on the amended plans. The building would be constructed in timber cladding to the sides and profile metal sheeting to the roof. Given that the building has already been constructed it is considered that the materials used are acceptable in this location.

5.4 The design of the stable is considered broadly acceptable and would stand against the hedge-lined boundary. There would be limited view of the building to users of the lane, except at the point of access, particularly as the building has a low roof line. For these reasons, there is no objection to the design of the building on visual amenity grounds. In the event that planning permission is granted, it is suggested that a condition is attached to limit lighting to sensitive localised lighting of the building which shall first be agreed in writing.

5.5 Landscape Impact

The proposed stables are a modest size and the materials are in character with the rural location. The location for the stables is similar to the set up in the field further eastwards and given the level topography of the area and the robust hedge along its boundary it will not be highly visible within the wider landscape. A further condition is necessary to maintain and manage the hedges. At this site, given the flat nature of land and limited vision into the site conditions related to horse jumps and restrictions about subdivision of the field are not considered necessary.

5.6 Ecology

The application site consisted of a large improved agricultural field prior to the unauthorised change of use and as such has limited ecological value. With a view to the bio-diversity of the land and the wildlife it supports it is considered necessary to request a management plan for the site to include details of the maintenance of the hedgerows around the site.

5.7 Residential Amenity

The proposed stable building would stand a considerable distance from any neighbour and would be screened in the most part from dwellings by a boundary hedgerow. The muck heap is shown to be located on the southern side of the stable and sufficiently far away as to cause no nuisance. On this basis, and given the relatively small scale of the building, it is not considered that any significant adverse impact in residential amenity would be caused, particularly if sensitive lighting is used at the stable.

5.8 Highway Safety

There is no transportation objection to the proposal subject to conditions restricting any commercial use of the development and that the number of horses on-site is appropriately restrained. As such there are no highway or access concerns.

5.9 Horse Welfare

Guidelines laid down by the British Horse Society advise that a stable building should be large enough for a horse to comfortably stand up in and turn around. Therefore, depending on the size of the horse, a stable should measure between 3 x 3.7 and 3.7m x 3.7m. In this instance, each stable/stall would measure some 3.4m x 3.4m and with a maximum roof height of 2.5m. There is no objection to the proposal on this basis.

5.10 Further, the British Horse Society recommends that at least 0.4 - 0.6Ha of grazing land should be available for each horse with additional exercising areas of 0.25Ha per horse. In this instance, the applicant owns 1.4Ha of land which would accommodate 3 horses rather than 4 under the BHS standards, however given that the horses on site include a mini Shetland Pony which requires less pasture land, and exercise is available off site in this area as well as across this level site, it would not be reasonable to refuse the proposal for this reason. As such a condition is required to limit the stabling to three horses and a miniature horse.

5.11 Drainage and flood risk

The site is located in Flood Zone Three, in an area known to be at risk of flooding. The Environment Agency has considered whether the proposed development would be exposed to an unacceptable flood risk or would increase the risk or extent of flooding to other properties/uses. It has been concluded that there would be no material exacerbation of flood risk as a consequence of this development. Further to this a Sequential Test shows that the proposed use is a water compatible development and is therefore appropriate

development/use of land. Accordingly subject to a condition regarding mitigation measures there is no drainage/floodrisk concern.

5.12 Other matters

The Parish raise objection to the proposal because it occurred without planning permission having been previously granted. Whilst it is recognised that the unauthorised use of land and unauthorised development can cause anxiety to neighbours and potentially be unacceptable development which then needs to be removed, the timing of the change of use occurring is not reason in itself to refuse a planning application. In this instant the above report finds in favour of the proposal but requires further information to be submitted within three months of a decision being issued. Matters related to localised flooding raised by the Parish Council will be incorporated in the discharge of the drainage condition.

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 those conditions listed below. These do not include a standard three year time limit condition as the works are retrospective.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. The number of horses kept on the site edged in red shall not exceed three horses and one miniature horse.

Reason

In the interests of the welfare of horses, to accord with the guidance of the British Horse Society; and Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The development hereby permitted shall not be commenced until such time as a scheme to mitigate the flood risk has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall:

1. Ensure no raising of ground levels.
2. Improve the existing surface water disposal system.
3. Incorporate flood-proofing measures into the proposed development.
4. Ensure the building is porous.
5. Ensure finished floor levels are the same as existing ground levels.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed in writing, by the Local Planning Authority.

Reason:

To ensure no loss of flood storage, to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to reduce the impact of flooding on the proposed development and future occupants, to allow for free flow of water and reduce the impact on flood flow routes, to ensure no loss of flood storage and to accord with policy EP2 of the South Gloucestershire Local Plan Adopted 2006.

3. Prior to any lighting being installed details of any lighting and external illuminations, including measures to control light spillage, shall be submitted to and agreed in writing by the Local Planning Authority. Development shall only be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to development commencing a landscape and ecological management plan shall be drawn up and agreed with the Local Planning Authority in writing to include details of any existing habitat to be retained and reinforced and its management to benefit local biodiversity. This should include a method for protecting the existing hedge along the boundaries of the site and any new planting from grazing by animals to include horses and rabbits. All works are to be carried out in accordance with the agreed plan.

Reason

To protect and enhance the diverse natural habitat of the site and the character and appearance of Rookery Lane, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan : Core Strategy incorporating Inspector's Main Modifications 2013.

5. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

To protect the character and appearance of the area, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 8

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PT13/2821/F	Applicant:	Mr And Mrs Curry
Site:	Land Between 2 And 8 The Green Stoke Gifford Bristol South Gloucestershire	Date Reg:	1st August 2013
Proposal:	Erection of 1no. detached dwelling with access and associated works. (Re- submission of PT13/1506/F).	Parish:	Stoke Gifford Parish Council
Map Ref:	362268 179781	Ward:	Stoke Gifford
Application Category:	Minor	Target Date:	23rd September 2013



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PT13/2821/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one dwelling. The dwelling would be single storey and have three bedrooms.
- 1.2 The application relates to a plot of land on the west side of The Green just north of Bristol Parkway railway station, Stoke Gifford. Until very recently, the site formed part of the well-managed garden associated with the neighbouring property.
- 1.3 There is a history of outline planning permissions for the erection of an additional property on this plot with a further outline planning permission granted very recently under reference PT13/0372/O. This application however is the resubmission of a previously refused application reference PT13/1506/F for reasons relating to its design having an unacceptable impact on the amenities of the neighbouring dwelling.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development

H2 Proposals for Residential Development

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 High Quality Design

CS5 Location of Development

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1506/F Erection of 1 no. detached dwelling with access and associated works.

Refused June 2013

- 3.2 PT13/0372/O: Erection of 1 dwelling (Outline) with access to be determined; all other matters reserved. Permitted: 28 March 2013
- 3.3 PT10/0176/O: Erection of 1 detached bungalow all matters reserved. Permitted: 29 March 2010
- 3.4 PT06/3644/O: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 2 February 2007
- 3.5 PT03/3843/O: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 12 January 2004
- 3.6 PT00/1951/REP: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 27 December 2000
- 3.7 P97/1588: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 22 July 1997
- 3.8 P94/1314: Erection of detached bungalow; construction of new vehicular and pedestrian access (outline). Permitted: 18 May 1994
- 3.9 P91/1428: Erection of detached bungalow; construction of new vehicular and pedestrian access (outline). Permitted: 19 June 1991
- 3.10 P88/1432: Erection of detached bungalow; construction of new vehicular and pedestrian access (outline). Permitted: 27 April 1988
- 3.11 P85/1915: Erection of bungalow and construction of new vehicular and pedestrian access (in accordance with the amended plans received by the council on 11th July 1985) (Outline). Permitted: 31 July 1985
- 3.12 N7641: Erection of a bungalow and formation of vehicular and pedestrian access (as amended by forms and plans received by the Local Planning Authority on 14th December 1981) (Outline). Permitted: 21 January 1982

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objects to the proposal as the land is close to the village green and should be protected from development. The Parish Council have concerns about general access to the proposed site and there are unsolved issues relating to land ownership around the Village Green itself.

