



**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. 15/13

Date to Members: 12/04/13

Member's Deadline: 18/04/13 (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:

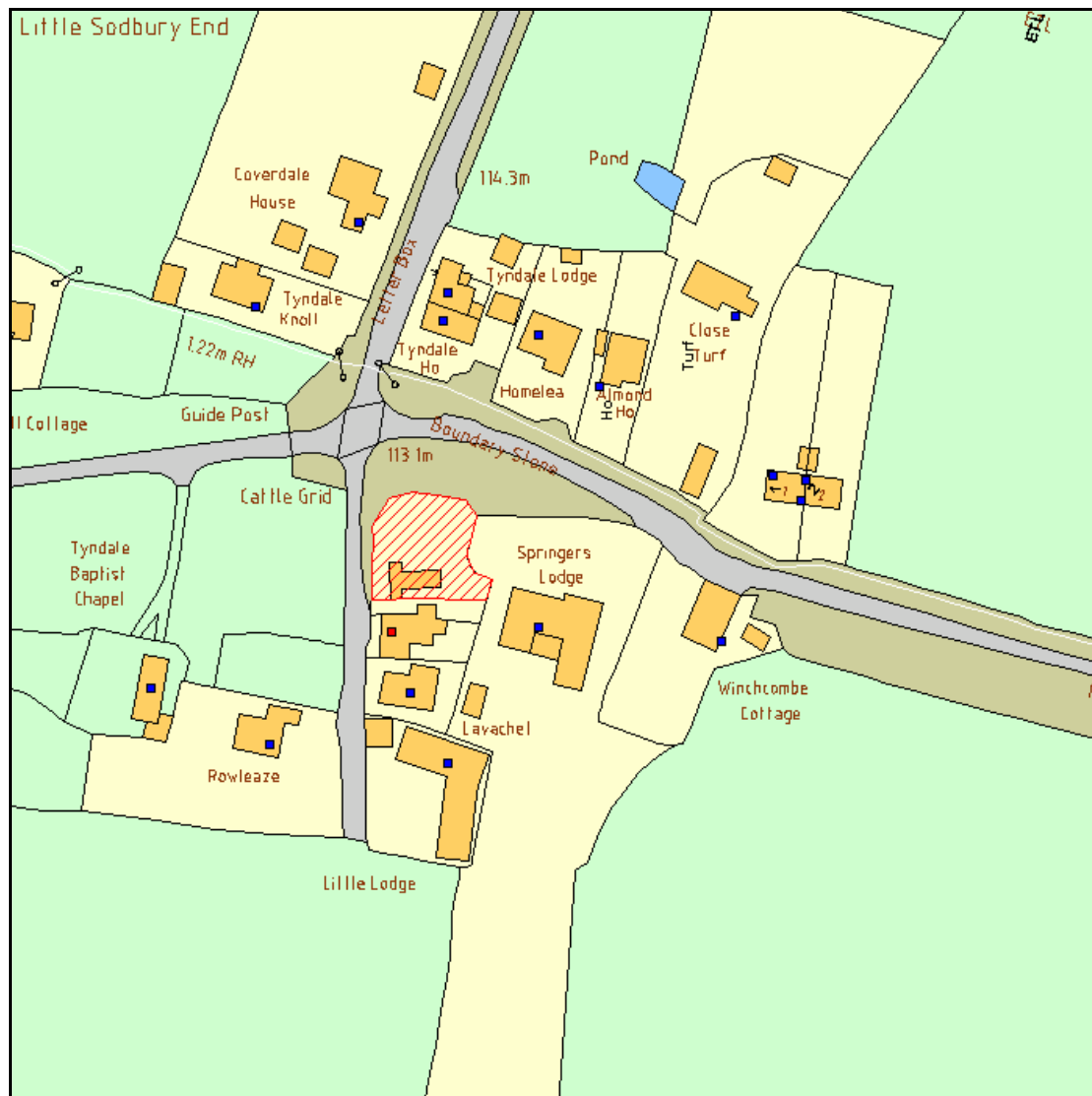
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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 – 12 APRIL 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0207/CLE	Approve	Mobile Home Hill View Cottage Little Sodbury End Lane Little Sodbury South Gloucestershire BS37 6QE	Cotswold Edge	Little Sodbury Parish Council
2	PK13/0365/R3F	Deemed Consent	River Avon Towpath Poplar Wood To Hanham Hanham Bristol South Gloucestershire	Hanham	Hanham Abbots Parish Council
3	PK13/0471/F	Approve with Conditions	14 Kingsfield Lane Hanham South Gloucestershire	Hanham	Hanham Parish Council
4	PK13/0743/R3F	Deemed Consent	Mangotsfield School Rodway Hill Mangotsfield South Gloucestershire BS16 9LH	Emersons	Mangotsfield Rural Parish Council
5	PT12/4284/F	Approve with Conditions	Land Adjacent To Railway Tavern 56 Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
6	PT13/0461/F	Approve with Conditions	Bristol Motor Cycle Training Centre Old Gloucester Road Hambrook South Gloucestershire BS16 1RS	Bradley Stoke South	Bradley Stoke Town Council
7	PT13/0550/F	Approve with Conditions	Home Farm Village Road Littleton Upon Severn South Gloucestershire BS35 1NS	Severn	Aust Parish Council
8	PT13/0588/TRE	Refusal	110 Saxon Way Bradley Stoke South Gloucestershire BS32 9AS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
9	PT13/0633/F	Approve with Conditions	19 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	Ladden Brook	Tytherington Parish Council
10	PT13/0650/F	Approve with Conditions	32A Hortham Lane Almondsbury South Gloucestershire BS32 4JL	Almondsbury	Almondsbury Parish Council
11	PT13/0676/F	Approve with Conditions	Ashley House 46 Gloucester Road Almondsbury South Gloucestershire BS32 4HA	Almondsbury	Almondsbury Parish Council
12	PT13/0681/F	Approve with Conditions	The Cottage Woodhouse Avenue Almondsbury South Gloucestershire BS32 4HT	Severn	Olveston Parish Council
13	PT13/0686/F	Approve with Conditions	3 Tockington Lane Almondsbury South Gloucestershire BS32 4DZ	Almondsbury	Almondsbury Parish Council
14	PT13/0703/RVC	Approve with Conditions	Hamptons 21A High Street Chipping Sodbury South Gloucestershire BS37 6BA	Chipping	Sodbury Town Council
15	PT13/0761/F	Approve with Conditions	The Grange The Street Alveston South Gloucestershire BS35 3SX	Thornbury South And Alveston	Alveston Parish Council
16	PT13/0811/LB	Approve with Conditions	The Grange The Street Alveston South Gloucestershire BS35 3SX	Thornbury South And Alveston	Alveston Parish Council

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PK13/0207/CLE	Applicant:	Mr Robert Halliday
Site:	Mobile Home Hill View Cottage Little Sodbury End Lane Little Sodbury Bristol	Date Reg:	12th February 2013
Proposal:	Application for a Certificate of Lawfulness for the use of a mobile home as a permanent residence.	Parish:	Little Sodbury Parish Council
Map Ref:	374686 183767	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	5th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/0207/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This is an application for a Certificate of Existing Lawful Use or Development and under the Council's current scheme of delegation must appear on the Circulated Schedule.

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use or Development, is that the applicant has to demonstrate on the balance of probability, that the use as described, has occurred for a period of 10 years consecutively, prior to the receipt of the application on the 22nd January 2013.

1. THE PROPOSAL

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for existing use.
- 1.2 The application relates to a Mobile Home located adjacent to Hill View Cottage, Little Sodbury End Lane, Little Sodbury, Bristol BS37 6QW.
- 1.3 The applicant seeks a Certificate of Lawfulness to confirm the continued use of the Mobile Home as a separate dwelling for unrestricted residential use; this is a 10-year test.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990: Section 191
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35
Town and Country Planning (Use Classes) Order 1987 (as amended).
Caravans Sites and Control of Development Act 1960
Circular 10/97: Enforcing Planning Control.

2.2 Development Plans

As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that the Mobile Home has been in situ and occupied as an unrestricted separate dwelling, for an uninterrupted period of at least 10 years prior to the receipt of the application (22nd Jan. 2013).

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/3020/F - Erection of one detached dwelling with associated works. Refused 31st December 2010 for the following reasons:

1. *The existing mobile home is a temporary dwelling only, ancillary to Hill View Cottage; as such the proposal is not considered to be a replacement dwelling and does not therefore fall within the limited categories of development permitted by Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and is also contrary to PPS7 – 'Sustainable Development in Rural Areas'*

2. *The mobile home to be replaced does not benefit from a permanent planning permission and the proposed replacement dwelling would not be of a similar size and scale, contrary to Policy H11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

3. *Insufficient amenity space would be retained to serve the existing Hill View Cottage to the detriment of the residential amenity of future occupiers, which would be contrary to Policy H4D of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

4. *Insufficient information has been submitted to demonstrate that there would be adequate off-street parking provision to serve both the existing and proposed dwelling, to ensure that on-street parking would not be exacerbated to the detriment of highway safety; contrary to Policies T8, T12 and H4C of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

- 3.2 PK11/1521/F - Erection of 1 no. dwelling with access, parking and associated works. (Resubmission of PK10/3020/F)
Refused 21st June 2011 for the following reasons:

1. *The existing mobile home is a temporary dwelling only, ancillary to Hill View Cottage; as such the proposal is not considered to be a replacement dwelling. Furthermore the proposal is not for affordable housing on a rural exception site nor for an agricultural or forestry worker; the proposal does not therefore fall within the limited categories of development permitted by Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and is also contrary to PPS7 – ‘Sustainable Development in Rural Areas’*

2. *The mobile home to be replaced does not benefit from a permanent planning permission and the proposed replacement dwelling would not be of a similar size and scale, contrary to Policy H11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

3. *Insufficient amenity space would be retained to serve the existing Hill View Cottage to the detriment of the residential amenity of future occupiers, which would be contrary to Policy H4D of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.*

A subsequent appeal Ref APP/P0119/A/11/2163956 was dismissed 20 Feb 2012.

- 3.3 PK12/1933/F - Erection of 1no. detached dwelling with associated works (Resubmission of PK11/1521/F)
Refused 20 July 2012 for the following reasons:

1. *The existing mobile home is a temporary dwelling only, ancillary to Hill View Cottage; as such the proposal is not considered to be a replacement dwelling. Furthermore the proposal is not for affordable housing on a rural exception site nor for an agricultural or forestry worker; the proposal does not*

therefore fall within the limited categories of development permitted by Policy H3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The mobile home to be replaced does not benefit from a permanent planning permission and the proposed replacement dwelling would not be of a similar size and scale, contrary to Policy H11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Enforcement

COM/12/0141/OD/1 - Planning Contravention Notice - Stationing of mobile home.

Served 15th May 2012

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION

The applicant has submitted the following appendices as evidence in support of the application, the relevant contents are summarised below:

Affidavit of Mr R Halliday (applicant) dated 13/12/12

- I have occupied the 'Mobile Home' from July 1999 to the present date.
- I have never lived in the cottage known as Hill View Cottage.
- I erected the 'Mobile Home' in July 1999.
- I have paid Council Tax with respect to the 'Mobile Home' since July 1999.
- The only correspondence I have received from South. Glos. Planning Enforcement between July 1999 and the present date is a letter dated 15 May 2012.

Affidavit of Mr P Drake (nephew) dated 20/12/12

- I helped site the 'Mobile Home' in 1999.
- Mr Robert Halliday has occupied the 'Mobile Home' from July 1999 to the present date continuously and without interruption.
- The 'Mobile Home' has not altered or changed in anyway since July 1999.

Affidavit of Mr. M Drake (brother-in-Law) dated 20/12/12

- I helped site the 'Mobile Home' in 1999.
- Mr Robert Halliday has occupied the 'Mobile Home' from July 1999 to the present date continuously and without interruption.
- The 'Mobile Home' has not altered or changed in anyway since July 1999.

Affidavit of Mr. M. Cullum (friend) dated 20/12/12

- I helped site the 'Mobile Home' in 1999.
- Mr Robert Halliday has occupied the 'Mobile Home' from July 1999 to the present date continuously and without interruption.
- The 'Mobile Home' has not altered or changed in anyway since July 1999.

Signed Statement by Mrs T Guest dated (11/12/12)

- As a Mobile Hair Dresser I have gone to the Mobile Home on a regular basis every 6 to 8 weeks over the last 10 years where both Robert Halliday and Sue Leach lived.
- Sue Leach left in 2010.

Petition Signed by 17no. Neighbours

- Mr Robert Halliday has lived at the 'Mobile Home', adjacent to Hill View Cottage, Little Sodbury End, continuously and on an uninterrupted basis for 13 years, since July 1999.

Petition Signed by 16no. Friends

- Mr Robert Halliday has lived at the 'Mobile Home', adjacent to Hill View Cottage, Little Sodbury End, continuously and on an uninterrupted basis for 13 years, since July 1999.

Correspondence from South Gloucestershire Council dated 12/8/99

Letter addressed to Mrs Leach at 'Mobile Home' Hillview, Little Sodbury End, BS37 6QE confirming that the property has been registered for Council Tax. Council Tax to be backdated to 14th April 1998.

Correspondence from The Valuation Office dated 13/7/200 and 25/10/2000

Both letters are addressed to Miss S Leach, Mobile Home at Hillview, Little Sodbury End, BS37 6QE and relate to Council Tax listing.

Correspondence from TJ Brimble & Co. dated 27/12/12

Letter addressed to Mr Robert Halliday, Mobile Home, Hill View Cottage, Little Sodbury End BS37 6QE confirming that TJ Brimble have given advice on tax affairs to Mr Robert Halliday since August 1999.

Council Tax Bill dated 19/4/10

Addressed to Mr R Halliday, Mobile Home, Hillview Cottage, Little Sodbury End BS37 6QE. There is a 25% reduction for single occupancy.

Invoices from Vermin Services dated 30/11/04 and 31/3/08 addressed to Mr R Halliday, Mobile Home, Hillview BS37 6QE.

The invoice relates to visits to control rats living under and adjacent to the Mobile Home.

Invoices from Flagstone Developments Ltd dated 30/3/01 and 29/7/07 addressed to Mr R Halliday, Mobile Home, Hillview BS37 6QE.

The invoices relate to works carried out to the Mobile Home.

8no Photographs of the Mobile Home.

The photographs are purported to have been taken in 2001 and show that the Mobile Home as being occupied at the time of the photographs.

5. SUMMARY OF CONTRARY EVIDENCE

None

Other Evidence

Reply to Planning Contravention Notice (PCN) by Mr R.Halliday

- I am the owner of the land together with my wife Susan Leach who left in March/April 2010.

- The mobile homes were stationed on the land in 1999/2000 and are interconnected to form one residential unit.
- I have lived in the mobile home since they were positioned on the land.
- There have been no breaks in occupation.
- The renovation works to Hill View Cottage are still ongoing and nearing completion.
- Hill View Cottage has been unoccupied during the whole period of renovation and since my occupation of the mobile home.

6. **OTHER CONSULTATIONS**

6.1 Local Councillor
No response

6.2 Horton Parish Council
No comment

6.3 Little Sodbury End Parish Council
The Mobile Home has been on site and lived in for more than ten years.

6.4 Sustainable Transport
No comment

6.5 Local Residents
3no. responses were received from local residents which in summary stated the following:

K. Barnes of 'Ragnorak' Little Sodbury End BS37 6QE

- Hill View Cottage has been under renovation for some years and is still uninhabitable.
- A mobile home has been erected within the curtilage of the cottage as a temporary dwelling for the householder whilst the renovation works are underway. The mobile home has been in situ for some years and is now dilapidated.
- The mobile home is a permitted temporary structure pursuant to Schedule 2, Part 4, Class A of the Town and Country (General Permitted Development) Order 1995 (GPDO).
- Condition A.2(a) of the GPDO goes on to say that when the operations have been carried out, 'any building...permitted by Class A shall be removed'.

J.Hale of 'Lavachet' Little Sodbury End Lane BS37 6QE

- The Mobile Home has been on the site and lived in by the applicant Mr. R. Halliday for over ten years.

N.H.Rawlins of Little Sodbury House BS37 6QA

- The mobile home has been inhabited for more than the past ten years.
- The mobile home has only been inhabited as ancillary accommodation. The cottage itself has remained uninhabitable during the ongoing renovations.
- The mobile home is lawful and does not need to benefit from a Certificate of Lawfulness.

- The mobile home is not a permanent residence, it is temporary accommodation that would be removed upon completion of the renovations to Hillview Cottage.

7. **ASSESSMENT**

7.1 The issues, which are relevant to the determination of an application for a Certificate of Lawfulness are whether or not, the use described has been continuous for a period exceeding 10 years prior to the receipt of the application and whether or not it is in contravention of any Enforcement Notice, which is in force.

7.2 Dealing with the latter point, there are no enforcement notices relating to this development.

7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. For a certificate to be issued, the development within the red edged application site plan, must have been continuous for a 10 year period prior to 22nd January 2013 i.e. the date of receipt of the application. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

7.4 Hierarchy of Evidence

The evidence submitted is listed in para.4 above. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. 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.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. 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.
6. Unsworn letters as 5 above.

7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.
- 7.5 There is no evidence against.
- 7.6 Examination of evidence
There is a mobile home or static caravan stationed on the land identified on the submitted application plan and the Applicant contends that it has been there since July 1999. He claims that it has been used, on an uninterrupted basis, as a residence by himself and his wife, from that time until March/April 2010, and since then to the present day by the applicant only. From the evidence submitted, officers have no reason to dispute this claim. These however are not the complete facts.
- 7.7 For the purpose of issuing a Certificate of Lawful use or development, as applied for, the mobile home would need to have been occupied on an unrestricted basis, as a separate dwelling house (as the applicant suggests), for a continuous period of 10 years. This would then lead to immunity under s171B(3) and consequently lawfulness under s191(2) of The Town & Country Planning Act 1990 as amended.
- 7.8 The applicant however stationed the mobile home on the site with the intention of living in it whilst he undertook the refurbishment of adjacent Hill View Cottage (the works of refurbishment being permitted development); this is confirmed by the submitted evidence. The applicant also confirms in his response to the PCN served 15th May 2012 that he has '*never lived in the cottage known as Hill View Cottage*'.
- 7.9 The mobile home at Hill View Cottage cannot therefore benefit from lawfulness as described above (para.7.7) because Part 5 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) gives temporary planning permission for the provision of a caravan *used for the accommodation of persons employed in connection with building or engineering operations* being carried out on the land (case law has clarified that 'employed' should not be considered to limit this to trades people, and is held to include persons who own a property and are living in the caravan while operations are being carried out or their property is being renovated. No breach of planning control has therefore occurred.
- 7.10 A caravan is defined (S29 of the Caravan Sites and Control of Development Act 1960) as any structure designed or adapted for human habitation, which is capable of being moved from one place to another. In this case the 'Mobile Home' is made up of two movable units joined together (as confirmed at the officer site visit and in Mr Halliday's response to the PCN of May 2012).
- 7.11 Mr Halliday, in his response to the PCN of May 2012 also stated that the renovation works were, at that point, still ongoing and had been since the mobile home was moved on to the land in 1999. As such, in May 2012 and for the period leading up to that time, the mobile home had temporary planning permission by way of Part 5 Class A of the GPDO and was therefore lawful and remains as such to this day, the renovation works having still not been

completed. Whilst this is clearly a long period of time for renovation works and somewhat stretches any normal concept of 'temporary', there is no prescribed limit on the time for these works.