4.2 Other Consultees

PROW

No objection

Technical Services (Drainage):

No objection subject to the attachment of a condition

Environmental Services

No objection subject to the attachment of a condition

Highways

No objection

Other Representations

4.3 Summary of Local Residents Comments

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In this instance, the principle of development has been established by the grant of the outline planning permission(s). In this regard, it is noted that The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that '*Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay*'. These considerations should be attributed significant weight in the assessment of this application.

- 5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policies H2 and H4 apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. It is noted that paragraph 64 of The National Planning Policy Framework advises that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

5.3 Design/ Visual Amenity

The application seeks full permission for the erection of one single-storey three-bedroom detached dwelling. The proposal would be significantly larger than that shown on the indicative plans submitted as part of the outline application but would be smaller than the dwelling recently refused – the property would have a width of 13.6 metres and a maximum depth of 16.1 metres.

- 5.4 On balance, it is considered that the amended design is now suitable for the location. Although the dwelling is of unique design, it does take its design cues from the neighbouring property No. 2. Although the front gables are still of slightly differing sizes, the pitch is the same as that on the front gable of No. 2 ensuring some aesthetic link between the two. The large projecting front

garage that was a concern with the previously refused scheme has now been removed from the submission.

- 5.5 The scale and design of the property has now been amended so it more accurately reflects what was approved at outline stage in March 2013 – although it is clearly not the same hence this full application rather than a reserved matters application. It is not considered that the new dwelling will appear unduly out of keeping with the surrounding area and it will not have a detrimental impact on the street scene or character of the area. The dwelling will be finished in a combination of timber and brick work again considered to be suitably in keeping with the surrounding area. The design and visual impact of the proposal therefore is deemed to be acceptable.

5.6 Residential Amenity

Since the refusal of the previous full application, consideration has been given to the internal layout of the property both to improve the level of amenity afforded to the future new occupiers of the dwelling and also to protect existing levels of amenity afforded to neighbouring dwellings. As a result of these alterations, it is only bedroom 3 that has its primary window facing towards No 2. Whilst there are other secondary windows facing towards this property, the level of outlook afforded to future new residents has been greatly increased. In addition to this, a plan has been submitted showing the position of the kitchen window in the side elevation of No., 2 in relation to the windows in the proposed new dwelling. Your officer is satisfied that no issues of direct intervisibility between habitable room windows will occur.

- 5.7 The size of the dwelling dictates that it would extend some 5.1 m beyond the rear building line of no. 8 The Green and 3.9 m beyond the rear of no. 2 The Green. This is not considered to be excessive and the amenities afforded to the neighbouring dwellings will be protected.

- 5.8 In addition, ample private and useable amenity space will be provided to serve the proposed dwelling. Therefore there is no objection to the proposal on highway grounds.

5.9 Highway Safety

Outline planning permission has previously been granted and whilst the location of the access has been amended from a number of the approved outline permissions, it is considered to remain acceptable in highway safety terms. On this basis, and with adequate parking and turning available, the Council's Highways Engineer has raised no objection to this current application.

5.10 Outstanding Issues

In respect of access issues raised by the Parish Council, the applicant has confirmed agreement with the church granting access across the grass verge. During the course of the application a 'certificate B' was served on the owner of the land over which the access way passes. Nonetheless, it is considered that this would be a civil matter and it would be difficult to withhold planning permission on this basis given the outline permission(s) that have been 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 approve 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 Planning Permission is approved subject to the following conditions;

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00hrs Monday to Friday, 08.00 to 13.00hrs on Saturday; and no working shall take place on Sundays or Public Holidays. The term „working“ shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development 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 Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 9

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PT13/2897/F	Applicant:	Mr Thomas David
Site:	Former St Peters Primary School 1B Bank Road Pilning South Gloucestershire BS35 4JG	Date Reg:	9th August 2013
Proposal:	Erection of 2 metre high welded mesh fencing and gates and construction of new vehicular access. (Re-submission of PT12/1281/F).	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356186 184887	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	30th September 2013



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PT13/2897/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of concerns raised by the Parish Council, a local Councillor and one letter of objection from a neighbouring resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a wire mesh fencing and gates to the front of the former St Peters Primary School, Pilning. The proposed fencing would be 1.8 metres in height and would span the entire front boundary of the site. There would be main entrance gates at the northern end and a pedestrian gate and service gates at the southern end.
- 1.2 The application site is now occupied by St Mary's Indian Orthodox Church and is located just outside of the settlement boundary of Pilning and within the Bristol Bath Green Belt.
- 1.3 During the course of the application several amendments have been made including the relocation of the fencing behind the hedge, a reduction in the height of the fencing to 1.8 metres, and simplification of the main entrance gates

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Quality Design in New Development
 - T8 Parking Standards
 - L1 Landscape Protection and Enhancement
 - LC4 Proposals for Education and Community Facilities within the Existing Urban Area.
 - T12 Transportation Development Control
 - GB1 Development in the Green Belt
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
 - CS1 High Quality Design
 - CS23 Community Buildings and Cultural Activity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Development within the Green Belt SPD (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0013/F Erection of single storey rear extension to form porch area
Approved February 2013
- 3.2 PT12/1281/F Erection of 2m high palisade fencing and gates and construction of new vehicular access.
Withdrawn

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
The Parish Council of Pilning & Severn Beach cannot understand why the new owners of this site feel it necessary to construct such a vast fence around this development. The fence will be completely out of keeping with the rural surroundings.
- 4.2 Councillor comments
Councillor Griffin has written in requesting that the fencing is reduced to 1.5 metres and stating the following points:
- Normally I would think 2 metres was excessive and 1.5 metres more preferable locally. However, I am aware that thieves gained access to this property on Friday, stole some items and put back the building program a little.
 - After an episode in the past when indecent graffiti was sprayed over walls, The Church members are very wary on strangers.
- 4.3 Drainage
No objection
- 4.4 Sustainable Transport
No objections
- 4.5 Landscape Officer
No objections

Other Representations

- 4.6 Local Residents
One letter of response has been received from local residents raising the following concerns:
- Site is within a rural setting within the Green Belt, it is recognised that the external appearance of the building has been improved, however the proposed fencing will be inappropriate and excessive, giving an almost industrial look to the site.
 - Fencing should more mirror the environment and locality, part brickwork and part hedging would achieve the same result.
 - Question whether high security measures are needed at the site, as the local crime levels are low and it appears that someone permanently

resides in the building. Each of the boundaries is flanked by neighbours, the road is busy and the site gives good visibility over 3 elevations of the building.

- Fencing may obscure the existing good visibility.
- Impact on wildlife due to the removal of the hedgerow
- Drawings should clearly show the hedges that would be removed and which would be retained.
- Additional access point is unnecessary
- Traffic emerging or entering from two entranceways would potentially obscure other vehicles approaching the site. Very few vehicles observe the 30mph speed limit.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the South Gloucestershire Local Plan (Adopted) 2006 allows for the expansion of existing community facilities provided there is no impact on existing residential amenities and highway safety. In addition the proposal is considered against Policy D1 which advises that development will only be permitted provided that; siting, overall layout, density, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and the locality. The site is also located within the Bristol Bath Green Belt as such policies L1 and GB1 are of relevance.

5.2 Design / Visual Amenity

The proposed fencing is required to ensure security of the site. The proposed fencing would be 1.8 metres in height and would span the entire front boundary of the site. There would be main entrance gates at the northern end and a pedestrian gate and service gates at the southern end. All the fencing and gates would be wire mesh and would have a green finish.

Whilst a lot of concern has been received regarding the design of the fencing, it is considered that the proposed fencing is now of an appropriate design. The application has been amended from the previous proposal and is now wire mesh fencing which would be set back from the road behind the existing hedge, furthermore the height of the fencing has been reduced to 1.8 metres as such little of the fencing will be visible as it will be screened by the existing hedge. The proposed fencing would be constructed of a mesh of thin wire which results in the fencing being very see through and as such it is not considered that the fencing would be a particularly visually intrusive feature. The wire mesh fencing allows natural surveillance as it is very see through, it is anti climb and can't be cut through, as such it is a recommended choice for security. The proposed fencing would be viewed either behind the existing hedges or against the back drop of the former school building, furthermore, security fencing of this type is now not an uncommon feature. Consequently given the scale and location of the proposed fencing it is not considered that the proposal would have any demonstrable harm to the character and appearance of the former school or the surrounding area.

5.3 Impact on the Landscape and Green Belt

The site is located along Bank Road, there is native hedgerow along much of its length and views out to the open countryside which helps to give the lane a rural character.

The current scheme is an improvement to the previously submitted scheme as most of the hedge is being retained and the palisade fencing is replaced with weld mesh fence. Weld mesh fencing has a high through vision furthermore it should be noted that the proposed fencing would have less impact than shown in the submitted elevation plans. Weld mesh has been used in the immediate vicinity at the new school along the road to the west. However it is accepted that the weld mesh fencing would have an urbanising effect on the landscape character of this section of the road and would change the character of the site slightly.

In this instance, given the simplification of the entrance gate design, the reduction in the height of the fencing and due to its high through visibility and the hedge being retained in front, there is no objection to the use of weld mesh fencing and the proposal is considered to accord with policy L1 of the South Gloucestershire Local Plan. Furthermore the proposal is not considered to have any significant impact on the visual amenity or openness of the surrounding Bristol Bath Green Belt. As such the proposal is in accordance with policy GB1 of the South Gloucestershire Local Plan.

5.4 Residential Amenity

Given the location of the proposed works set away from any neighbouring residential properties, in combination with the existing hedges that partially screen views of the proposal, it is not considered that the proposed fencing would have any detrimental impacts on the existing levels of residential amenity. The proposed fencing would measure 1.8 metres in height, whilst it is accepted that this is slightly higher than the existing hedge given that the fencing is not a solid structure but would be a wire mesh which can be easily seen through, it is not considered that the proposal would have any significant overbearing impact.

The proposed fencing is all located within the grounds of the former school and would be viewed against the backdrop of the former school building and/or vegetation/hedges. Given the scale and location of the proposals it is not considered that the fencing would significantly affect the outlook of the neighbouring properties.

5.5 Parking and Highway Safety

Given the scale and location of the proposed works, it is not considered that the proposed fencing would have any detrimental impacts on highway safety. The Councils Highways officer raised no objections to the proposal with the proposed access and service arrangement being considered satisfactory given the limitations of the site.

5.7 Other Issues

There is a concern that the fencing is not necessary and that if people are determined to break in to the property access will be gained through rear and side boundaries. These concerns are acknowledged however the applicant considers the proposed works necessary. The proposed fencing has been reduced in scale to 1.8 metres, which is considered sufficient to prevent most 'casual' trespass and would be visually acceptable as the majority of it would be screened by the hedge.

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 following conditions.

Contact Officer: Kirstie Henshaw
Tel. No. 01454 865428

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 front boundary hedge as shown on the submitted plans shall be protected during the course of the development and retained thereafter.

Reason:

To protect the character and appearance of the area to accord with Policies LC4, D1, L1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PT13/3094/F	Applicant:	Land Promotions (Housing) Ltd
Site:	82 Dragon Road Winterbourne Bristol South Gloucestershire BS36 1BJ	Date Reg:	29th August 2013
Proposal:	Erection of two storey rear extension to form additional living accommodation, raised decking area to rear and erection of detached garage and carport.	Parish:	Winterbourne Parish Council
Map Ref:	364810 180034	Ward:	Winterbourne
Application Category:	Householder	Target Date:	22nd October 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there is an objection received from a local resident contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The site is located to the West of Dragon Road and at the junction with Dragon Road and Mill Road. The site is located at the edge of but within the Winterbourne Village Development Boundary. The site itself is not within the Green Belt, however, the Winterbourne VDB abuts the Green Belt.
- 1.2 The existing dwelling consists of a modest detached dwelling. The footings of a previous garage on the site remain evident. The proposed development consists of a rear extension and associated decking area to the rear of the main dwelling with a new carport and storage building over the footings of the previous garage building.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality design in New Development

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

T12 Transportation Development Control Policy for New Development.

GB1 Green Belt

South Gloucestershire Local Plan Core Strategy incorporating Inspector Draft (October 2012) and Further (March 2013 Main Modifications September 2012).

CS1 High Quality Design

CS5 Location of Development.

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2910/F - Erection of 1no. detached dwelling with access and associated works.

Refused 26th October 2011

Approved at Appeal 8th March 2012

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No Objection

4.2 Drainage Engineer
No Comment

Other Representations

4.3 Local Residents

One letter of objection is received. The objection is made in respect of the proposed garage building. The objector is apposed to the use height of the pitched roof over the garage in proximity to the boundary of the property as it would result in a detrimental impact upon the privacy and amenity of the adjacent residential property as a result of the loss of the view from the property and overlooking.

5. ANALYSIS OF PROPOSAL

5.1 The proposed development consists of the construction of an extension to an existing dwelling and the provision of an ancillary building within the residential curtilage.

5.2 Principle of Development
Policy H4 of the South Gloucestershire Local Plan is relevant to this application. The policy indicates that the proposed development is acceptable subject to the following considerations.

5.3 Green Belt.
This site is not within the Green Belt. However, it is adjacent to it and as such the impact of the development should be given consideration in respect of the impact upon openness of the Green Belt. In this instance, the development affects an existing building. The building sits within an established line of development along the West side of Dragon Road and Mill Lane. The proposed extension would be within the width parameters of the existing dwelling and as such there would be no material impact upon the existing context of the site when viewed from the West. On this basis, it is concluded that the development would not result in development that would harm the openness of the Green Belt; and as such does not conflict with policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.4 Design Considerations
There are two key elements to this proposal as set out below;

5.5 Extension to the Dwelling
The existing building is an L shape and is the result of a number of historical extensions dating back a considerable time. The dwelling currently includes an awkward flat roof addition on its Northern Elevation. The proposed

- development would effectively add a pitched roof over the flat roof part of the building and would provide a further two storeys across the full width of the rear elevation of the existing dwelling. It is also proposed to add an elevated decking area across the full width of the extension which would account for the change in levels to the rear of the dwelling and allow for an accessible outside space direct from the dwelling.
- 5.6 The design of the proposed extension is such that it would effectively add a third 'bay' to the existing dwelling. The visual impact from the side views of the dwelling would appear as a triple ridge aligned parallel with the highway to the East. However, the appearance of the building from the public realm would not change significantly. Given the elevated position of the building towards the rear of the plot, the new extension would stand out in views from the adjacent residential properties. Nonetheless, it is considered that the modern design of the extension and use of contemporary materials would appear acceptable in visual terms. Furthermore, over time, domestic landscaping of the property will allow the appearance of the development to blend more with the surrounding locality. On this basis, it is considered that the design of the proposed extension (including the decking area) is acceptable; and is compliant with policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.7 Garage Building
It is proposed to effectively replace the flat roof garage which previously stood on this site. Only the footing of the previous building remain. The proposed building would stand over these footings and would be larger than the previous garage structure. The building is proposed to be oak timber framed with timber cladding and would have a pitched and hipped roof. The building is proposed to be orientated so as to face south towards the garden area and its ridge aligned with the boundary of the adjacent property. Concern has been raised as to the impact of this building in residential amenity terms and this is addressed specifically below. However, in design terms, it is considered that the scale of the building, its design and proposed materials are acceptable; and would comply with policies H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- 5.8 Residential Amenity
The characteristics of this application site and adjacent properties is such that the gardens drop away considerably towards the West. The effect of this is that the rear of the existing dwelling is elevated (by approximately 2 metres). This characteristic is consistent along length of Dragon Road and Mill Lane. In this instance, the proposed development would include a decking area to the rear of the development. Again, this would be in an elevated position overlooking the associated garden area. Although there would be views across nearby gardens from the decking and rooms within the extension these would be oblique and would be limited and it is not considered that the development would have a detrimental impact upon residential amenity.
- 5.9 Notwithstanding the above, it is noted that the occupants of the neighbouring dwelling have raised concern regarding the impact of the proposed new garage building in respect of its height and position. Officers noted that the dwellings

along this part of Dragon Road and Mill Lane enjoy long views of the countryside to the West. Local resident concern is raised as to the loss of the view from the adjacent dwelling (to the north) as a result of the roof of this building. The resident has suggested that the building should have a flat roof [in order that the existing view is retained]. In planning terms there is no right to a view. Whilst it is accepted that the proposed garage building is higher than that of the previous flat roofed building in this location; and that the pitched roof would interrupt views from the adjacent property, it is not considered that this impact is such that material harm would occur. In particular, the topography of the land in this location is such that the rear garden areas fall away from the dwellings and this is the case on the application site and the adjacent dwelling to the north (to a lesser extent). Although the garage building is close to the boundary fence and would be some 4 ½ metres high at its ridge, the eaves would be against the boundary and only ½ metre higher. This, together with the fact that the floor levels of the adjacent dwelling are higher than the level of the proposed garage means that the overall impact of the building is reduced to a minimum. It is not considered that the building would result in any material overbearing impact upon the amenity of the occupants of the neighbouring dwelling.