- 7.12 This position is reflected in an appeal decision (see APP/C2708/X/10/2131984 – R.Holmes v Craven District Council) relating to a very similar situation and includes the appropriate certificate to be issued if the above situation is still current.
- 7.13 It should also be noted that for the purposes of the current certificate application, condition A.1 of Part 5 Class A of the GPDO requires that once the works of renovation are complete, the use of the caravan as a temporary residence shall cease and the caravans removed from the site as soon as is reasonably practicable.
- 7.14 The facts are that the 'Mobile Home' has been used to house a person on land adjacent to land on which permitted works of renovation are being carried out to Hill View Cottage. The use of the 'Mobile Home' as a residence, is granted temporary permission by virtue of Part 5 of Schedule 2 of the GPDO. That permission will expire when the renovation of the Cottage is substantially completed. This being so, the development is lawful and has been so since July 1999 and as such the Council would not have been able to take enforcement action (to remove the 'Mobile Home') for that reason. The 'Mobile Home' has not however been in **unrestricted** residential use at any time during that period and, therefore, a certificate for the use sought will **not** be issued. However, because there is a lawful use, the applicant is entitled to a lawful development certificate for that use, notwithstanding that it may be in different terms from those for which the applicant has applied.
- 7.15 Officers wish to stress that in granting such a certificate, this does not establish the mobile home as a separate planning unit for unrestricted residential use that could be used at a later date as justification for the erection of a replacement dwelling on the site of the 'Mobile Home'. The certificate is merely formal confirmation that the 'Mobile Home' has been and can continue to be, occupied as temporary accommodation for the duration of the works of renovation to Hill View Cottage, upon the substantial completion of which, the 'Mobile Home' must be removed.

8. CONCLUSION

- 8.1 That the use of the 'Mobile Home' as a temporary residence for the duration of the works of renovation to Hill View Cottage is lawful by virtue of Part 5 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such a Lawful Development Certificate should be issued.

9. RECOMMENDATION

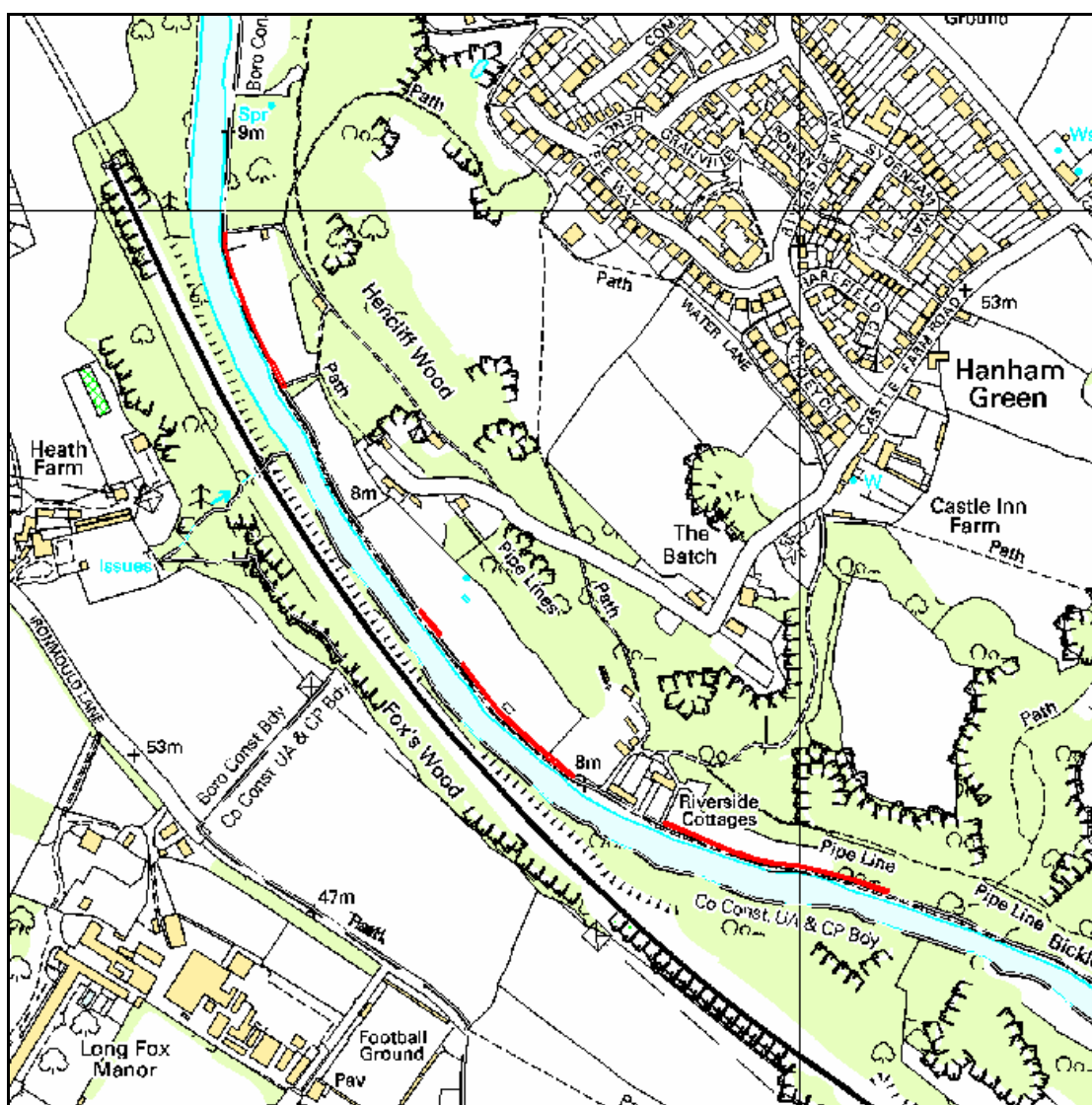
- 9.1 That a lawful development certificate be GRANTED for the continued temporary use of the 'Mobile Home' until such time that the works to renovate

Hill View Cottage are substantially complete, after which the 'Mobile Home' must be removed.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PK13/0365/R3F	Applicant:	South Gloucestershire Council
Site:	River Avon Towpath Poplar Wood To Hanham Hanham South Gloucestershire	Date Reg:	18th February 2013
Proposal:	Reconstruction of existing towpath	Parish:	Hanham Abbots Parish Council
Map Ref:	363860 170465	Ward:	Hanham
Application Category:	Minor	Target Date:	11th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/0365/R3F

INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure because:

- The application is made South Gloucestershire Council itself
- Objections have been received that are contrary to the recommendation made by the Case Officer

1. THE PROPOSAL

- 1.1 The application now seeks full planning permission for the reconstruction and improvement to the River Avon Towpath. The area concerned is approximately 1500 m (1.5km) in length between the edge of Poplar Wood to a point to the west of Hanham Lock. The route is already designated as a bridleway ensuring that walkers, cyclists and horse riders can use it.
- 1.2 The works involve vary according to the condition of the bank at a particular point and the amount of vegetation. Along parts of the length the path will be re-laid a little back from the existing path. The path will have a central cambered tarmac surface with a width of 3.0 metres (3.5m when the compacted stone base is included). The remaining areas of the existing sunken path not covered by the new path which will be covered with soil and grassed. The path will be 100mm above the general bank level.
- 1.3 In order to accommodate the new path, some clearance work is required. The first section at Poplar Wood requires the removal of some sections of hedgerow and it has been agreed that replacement planting should comprise a row of new trees at 5m centres (Silver Birch, Crab Apple and Rowan, as recommended by the consultant ecologist). A total of 400m of hedgerow is proposed to be removed to accommodate the new path alignment and compensatory tree and shrub planting is proposed to mitigate for this loss of vegetation, including sections of new post and rail fencing along the boundary where required. Further to the southwest, there are some sections where the bank requires stabilisation and repair and also a section within BCC ownership, towards the Lock & Weir where a weir is proposed, constructed from concrete railway sleepers with some sections of culvert beneath the new path/cycleway to aid drainage.
- 1.4 The proposal represents Phase 1 of a larger project involving the reconstruction of the whole towpath from Conham Road to Ferry Road and a further extension via a new river bridge to the Somerdale Site at Keynsham. The path is a promoted recreational route; the River Avon Trail, which follows the river bank immediately south out the Green Belt boundary. The middle section of the path passes immediately south of Bickley Woods, and the Hanham Mills woodland, which is covered by a Woodland TPO. Towards the end of this section of the towpath, approaching the Lock & Weir public house, the site falls within the Hanham Abbots Conservation Area. Maintenance of the path will be the joint responsibility of Bristol and South Gloucestershire with most of the path being on Bristol owned land.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Policy 4 Promoting Sustainable Transport

Policy 9 Protecting Green Belt Land

Policy 10 Meeting the Challenge of Climate Change

Policy 11 Conserving and Enhancing the Natural Environment

Policy 12 Conserving and Enhancing the Historic Environment

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

CS1 - High quality designs

CS7 - Strategic Transport Infrastructure

2.4 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L17 & L18 - The Water Environment

L8 - Sites of Regional and Local Nature Conservation Interest

L9 - Species Protection

EP2 Flood Risk

GB1 - Green Belt

T6 - Cycle Routes and Pedestrian Routes

T12 - Transportation Development Control Policy for New Development.

LC12 - Recreational Routes.

2.5 Supplementary Planning Guidance

The South Gloucestershire Landscape Character Assessment (adopted) Aug

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

Trees on Development Sites Adopted Nov. 2005.

Development in the Green Belt (SPD) June 2007.

3. RELEVANT PLANNING HISTORY

3.1 No relevant planning history

4. CONSULTATION RESPONSES

4.1 Hanham Abbots Parish Council

No objection however it is noted that felling of trees has already be carried out. Concerns over future maintenance responsibilities.

- 4.2 Hanham District Green Belt Conservation Society
The application is supported but there are concerns that access to the path should be restricted to the main access points and that there should be measures to prevent accidents to restrict the speed of cyclists.
- 4.3 Coal Authority
The development lies within an area defined as a High Risk Area however given the nature of the development no objection to the proposal is raised. Informatives are recommended to be attached to the decision notice to advise the applicant with respect to their duties and responsibilities should coal mining features become apparent.
- 4.4 Natural England
Raise no objection to the proposal.
- 4.5 Sustainable Transport
No objection
- 4.6 Landscape Officer (Summary)
There is no objection to the proposed development subject to a condition to ensure the agreed tree and shrub planting is carried out within the first planting season following the path construction.
- 4.7 Ecology Officer
No objection to the proposed development subject to conditions being attached to the decision notice to secure a working methodology for the re-routing of the towpath in order to minimise the impact upon the adjoining semi-natural habitat and a condition requiring the submission of an ecological and landscape planting scheme and a requirement that any pollarding takes place in accordance with the recommendations set out in the ecological survey submitted by Wessex Ecological Consultancy dated December 2012.
- 4.8 Archaeologist
No objection - A number of boundary stones are recorded along the length of the towpath and if encountered during path works should be preserved in situ
- 4.9 Public Rights of Way
No objection to the principle of the development subject to conditions to secure a surface that is suitable for all users, appropriate measures to preclude unauthorised use of the path and subject to appropriate signage being secured to remind users of the path to respect the safety of others having regard to the fact that this is a path that can be used by cyclists, horse riders and walkers.
- 4.10 Environment Agency
The Environment Agency has withdrawn an objection to the proposal following the receipt of a revised Flood Risk Assessment (FRA). Subject to conditions to ensure that all works are carried out in accordance with the submitted flood risk assessment.

Other Representations

4.11 Local Residents

3 letters of objection have been received. The grounds of objection can be summarised as follows:

- The tarmac track is not appropriate in a rural setting
- With greater access and possible speed of users, more accidents may result and there is likely to be conflict between different users
- Priority should be given to horse riders on a bridlepath The tarmac surface would be unsuitable for horse riders
- Greater use would lead to conflict between different user groups

4 letters of Support has been received. The grounds of support can be summarised as follows:

- The proposal will be good for local citizens
- It will allow more people to use the facility such as those with mobility scooters, pushchairs, small children and normal bicycles as the path is currently impassable for some
- The proposal will add significantly to the usable walking and cycle network
- The condition of the path at present discourages leisure and tourism use along the river – surfacing the path will provide an excellent transport link at modest cost

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The path way is identified as the River Avon Trail and as such is a Major Recreational Route as defined by Policy LC12 of the South Gloucestershire Local Plan – it is a bridleway. Policy LC12 states that development proposals that would unacceptably affect the utility and amenity of existing or proposed routes will not be permitted.

Para 10.90 of the plan states that *“it is the Council priority to retain and improve upon the rights of way network”*.

Having regard to the bridleway status (a route open to cyclists, horse riders and walkers. Para 10.94 states that *“the Council will resist proposals which give rise to conflict”*.

This is considered in detail below.

In land use terms the application must be determined in light of the Green Belt policy within Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 which broadly follows the policy framework set out in National Planning Policy Framework (NPPF).

The NPPF confirms that one of the primary objectives of the Green Belt is to provide opportunities for outdoor sport and outdoor recreation near urban areas. Furthermore, it confirms that the use of land for an essential recreation facility is not considered to be inappropriate development provided that it preserves the open character of the Green Belt and does not conflict with the purposes of including the land within it. It is considered that the facility would fall within a recreational category and furthermore it is not considered that the path which is a level feature would detract from the open character of the Green Belt or conflict with the purposes of including the land within it.

Subject to consideration of the impact of the proposal upon the visual amenity, landscape and ecology of the site and the Conservation Area, the impact of the proposal upon the footpath in terms of availability and utility of all users, the impact upon residential amenity the proposal is considered acceptable in principle.

5.2 The Impact of the Proposed Development upon the operation of the Bridleway

Concerns raised regarding the proposed development largely centre upon impact that the development will have upon the function of the path for horse riders. It should be noted that the path as a bridleway is already shared between walkers, cyclists and horse riders nevertheless there is an understandable concern that the improved surface for one user group would not necessarily suit another group. In particular the surface may not be appropriate to horse riders in respect of grip and the new surface may bring them into conflict with cyclists. The possibility of the provision of a 2 metre wide parallel grass track has been investigated but ruled out because of the physical constraints of the site.

It is important to note that any surface would also have to be able to “stand up” to frequent flooding. Officers from the Council Public Rights of Way Team have indicated that there are solutions to this problem using a resin bonded surface which can be aesthetically pleasing taking into account the location. Such a surface would also reduce the speed of cyclists and create some noise to warn of their presence. In summary it is considered appropriate to attach a condition to the decision notice to secure an agreed surface which will balance the needs of all users with the need for a robust surface and a surface that is visually acceptable in landscape terms.

Conditions will also be attached to the decision notice to secure appropriate signage to advise users of the path of safety issues and to secure details of appropriate measures to prevent unauthorised use of the track by motorised

vehicles. It will be important that any agreed details are visually acceptable as well as effective.

Subject to these conditions the proposed development is considered acceptable.

5.3 Landscape/Tree Issues

It is considered that the proposal retains the openness of the Green Belt however consideration must be given to whether the character, distinctiveness, quality and amenity of the landscape in general would be sufficiently conserved and enhanced in accordance with Policy L1 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

The Council Landscape and Tree Officer have looked in detail at the proposed development. The extent of the necessary works are set out in para 1.3 above. Concern has been raised that some works to hedgerows and trees including their removal has taken place prior to the determination of this application. It has been confirmed by the Council Tree Officer that these works can take place as the trees are not protected. Compensatory tree and shrub planting is proposed to mitigate against this impact and this will include sections of new post and rail fencing along the boundary where required.

There is no landscape objection and the scheme is considered to accord with Policy L1 subject to a condition to ensure that the agreed tree and shrub planting is carried out with

The proposal is considered to be a an essential recreational facility which would not be inappropriate within the Green Belt; as such it is by definition not harmful to the openness of the Green Belt. Furthermore the scheme has been amended in line with the Landscape Officer's original requests and subject to the recommended conditions is not considered to be harmful to the visual amenity of the Green Belt or have adverse affects on the attributes of the landscape which make a significant contribution to the character or distinctiveness of the landscape along the Cycle Way route. The proposal therefore accords with Policies GB1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.4 Transportation Issues

There is no objection to the proposal in terms of the to highway safety on the wider highway network. The impact upon the existing bridleway is considered elsewhere in this report.

5.5 Ecology

In terms of landscape designation the majority of the site is not covered by any statutory or non-statutory nature conservation designations. The towpath itself

is situated between the River Avon Site of Nature Conservation Interest and the Avon Valley Woodlands Local Nature Reserve part of which is also designated as a SNCI.

The proposal will involve the removal of some areas of hedgerow however these do not fall within the category of „important“ under the Hedgerow Regulations 1997 or species rich under the UK/South Gloucestershire Biodiversity Action Plan and will be replaced by a scheme of landscape planting.

Subject to a condition to secure a working methodology for the re-routing of the towpath to minimise impact on the adjoining semi-natural habitat (to include overseeing by a qualified ecologist) and a condition to ensure the agreement to an ecological and landscape planting plan the proposal is considered acceptable in ecological terms. An Informative will be attached to the decision notice to remind the applicant of their duties under the Wildlife and Countryside Act 1981.

5.6 Impact upon Residential Amenity

The proposed development does not run close to residential properties with the exception of the small group of houses known as Riverside Cottages. The development proposed however is to upgrade an existing bridleway and as such while acknowledging that there may be some increase in use as a result of the improvement to the facility it is not considered that any significant additional impact in terms of noise and disturbance would result. It is therefore considered that the proposed development is acceptable in these terms.

5.7 Flood Risk

The application site is situated immediately adjoining the River Avon and as such any development must not increase the risk of flooding. No objection to the proposal is raised by the Council Drainage Engineers. An initial objection to the proposal has been withdrawn by the Environment Agency following the submission of a revised flood risk assessment.

A condition has been recommended by the agency to ensure that the works take place fully in accordance with the agreed flood risk assessment and to ensure that the path is not constructed higher than 8.3 m above ordnance datum. Both these conditions are to ensure a reduction in flood risk.

5.8 Archaeology

The Council Archaeologist raises no objection to the proposed development. It is noted that there are some boundary stones along the route and these should be retained in situ which the applicant has indicated is to be the case.

5.9 Other Issues

With respect to the future maintenance of the path, it should be noted that this will be undertaken by South Gloucestershire Council (as at present) where the path is within their ownership.

6. CONCLUSION

- 6.1 The proposal conforms to South Gloucestershire Policy of protecting and improving recreational routes, to meet a growing demand for walking, cycling and horseback riding, as well as encouraging walking and cycling, for both journeys to school and work. The proposal is therefore in accord with Policy LC12 of the South Gloucestershire Council Local Plan (Adopted)
- 6.2 The proposed development will ensure that the landscape and the ecology of the route is preserved. Where hedgerows or trees are removed, replacements are secured. The proposal is therefore in accord with Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted)
- 6.3 The proposed development will not adversely affect the water environment through an increase in flood risk by reason of the design of the path surface. As such the proposal is acceptable in terms of Policy EP2 of the South Gloucestershire Local Plan (Adopted)
- 6.4 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.
- 6.5 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 below.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. The development permitted by this planning permission shall only be carried out in accordance with the approved FRA dated 05 March 2013 and technical drawing dated 06 March 2013, together with the following mitigation measures detailed within the FRA:

1. The finished path level should be constructed no higher than 8.3mAOD at the central camber falling to no higher than 8.2mAOD at the path edges.

2. Ensure no raising of existing ground levels when widening the path and restoring the river bank.

Reasons:

1. To reduce the risk of flooding from increased flood levels and loss of flood plain storage.

2. To prevent flooding by ensuring the satisfactory disposal of surface water from the surrounding land.

3. Prior to development commencing a working methodology for the re-routing of the towpath to minimise the impact on the adjoining semi-natural habitat and to include overseeing by a suitably qualified and experienced ecologist shall be drawn up and agreed in writing with the Council in writing. All works are to be carried out in accordance with the agreed methodology.

Reason:

To protect the wildlife and the ecological interests of the site and to accord with Policy L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development an ecological and landscape planting plan be drawn up and agreed in writing by the Local Planning Authority to include pollarding and the recommendations made in the section on mitigation in the ecological survey dated December 2012 by Wessex Ecological Consultancy included within the application. All works shall proceed in accordance with the approved details with the agreed tree and shrub planting taking place within the first planting season following the completion of the path..

Reason:

To protect the wildlife and the ecological interests of the site and to accord with Policy L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the details submitted with the application, no development shall take place until details of the proposed surface specification has been submitted to and approved in writing by the Local Planning Authority. All works shall proceed in accordance and shall be retained as such thereafter.

Reason: To ensure the utility and amenity of the recreational route and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted)

6. No development shall take place until details of anti-vehicle barriers or bollards to include their specification and location have been submitted to and approved in writing by the Local Planning Authority. The agreed works shall be put in place prior to the first use of the route and retained as such thereafter.

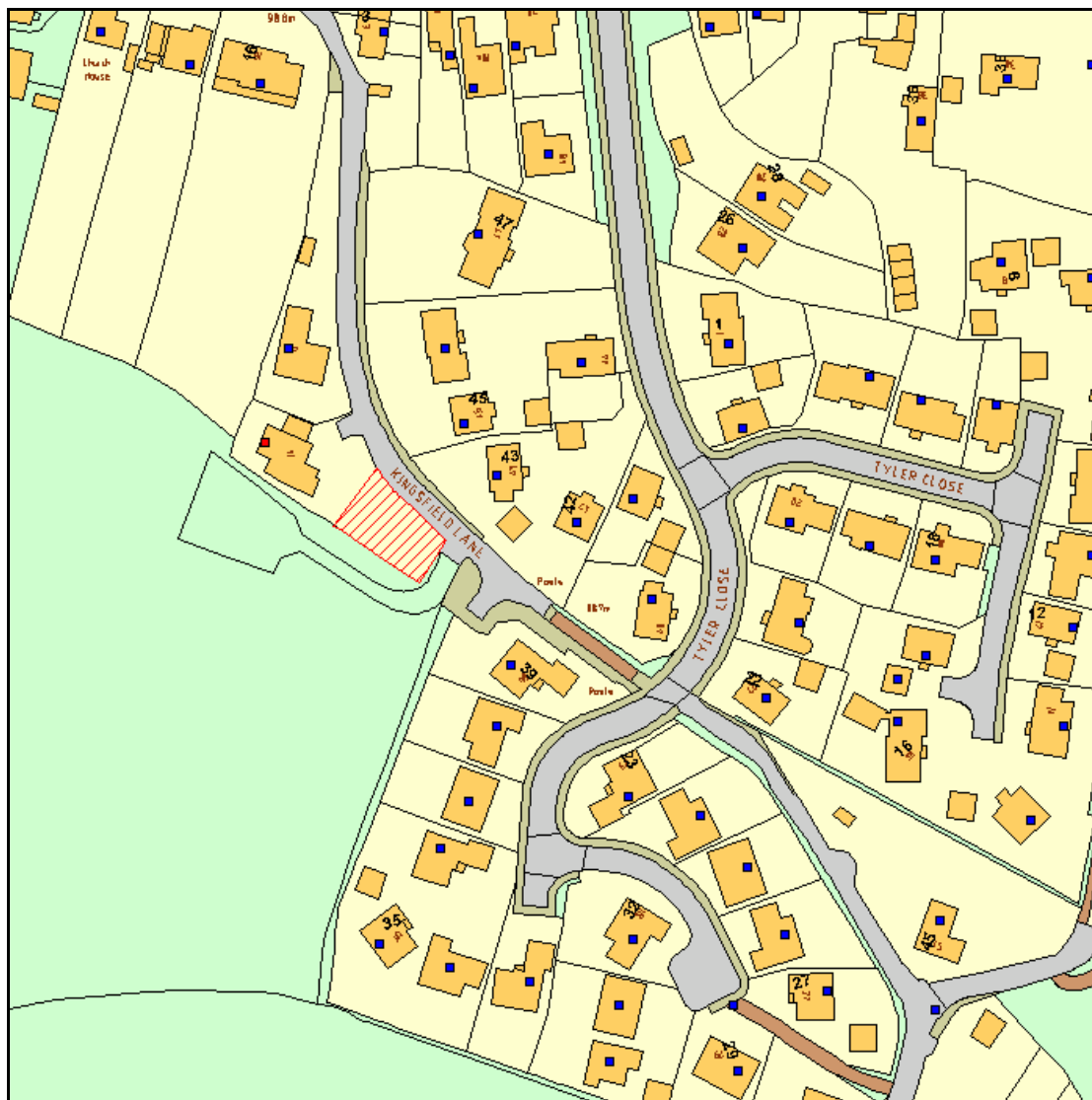
Reason: To ensure the utility and amenity of the recreational route and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted)

7. No development shall take place until the full details of advisory signage (to advise users of the path of their duties and responsibilities) has been submitted to and agreed in writing by the Local Planning Authority. The submitted details shall include the text, specification and location of the required signage. All works shall be implemented in accordance with the approved details.

Reason: To ensure the utility and amenity of the recreational route and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted)

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PK13/0471/F	Applicant:	Mr M Pearce
Site:	14 Kingsfield Lane Hanham Bristol South Gloucestershire BS15 9NS	Date Reg:	22nd February 2013
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Hanham Parish Council
Map Ref:	365019 172437	Ward:	Hanham
Application Category:	Minor	Target Date:	16th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/0471/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as a representation has been made by a local resident, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 1no. detached two-bedroom residential dwelling with access and associated works.
- 1.2 The application site comprises the rear garden of an existing detached dwelling, situated within the settlement boundary of Hanham. The site is located at the end of a cul de sac, which serves four residential dwellings. The road has through access for pedestrians and cyclists.
- 1.3 Following comments from the Council's Transport Officer an amended block plan was submitted on 27th March 2013 to include a revised visibility splay. A re-consultation period of 10 days was undertaken.

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
- H2 Proposals for Residential Development within Existing Urban Areas and Defined Settlement Boundaries
- H4 Development within Existing Residential Curtilages
- EP1 Environmental Pollution
- L1 Landscape Protection and Enhancement
- T8 Parking Standards
- T12 Transportation Development Control Policy

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

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Location of Development
- CS16 Housing Density
- CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2006

Residential Parking Standards SPD (Approved for Development Management purposes 27th March 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 K1415/2 - demolition of existing dwelling and erection of 3 no. dwellings (outline) (previous id: k1415/2) Refused 12th December 1988
- 3.2 K1415/1 - connection of foul drainage from no.12 Kingsfield lane to new foul water sewer in Lovells development stage 2. (Previous ID: k1415/1)

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection in principle. Concern was expressed over the further loss of the existing old stone boundary wall, which forms part of the character of Kingsfield Lane. A condition is requested to ensure the retention of as much of the stone wall as possible.
- 4.2 Transportation DC
No objection to revised scheme (Block Plan Ref 244/6, received 27th March 2013) subject to a condition that the visibility splay is provided prior to first occupation.
- 4.3 Environmental Protection
No objection, informative recommended
- 4.4 Highway Drainage
No objection in principle. Conditions recommended relating to SUDs, permeable paving, and underground mining drainage.
- 4.5 Tree Officer
No objection in principle subject to a condition relating to the submission of a tree protection plan.
- 4.5 Coal Authority
No objection
- 4.6 Community Spaces
No comment

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident. The comments are summarised below:
- Concern that the development will cause damage to the drain system to no.12 Kingsfield Lane. The new access will have to cut across the drains.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The application seeks permission for the erection of 1no. detached dwelling. Policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) permit this type of development in principle subject to criteria relating to residential amenity, highways and visual amenity.

5.2 Residential Amenity

The application site comprises the existing rear garden of no. 14 Kingsfield Lane, Hanham. The existing site is situated on land approximately 1.5 to 2 metres higher than the road and is currently masked by mature trees. The site does not have any neighbouring dwellings to the south west boundary, with dwellings situated to the east and south east located on an angle at least 18 metres away from the proposed dwelling. Neighbouring properties situated on Tyler Close are located on land higher than the application site. The proposed dwelling would be located 9.5 metres from the existing dwelling (14 Kingsfield Lane). Given the characteristics of the site, by virtue of landscape features, height of land, and relationship of dwellings, ensure that the proposed dwelling would not have an overbearing impact on the surrounding properties and would not cause a significant loss of light to them.

- 5.3 The proposal is a modest detached two storey dwelling, which has a maximum height of 7.3 metres. The proposal does not have any habitable windows on the north east or north west elevations. The vegetation at the front of the site would be removed to facilitate the visibility splay shown on the revised block plan. The trees, however, would be retained and as such would continue to provide some screening between the proposed dwelling and the surrounding properties. It is considered that neighbouring dwellings are situated an adequate distance from the site to ensure that a significant loss of privacy would not take place.

- 5.4 The proposal would result in a loss of private amenity space to no.14 Kingsfield Lane. Number 14 Kingsfield Lane is a large detached dwelling suitable for family accommodation. It is therefore considered important to ensure that adequate private amenity space remains to serve it. The proposal would leave a section of private amenity space to the north east of number 14, which equates to approximately 127m², some of which provides a turning area and parking for vehicles. This loss of amenity space is undesirable, however, under current policy would not warrant a refusal of the application. The proposed site is a two bedroom detached dwelling, which would have an amenity space of 93.5m². This level of garden space would provide sufficient amenity space to serve the proposal. The proposal would represent an “effective use of the land by re-using land that has been previously developed”, and is therefore in accordance with guidance contained within the National Planning Policy Framework. Whilst the proposed arrangement is currently acceptable in terms of amenity space it is considered that a further reduction would be unacceptable. As such it is considered that the restrictions of the site display the special circumstances necessary to remove the permitted development rights for the proposal. This will be conditioned accordingly in the decision notice.

- 5.5 The plans submitted do not show the proposed boundary treatment between the existing dwelling (14 Kingsfield lane) and the proposed dwelling. The design and access statement refers to a new 1.8 metre fence and planting to separate the two dwellings. To ensure adequate separation and privacy

between the two properties a condition will be enforced requesting the submission of details and plans of boundary treatments prior to the commencement of works.

5.6 Highways

The site is located at the end of a narrow quiet road leading to a cul de sac, which has through access for pedestrians and cyclists. Kingsfield Lane is a narrow, winding lane, which has poor forward vision along its length. The site is located in a sustainable location with good access to public transport and local services. The proposed dwelling would be accessed via a new opening 8 metres southwest of the existing access and driveway to no.14 Kingsfield Lane. No turning area has been provided within the curtilage of the proposed site.

- 5.7 The original (superseded) block plan did not provide an adequate visibility splay to ensure a safe access onto the road. In response a revised block plan was submitted on 27th March 2013 with a visibility splay of 2 metres by 25 metres each way. The Council's Transport Officer has considered the revised proposal and it is considered that the revised plans provide adequate visibility to ensure vehicles can enter and exit the site safely without the need for a turning area. Provided the visibility splay is provided before first occupation of the dwelling and is permanently maintained as such there are no objections to the proposal in terms of highway safety.

- 5.8 The plans submitted show two parking spaces to serve the proposed dwelling. One in the 6m x 3m attached garage and one on the driveway to the front of the garage. The Residential parking Standards SPD (pending adoption) dictates that a minimum of one parking space must be provided to serve a two bedroom dwelling plus visitor parking. The proposal meets these requirements and as such it is considered that adequate parking has been provided. The proposal would not affect the existing parking at 14 Kingsfield Lane.

5.9 Design

The local area is characterised by a mix of detached housing types, designs and periods with some traditional and some more modern styles. As such the locality does not have a distinct uniform character. The street scene on Kingsfield Lane has a more rural appearance with houses predominantly set back from the road. The traditional stone wall and planting, which borders Kingsfield Lane on both sides, is an attractive feature of this locality.

- 5.10 The application proposes a detached double storey two bedroom dwelling with a pitched roof. The dwelling would be constructed in render, timber cladding and double roman roof tiles. The dwelling has a gable end facing southwest with large double glazed windows. The design and access statement describes the proposal as having a traditional appearance to the front elevation with small windows and a narrow gable. The rear and side (southeast)) elevations have a more contemporary appearance with large areas of glazing and timber cladding. The house has been designed in order to maximise light and energy efficiency. It is considered that the proposed design is appropriate to the location, respecting the maximum roof heights of the surrounding dwellings and the materials and design features found on them. As such the dwelling would not appear incongruous in the street scene. In order to ensure a high quality

design materials will be need to be submitted and approved in writing prior to the commencement of works.

5.11 Landscape

The site is located in a relatively enclosed area with some medium and mature trees and hedgerows surrounding the boundary. The site is not highly visible within the wider landscape however Kingsfield Lane itself has an attractive appearance with a traditional stone wall boundary and planting.

5.12 In order to achieve the desired visibility splay the planting above the stone wall of the front boundary would need to be cleared to a height of 2 metres. The existing boundary trees would be retained. The stone wall would be retained at a height of approximately 0.8 metres increasing to a height of approximately 1.2 metres at the bottom of the hill. The revised block plan shows a line of a new hawthorn hedge set back from the visibility splay and the design and access statement refers to some planting and boundary treatments between the existing and proposed dwellings. No other landscape information has been submitted.

5.13 Although the loss of vegetation on the front boundary is undesirable it is considered acceptable in order to create a safe access to the site. It is considered that the proposal would not have a detrimental impact on the visual amenity of Kingsfield Lane. In order to ensure a satisfactory landscape and planting proposal the application will be subject to a condition that a landscaping scheme including boundary treatments will be submitted prior to the commencement of works.

5.14 The Council's Tree Officer has considered the proposal and highlights that the protection of the existing trees will be necessary to ensure their safe retention. There is no objection to the proposal in principle subject to the condition that a tree constraints and protection plan, in accordance with BS5837:2012, should be supplied and approved by South Gloucestershire Council prior to the commencement of works.

5.15 Drainage

The design and access statement submitted with the application refers to a SUDS drainage system. Paths and driveways would be constructed in permeable materials. The Council's Highway Drainage Officer has considered the proposal and raises no objection in principle to the application provided surface water drainage details (SUDS) are submitted prior to the commencement of development, and vehicle access is paved in permeable materials. This will be conditioned accordingly in the decision notice.

5.16 Additionally, the site is within the former Bristol coalfield. No mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence. A mining assessment will therefore also be required when considering drainage conditions.

5.17 Coal Mining

The proposals and confirm that the application site falls within the defined

Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority considers that the content and conclusions of the submitted Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development. Further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

5.18 Other Matters

A local resident has raised concern that the proposal will cause damage to the drain system for no.12 Kingsfield Lane. This is not a material consideration of this planning application and should be dealt with separately as a civil matter or with the water and sewerage company (Wessex Water Plc).

- 5.19 The Parish Council has requested a condition securing the retention of as much of the existing traditional stone wall as possible. Part of the boundary wall would be lost to enable the desired visibility splay. The agent has, however, taken care to ensure the retention of as much of the boundary wall as possible. It is therefore not considered necessary to condition its retention. Boundary treatments will be considered under the standard landscape condition attached to the decision notice.

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 application, by virtue of location, scale and design, would not have a detrimental impact on the residential amenity of surrounding dwellings and would not prejudice mutual privacy. Adequate parking has been provided to serve the proposed dwelling and, subject to a condition relating to the visibility splay, the proposal would not prejudice highway safety. The proposal is therefore in accordance with policies H2, H4, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and relevant supplementary planning documents.
- 6.3 The proposal represents an efficient use of land within an established settlement boundary, in a sustainable location close to local amenities. Although private amenity space is restricted it is considered acceptable provided permitted development rights are removed from the property. The proposal is therefore in accordance with policies H2 and H4 of the adopted Local Plan, and guidance under the National Planning Policy Framework.

- 6.4 Subject to the submission of material samples the design of the proposal is considered acceptable in the context of the site, the local area and the street scene. The application will be subject to a landscaping and tree condition to ensure a high level of visual amenity is retained on Kingsfield Lane. The application has demonstrated that the site can be made safe in terms of coal mining and there are no drainage objections to the proposal subject to the standard drainage conditions. Accordingly the proposal is considered acceptable in terms of policies D1, H4, L1 and EP1 of the adopted Local Plan.
- 6.5 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The building shall not be occupied until the visibility splay has been constructed in accordance with the approved revised block plan (Ref:244/6) received 27th March 2013. The visibility splay shall be permanently maintained as such thereafter.

Reason

In the interests of highway safety, and to accord with Policies H4, H2 and T12 of the South Gloucestershire Local Plan (Adopted) January 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, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure adequate private amenity space remains to serve the host dwelling; to accord with policies H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

5. 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 (to include a tree constraints and protection plan, in accordance with BS5837:2012) during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity; to protect the residential amenity of the neighbouring occupiers; and to accord with Policies D1, H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure a satisfactory means of drainage to comply with policies L17, L18, EP1, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

7. The driveway and hard surfacing approved shall be constructed in permeable/ porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area within the curtilage of the dwelling.