- 5.10 Concern has also been raised as to the purpose of the pitched roof over the proposed garage; and that there may be the potential to use it as a room. In this instance, the size and hipped nature of the roof is such that there would be very limited space within it. Indeed, the structural nature of this building is not likely to be capable of supporting a habitable room. On this basis, it is considered that the building would not lead to an overlooking impact into the adjacent garden area.
- 5.11 It is noted that the large garden at 82 Dragon Road benefits from planning permission for the construction of a new dwelling along side the existing building (as referred to in section 3 of this report). That permission has effectively sub-divided the curtilage of 82 Dragon Road into two separate planning units. In this instance, given the position of the existing dwelling and proposed extension in relation to the approved dwelling to the south, there would be no material impact upon the residential amenity of the new dwelling as a result of this proposal.
- 5.12 Highway Safety
The proposed development would provide sufficient vehicle turning and parking space within the site itself and would allow safe access and egress. On this basis, it is considered that the proposed development would not result in a detrimental impact in highway safety terms. The development complies with policy T12 of the South Gloucestershire Local Plan (adopted) January 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 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 set out in the report.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

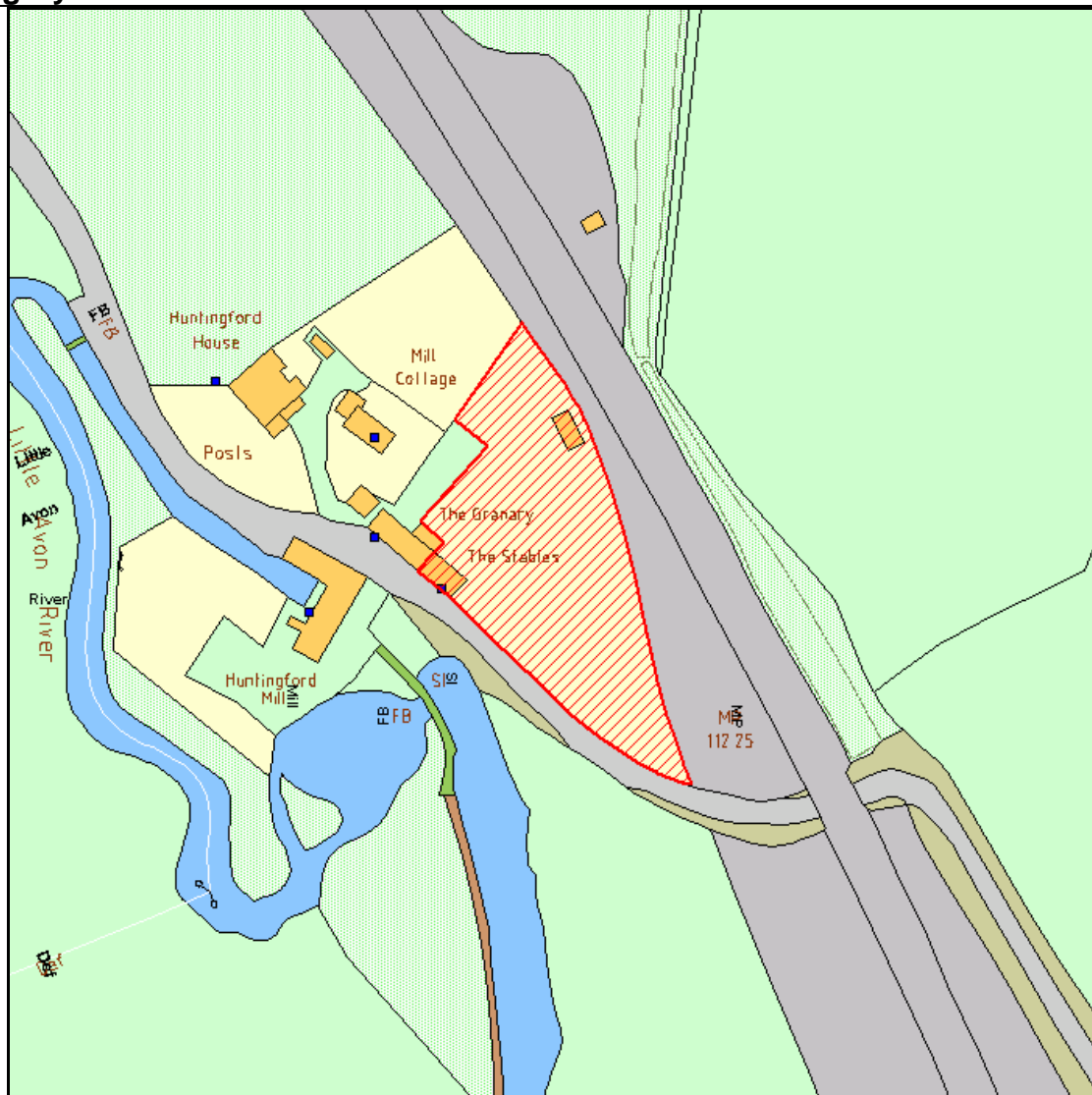
Reason

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

ITEM 11

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PT13/3170/F	Applicant:	c/o Agent
Site:	The Stables Swinhay Lane Charfield Wotton Under Edge South Gloucestershire	Date Reg:	28th August 2013
Proposal:	Erection of first floor side extension to provide additional living accommodation (Resubmission of PT13/2213/F)	Parish:	Charfield Parish Council
Map Ref:	371702 193561	Ward:	Charfield
Application Category:	Householder	Target Date:	18th October 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from a member of the public 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 northeastern 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.
- 3.4 PT13/2213/F, erection of first floor side extension to form additional living accommodation, withdrawn, 19/08/13.

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No issues
- 4.2 Transportation DC Officer
No comments
- 4.3 Network Rail
No objection in principle subject to standing advice
- 4.4 Drainage Officer
No comment
- 4.5 Archaeological Officer
No objection
- 4.6 Tree Officer
No objection
- 4.7 Conservation Officer
I would recommend that if render is proposed the application should be refused. If the render were substituted for stone, I would not raise any objection.

Other Representations

- 4.3 Local Residents
One letter of objection and a one letter of support have been received from members of the public.

The following is a summary of the reasons given in support of the proposal: the additional concession of changing the leaded glazing to clear glazing to mirror adjacent buildings only enhances the application; the proposal overall will enhance the streetscape.

The following is a summary of the reasons given for objecting to the proposal: the proposed extension does not assimilate well with the immediate surrounding built environment and still adds to the perceived bulk and mass of the property; the proposal fails to respect the distinctive stone and rubble built properties in the immediate area; the proposal represents over-development of the site.

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. Accordingly, the scale and proportions of the extension are relatively large in comparison to the original dwelling. Notwithstanding this, the extension does appear subservient to the existing dwelling due to the ridge and eaves heights being set down and the distances between the front windows being reduced in comparison to the main dwelling.