Reason

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

8. No mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed.

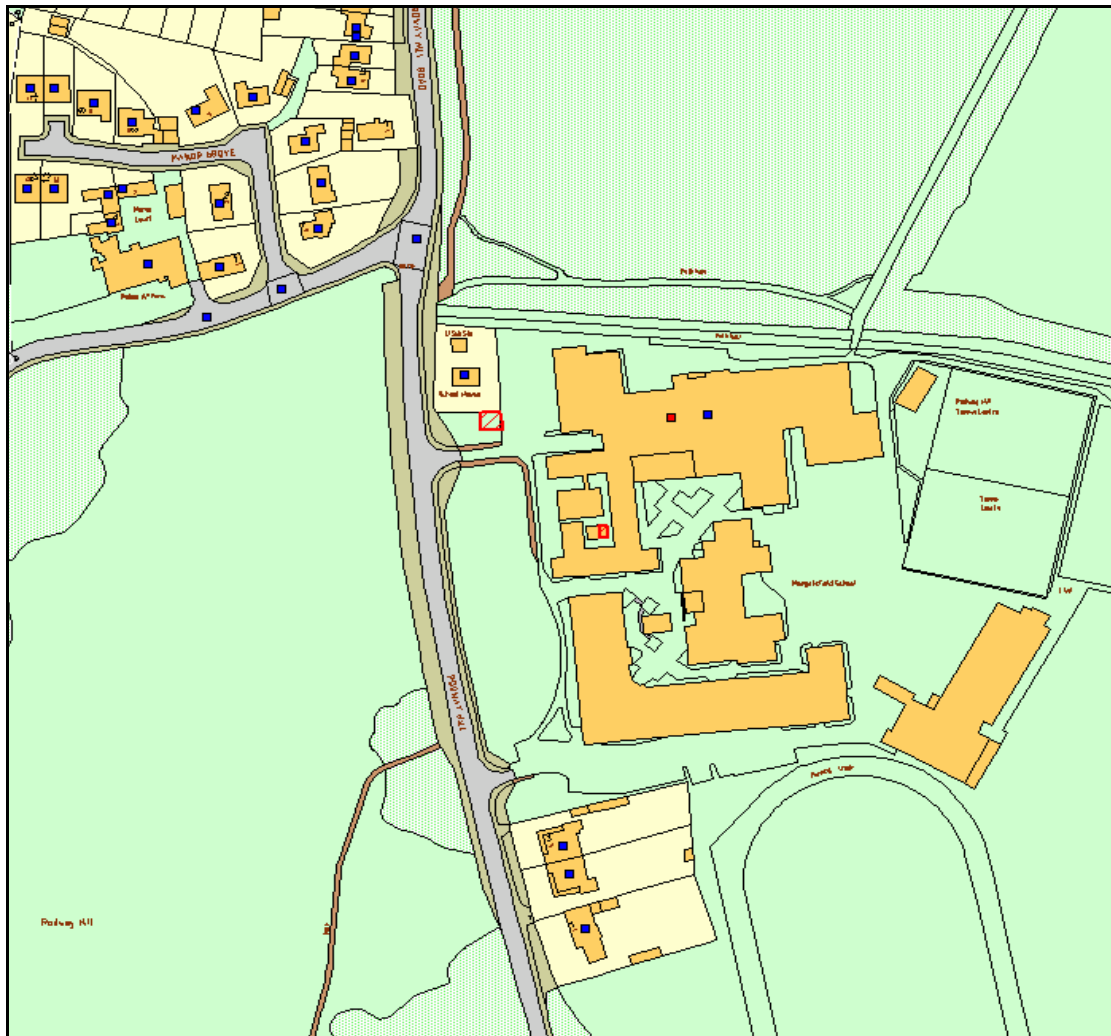
Reason

To avoid flooding or water emergence in order to comply with policies L17, L18, EP1, EP2 South Gloucestershire Local Plan (Adopted) January 2006

ITEM 4

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PK13/0743/R3F	Applicant:	Mr Richard Badley Streetcare and Transport
Site:	Mangotsfield School Rodway Hill Mangotsfield South Gloucestershire BS16 9LH	Date Reg:	6th March 2013
Proposal:	Installation of 1no. 'Broxap Wardale' cycle shelter including 10no. 'Sheffield' stands on new paved area. 1no. 'CAD Chelsea' cycle shelter with 5no. integral cycle stands on new paved area.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366520 175773	Ward:	Emersons Green
Application Category:	Minor	Target Date:	30th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PK13/0743/R3F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the installation of 1no. 'Broxap Wardale' cycle shelter to accommodate 10no. 'Sheffield' stands on a new paved area, and 1no. 'CAD Chelsea' cycle shelter to accommodate 5no. integral cycle stands on a new paved area.
- 1.2 The application relates to a secondary school situated on the edge of a residential area, located within the designated green belt. The site is outside the adopted settlement boundary.

1 (b) Information submitted in support of the application:

- **The application is part of a Government fund allocated to allow the improvement of cycle storage facilities in order to encourage more children to cycle to school.**

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving Good Quality Design
- LC4 Provision for Education and Community Facilities within the Existing Urban Area and Boundaries of Settlements
- T12 Transportation Development Control Policy for New Development
- T8 Parking Standards
- L1 Landscape Protection and Enhancement
- 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
- CS5 Location of Development
- CS8 Improving Accessibility

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (adopted) 2007 Development in the Green Belt SPD (adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 This site has an extensive planning history. The most recent applications are:

- 3.2 PK08/0112/R3F - Erection of 1.2m high metal railings to front boundary. Deemed Consent
- 3.3 PK07/1512/R3F - Erection of 2.4 metre high security fence and gates. Deemed Consent

4. CONSULTATION RESPONSES

- 4.1 Mangotsfield Rural Parish Council
No objection
- 4.2 Highway drainage
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy LC4 of the adopted Local Plan allows for expansion and improvement to education and community facilities in principle provided there is no adverse impact on residential amenity or transport.
- 5.2 Consideration must also be given to the impact of the proposal in the context of the green belt. The erection of cycle shelters do not fall within any of the defined classes, and in policy terms is therefore considered inappropriate development. Policy GB1 states that inappropriate development will not be permitted in the green belt unless the applicant demonstrates that there are very special circumstances to justify the proposal. Additionally, guidance under section 9 of the National Planning Policy Framework dictates that limited infilling of previously developed sites (brownfield land), which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development, is considered an exception to inappropriate development in the green belt.
- 5.3 Green Belt
The proposed 2no. cycle shelters would be located within the boundary of the secondary school, adjacent to existing buildings and urban forms. The application has been submitted as part of a Government fund to improve cycle storage facilities in order to encourage children to cycle to school.
- 5.4 The proposed cycle shelters are considered to be small in scale and the design of them ensures that they would not appear dominant in the context of the school. The proposals would have a good relationship to the existing built form. Although the proposal falls outside the defined categories for appropriate development in the green belt under policy GB1 the application has displayed the very special circumstances sufficient to outweigh the local policy presumption. This is outlined in paragraph 1(b) of this report. Additionally the

proposal forms a limited infilling of a previously developed site and does not have a greater impact on the openness of the green belt than the existing development on the site. As such the proposal is not considered inappropriate in terms of national policy guidance, as outlined in paragraph 89 of the National Planning Policy Framework.

5.5 Residential Amenity

The proposed shelters and hardstandings would be located within the boundary of the school and would not be in close proximity to any of the surrounding dwellings. As such it is considered that the proposal would not prejudice the residential amenity of neighbouring dwellings.

5.6 Highways

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

5.7 Design/ Visual amenity

The proposal is for 2no. cycle shelters constructed with a steel frame and glazing. The proposed cycle shelters are considered small in scale and the design of them would ensure that they not appear as an incongruous addition to the school site. The design and materials used are in keeping with the site and the local area. The erection of the 1no. Broxap Wardale cycle shelter, situated at the access to the site, would result in the loss of an area of green space, currently laid to grass. It is considered that this would not have a detrimental impact on the visual amenity of the locality. The existing trees on site would not be affected by the proposal. The proposal is therefore considered acceptable in terms of policies L1 and D1 of the adopted Local Plan.

6. **CONCLUSION**

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

6.2 The application site is located within the adopted green belt boundary and falls outside the defined categories for appropriate development in the green belt under policy GB1. Notwithstanding this, the application has displayed very special circumstance to support the proposal: improving cycle facilities to encourage children to cycle to school. The proposal is small in scale and the design of the cycle shelters ensure that there would be no adverse impact on the visual amenity of the green belt. The proposal would not have a greater impact on the openness of the green belt than the existing use. Accordingly the proposal is considered acceptable in terms of policies GB1 and D1 of the South Gloucestershire Local Plan (adopted) 2006, and guidance contained within the National Planning Policy Framework

- 6.3 It is considered that the proposal would not prejudice highway safety and would make a positive contribution towards more sustainable methods of transportation for school children. The proposal is not adjacent to any residential dwellings and as such would not affect residential amenity. The design of the proposal is acceptable in terms of scale, materials and appearance. Accordingly the proposal is considered acceptable in terms of policies LC4, D1, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.4 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT12/4284/F	Applicant:	Woodstock Homes
Site:	Land Adjacent To Railway Tavern 56 Wotton Road Charfield Wotton Under Edge South Gloucestershire	Date Reg:	14th January 2013
Proposal:	Demolition of existing outbuildings to facilitate the erection of 4no. detached dwellings and 1no. detached garage with associated works	Parish:	Charfield Parish Council
Map Ref:	372470 192337	Ward:	Charfield
Application	Minor	Target	8th March 2013
Category:		Date:	



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT12/4284/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to the car park and outbuildings associated with the Railway Tavern, Charfield. The site is located adjacent to and south of Wotton Road and lies within the Established Settlement Boundary. The application relates to the eastern section of the pub car park only and the majority of the single-storey outbuildings located along the northern edge of the site, next to Wotton Road. Residential properties within The Sidings bound the site to the south; to the east is another residential property, part of which is used as a hairdressers; the pub and remaining car park lie to the west of the site.
- 1.2 Planning permission PT12/4282/F was recently granted for the demolition of the westernmost section of the outbuilding and reconfiguration of the western part of the existing car park and ancillary outdoor space.
- 1.3 In this proposal full planning permission is sought for the demolition of the rest of the outbuilding and the erection of 4no. detached 4 bedroom dwellings and 1no. detached garage to serve plot 4 i.e. the southernmost dwelling. The houses would be aligned in a north-south arrangement with plot 1 facing Wotton Road and plots 2,3 and 4 facing east. The existing car park access would be utilised with a driveway and parking areas to the east of the houses and gardens to the west. The double garage for plot 4 would be located in the south-eastern corner of the site. Landscaped buffers would be introduced along the eastern and western boundaries with the existing fence retained to the south. The existing outbuilding walls would be retained along the Wotton Road frontage and capped with a 'cock and hen' coping.
- 1.4 The application is supported by the following documents:
 - Design and Access Statement
 - Planning Statement
 - Ecological Survey
 - Heritage Statement

2. POLICY CONTEXT

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

- 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development

CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

- D1 - Design
- H4 - Development within Existing Residential Curtilages including Extensions and New Dwellings
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within existing Urban Areas and Defined Settlements
- L9 - Species Protection
- L15 - Buildings which Make a Significant Contribution to the Character and Distinctiveness of the Locality
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- T7 - Cycle Parking Provision
- T8 - Parking
- T12 - Transportation

2.3 Supplementary Planning Guidance

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

Residential Parking Standards SPD (Approved for Development Management Purposes 27th March 2013)

Affordable Housing SPD

Trees on Development Sites (SPG) Adopted Nov 2005

The Local List SPD Adopted Feb 2008

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT12/4282/F - Demolition of existing outbuilding and reconfiguration of existing car park and ancillary outdoor space.
Approved 8th March 2013

4. **CONSULTATION RESPONSES**

As result of the submission of revised plans, there have been three rounds of consultations. The following is an overall summary of the responses received:

4.1 Charfield Parish Council

Objection – Too many houses leading to over density of housing – the 4 bed houses will have very small gardens and shared driveways. The design of the housing is not in-keeping with the street scene – in particular with them having the shared driveways and not being front facing onto the road. There was also some concern over the detached garage on Plot 4 as it is too close to the boundary and could take light away from houses at the rear.

As an aside the issue of the bus stop and road safety was also brought up.

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport

The existing car park has two vehicular accesses onto Wotton Road, the easternmost of which would be utilised for the proposed housing development. The access is currently capable of two-way traffic. Visibility splays from the access will remain as existing.

However, from the plans submitted, it appears that the existing access is being narrowed and as a result does not appear capable of two-way traffic. Without a two-way capable access, this development will increase highway safety hazards on a classified highway. A revised plan showing a minimum access width of 4.1m for the whole of the access road needs to be provided.

Two parking spaces have been proposed for dwellings 1 to 3 and four spaces for dwelling 4 (which includes a detached double garage). This level of parking is within the maximum standards set out in Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and is considered acceptable.

No detail has been submitted of how deliveries and refuse collections will be accommodated within the site. Further details need to be submitted for approval.

Subject to satisfactory details being submitted as requested above, there is no transportation objection to the proposal.

Revised plans and details were subsequently submitted to Highway Officer satisfaction.

Drainage Engineer – Street Care

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

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Chair of the Charfield Village Plan Steering Group

With regard to the above development proposal, I would like to point out that this proposed development is at a busy junction where there are numerous vehicle/pedestrian conflicts.

The Charfield Village Plan survey highlights this junction as one of the main highway issues in Charfield – both by road users and pedestrians.

I have already discussed the many conflicting issues on site with Rob Wiltsher - these include:

- Wotton Road is the main road through Charfield – particularly busy at the morning peak – the principal route to Wotton under Edge, Kingswood and onwards to the Cotswolds

- There are several school buses stopping here (going to a number of different secondary schools)
- There are many primary school children walking with (and without) their parents to school that have to cross the main road here
- The petrol station on the corner is very popular and many vehicles park (illegally) on the footway outside to buy items from the petrol station shop, seriously hindering visibility and so makes turning out of the New Street junctions very difficult/dangerous
- New Street is the exit for approx 150 houses – and it links through to Huntingford and several farms and businesses

Please see a copy of a final draft of the Charfield Village Plan - especially Topic 7: Traffic and Transportation, with the plan showing all these issues, which lists improvements to this junction as a Key Issue.

Although the proposed development is only fairly small it is, however, adding to very difficult situation. I also appreciate that the proposed access is actually at an existing access, however, it is not currently used very much and any use is not at peak times, whereas there is a high likelihood that this would change causing potential for even greater conflict.

I believe that the whole junction arrangement needs a comprehensive review and some reconfiguration – and the consideration of a development at the junction would be the ideal opportunity for carefully designed improvements including the installation of a pedestrian crossing.

Ecology Officer

There are no ecological constraints to granting planning permission. A Condition will be required relating to the recommendations made in Section 6 of the ecological report, bird nest boxes and a landscape planting strategy.

Conservation Officer

No objection

Urban Design

The scheme could now be made acceptable subject to some amendments to details, elevational treatment and clarification of materials. Subject to conditions regarding agreement of materials and elevational treatment (or receipt of details as set out above prior to approval) I would have no further objection.

Revised plans were submitted to take account of the above comments.

Landscape Officer

In the event of permission being granted a condition should be attached requiring the submission and approval of a detailed landscape plan to be submitted and approved – this should include a 5-year maintenance specification.

Other Representations

4.3 Local Residents

11no. letters of objection have been received in all from 7no. local residents; the concerns raised are summarised as follows:

- Not in-keeping
- Insufficient amenity space
- Too high density of development
- Increased use of highways
- Garage to Plot 4 overbearing on neighbouring property
- Not improve the mix of dwellings in Charfield
- Increased on-street parking
- Increased use of access at peak times
- Loss of light from landscaping
- The fence on the southern boundary should be replaced with a 1.8m high stone wall
- Increased noise from traffic using Wotton Road due to loss of buildings
- Slowworms and Hedgehogs have been seen on the site
- The car park is contaminated land
- The development phase should be controlled by condition
- Insufficient parking provision
- Cars will park in the lay-by outside the hair dressers
- Insufficient capacity in the sewers
- Increased traffic noise from drive next to no.58
- Loss of privacy to no.58 due to loss of hedgerow
- Loss of pub car park
- Poor visibility at the access
- Junction of Wotton Road and New Street is hazardous – School bus stops and garage lie nearby.
- Loss of heritage asset

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.

- 5.3 Policy H2 allows for residential development within existing urban areas, subject to certain criteria, including environmental and transportation effects, effects on residential amenity, the maximum density is achieved for the site's location, and provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposals.
- 5.4 Residential Amenity
Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon the residential amenity of adjoining occupiers. Amenity is assessed in terms of the physical impact of the development i.e. whether the built form would appear oppressive or overbearing and also the impact in terms of any loss of privacy from overlooking.
- 5.5 Given the distance to the nearest properties in either Wotton Road or The Sidings and also given the proposed boundary landscaping and existing landscaping/boundary treatment, there would be no significant detrimental impact on the amenity of neighbouring occupiers by reason of loss of privacy or through the scheme appearing oppressive or overbearing. There are no habitable room windows in the facing side elevation of no. 58 Wotton Road and the relationship between Plot 4 and no.3 The Sidings would be sufficiently oblique. The site is an existing car park so traffic already circulates within the site adjacent to the boundary with no. 58. Concerns have been raised about the impact of the proposed garage for Plot 4 on neighbouring property but the eaves height of this building is only 2.2m with a hipped roof. Being located in the far south-eastern corner of the site, much of the garage lies adjacent to the roadway within The Sidings; any overshadowing of neighbouring property would be limited and likely to be only late in the evening when the sun is low on the western horizon.
- 5.6 In terms of the relationship between the buildings themselves it is considered that privacy is maintained. Each dwelling is provided with its own private amenity space; there is also access to the nearby open space on the opposite side of Wotton Road. Having regard to a recent appeal decision relating to no.9 Wotton Road, the proposed gardens although quite small are considered to be sufficiently big enough for family occupation of the individual houses, nevertheless it is considered appropriate to impose a condition to remove permitted development rights for the erection of extensions and outbuildings.
- 5.7 To protect the amenity of neighbouring occupiers a condition is also recommended to restrict the hours of working during the demolition and construction phases of the development.
- 5.8 It is considered that the scheme ensures the protection of the amenity of existing neighbouring occupiers and the amenity of future occupiers of the site in accord with Policy H2 of the South Gloucestershire Local Plan Adopted January 2006
- 5.9 Design
Policy D1 and H2 of the South Gloucestershire Local Plan (Adopted January) 2006 supported by the South Gloucestershire Design Checklist (Adopted

August 2007) are relevant in considering the design merits of the scheme. Policy D1 makes it clear that development will only be permitted where the scheme can demonstrate the proposal will enhance the character, distinctiveness and amenity of the site and the locality.

- 5.10 The site is not within a Conservation Area and the neighbouring residential development is of an eclectic nature, comprising a typical mix of modern and traditional houses and cottages. Officers consider that the submitted Design and Access Statement (Addendum) correctly identifies the three historically distinctive dwelling types commonly found in Charfield; these being - Cottages, Formal Victorian and Garden Villas. The 'cottages' are characterised by simple rectangular plan forms, stone or render finish, brick chimneys, flush eaves and verges, windows of a vertical emphasis with small cills and simple brick arches etc. In addition, throughout Charfield are instances of 'grander' wide fronted houses characterised by symmetrical elevations of bay windows and more decorative eave, barge board and porch detailing. These dwellings tend to be in an orange/red brick of a 'flat' finish.
- 5.11 At officer request a number of amendments have been made to the design of the scheme, most notably to the materials to be used in construction. Furthermore plot 1 has been redesigned so that the 'side' elevation to Wotton Road now has an active frontage with a 'front door' accessed directly through the wall bounding Wotton Road.
- 5.12 A similar design rationale has been adopted to that which was considered acceptable for the new housing development currently being constructed to the rear of nearby 60 Wotton Road (see PT11/1634/F). Plot 1, being the most prominent has followed the 'Cottage' principal whereas Plots 2-4 have followed the 'Garden Villa' style. The proposal is therefore now considered to enhance the character, distinctiveness and amenity of the site and the locality.
- 5.13 Policy D1 (G) of the South Gloucestershire Local Plan Adopted January 2006 states that the design, density, orientation and location of buildings and associated landscape proposals seek to achieve energy conservation and the protection of environmental resources. The Design Checklist (Qu.23) seeks to secure as a minimum Code Level 3 of the Code for Sustainable Homes (CSH). In response to these policies the applicant has submitted details relating to building design, energy use, waste and recycling etc. Although the applicant has declined to meet Code for Sustainable Homes level 3, they have confirmed that they intend to build to the 2010 building regulations. The 2010 regs are equivalent to Code for Sustainable Homes Level 3 Energy criteria. The applicant has also indicated a range of measures including insulation materials and robust (noise mitigation) construction details that go beyond the building regulations as well as materials specification that meet the 2008 Green Guide criteria (a CFSH requirement).
- 5.14 The amount of development is a consequence of an appropriate response to the opportunities and constraints of the site. The site area is 0.15ha and the density of the developed equates to 26.7dph, which is very similar to that achieved to the rear of 60 Wotton Road and within The Sidings. The proposed density is therefore very much in keeping with the location. The site is located

within a sustainable location within an existing settlement boundary. Whilst there is no longer a prescribed national minimum density for housing development, there is still a need to make efficient use of land. The NPPF (para. 49) states that housing development should be considered in the context of a presumption in favour of sustainable development. Given the site constraints and the characteristics of the locality, officers are satisfied that the scheme does make efficient use of this previously developed site.

- 5.15 In summary the revised design of the proposed development is considered acceptable and fully in accord with the aims and objectives of Policy D1 of the South Gloucestershire Local Plan Adopted January 2006 and the South Gloucestershire Design Checklist.

5.16 Landscaping/Trees

Local Plan Policies D1 and L1 seek to conserve those aspects of the landscape that make a significant contribution to the character of the landscape and where possible to enhance those features. Policy L5 seeks to protect open spaces within the settlement boundaries where they make a contribution to the quality, character, amenity and distinctiveness of the locality.

- 5.17 The majority of the site is made up of hard-standing with a grassed strip along the southern edge. There are no landscape features of significance with the site. It is proposed to retain the 1.8m fence on the southern boundary and the existing boundary wall to the east. A new 2.0m high stone wall would be erected to the west on the boundary with the retained pub car park. Along the Wotton Road frontage a natural stone wall would also be retained. A number of trees and small planting areas are proposed to the front of the dwellings and along the eastern and western boundaries, the exact details of which could be appropriately secured by condition.

- 5.18 It is considered that the proposed development is fully in accord with Policies L1, L5, D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.19 Ecology

Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 considers the impact of development upon protected species. Development that would directly or indirectly have an adverse impact on nationally or internationally protected species of flora or fauna will not be permitted unless any damaging effects are capable of being avoided, overcome or offset by mitigation measures.

- 5.20 The Council's Ecologist has viewed the scheme in detail that includes the submission of an Ecological Survey/Assessment. The application site is not covered by any statutory or non-statutory nature conservation designations. The site comprises a mixture of hard-standing and amenity (mown) grassland of negligible nature conservation interest. The site includes a small area of scrub and a single-storey stone and brick building (barn) in the northern part of the site. There is an intact but species-poor hedge forming the eastern boundary to the site; it would not qualify as 'important' under the Hedgerow Regulations 1997. There were no protected species found on the site and the habitat was generally considered unsuitable to support any.

- 5.21 Subject to a condition to secure the recommendations outlined within the ecological survey i.e. the provision of bird nesting boxes and bio-diversity enhancements, the proposed development is considered acceptable in Ecological terms and fully in accord with Policy L9 of the South Gloucestershire Local Plan Adopted January 2006 and the South Gloucestershire bio-diversity Action Plan.
- 5.22 Transportation
Policy T8 of the South Gloucestershire Local Plan (Adopted) January 2006 considers standards for car parking however the Residential Parking Standards Supplementary Planning Document has now been approved for development management purposes and this now recommends minimum parking standards. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic.
- 5.23 The scheme would utilise the existing eastern access into the site and visibility splays would remain as existing. In order to allow two-way traffic through the access, the original scheme has been amended at officer request, to provide a minimum access width of 4.1m.
- 5.24 The new Residential Parking Standards SPD requires a minimum of 2 off-street parking spaces for each 4-bedroom house. For each of Plots 1-3, 2 spaces would be provided, whilst for Plot 4, 4no. spaces would be provided, two of which would be within the detached double garage; this level of parking provision more than satisfies the SPD standards.
- 5.25 The site lies within a sustainable location and an adequate bin/recycling collection facility is provided within the site, close to the access. By coincidence a bus stop has recently re-located adjacent to the lay-by located to the front of the neighbouring hairdressers. It should be stressed that this lay-by is not within the application site or within the applicant's control.
- 5.26 Some concerns have been raised about the proximity of the Petrol Station on Wotton Road and the junction of Wotton Road with New Street. Officers note however that the proposal would utilise what has been a long-standing and well-established access to the pub car park. Given the size of the pub and its existing car park, officers consider that the traffic generation from the four houses proposed would be less than the potential level of traffic through the access for the existing use, which would be in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.27 Heritage Issues
The Railway Tavern dates from the early/mid 19th century. Within the curtilage of the Public House and to the east is a range of single-storey outbuildings that directly front onto the Wotton Road: it is proposed that these are to be demolished to make way for the new houses.

- 5.28 This prominent building range partially appears on the first Ordnance Survey Plan (1880) and at the turn of the 20th century had been extended to the scale that survives today. It can be noted that a similar sized range of buildings were located directly to the south, creating presumably a stable yard. This southern range appears to have survived up to WW2 before being demolished for what is now part of the extensive car park.
- 5.29 A Heritage Assessment of the outbuildings has been submitted with the application, which concludes that the buildings are in a poor state of repair and are not considered to hold any historic value worthy of retention. Officers consider it regrettable that the buildings are to be demolished, however it is noted that although The Railway Tavern is identified as a building of local interest, the range of outbuildings are not and so although there is an intrinsic value in terms of appearance, form and historic association, the outbuildings are not afforded any protection as a non-designated heritage asset. Consequently any objection to their loss could not be substantiated at appeal.
- 5.30 With regard to the impact on The Railway Tavern itself, it is considered that by virtue of the scale and layout of the buildings; the topography of the site; and the separation distance between the new development and the Public House, the development would neither visually compete with the historic Public House nor significantly impact on the setting of the building.
- 5.31 Drainage and Environmental Issues
Policy L17/L18 and Policy EP2 consider the impact of development upon the water environment/drainage. The site is not prone to flooding. A condition is recommended to secure the use of Sustainable Drainage systems for the control of surface water drainage. Concerns have been raised about the capacity of existing sewers but this would be a matter for Wessex Water who would need to agree connection points.
- 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 proposal is for 4no. dwellings only, which is below the Council's threshold (5) for contributions to the Education Service.
- 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 The National Planning Policy Framework, positively supports sustainable economic growth and development; this is a further material consideration in favour of the scheme, which would create additional living accommodation as well as jobs for the construction industry. Officers consider that there are no material grounds to oppose the scheme.

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

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

- a) Due to the scale and position of the proposed dwellings in relation to the adjacent dwellings, the proposal would not give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed dwellings are designed to respect and maintain the massing, scale, proportions, materials vernacular and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal provides adequate access and off street parking within the site. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Residential Parking Standards SPD Approved for Development Management Purposes 27th March 2013.
- d) The proposal is a good quality design and layout, which adequately integrates with urban context. The proposal therefore accords with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) The proposal would not result in direct or indirect impact on trees of significance or other important landscape features within or adjacent to the site. The proposal therefore accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- f) Whilst the development of the site would result in the loss of some green space, the contribution of this space to the character of the area is not significant. The application therefore complies with the requirements of Policy L5 of the South Gloucestershire Local Plan (Adopted).
- g) The application would not result in any adverse flooding or drainage effects in accordance with the requirements of Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.
- h) The site has been assessed for its ecological value and the presence or otherwise of protected species. The scheme accords with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- i) The heritage assets of the site have been assessed and found not to hold any historic value worthy of note. The proposal would not adversely affect the setting of the Locally Listed Pub and therefore accords with Policy L15 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

- 6.3 The decision 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 consent be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. 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 or E) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the sufficient retention of amenity space to serve the family size dwellings in accordance with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Design Check List SPD Adopted August 2007.

3. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development, details and samples of the roofing materials to be used in the development shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall proceed in strict accordance with the agreed details.

Reason

In order that the development is of a satisfactory external appearance in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Notwithstanding the details shown on the plans hereby approved, prior to the commencement of development details and samples of the external facing materials proposed to be used shall be submitted to and approved in writing by the Local

Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

In order that the development is of a satisfactory external appearance in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the southern side elevation of Plot 4.

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.

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

Reason

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

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

Reason

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

8. 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. The landscaping details to be submitted shall include a 5-year maintenance specification. The development shall be carried out in accordance with the agreed details.

Reason

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

9. Prior to the commencement of development details of a scheme to provide three (3No) bird boxes (for robin, house sparrow, blue tit) shall be drawn up and agreed in writing by the Council. All works are to be carried out in accordance with the approved scheme and prior to the first occupation of the houses hereby approved.

Reason

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

10. The development hereby approved shall be subject to the recommendations outlined in Section 6 of the ecological survey dated January 2013 by Michael Woods Associates and forming part of the application. All work should be carried out in accordance with said measures.

Reason

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

11. Prior to the first occupation of the development hereby permitted, the means of vehicular access shall be constructed in accordance with the approved plan entitled Planning Layout Drawing No. 12-031/02 Rev E.

Reason

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

12. The off-street parking facilities and bin/recycling collection facility, shown on the approved plan entitled Planning Layout Drawing No. 12-031/02 Rev E, shall be provided before the buildings are first occupied, and thereafter retained for that purpose.

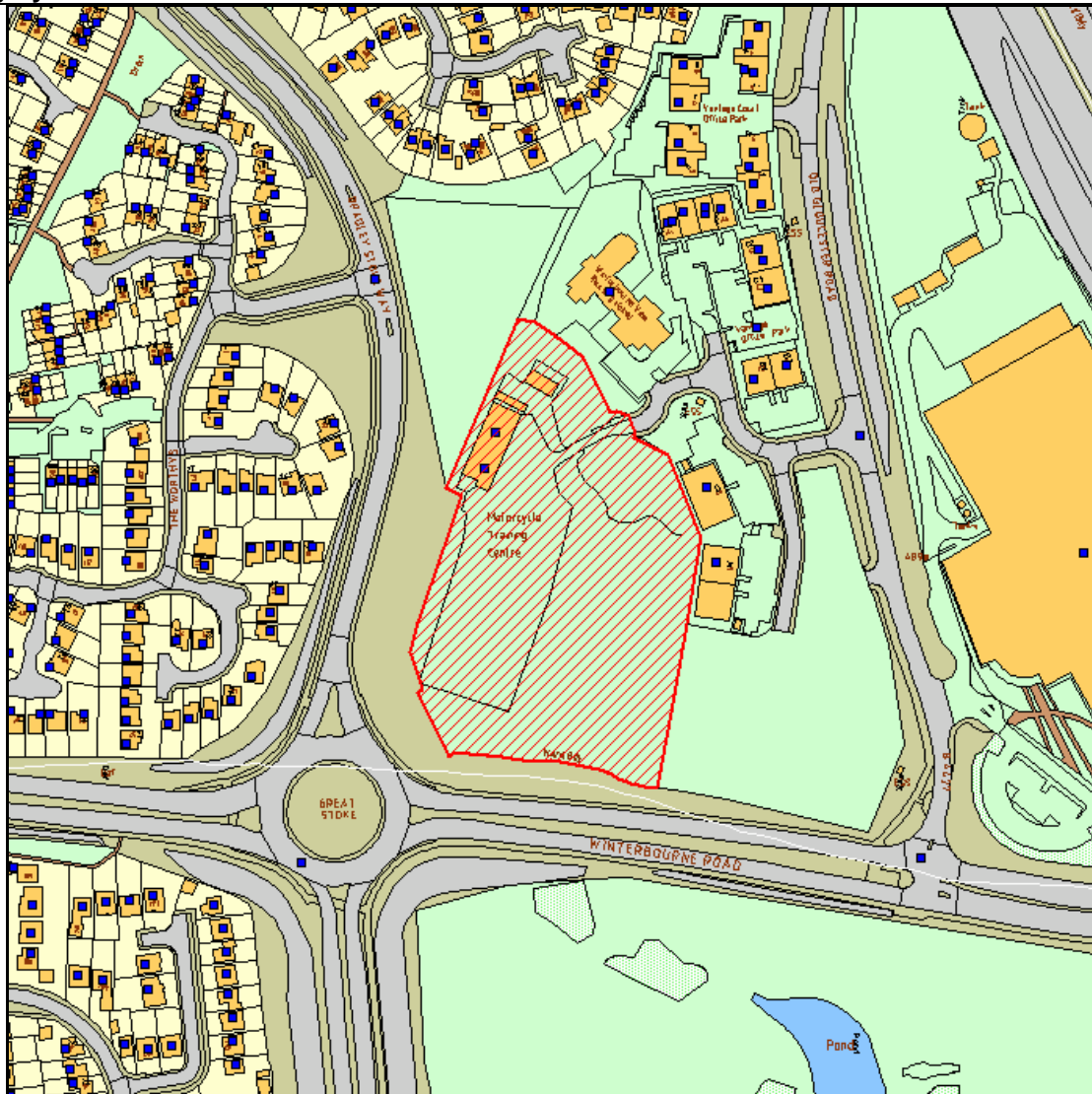
Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The Residential Parking Standards SPD as Approved for Development Management Purposes 27th March 2013..

ITEM 6

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0461/F	Applicant:	Mr Terry PhillipsBrownnglen International Ltd
Site:	Bristol Motor Cycle Training Centre Old Gloucester Road Hambrook Bristol South Gloucestershire	Date Reg:	15th February 2013
Proposal:	Change of use Motorcycle training centre (sui generis) to land for the sale, storage and distribution of motor vehicles (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)	Parish:	Bradley Stoke Town Council
Map Ref:	363312 180575	Ward:	Bradley Stoke South
Application Category:	Minor	Target Date:	10th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0461/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received from the Bradley Stoke Town Council raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the change of use Motorcycle training centre (sui generis) to land for the sale, storage and distribution of motor vehicles (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)
- 1.2 The application site is approximately 1.5ha in area. This is situated in an elevated position, and the site has been split into two terraces. The site is situated adjacent to an established business park. The site is within the Bristol North Fringe urban area and is designated as a Safeguarded Employment Area.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Design
L1	Landscape Protection and Enhancement
EP1	Environmental Pollution
EP6	Contaminated Land
T12	Transportation Development Control Policy for New Development
E3	Employment Development within the Urban Area
E4	Safeguarded Employment Areas
RT5	Proposals for Out of Centre and Edge of Centre Retail Development

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

CS1	High Quality Design
CS8	Improving Accessibility
CS12	Safeguarded Areas for Economic Development
CS14	Town Centres and Retail
CS25	Communities of the North Fringe

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/5664/F Change of use Motorcycle training centre (sui

generis) to land for the sale, storage and distribution of motor vehicles (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Approved 19.02.2010

- 3.2 PT04/0365/F Change of use of land for sale, storage and distribution of motor vehicles (Renewal of planning permission P97/1330 dated 2 March 1999).
Approved 11.11.2004
- 3.3 P98/1823 Change of use of land from motor cycle training centre to sales, storage and distribution of motor vehicles
Refused 03.12.1998
- 3.4 P97/1330 Change of use of land for sale, storage and distribution of motor vehicles.
Allowed at appeal 02.03.1999

4. **CONSULTATION RESPONSES**

4.1 Bradley Stoke Town Council

Objection for reasons:

"The ultimate use of the site is unclear and as such the planning application should be refused until more details are provided by the applicant".

4.2 Other Consultees [including internal consultees of the Council]

Sustainable Transport – This application is essentially a renewal of planning application PT09/5664/F which is in turn a renewal of planning application PT04/0365/F. In transportation terms there has been no material change in the circumstances, which allowed the original approval. Given this then there is no transportation objection to the renewal of the application.

Community Spaces – No comments

Drainage Engineer – No comment

Environmental Protection – No adverse comments

4.3 Local Residents

None received.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

- specific policies in this Framework indicate development should be restricted.

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

The proposal would change the use of an existing motorcycle training centre which falls within a *sui generis* use to the sale, storage and distribution of motor vehicles which also falls within a *sui generis* use. The site lies within the Established Settlement Boundary. Policy E3 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits proposals for employment uses within the existing urban area, and the boundaries of settlements, as defined on the proposals map, subject to a number of criteria. The site also falls within a Safeguarded Employment Area defined under Local Plan Policy E4. Within the defined Employment Areas planning permission is permitted for employment generating uses subject to the same criteria set out in Policy E3. Policy CS12 of the Core Strategy (Safeguarded Areas for Economic Development) following examination in public has been accepted by the Secretary of State as requiring no further modifications. As such Policy CS12 can be afforded significant weight in determination of this application. This policy has a similar aim to Local Plan Policy E4 in seeking to protect employment uses within safeguarded areas.

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. A further day of Examination took place on 7th March 2013 and further modifications are requested. At this stage the Core Strategy therefore remains unadopted, but will be adopted in the near future. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

In determining planning applications, local planning authorities must have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable economic growth are treated favourably and they can give clear reasons for their decisions. Par.19 of the NPPF reads, *'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.'*

5.2 Planning History

The site has been subject to 4 previous planning applications to change the use of the land to the sale, storage and distribution of motor vehicles (*sui generis*). The most recent of these was in 2009 (PT09/5664/F) where consent was granted. This application only recently lapsed in February this year. The lengthy history of consents for this development on the site is considered to be a material consideration and should carry significant weight unless there are material changes in circumstances since the last consent was given. Since this decision there have been several material changes to planning policy that need to be considered under this application:

- The Core Strategy is now nearing adoption and the policies relevant to this application are no subject to Inspector modification and as such carry significant weight in determination of this application.
- The NPPF has now been published replacing all previous PPG and PPS guidance.

There have been no significant physical changes to the surrounding area of the application site since the last consent was given in 2009.

5.3 Safeguarded employment and economic development

Town centre vitality and viability:

The proposed use is *sui generis* but generally could be categorised as a retail type of use. The NPPF focuses on the need for town centre uses to be located within town centres or other appropriate locations so as to protect the vitality and viability of centres. The application site is situated within an out of centre location. The NPPF requires an impact assessment to be carried out by the applicant on sites over 2,500sq.m, stating,

'When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m).'