5.3 The existing dwelling 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 applicant proposes the replacement of the existing modern windows in the property to clear glazed openings with timber frames, which will significantly enhance the appearance of the dwelling. Amended plans have been received, which propose a stone finish for the walls to match the existing dwelling, which will also enhance the appearance of the extension.

5.4 The proposal retains French doors with a Juliet balcony and glazing in the gable on the southeastern side elevation and the applicant has not acceded to Officers requests to amend part of the scheme to reflect more traditional style openings. Notwithstanding this, it is considered on balance, that the positive effect the improvements will have on the character and appearance of the dwelling and surrounding area, in terms of replacing the existing render finish with stone and replacing the existing windows, is sufficient to outweigh the concerns regarding the scale of the extension and the openings in the southeastern side elevation. Accordingly, on balance, the proposal will not adversely affect the character of the locally listed building and will maintain the setting of the adjacent grade II listed building.

5.5 Residential Amenity

The closest property to the application dwelling is The Granary, which is adjoined to the northwestern 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.

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 conditions in the decision notice.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Prior to the commencement of the development the existing windows in the property shall be replaced in accordance with the approved plan "Proposed Elevations" no. 06 D, received by the Council on 1st October 2013 and retained thereafter.

Reason

To improve the appearance of the dwelling to provide an adequate mitigation for the approved extension and to accord with policies D1, H4, L13 and L15 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

To ensure an adequate standard of external appearance and to accord with policies, D1, H4, L13 and L15 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The facing stonework shall match the existing original stonework on the dwelling in respect of colour, texture, coursing, jointing and pointing.

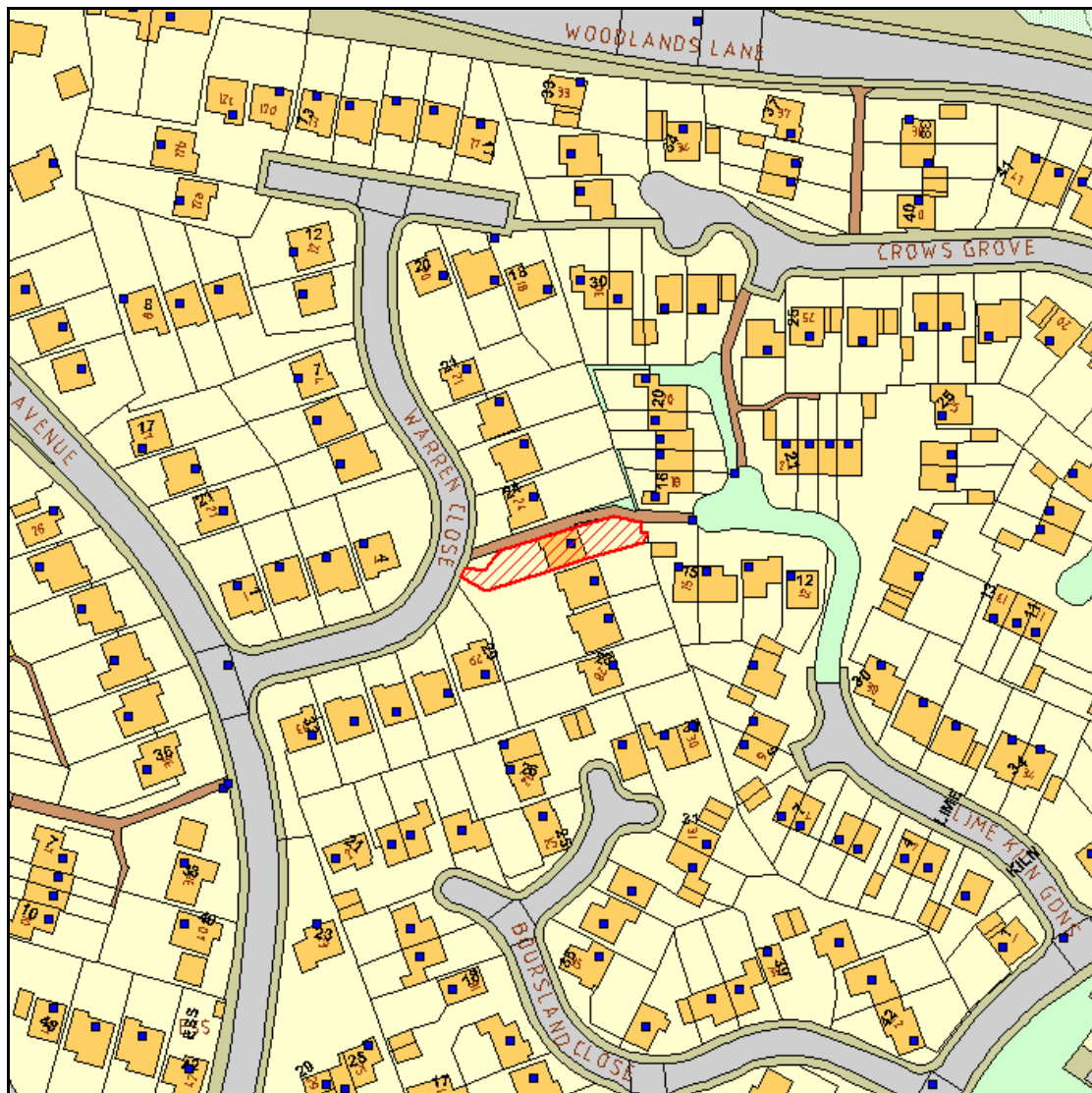
Reason

To ensure an adequate standard of external appearance and to accord with policies, D1, H4, L13 and L15 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 12

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PT13/3200/F	Applicant:	Mr Dave Peters
Site:	25 Warren Close Bradley Stoke Bristol South Gloucestershire BS32 0BP	Date Reg:	2nd September 2013
Proposal:	Erection of first floor side extension and single storey rear extension	Parish:	Bradley Stoke Town Council
Map Ref:	361836 183055	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	22nd October 2013



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PT13/3200/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule as comments of objection have been received from the Town Council and a local resident; these are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a side extension at a property in Bradley Stoke. The extension consists of a first floor side extension over the existing garage to provide a fourth bedroom and a single storey rear extension to provide an enlarged kitchen and dining room.
- 1.2 During the course of the application, amended plans have been received. These were requested to reduce the size of the extension and improve the composition of the principal elevation. The recommendation is based on the revised plans received.
- 1.3 The application site is a detached dwellinghouse in Bradley Stoke North. It is constructed of brick with a render applied to the ground floor bay window and recessed porch. The property has a double roman roof tile and gable feature over the principal first floor window. The site is not covered by any statutory or non-statutory designations and permitted development rights have not been restricted.

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
T12 Transportation
H4 Development within Existing Residential Curtilages
LC12 Recreational Routes

South Gloucestershire Local Plan Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications
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 P87/0020/57 Approval of Full Planning 27/01/1988

Residential development on approximately 1.25 ha. (3.1 acres) to include erection of 36 detached dwellings together with construction of associated estate roads

- 3.2 P84/0020/1 Approval 03/12/1986
Residential, shopping & employment development including roads & sewers and other ancillary facilities on approx.1000 acres of land

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection: encroachment and infringement of adjacent public right of way; health and safety concerns during building works.
- 4.2 Drainage
No comment
- 4.3 Public Rights of Way
No objection: application may affect OAY39, which runs adjacent to the property. Applicant should be advised that there should be no interference with the footpath during construction and that the safety of the users of the PROW must be considered at all times. No debris is to be left on the path and the path cannot be obstructed in any way.
- 4.4 Transport
No objection

Other Representations

- 4.5 Local Residents
Two letters of objection have been received from the occupier of no.24 Warren Close – one to the original scheme and the second to the revised plans. The objection is made on the following grounds:
- Size of extension
 - Light to bathroom/ utility/ cloakroom

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for extensions to a detached house in Bradley Stoke.
- 5.2 Principle of Development
Development within existing residential curtilages is supported in principle by policy H4 of the Local Plan. Extensions will be permitted under this policy subject to an assessment of design, amenity and transport. As the application site is adjacent to a public right of way, the development should accord with policy LC12.