Although the site exceeds this threshold, the proposed *sui generis* use is considered not to represent a typical retail use and does not constitute a leisure or office use. As such no impact assessment is required as part of this application. Although a vehicle sales place could be located within a town centre location, these uses can more usually be found in out of centre locations. It is also unusual to see car show rooms within town centres and vehicle sales are not normally associated with High Street convenience and comparison retail businesses. The proposal would not represent a town centre use and would be likely to compete with any town centre uses in any town centres, the nearest being Bradley Stoke which has no vehicle sales offering at present. On this basis the proposal would not impact detrimentally on the vitality or viability of any town centre or local centre.

Safeguarded employment:

The site lies within a safeguarded employment site as defined in the adopted Local Plan and carried through to the Core Strategy. Policy E4 of the adopted Local Plan seeks to protect employment generating uses. The proposal although not a significant employment generator, would constitute an employment generating use. Policy CS12 of the Core Strategy accepts that non B Class uses (general and light industrial, office, storage and distribution etc.) can be accepted within safeguarded employment areas but proposal would need to demonstrate compliance with 4 criteria, which are considered in turn below,

1. The proposal would not prejudice the regeneration and retention of B Use Classes elsewhere within the defined employment area:-

A large part of the employment area, which contains the application site, remains undeveloped to date. This undeveloped area is situated mainly in the south west part of the site. Additionally, a number of buildings are currently unoccupied/vacant including the Winterbourne View Nursing Home situated adjacent to the site to the north. The application site is currently used as motorcycle training center, which is a *sui generis* use. It is clear that there is no overriding demand for B Class land or floorspace within the employment area at present. Considering this and the significant and lengthy planning history for providing vehicle sales place on this site, the proposal is considered to accord with criteria 1

2. It can be clearly demonstrated that it would contribute to a more sustainable pattern of development in the local area as a consequence of the appropriateness of the proposed use to the location

The employment site has good connections to the transport infrastructure with direct connections to the outer ring road and the M4 and M5 corridors beyond. The proposal would be situated within the urban area in a sustainable location. The proposal meets the requirements of criteria 2.

3. The proposal would improve the number or range of jobs available in the local area

The proposal would provide employment and would improve the range of employment providing a *sui generis* use in an employment area which is currently dominated by B1 Class (office and research and development) Uses. The proposal would meet the requirements of criteria 3.

4. No suitable alternative provision for the proposal has been made elsewhere in the Local Development Framework.

The Core Strategy does not identify specific locations for vehicle sales uses within the plan area. Therefore no suitable provision has been made elsewhere in the Local Development Framework for this use.

The proposal is considered to meet the 4 necessary criteria of Policy CS12. This application also follows a stream of previous planning permissions on this

site for the proposed use including an appeal decision (P97/1330). The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. On this basis the proposal is considered to be acceptable in economic development terms.

5.4 Highway matters

The proposed development would utilise the existing access road that runs through the adjacent business park onto Old Gloucester Road. Moreover in recent years a signalised junction has been installed between Old Gloucester Road and Winterbourne Road to improve highway safety. This is therefore a material consideration.

In assessing the access and parking arrangements for the proposal, the traffic movements associated with the proposed use are considered to be comparable with the number generated by the existing motorcycle training centre. On this basis it is considered that there would be adequate provision for the servicing and delivery requirements of the development, and the development would not give rise to unacceptable levels of vehicular traffic or on street parking that would be detriment of the amenities of the surrounding areas and highway safety.

5.5 Residential amenity

The proposed development is detached from the nearby residential area, and adjacent to an established business park. It is therefore considered that the proposed development would not harm residential amenity. Notwithstanding this, in the previous applications conditions were attached to protect residential amenity to the wider area. It is recommended that these are re-attached to this application.

5.6 Visual amenity

Policy D1 of the Local Plan requires all new development to be well-designed. The proposed development would not involve any external changes. Nevertheless it is acknowledged that the storage and distribution motor vehicles would have an impact on the character, distinctiveness and appearance of the surrounding area.

The application site occupies a very prominent location, on plateau which is elevated above an existing business park development. Previous applications included a full landscaping scheme including extensive tree planting to screen the sales display areas from distant views. This proposal is the same scheme. It is therefore considered that adequate mitigation can be provided to soften the appearance of the car sales from distant views and that the scheme would not prejudice the visual amenity of the wider area. A landscaping scheme would be required and a suitable condition is recommended.

Notwithstanding landscaping that should be provided, the proposal would not be materially different visually to the existing motor cycle training centre use. The proposal would be in keeping with the character of the existing site and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.7 The impact upon the environment – contamination, noise and air quality

In the previous applications issues were raised with regard to the contamination from the previous use of the site as a brick works and the potential for high concentration of methane gas. Under the previous applications this matter was dealt with by attaching a condition requiring a mitigation strategy for the contamination on the site to be submitted and agreed prior to the commencement of the development. It is considered that this remains an appropriate method to deal with this matter.

5.8 Other issues

The Town Council have raised a concern that the ultimate use of the site is unclear and as such the planning application should be refused until more details are provided by the applicant. The description of the proposal matches the four previously approved schemes going back to the allowed appeal in 1997 as shown in par.3.1-3.4 above. The description of the proposal is considered to be acceptable and adequately describes the proposed use of the site. On this basis and considering the Council's acceptance to the proposed use on 4 previous occasions, it would be difficult to justify a refusal on the basis that the scheme is unacceptably unclear.

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. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:

- a) Due to its scale and position in relation to local residents, the proposed development is considered not to give rise to a material loss of amenity to residential occupiers in the area. The development therefore accords to Policy E3 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed change of use would respect and maintain the overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would represent a non town centre sui generis use, which would not detract from the overall vitality and viability of any town or local centre. The development therefore accords to Policy RT1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposal would represent acceptable development within a safeguarded employment area and would contribute positively to a sustainable pattern of development and economic growth. The

development therefore accords to Policy E3 and E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the Local Planning Authority.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased, or grassed areas which become eroded or damaged, within 5 years of the completion of the approved landscaping scheme, shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size and species as those lost, unless the Local Planning Authority approves alternatives in writing.

Reason

To protect the character and appearance of the area to accord with Policies D1, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies L17 and L8 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. All surface water run-off from outside storage, parking or vehicle washdown areas shall pass through a properly constructed oil/ petrol interceptor or such other alternative system as may be agreed with the Local Planning Authority, before discharge to the public sewer, or other drainage system.

Reason

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

7. Prior to the first occupation of the development hereby authorised details of the surfacing and demarcation of the sales and customer parking areas shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the development hereby permitted is brought into use and thereafter retained unless otherwise agreed in writing by the Local planning Authority.

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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The hours of working at the premises shall be restricted to 8am to 8pm Mondays to Saturdays and 8am to 4pm on Sundays and Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

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

9. Details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason:

To minimise light pollution and to protect residential amenity, and to accord with Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

10. Details, including a noise impact assessment, of any external tannoys/announcement system/amplified music to be provided on the premises shall be first submitted to and approved in writing by the Local Planning Authority prior to installation. The system shall be implemented in strict accordance with the approved details.

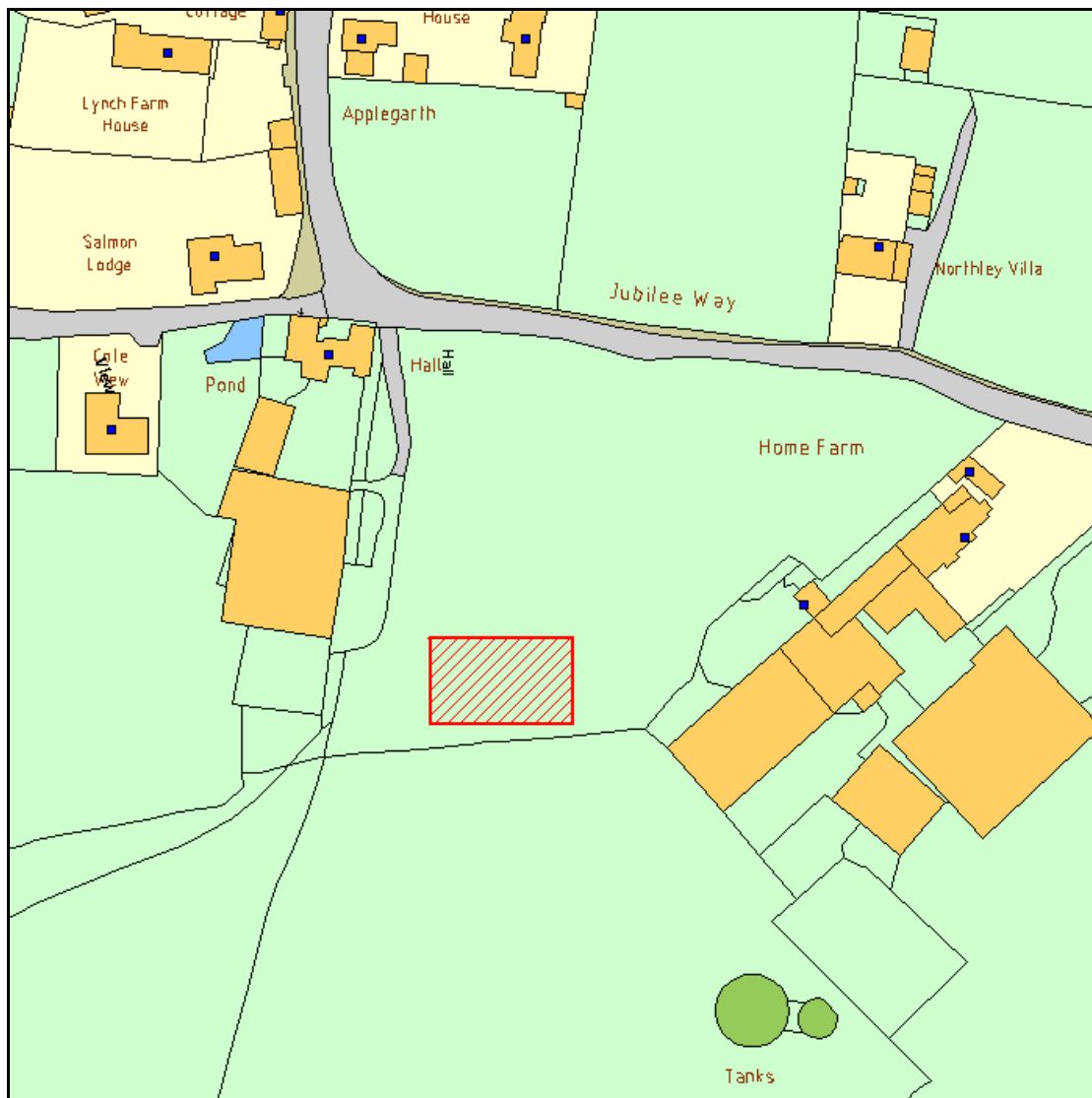
Reason:

To protect residential amenity, and to accord with Policy E3 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0550/F	Applicant:	Mr R Taylor
Site:	Home Farm Village Road Littleton Upon Severn Bristol South Gloucestershire	Date Reg:	1st March 2013
Proposal:	Change of use of land from agricultural to land for the keeping of horses to facilitate the construction of an all weather menage.	Parish:	Aust Parish Council
Map Ref:	359633 189804	Ward:	Severn
Application	Minor	Target	25th April 2013
Category:		Date:	



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT13/0550/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the comments made by the Parish Council and a neighbouring occupier.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use from agricultural land to equestrian to facilitate the construction of an all weather menage.
- 1.2 The application site comprises agricultural land associated with Home Farm located on the southern side of Village Road. The site is located within the open Green Belt and outside of any defined settlement boundary. A public right of way extends to the southwest of the site.
- 1.3 The proposed ménage measures approximately 40 metres in length and 20 metres in width. It is enclosed by 1.5 metre high timber post and rail fencing on all sides. The construction of the ménage involves just the removal of topsoil.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
E10 Horse Related Development
LC5 Proposals for Outdoor Sport and Recreation Outside the Existing Urban Area and Defined Settlement Boundaries
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
L17/L18 The Water Environment
EP1 Environmental Pollution

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council

No objection, however, any consent should be subject to a number of conditions as follows:

- The permission should be made personal to the applicant and his partner with no other users;
- Use as an equestrian business as either a livery stables or riding school or other business use should be specifically prohibited;
- The permission should not extent the equestrian use beyond the ménage itself except for horse grazing on agricultural land;
- The Council should impose a suitable maximum number of horses to be kept on the holding;
- The permission should be temporary and personal so that on a change of owner or if the use by the applicant comes to an end the use should cease and the ménage removed and the land restored to agriculture;
- There should be no jumps or other horse equipment in the field surrounding the ménage;
- A condition should be applied in respect of the general untidiness of the site.

4.2 Landscape Officer

No objection subject to condition

4.3 Ecological Officer

No objection subject to condition

4.4 Drainage Officer

No objection subject to condition

4.5 Community Spaces Officer

No objection

4.6 Highway Officer

No objection

Other Representations

4.3 Local Residents

A single response has been received from a neighbouring occupier. The respondent raises no objections to the proposal but seeks a condition to ensure the proposal is for private use only. In addition, they state that none of the land has been used for grazing horses at any time and believe that the land is agricultural.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) attaches a great importance to Green Belts and highlights their fundamental purpose of keeping land permanently open. However, the NPPF also states that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access; to provide

- opportunities for outdoor sport and recreation. Accordingly, the NPPF states that the construction of new buildings is inappropriate in the Green Belt with the exception of the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The NPPF also specifies that certain other forms of development are also not inappropriate in the Green belt provided they preserve the openness of the Green Belt and do not conflict with the purpose of including land in the Green Belt; such development includes engineering operations.
- 5.2 This advice is generally reflected by policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 which only allows for the construction of new buildings for essential facilities for outdoor sport and recreation and other uses which preserve the openness of the Green Belt.
- 5.3 The proposal does not include the construction of any buildings and the nature of the proposed ménage is such that there will not be a significant adverse affect on the openness of the Green Belt. The only structure proposed is 1.5 metre high post and rail fencing. Whilst the fencing will result in some loss of openness, the scale, materials and appearance of the post and rail fencing is such that it will not be adversely harmful to the openness of the Green Belt.
- 5.4 Accordingly, the principle of the development is acceptable by virtue of policies GB1, LC5 and E10 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are the appearance/form of the proposal and the impact on the character of the area (policies D1 and E10 of the Local Plan); the environmental affects (policies E10, L1 and L9 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policy E10 of the Local Plan); the transportation affects (policies E10 and T12 of the Local Plan); horse welfare considerations (policy E10 of the Local Plan).
- 5.5 Appearance/Form and Impact on the Character of the Area
The proposed ménage measures approximately 40 metres in length and 20 metres in width. It is surrounded by timber post and rail fencing with a height of 1.5 metres. A layer of topsoil will be removed to form a sand based ménage with a wooden board around. The design of the ménage is considered to be functional for use. Although the ménage is primarily flat, it will be visible from views from the public right of way to the southwest and from Village Road. However, the proposal is located within close proximity to existing farm buildings and it is not considered that the proposal will appear adversely out of keeping with the rural context. The red line site plan indicates that the change of land to equestrian relates to the ménage only. The surrounding fields are not included in the change of use; therefore, they will remain as agricultural and could only be used for agricultural purposes such as the grazing of horses, which falls within the definition of agriculture contained in the Town and Country Planning Act. The land to be changed to equestrian is therefore, relatively small; no jumps or other horse related paraphernalia will be lawful on land outside the ménage, therefore, the proposal will not have a significant adverse affect on the character of the landscape.

- 5.6 Additional hedge planting is recommended to provide screening and to provide an enhancement to the landscape. Accordingly a condition is recommended, if permission is granted, for a five-year management plan for the hedgerow on the northern boundary of the site to be submitted to and agreed with the Local Planning Authority. This hedgerow is overgrown and starting to be gappy; the hedge should be extended to the east and along the western boundary at the access to the field to reduce views in from the country lane. In addition a hedge should be planted along the southern boundary of the ménage to protect and enhance any views of the area from the countryside to the south. Subject to this and a condition to restrict floodlighting, it is not considered that the proposal will have a significant adverse affect on the character of the landscape or surrounding area.
- 5.7 Environmental Considerations
No significant trees will be affected by the proposed development. The application site forms part of a large intensive agricultural field (improved grassland) of low nature conservation value. Paragraph 118 of the National Planning Policy Framework states that:- *'Opportunities to incorporate biodiversity in and around developments should be encouraged'*.
- 5.8 The South Gloucestershire Biodiversity Action Plan (BAP) lists a range of species and habitats for which the Council will require developers to take measures to safeguard and enhance within planning applications (where appropriate). The application can directly contribute towards BAP by planting a new species rich hedge of mixed native shrub species along the southern edge of the application site/field. Accordingly, if permission is granted a condition is recommended requiring an ecological and landscape planting plan to be agreed in writing with the Local Planning Authority.
- 5.9 The design and access statement indicates that the development involves a relatively straightforward topsoil strip, which will be graded into the edge of the arena; any excess surplus topsoil will be sporadically used across the agricultural unit for improvement. Given the size of the site (800 square metres) and the fact that only topsoil, which in itself is an asset/resource, would be removed, it is not considered that there would be an amount of material for disposal that would normally require a waste management audit. Furthermore, the applicants have included to some extent how it would be dealt with within the unit.
- 5.10 Residential Amenity
The closest neighbouring properties are located approximately 56 metres and 67 metres to the north and northwest of the application site respectively. It is considered that this level of separation is sufficient to ensure that occupiers are not significantly adversely affected through noise or disruption.
- 5.11 Transportation Effects
According to the applicant, the proposed ménage is for private use only; a condition is recommended, if permission is granted, to ensure that this remains the case in the future. On this basis, it is not considered that there will be a significant adverse impact in terms of vehicular traffic or parking to the detriment of highway safety. No alterations are proposed to the existing access.

5.12 Horse Welfare

No responses have been received from the British Horse Society, however, it is considered that the design of the proposed manage is such that it will be functional for purpose. According to the applicant horses are kept within existing stables within the farm complex and the proposed ménage is located within close proximity to the existing stables and is visible from the applicants dwelling. The application site relates to an agricultural farm, therefore, there is ample grazing land available for horses. The applicant can be advised by way of an informative that if the use of the fields goes beyond the grazing of horses then planning permission will be required to change the use of land from agricultural to equestrian. A network of public rights of way are located within close proximity to the application site for exercising horses.

5.13 Further Matters

The comments of the Parish Council are noted. However, making a permission personal is generally advised against in Circular 11/95 and it is considered that it is unnecessary and unreasonable in this instance. A condition to restrict the use of the ménage for private use and for no business purposes is considered to be a more appropriate condition, which will restrict a business use regardless of land ownership.

5.14 Given that the application relates to the change of use of land for the ménage only, a condition to limit the number of horses kept on the holding is not considered to be reasonable or necessary in this instance. The relatively small size of the ménage will restrict the number of horses that can be exercised at any one time.

5.15 A condition relating to the untidiness of the site is vague and likely to be incapable of enforcement. The Parish Council's point will instead be raised with the Council's Enforcement Team for further investigation.

6. CONCLUSION

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

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

The proposed ménage constitutes engineering operations, which are appropriate development in the Green Belt. The nature of the ménage is such that it will not have a significant adverse affect on the openness of the Green Belt. The proposal therefore, accords with guidance contained in the National Planning Policy Framework (NPPF) and policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

The scale, siting and appearance of the proposal is such that it will not appear adversely out of keeping with the character of the area and will not have a significant adverse affect on the character of the landscape. The proposal therefore, accords with policies D1, L1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse environmental issues and accords with policies L1, L9 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse affect on the residential amenity of neighbouring occupiers through noise or disturbance. The proposal therefore, accords with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not have a significant adverse impact on local highway conditions to the detriment of highway safety. The proposal therefore, accords with policies T12 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will provide an acceptable standard of comfort for horses and accords with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

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

Reason

In the interests of highway safety and the character and amenities of the area and to accord with policies T12, L1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

To ensure an adequate means of drainage is provided and to accord with policies L17, L18 and EP1 of the South Gloucestershire Local Plan (adopted) January 2006.

4. 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 including a five year management plan, species mix, density, times of planting, and method of protecting shrubs from grazing animals; boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. (For the avoidance of doubt the existing hedge on the northern boundary with the country lane should be extended and any gaps filled and a hedge should be planted on the southern boundary). Development shall be carried out in accordance with the agreed details.

Reason

In the interests of the character and visual amenity of the landscape and to enhance the ecology of the area and to accord with policies L1, L9 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

5. There shall be no floodlighting at the menage.

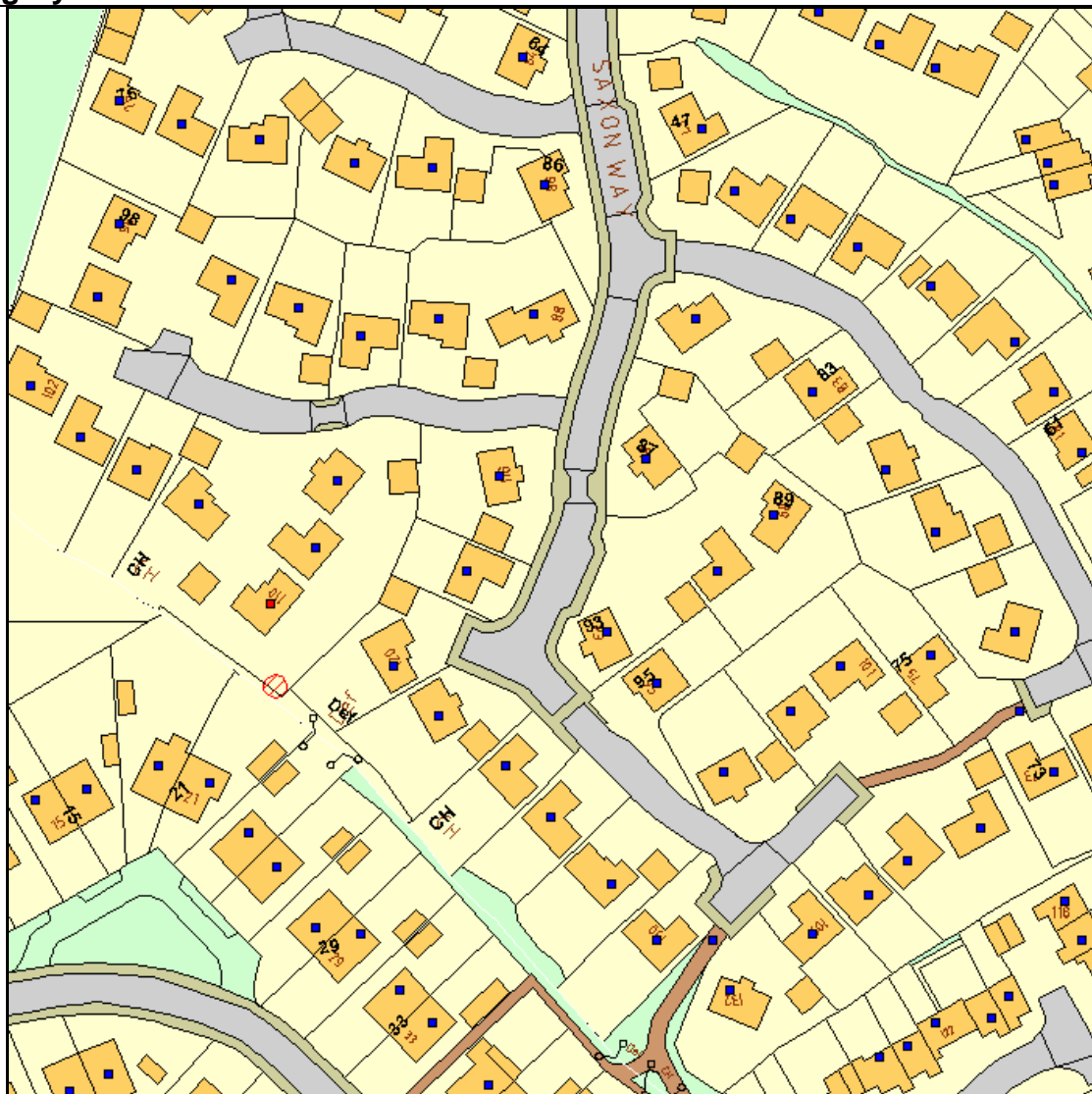
Reason

In the interests of the character and visual amenity of the landscape and to accord with policies L1 and LC5 of the South Gloucestershire Local Plan (adopted) January 2006.

ITEM 8

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0588/TRE	Applicant:	Mr M Bennett
Site:	110 Saxon Way Bradley Stoke Bristol South Gloucestershire BS32 9AS	Date Reg:	28th February 2013
Proposal:	Works to 1no. Oak tree to reduce and thin crown by 33% covered by Tree Preservation Order TPO392 dated 9 December 1987.	Parish:	Bradley Stoke Town Council
Map Ref:	361165 182072	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:		Target Date:	24th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0588/TRE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule as a representation has been made, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent to reduce and thin by 33% the crown of 1no. Oak Tree covered by Tree Preservation Order TPO392.
- 1.2 The tree is located on the boundary to the rear of 110 Saxon Way, Bradley Stoke and 21 Bourton Avenue, Stoke Gifford.
- 1.3 The application is a resubmission of PT12/3330/TRE for similar works, which was refused on 30th October 2012 for the following reason:
 - The proposed works would be detrimental to the long-term health and appearance of a tree which makes a positive contribution to the visual amenity of the locality. The proposed works are therefore contrary to the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

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 PT12/3330/TRE - Works to 1no. Oak tree to reduce by 30% covered by Tree Preservation Order TPO392 dated 9 December 1987. **Refused**
- 3.2 PT09/0533/TRE - Reduce crown by 20% and remove dead branches - **Approved**
- 3.3 PT04/3791/TRE - Thinning of crown, reshape lower canopies and removal of deadwood. - **Approved**
- 3.4 PT04/3131/TRE - Reduce canopy by 30%. - **Refused**
- 3.5 PT01/0583/TRE - Thinning of crown by 20% and reshape lower canopy. - **Approved**
- 3.6 PT00/3022/TRE – Reduce by 30%, thin and reshape. - **Refused**

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
Objection – The proposed works would be detrimental to the long term health and appearance of the tree..

4.2 Tree Officer

Objection – Refusal recommended, as works would be detrimental to the long-term health and appearance of the tree. Informative recommended relating to pruning to abate nuisance.

Other Representations

4.3 Local Residents

One letter of objection and one letter of support have been received from local residents. These are summarised below:

Objection Comment:

- Object to 33% reduction of whole tree – cutting or trimming of the tree would be detrimental to the wellbeing of the tree.
- No objection to branches touching 110 Saxon Way.

Support Comment:

- The tree has been pruned 3 times from Bourton Avenue. Each time pruning has only been carried out on their side. The Bourton Avenue side has been excessively pruned.
- Saxon Way has been granted twice and each time has been stopped from pruning anything that overhangs Saxon Way.
- Would like to see the tree pruned into a balanced shape.
- Boundary disputes should not come into the equation.
- Requests a meeting to come to an agreement for the tree's long-term health and appearance.

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 that makes a significant contribution to the character and visual amenity of the area.

5.2 The mature Oak tree is growing on the boundary of 110 Saxon Way and 21 Bourton Avenue, there appears to be some debate as to in which property the tree is situated and subsequently the ownership of the tree. It is a significant tree offering high visual amenity to the area and worthy of its protected status. The tree has a well balanced, open canopy and is considered a fine example of the species

5.3 The proposed works are to reduce and thin the canopy by 33%. The reasons given for the proposed works are “Tree is now so large it is touching my house”. On inspection it is evident that the tips of a number of branches on the northern side of the tree are making contact with the side of a new extension attached to number 110. As the branches are touching the property it would be considered reasonable to cut them back by 1m to avoid any possible damage being caused to the property. The Tree Preservation Order regulations make an exemption for works to abate an actionable nuisance and allow the **minimal** amount of work necessary to abate the nuisance to be undertaken without prior

consent from the LPA. This information is attached to the decision notice as an informative.

- 5.4 The proposed works are however to reduce and thin the canopy by 33%, a similar application to reduce the tree by 30% was received and refused in October 2012 (PT12/33330/TRE). The reason given for the refusal of this previous application was "It is considered that the proposed works would be detrimental to the long term health and appearance of the tree which makes a positive contribution to the visual amenity of the locality. The proposed works are therefore contrary to the Town and Country Planning (Tree Preservation) (England) Regulations 2012". It is unclear how this situation can have changed in 5 months. A crown reduction destroys the natural shape of the tree and creates the need for ongoing tree works to retain the reduced size. Crown reductions can also be detrimental to the trees health; leafing area is removed and numerous wounds/ entry points for pathogens are created.
- 5.5 On inspection of the tree, there were no obvious faults or health issues which could justify the proposed works other than the tips of branches on the northern edge touching the property which can be solved by minimal pruning back as previously stated. The canopy is not considered to be overly dense however a lighter crown thin of 20% would not have a major impact on the health of the tree. As the proposed works are not to address any health and safety issues it is considered that they are un-necessary at this time. The proposed 33% reduction and thin of the canopy is considered excessive, un-necessary and would have a detrimental impact on the health and visual amenity of the tree.
- 5.6 Other Matters
Supporting comments from a local resident highlight that works approved previously have not always taken place. The comments imply that the tree is the subject of some neighbourly disputes. It is highlighted here that the application has been determined based on the proposed works in terms of adopted national policy. Civil disputes are not a planning consideration.

6. CONCLUSION

- 6.1 A recommendation for refusal is made for this application as the proposed works would be detrimental to the long-term health and appearance of a tree which makes a positive contribution to the visual amenity of the locality. The proposed works are therefore contrary to the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

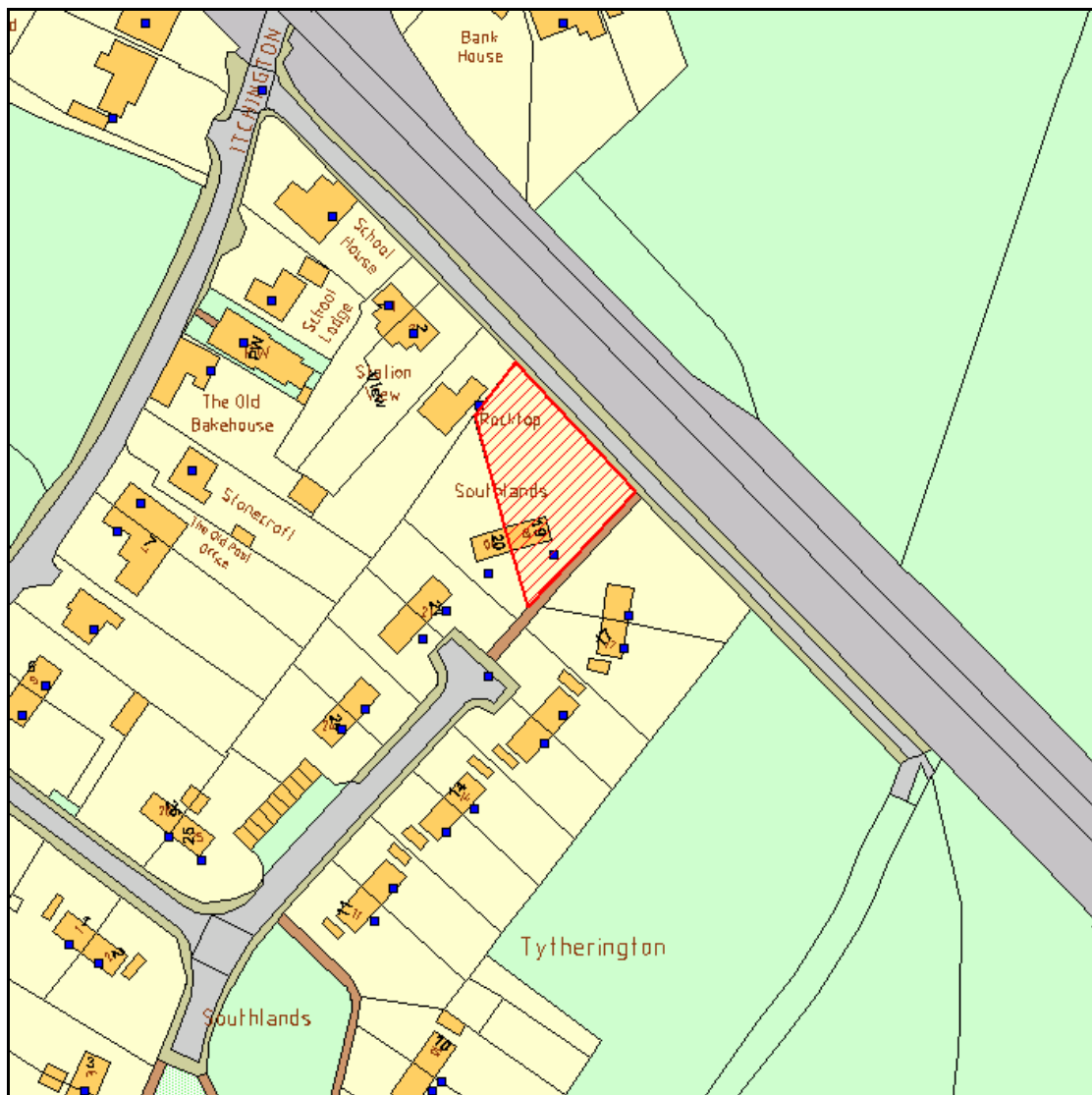
7. RECOMMENDATION

- 7.1 That the application is **REFUSED** for the reason outlined above.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0633/F	Applicant:	Mr C Livallo/o Agent
Site:	19 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	Date Reg:	27 th February 2013
Proposal:	Erection of 1no. detached dwelling with associated works (Resubmission of PT12/3871/F)	Parish:	Tytherington Parish Council
Map Ref:	366890 188010	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	19th April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0633/F

INTRODUCTION

This application has been referred to the Circulated Schedule in view of the letter of objection that has been received from the neighbouring residents.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one detached two-storey dwelling.
- 1.2 The application relates to part of the residential curtilage associated with an existing semi-detached two-storey property fronting Southlands, Tytherington. The proposal would face Station Lane that runs to the rear of this dwelling. The site falls within the Tytherington settlement boundary that is washed over by the Green Belt. The site falls outside of the Tytherington Conservation Area.
- 1.3 The application forms a resubmission of PT12/3871/F that was refused for the following reason:

By reason of the size, scale and position of the proposed dwelling and the loss of vegetation proposed, the proposal would appear an over-development of this restricted plot that would detract from the visual amenities of the rural locality. The proposal is therefore considered to be contrary to Planning Policies D1, L1, H2, H4 and GB1 of the South Gloucestershire Local Plan, the South Gloucestershire Design Checklist (Adopted) Supplementary Planning Document and Development within the Green Belt (Adopted) Supplementary Planning Document.

- 1.4 Amended plans form part of this application reducing the size of the new dwelling with the single-storey element removed and the two-storey part reduced in width.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (27 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

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

GB1: Development within the Green Belt

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

CS1: High Quality Design

CS5: Location of Development

CS17: Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Planning for Growth (Ministerial Statement (March 2011))

Development in the Green Belt (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P99/1732: Erection of one dwelling (outline). Refused: 29 June 1999- Appeal Dismissed: 31 January 2000

The refusal reasons were as follows:

1. The creation of an additional dwelling served by a substandard junction with Itchington Road, would increase dangers for highway users to the detriment of highway safety. The proposal would also be contrary to Policies TR19 of the adopted Avon County Structure Plan, RP1 of the adopted Rural Areas Local Plan and Policies N1, N81 and N162 of the Northavon Local Plan (Deposit Draft).
2. The proposed would result in the intensification of vehicular movements on a public footpath to the detriment of highway safety and the public enjoyment of the footpath. The proposal would also be contrary to Policies RP1 and RP61 of the adopted Rural Areas Local Plan and N1, N128 and N162 of the Northavon Local Plan (Deposit Draft).
3. The proposed development would result in overlooking and a consequent loss of privacy to adjoining properties to the detriment of residential amenity. The proposal would also be contrary to Policies RP1 and RP75 of the adopted Rural Areas Local Plan and Policies N1 and N162 of the Northavon Local Plan (Deposit Draft).

This decision was subsequently dismissed at appeal. At this time, the Inspector wrote:

On matters of highway safety:

'I recognise that Station Lane has served its existing users for a long time, and thus it is well surfaced, lit and maintained, and, like Itchington Road, subject to a 30 mph speed limit. In my judgement however, the degree of increased danger to highway safety would be significant, even as a result of traffic due to the single additional dwelling now proposed, and the development would thus be contrary to established planning policy.'

On footpath character:

'The proposed development would not much affect the current semi-rural character of PFP OTY20, but any extra conflict with traffic from the proposed dwelling would reduce the enjoyment of walkers to some degree, and this factor also weighs against the appeal.'

On matters of privacy:

'Although the proposed dwelling would stand in relatively close proximity of Rocktop, the latter has no first floor or main ground windows facing the site. I consider that a house design could be formulated for the appeal site to avoid direct overlooking between facing windows, or any undue reduction in the privacy of neighbouring gardens. Consequently I do not find there to be there a substantial objection on privacy grounds.'

- 3.2 PT12/3871/F: Erection of 1 no detached dwelling and associated works.
Refused: 21 January 2013

4. CONSULTATION RESPONSES

- 4.1 Tytherington Parish Council
No comments received

- 4.2 Other Consultees
Community Spaces: no comment
Environmental Services: no objection in principle
Technical Services (Drainage): no objection in principle
Highways DC: no objection
PROW: will affect PROW
Landscape Officer: no objection

Other Representations

- 4.3 Summary of Local Residents Comments:
One letter received expressing the following concerns (to original plans):
- o Repositioning of dwelling will reduce impact on neighbouring property;
 - o The dwelling proposed is still too large for the plot size;
 - o Overall the reduction in size is minimal with the eaves and ridge height the same;
 - o Repositioning of the dwelling comprises privacy of future and existing residents at 19 and 20 Southlands;
 - o The ratio of plot/ building size is out of keeping with the character of the area;
 - o The application retains the front boundary wall and is contrary to L1;
 - o Additional traffic will compromise safety of those using the PROW and be detrimental to highway safety;
 - o It is not infill development- it is at the end of a line of buildings.