- 5.3 Therefore the proposal is acceptable, subject to the analysis below.
- 5.4 Design
The proposed first floor side extension will be located over the existing garage. Initially the extension was proposed to project beyond the front elevation and sit flush with the front of the garage door and bay window. This has been amended so that the extension now sits flush with front elevation and the existing ridge is extended over the proposed extension.
- 5.5 This is an acceptable design as it retains the overall character and appearance of the dwelling and general design of the locality.
- 5.6 The proposed rear extension is L shaped, covering the width of the building with a projection behind the garage. The projecting section will have a gable end facing the garden while the rear extension will have a lean-to roof against the rear elevation.
- 5.7 In terms of the design, the rear extension is also acceptable as it retains the character of the property and proposes a design that is commensurate with the style and use of the property.
- 5.8 Adequate space is available on the plot to accommodate the extensions and a good layout and overall approach to site planning has been achieved.
- 5.9 Amenity
Amenity should be considered in terms of the impact on any nearby occupier and on the host dwelling. The level of amenity enjoyed by the property will not be prejudiced. Satisfactory amenity space is retained and the proposal is not harmful.
- 5.10 Comments have been received raising concern over the impact on no.24. This property is located to the north of the application site and set forwards, however, although adjacent the properties are separated by the public right of way, which is just under 2.5 metres wide with approximately 3.7 metres between the buildings.
- 5.11 The bulk of the built form of no.24 is alongside no.25 and therefore the proposed extension is not considered to impact on the windows to the side. The ground floor rear extension is also not considered to impact on the amenity of nearby occupiers.
- 5.12 The first floor side extension has the potential to impact upon the amenity of nearby occupiers. However, due to the gap between the buildings the impact the additional mass of the building is not considered to be overbearing. Whilst additional shadow may be cast at midday due to the orientation of the built form this is not considered to be prejudicial to the general level of residential amenity enjoyed by the property.

- 5.13 Overall, it is not considered that the proposal would harm levels of residential amenity to the point where it is prejudicial.
- 5.14 Transport
Adequate car parking should be provided within a development. To accord with the *Residential Parking Standard* two off-street parking spaces must be provided.
- 5.15 The site includes a driveway that can provide parking for two vehicles and a garage. It is considered that this is sufficient to meet the needs of the development.
- 5.16 There is no highways objection to the proposed development.
- 5.17 Public Right of Way
PROW OAY39 runs adjacent to the property, between nos.24 & 25. This path links Warren Close with Lime Kiln Gardens and onto Crows Grove. At present, the single storey garage abuts the right of way and the rear boundary fence runs along the southern edge of the right of way.
- 5.18 The footpath itself is fairly wide as it includes the tarmac path and an unmade gravel/loose material border on either side. The path is street lit and has good visibility along it.
- 5.19 The proposed building will not result in an obstruction to the right of way or lead to it becoming a less attractive pedestrian route. The Council's public rights of way officer has assessed the proposal. No objection has been raised although there is a request for an informative note to be added to the decision notice.
- 5.20 An informative as requested by the public rights of way officer will be attached to the decision notice. This will also address the concerns raised by the Town Council.

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 extensions have been assessed against policies D1, T12 and H4 of the Local Plan. An acceptable standard of site planning and design has been reached and the proposal retains the character and appearance of the existing dwelling. It is not considered that the proposal would prejudice residential amenity and there will be no impact on transportation.
- 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.

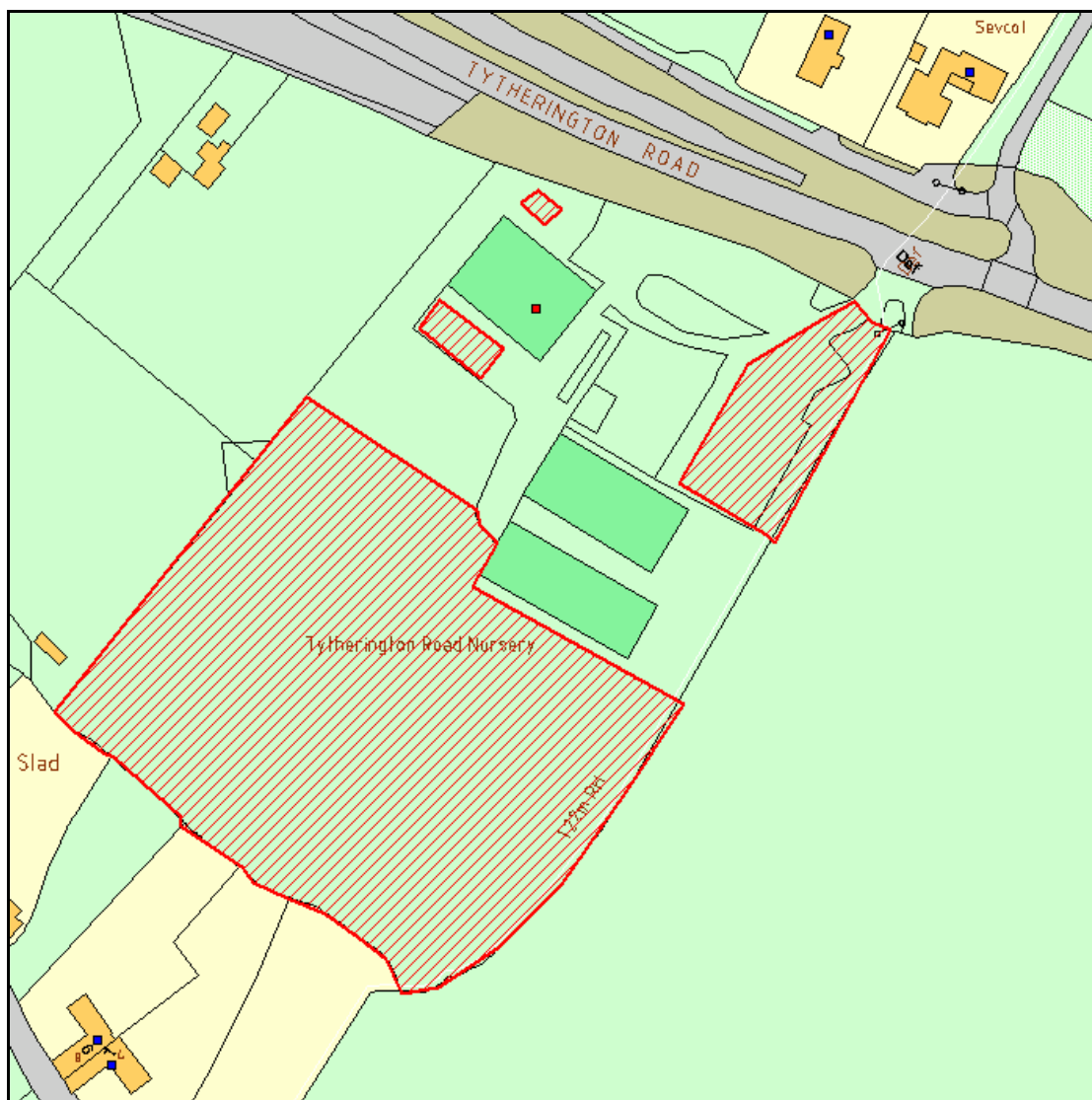
Reason

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

ITEM 13

CIRCULATED SCHEDULE NO. 41/13 – 11 OCTOBER 2013

App No.:	PT13/3216/RVC	Applicant:	Mr Robert Fry
Site:	Tytherington Road Nursery Tytherington Road Thornbury South Gloucestershire BS35 3TT	Date Reg:	6th September 2013
Proposal:	Removal of condition 11 and variation of condition 12 attached to planning permission PT13/1974/F	Parish:	Thornbury Town Council
Map Ref:	365580 189021	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	29th October 2013



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100023410, 2008.

N.T.S.

PT13/3216/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of 19 letters of objection from local residents and one letter of objection from the Parish Council contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks consent to remove condition 11 and vary condition 12 attached to application PT13/1974/F which was approved in August 2013.

Condition 11 reads as follows:

Prior to the commencement of development, full details of the proposed mobile homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason

'To ensure a good standard of design and to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted) January 2006.

Condition 12 reads as follows:

This permission gives planning permission for 6 permanent gypsy and traveller pitches to include 1 mobile home, 1 day room and 1 touring caravan (to only be occupied in association with the mobile home) the sizes of which shall not exceed those details shown by drawing 131/02A received on June 11 2013 and 2 transit pitches to include 2 touring caravans and 1 toilet block as detailed by drawing 131/02A received on June 11 2013. No further development in respect of the proposed gypsy/ traveller site use is approved.

Reason

In the interests of visual amenity and to accord with Planning Policy H12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 In respect of condition 11 - the application seeks to remove this condition entirely.

In respect of condition 12 – whilst the applicant is happy with the general thrust of condition 12, this application has been submitted to vary the wording to omit reference to the sizes as shown on drawing 131/02A.

- 1.3 In considering this application, it is essential to focus only on these two conditions and not to put attention in other matters not relevant to this RVC application. This application does not give any opportunity to revoke or alter the existing permission in any way other than conditions 11 and 12.

- 1.4 This application relates to Tytherington Nursery site on the south side of Tytherington Road, Thornbury. The application site is sited beyond the Thornbury settlement boundary within the open countryside. The site is located beyond the Green Belt which extends to the disused railway line that runs close to the south of the site opposite the adjoining houses within The Slad.

2. POLICY CONTEXT

2.1 National Planning Guidance

National Planning Policy Framework (March 2012)
National Planning Policy Framework (Technical Guidance)
National Planning Policy for Traveller Sites
Planning Policy for Traveller Sites document (March 2012)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design in New Development
E9 Agricultural Development
L1 Landscape Protection and Enhancement
L9 Species Protection
L18 The Water Environment
T12 Transportation Development Control Policy for New Development
H12 Sites for Gypsies

South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications

CS1 High Quality Design
CS5 Location of Development
CS21 Gypsy and Traveller Accommodation
CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)
Planning Policy for Traveller Sites document (March 2012)

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1974/F Change of use of land from nursery to land for the siting of 6no gypsy caravan pitches, with associated touring caravans, hardstandings, landscaping and works including 6no. utility/day rooms and 2no. transit pitches. Erection of 1no. horticultural shed and 2no. toilet blocks to be used in connection with retained nursery.
Approved with Conditions August 2013

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Object to the application and state the conditions should remain as stated in the original consent.

4.2 Highway Drainage

No comment

4.3 Housing Enabling

No Comment

Other Representations

4.4 Local Residents

A total of 19 letter of objection have been received from local residents although some residents have submitted more than one letter. A summary of the main points of concern raised is as follows:

- The planning application was rushed through and points of planning were breached or ignored
- The nursery has closed since the application was granted
- Concerns that the nursery will not be run as a family business
- Concerns over drainage
- Threat of costs being awarded against the Council
- Concerns over the Council acting fraudulently
- To increase the number of pitches would cause serious concerns relating to drainage
- That the removal of these conditions would require an entirely new application from scratch
- Concerns over the way the initial application was determined
- The number of people on the site will dominate the number of people in the settled community
- Concerns over the future intentions of the applicant and the applicants business interests
- The Council has been duped
- Concerns that the site will not be occupied by a family
- The existing permission should be revoked
- Concerns over slander
- The conditions are necessary to ensure a good standard of design and protect visual amenity
- The conditions satisfy the tests set out in the government circular
- Applicant has given the incorrect address
- To remove the conditions would allow a mish mash of assorted plots

In addition to the above several letters of support and clarification have been received from the agent.

5. ANALYSIS OF PROPOSAL

5.1 In assessing this application it is necessary to assess whether both of the relevant conditions satisfy the requirements of Circular 11/95 'The use of conditions in planning permissions'. Circular 11/95 requires all planning conditions to pass six tests – that conditions should be

- i. Necessary
- ii. Relevant to Planning
- iii. Relevant to the development to be permitted
- iv. Enforceable
- v. Precise
- vi. Reasonable in all other respects.

From the supporting statement submitted, your officer understands that the applicant finds both conditions unreasonable.

- 5.2 Policy H12 advises that proposals for the use of land for the stationing of residential caravans occupied by Gypsies will be permitted in those parts of the district outside the Green Belt and the Cotswold AONB provided:
- o It would not have an unacceptable environmental effect; and
 - o The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - o It would not unacceptably prejudice the amenities of neighbouring occupiers; and
 - o Adequate provision is made for access, parking and manoeuvring.

It is advised that preferably sites should be within reasonable distance of local services and facilities such as shops, doctor's surgeries and primary schools although more remote sites might be acceptable.

- 5.3 Notwithstanding the above, given the advanced stage of the South Gloucestershire Core Strategy, this document is considered to be highly material in the assessment of this application. Policy CS21 cites that sites for Gypsies and Travellers will be considered appropriate subject to the same criteria listed in respect of policy H12. Again, it is also advised that preferably sites should be within walking distance of local services and facilities though more remote sites may be acceptable.

- 5.4 This site does not form part of an existing authorised Gypsy and Traveller site safeguarded under policy H12 thus is not to be safeguarded under policy CS21. However, policy CS21 advises that applications for Gypsy and Traveller windfall sites will be considered having regard to the outstanding level of need and in accordance with Government guidance. It is acknowledged that individual applications for Gypsy/ Traveller windfall sites will continue to meet a proportion of the new pitches/ sites to be provided and this is considered necessary given the demonstrable need for Gypsy/ Traveller pitches and to accord with Government guidance.

5.5 Assessment of Condition 11

Condition 11 reads '*Prior to the commencement of development, full details of the proposed mobile homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.*'

- 5.6 The applicant is seeking to remove this condition because this would mean that prior to moving every new mobile home onto the site, details will have to be submitted too and approved in writing by the LPA. The applicant has concerns that this will take time and cost money during which time the intended residents will have no-where to live.

- 5.7 It is indeed true that condition 11 requires details of any new mobile home to be submitted and agreed prior to it being bought onto the site. The reason for this condition is in the interests of visual amenity and to accord with the requirements of Policy H12 of the adopted local plan. It is important to confirm

that the condition relates to mobile homes only and not to the transit caravans. Details of the transit caravans need not be agreed prior to their arrival on site.

- 5.8 As was confirmed in the design and access statement submitted with the original planning application (PT13/1974/F), the intention of the applicant is to provide a permanent stopping place for the applicant and his extended family. In the opinion of your officer therefore, once a family is established on one of the pitches, as their 'permanent stopping place' it is unlikely that the mobile home will need to be altered on a very frequent basis. Your officer believes it is reasonable to assume that a mobile home will be in place for at least a year (but most probably longer than this). Given the unlikely frequency of mobile home changes, the condition is not considered to be overly onerous on the applicant.
- 5.9 Of course your officer accepts that circumstances may indeed change requiring larger or smaller mobile homes to be bought onto the site. It is unlikely however that this will need to happen with immediate effect but it is likely that the occupants will know about the impending mobile home change in advance. For example, in the supporting letter it is noted that more bedrooms may be needed as boys and girls may not mix after a certain age – steps can therefore be put in place before the children reach this age. Other potential situations such as new babies or marriages resulting in additional family members moving in will also be known about in advance. This will give opportunity for details to be submitted to the LPA for agreement prior to the change occurring.
- 5.10 Given the location of the site, in relatively close proximity to the Thornbury Conservation Area where a high standard of design is required, and given the proximity to neighbouring dwellings, it is reasonable to expect that details of the design and appearance of the caravans be submitted and agreed by the LPA. Given the number of pitches, should the mobile homes be of poor design, excessively large or tall etc, the site could as a result have a detrimental impact on the character of the area. By ensuring design details are submitted, this will give assurance that the rural character of the site will be protected as far as possible having minimal visual impact.
- 5.11 Therefore being mindful of the 6 tests set out in circular 11/95, it is considered that condition 11 is indeed necessary, relevant to planning, relevant to the development, enforceable, precise and reasonable in all other respects. Your officer cannot therefore support the proposal to remove this condition.
- 5.12 Assessment of Condition 12
Condition 11 reads; *'This permission gives planning permission for 6 permanent gypsy and traveller pitches to include 1 mobile home, 1 day room and 1 touring caravan (to only be occupied in association with the mobile home) the sizes of which shall not exceed those details shown by drawing 131/02A received on June 11 2013 and 2 transit pitches to include 2 touring caravans and 1 toilet block as detailed by drawing 131/02A received on June 11 2013. No further development in respect of the proposed gypsy/ traveller site use is approved.'*

- 5.13 The applicant is seeking to vary this condition to remove reference to drawing 131/02A. Drawing 1331/02A referred to in the condition is the proposed site layout plan showing how the site would be divided and laid out. The plan shows the position and footprint of all proposed mobile homes, day rooms and touring caravan pitches.
- 5.14 There are effectively three stands to the condition – one that limits the number of permanent pitches and what may be located on each permanent pitch; one that limits the size of the pitches and structures; and one that permits the establishment of 2 no. transit pitches. The applicant only seeks to amend the part of the condition relating to the size of the mobile homes.
- 5.15 In the supporting letter the applicant notes that some mobile homes may be larger than the footprints shown on drawing 1331/02A in order to accommodate the needs of the specific families. Your officer accepts the argument of the applicant and indeed finds it difficult to explain why a mobile home perhaps only 0.5 metres longer or wider than the footprint shown on drawing 1331/02A would necessarily be problematic. Further to this, as condition 11 is being retained, full details of any new mobile home will still need to be agreed by the LPA so there is still opportunity to restrict any mobile home considered to be inappropriate. It is therefore considered that there is some scope to alter the wording of the condition. It is essential that all other elements of condition 12 are retained and so the number and size of the actual pitches, mobile homes, day rooms, transit pitches and touring caravans is still restricted.
- 5.16 It is therefore the suggestion of your officer that condition 12 be re-worded to read as follows: *'This permission gives planning permission for 6 permanent gypsy and traveller pitches - each to include 1 mobile home, 1 day room and 1 touring caravan (to only be occupied in association with the mobile home). None of the mobile homes, day rooms or touring caravans to be located on any of the 6 pitches shall be any closer to the site boundary than those shown on drawing 1331/02A received in June 11 2013 in relation to application PT13/1974/F. This permission also gives consent for 2 transit pitches to include a total of 2 touring caravans and 1 toilet block as detailed by drawing 131/02A received on June 11 2013. No further development in respect of the proposed gypsy/ traveller site use is approved.'*
The reason for the condition would remain the same and the condition would meet the six tests as set out in circular 11/95.
- 5.17 Conditions
The conditions attached to the application PT1/1974/F will be copied over to the new decision notice (as none have yet been discharged) along with the altered wording of condition 12.
- 5.18 Other Issues
During the course of the application, a number of letters of objection have been received along with several letters of rebuttal from the agent. In determining this application, only the planning matters as set out above have been taken into consideration. It is not proper or correct for your officer to suppose or assume what may or may not happen on the site in the future. The business interests of the applicant are not relevant to the determination of this RVC

application. Should activities take place on the site in the future in breach of any planning conditions, this can be investigated by the Councils Enforcement team at that time. The issue of drainage is covered by a planning condition.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That a split decision be issued refusing the removal of condition 11 but allowing the slight variation of condition 12.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. No more than six mobile homes and eight touring caravans shall be stationed on the site at any one time.

Reason

To control the impact of the development upon the character and appearance of the area and to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. There shall be no commercial activity (with the exception of the existing plant nursery) on or originating from this site at any time.

Reason

To control the impact of the development upon the character and appearance of the area and in the interests of highway safety, all to accord with Planning Policies D1, L1, H12 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. There shall be no outside storage on the site.

Reason

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

5. If the land ceases to be occupied as a gypsy/ traveller site, all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity blocks hereby approved, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced.

Reason

In the interests of visual amenity and to accord with Planning Policies D1, L1 and H12 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 site and details of proposed planting (and times of planting) along the boundaries shall be submitted to the Local Planning authority for approval. These details shall provide specific details in respect of the proposed boundary treatments along the west site boundary and how these boundary treatments will help prevent any unauthorised entry into the quarry. Specific details must also be provided (size, type, number) of all new planting and boundary treatments along the rear site boundary with these details to ensure year round robust screening along this boundary). Development shall be carried out in accordance with these agreed details.

Reason

To protect the character and appearance of the area and to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted January 2006).

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

Reason

To protect the character and appearance of the area and to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted January 2006).

8. 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 with no further lighting thereafter erected without the written permission of the Local Planning Authority.

Reason

To protect the character and appearance of the area and in the interests of residential amenity, all to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted January 2006).

9. Prior to the commencement of development, samples of the roofing and external facing materials proposed to be used for the amenity buildings, agricultural storage shed and toilet block 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 good standard of design and in the interests of visual amenity, all to accord with Planning Policies D1, L1, H12 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The six mobile homes hereby approved shall be positioned as shown on drawing no. 1331/02A and thereafter the approved development shall be retained as such.

Reason

To protect the character and appearance of the area and in the interests of residential amenity, all to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted January 2006).

11. Prior to the commencement of development, full details of the proposed mobile homes shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason

To ensure a good standard of design and to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted) January 2006.

12. This permission gives planning permission for 6 permanent gypsy and traveller pitches - each to include 1 mobile home, 1 day room and 1 touring caravan (to only be occupied in association with the mobile home). None of the mobile homes, day rooms or touring caravans to be located on any of the 6 pitches shall be any closer to the site boundary than those shown on drawing 1331/02A received in June 11 2013 in relation to application PT13/1974/F. This permission also gives consent for 2 transit pitches to include a total of 2 touring caravans and 1 toilet block as detailed by drawing 131/02A received on June 11 2013. No further development in respect of the proposed gypsy/traveller site use is approved

Reason

In the interests of visual amenity and to accord with Planning Policy H12 of the South Gloucestershire Local Plan (Adopted) January 2006.

13. The agricultural storage building shall be used solely for the storage of machinery and products associated with the plant nursery and shall not be used for any other purpose (including any other purpose in Class B8 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

Use of the building for any other purpose would require the prior consideration of the Local Planning Authority to accord with Planning Policies E9 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

14. The existing plant nursery shall be retained as shown on drawing 131/02A (received on June 11th 2013) and operated by the occupiers of the gypsy/ traveller development hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason

In view of the close relationship between the two land uses and the position of the gypsy/ traveller site to the rear of the plant nursery, all to accord with Planning Policies D1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Prior to the commencement of development, full details of refuse collection and storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason

In the interest of visual amenity and highway safety, and to accord with Planning Policies H12 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the commencement of development, visibility splays of 2.4m x 120m (with no built form exceeding 0.9m in height within these splays) shall be provided and thereafter subsequently retained.

Reason

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

17. Prior to the commencement of development, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. This site management plan shall address issues inclusive of rubbish collection and storage, maintenance of physical structures and boundary treatments and the upkeep of areas of hard surfacing and the maintenance and upkeep of all drainage systems. It shall also include a specific management plan for the transit area which shall include details as to the registration of all occupiers with these details to made available for inspection upon request by the Local Planning Authority and details to ensure a satisfactory standard of maintenance/ appearance upon persons leaving the site. Development shall strictly accord with these approved details.

Reason

In the interests of visual amenity and to accord with Planning Policies D1, L1 and H12 of the South Gloucestershire Local Plan (Adopted) January 2006.

18. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the

scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the first occupation of the development.

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

19. Prior to the commencement of the development full details of the Sewerage Treatment Plant with its exact location shall be submitted to and approved in writing by the Local Planning Authority. The plant shall be installed in accordance with the approved details prior to the first occupation of the site and retained for that purpose thereafter.

Reason

To prevent non-point source pollution and flooding and to accord with Planning Policies EP1, L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

20. Prior to the commencement of development, plans and elevations of the transit toilet block shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason

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