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

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. However, a word of caution is offered by paragraph 53 of the National Planning Policy Framework which advises: *'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'*.

5.2 Planning policies H2 and H4 are permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety. Planning policy GB1 is permissive of proposals for limited infilling within the settlement boundaries.

5.3 **Design/ Visual Amenity**

The application relates to part of the residential curtilage comprising 19 Southlands; a two-storey semi-detached dwelling that forms part of a small post war housing estate. 19 Southlands sits beyond the highway (and associated hammerhead) with a pedestrian footpath running in front of the property. Vehicle access to the dwelling is via Station Lane; a single width road runs along the side/ rear northeast property boundary.

5.4 The application seeks full planning permission for a two-storey detached dwelling that would front Station Lane. This would necessitate subdivision of the existing triangular shaped curtilage with the rear smaller part to provide for the new property.

5.5 In response, planning policy H4 states that proposals for new dwellings within residential curtilages will only be permitted where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area. In this regard, concern was raised at the time of the previous application given the position of the dwelling forward of the general building line and the disproportionate size of the proposal with respect to its footprint in relation to the size of the plot and in comparison to other nearby properties. It was considered that this would cause harm through the over development of this restricted plot in this forward position.

5.6 Further, it was noted that the garden is well vegetated with a mixed hedge along what would be the front boundary to the property. This hedge is predominantly ivy and contains a number of ornamental species and is maintained at approximately 1.6m. It was considered that the proposal to

replace this with a new stonewall would be out of keeping with the leafy character of Station Lane. In this regard, it is noted that planning policy L1 states that new development will only be permitted where the amenity of the landscape is conserved and where possible enhanced.

- 5.7 In view of the above, the proposal as originally submitted was considered to be unacceptable. It was however noted that the introduction of a smaller dwelling (on perhaps a larger plot) might overcome these concerns and realise the benefits of a new dwelling in this location (i.e. new housing and economic opportunities).
- 5.8 In this instance, the plans originally submitted showed a slight reduction in the width of the dwelling with the property on a slightly larger plot. These changes helped to address the last refusal reason but were not considered to overcome these concerns with the objections to the scheme still outweighing the benefits of the proposal. On this basis, two further sets of amended plans have been received with those most recently submitted omitting the single-storey side and rear elements and reducing the width of the two-storey build to 10.6m (12.7m as shown by the previous application).
- 5.9 It is considered that these changes combined better address the previous refusal reason and would facilitate a more proportionately sized dwelling on a more spacious plot. On this basis, on balance, there is no objection to proposal on design/ visual amenity grounds. In this regard, it is noted that the revised plans show the retention of the front boundary hedgerow; this could form the basis of an appropriately worded condition in the event that planning permission is granted.
- 5.10 Impact on the Openness of the Green Belt
Green Belt policy is permissive of proposals for infill development; the issue of whether a new dwelling in this position would constitute infill development was considered, as part of the previous application and ultimately, planning permission was not refused on this basis. As such, it was noted that with the application site is adjoined by residential development on either side, thus the proposal could be considered to comprise infill development in accordance with the definition within the Councils Supplementary Planning Guidance on Green Belts:
- 'Infill development is development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.'*
- 5.11 In the absence of any associated objection to the previous application, and with the proposal considered to accord with this definition there is no objection to the application on this basis.
- 5.12 Residential Amenity
Rocktop alongside the application site comprises a two-storey detached dwelling with a two-storey projecting extension that extends alongside the application site: its main outlook is to the front and rear (i.e. away from the site of the proposal). Given the restricted depth of the application site, the proposal

would stand forward of the main part of this neighbouring dwelling (not the two-storey front projection) with the rear building line of the proposal slightly forward of original front two-storey front elevation of this property; this would be at a minimum distance of 5.4m from the boundary and south of this dwelling. In response, there was no associated object to the previous application although the Officer report noted that this relationship would be improved if the dwelling were reduced in size and pulled in from the boundary. This has been achieved by this application (with the dwelling now smaller and originally only a minimum of 2m from this boundary). Therefore, and with no side facing windows proposed, it is not considered that any associated refusal reason would prove sustainable.

5.13 As before, the proximity of the proposal to the new rear boundary causes concern although as before, these concerns are in part offset through the introduction of obscure glazed windows at first floor albeit with a bedroom window within the southeast facing flank elevation. However, this would primarily overlook the associated side garden area of the application site with views directed away from the host dwelling. As before, on balance this proposed relationship is considered to be acceptable.

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

5.15 Highway Safety

There was no highways objection to the recent application but that determined in 1999 did attract a highways refusal reason. However, since then, the Manual for Streets has been adopted and this has altered the way in which transport conflicts are assessed, resulting in the reduced importance of standard led assessment and the evolution of site-specific assessment. Therefore, whilst the junction visibility at Itchington Road may be substandard, traffic flows along both Itchington Road and Station Lane are generally low, with the rural village landscape likely to produce relatively low traffic speeds. Moreover, it is considered that the addition of one further dwelling would be unlikely to result in any significant increase in any conflicting traffic movements along Station Lane with the rural setting of Tytherington also more likely to dictate that drivers would be aware of the setting and the location of various junctions and any existing insufficiencies of the highway network; this is reflected in the limited accident record for the village.

5.16 For the above reasons, as before there is no highways objection to this application. However, in the event that planning permission is granted, it is advised that the parking area should be surfaced in a bound material to avoid loose material being washed onto the highway contrary to highway safety. This could form the basis of an appropriately worded condition in the event that planning permission is granted.

5.17 PROW Officer

The Councils Public Rights of Way Officer has advised that the proposal would affect the nearest recorded public right of way (OTY20) that runs along the class 5 adopted highway that would provide the access to the development. As

such, although there is no objection in principle to the proposal the applicant should be made aware that the right of way must not be obstructed at any time. It is recommended that an informative be attached to any planning permission that is granted.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to GRANT permission is for the following reasons:
1. The design, scale and massing of the development proposed is considered to be acceptable and in accordance with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal is considered to comprise infill development and accords with Planning Policy GB1 (Development within the Green Belt) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policies H2 (Proposals for Residential Development) and H4 (Development within Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
 4. The proposal is considered to be acceptable having regard to issues of highway safety and would accord with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. **RECOMMENDATION**

- 7.1 Planning permission is **GRANTED** subject to the following conditions:

Contact Officer: Peter Burrridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

2. Prior to the commencement of development samples of the roofing and external facing materials (including windows) 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 Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor rear and side elevations of the property.

Reason

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

4. The first floor rear facing bathroom and ensuite windows shall at all times be glazed with obscure glass to level 3 standard or above.

Reason

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

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

Reason

To protect the character and appearance of the area to accord with Planning Policies H2, H4, D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

7. 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, E and F), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the residential amenities of the neighbouring occupiers and in view of the sensitive position of the application site within the Green Belt, all to accord with Planning Policies D1, L1, H2, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

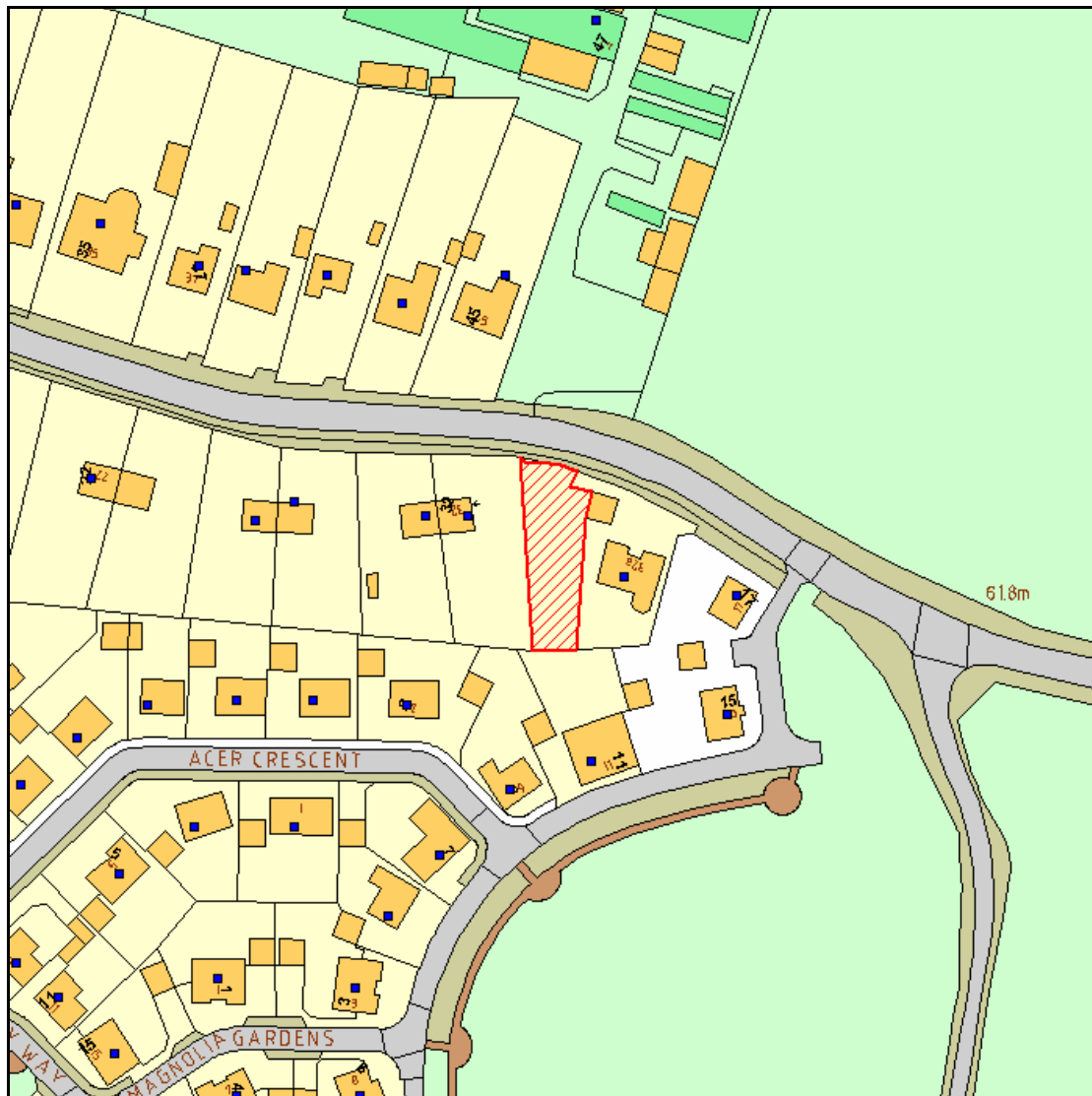
8. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose and with a bound surface.

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 Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0650/F	Applicant:	Mr And Mrs A Williams
Site:	32A Hortham Lane Almondsbury South Gloucestershire BS32 4JL	Date Reg:	28th February 2013
Proposal:	Erection of detached dwelling and garage with access and associated works. (Resubmission of PT12/3769/F)	Parish:	Almondsbury Parish Council
Map Ref:	362180 184450	Ward:	Almondsbury
Application Category:	Minor	Target Date:	22nd April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0650/F

INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached dwelling and garage with access and associated works. The application forms a resubmission of PT12/3769/F, which was refused for the following reason:

The narrow width and vertical proportions of the dwelling proposed, and proximity to the flank boundaries of the site, are such that the proposal will appear contrived and cramped, and adversely out of keeping with the character of the existing built form on the southern side of Hortham Lane. Accordingly, along with the resulting loss of space, which is a characteristic feature of Hortham Lane, the proposal will have an adverse impact on the character and visual amenity of the area and is contrary to policies D1, H2, L5 and GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

- 1.2 The application site comprises approximately 499 square metres of garden land associated with the property 32a, which is located on the southern side of Hortham Lane. The site is located on the edge of the defined settlement boundary; the northern and western boundaries of the site form the limits of the settlement boundary. The site is washed over by the Bristol/Bath Green Belt.
- 1.3 Amended plans have been received, which have altered the proportions and the orientation of the footprint of the dwelling. Members of the public and the Parish Council have been re-consulted on the revised drawings, whilst the application is on the Circulated Schedule due to time constraints. However, if any responses are received that raise issues that have not already been considered, then the application will be re-circulated to Members.

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
GB3 Redevelopment of the Major Development Site in the Green Belt at Hortham Hospital Almondsbury
H1 Proposed Sites for New Residential Development and Mix Use Schemes including Residential Development
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
L5 Open Areas within the Existing Urban Areas and Defined Settlements

L17/L18 The Water Environment
EP1 Environmental Pollution

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

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT06/0865/F, demolition of existing buildings. Erection of 270 dwellings on 34.17 hectares of land to include new access, landscaping bunds, public open space, landscaping details associated work to Hortham Lane and Hortham Lane/A38 junction, approval, 29/03/07.
- 3.2 PT08/2368/F, substitution of house type B11 to B06 at Plot 130 and B15 to B12 at Plot 131. (Amendment to previously approved scheme PT06/0865/F), approval, 14/10/08.
- 3.3 PT12/3769/F, erection of detached dwelling and garage with access and associated works, refusal, 04/01/13.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

Objection; the changes made do not address our previous objections; layout and density of housing in the area precludes any further development. The proposed dwelling is not in line with adjacent houses.

4.2 Drainage Officer

No objection subject to condition

4.3 Transportation Officer

No objection

Other Representations

4.4 Local Residents

Two letters of support and four letters of objection have been received from members of the public. In summary, the letters received in support of the proposal state that the style of the dwelling is in-keeping with surrounding

properties, it will not appear out of place and will not adversely affect the residential amenity of neighbouring occupiers. The following is a summary of the reasons given for objecting:

Detrimental to the spacious character of the area;
Loss of view;
Loss of privacy;
Represents over development and garden grabbing;
Noise and disturbance issues;
Could set a precedent for other similar development in the area.
Highway safety issues due to proximity to a bend and the road is somewhat a 'rat run';
On the sale of the property to the current occupant, Barrats obtained a signed undertaking that no works will be undertaken within a period of 5 years from the date of sale (Sept 2010) without their express consent;
Lack of consultation from applicant;
Letters of support received are from members of public not affected by the development;
Revised proposal does not overcome previous refusal reason;
Loss of outlook and overbearing impact;
Loss of natural light;
The proposal will devalue neighbouring properties;
Vehicular manoeuvring space is unrealistic.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) has replaced previous guidance and allows for limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), which would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.

5.2 The application site comprises the former Hortham Hospital site which was allocated as a major residential redevelopment site under policies GB3 and H1 of the South Gloucestershire Local Plan (adopted) January 2006. Strict criteria was set in these policies to ensure that the redevelopment would not have a detrimental impact on the openness of the Green Belt. Therefore, the area of land to be redeveloped was fixed to approximately 9 Ha, the development was required to be no higher than the existing hospital buildings and the aggregate floor area of the re-development was required to be consistent with the floor area of the existing buildings to be replaced. As such, the Hortham residential development was proportionate to the development that it replaced and appropriate development in the Green Belt.

5.3 The Hortham development is now complete. The main issue to consider now is whether the additional dwellinghouse proposed will have a material affect on the openness of the Green Belt such that it is contrary to the aims of policies H1 and GB3 of the Local Plan. Given that the site is located on previously

developed land and will form an infill plot between existing built form in a linear formation, it cannot be said that the proposal will result in a significantly greater impact on the openness of the Green Belt than the existing situation; weight is also given to the fact that it will be viewed against the backdrop of existing residential development. Accordingly, the proposal will not have a significant adverse affect on the openness of the Green Belt and is not in conflict with policies GB3 or H1 of the Local Plan. Careful consideration is however, required with regards to how the dwelling affects the character of the area and street scene and this will be considered in the main part of the report.

- 5.4 When considering the impact on the openness of the Green Belt weight is required to be given to planning application no. PT11/3250/F under which planning permission was granted for a replacement dwellinghouse at no.20 Hortham Lane (approximately 120 metres to the west of the application site. Although the replacement dwellinghouse resulted in a 390% (approx) volume increase over the existing property, the argument put forward by the applicant was that: *“the location of the site within the heart of the village would not result in any detrimental harm to the openness of the Green Belt”* and *“the hospital redevelopment setting the new context of the site”*.
- 5.5 The principle of the development is therefore, considered acceptable by virtue of policies H1, H4 and GB3 of the South Gloucestershire Local Plan (adopted January 2006. The main issues to consider are the appearance/form of the proposal and the impact on the character of the area (policies D1, H1, H4, L5 and GB3 of the Local Plan); the impact on the environment (policies H1, L1 and L9 of the Local Plan); the transportation effects (policies T12, H1 and H4 of the Local Plan); and the impacts on the residential amenity of neighbouring occupiers (policies H1 and H4 of the Local Plan).
- 5.6 A neighbouring occupier has objected to the development on the basis that it represents over development and is akin to garden grabbing. A ministerial statement was issued dated 9th June 2012 by the Government, which highlighted changes to the now superseded PPS3 Housing. The changes to amend the definition of ‘previously developed land’ to exclude private residential gardens and the removal of a minimum density target of 30 dwellings per hectare were initiatives to prevent so called ‘garden grabbing’. PPS3 has since been replaced by the National Planning Policy Framework (NPPF), however, the NPPF states that Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policies D1, L5, H1 and L1 require that proposals are carefully assessed with regards to their impacts on the character of the area. Therefore, the fact that the application site is a residential garden is not a refusal reason in itself. The proposal is required to be assessed on its own planning merits in terms of the impact on the character of the local area.
- 5.7 Appearance/Form and Impact on the Character of the Area
At ground floor level the proposed dwelling comprises a kitchen, sitting room, dining room, study, utility area and cloakroom; four bedrooms are proposed at first floor level. The proposal comprises a dual pitched roof form with slate tiles; either a brick or cream render finish for the walls, with a brick base and corbel

detailing; uPVC windows and doors with stone heads and cills above and below the windows. The principal elevation comprises a central pedestrian access door with a gabled storm porch above.

- 5.8 The previous application (PT12/3769/F) was refused for the following reason:

The narrow width and vertical proportions of the dwelling proposed, and proximity to the flank boundaries of the site, are such that the proposal will appear contrived and cramped, and adversely out of keeping with the character of the existing built form on the southern side of Hortham Lane. Accordingly, along with the resulting loss of space, which is a characteristic feature of Hortham Lane, the proposal will have an adverse impact on the character and visual amenity of the area and is contrary to policies D1, H2, L5 and GB1 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.9 Although the site forms part of the modern residential Hortham Hospital re-development site it fronts Hortham Lane. Hortham Lane has an open spacious feel characterised by dwellings that are set well back from the street with vegetation growing on the boundaries. The dwellings on the northern side are primarily single storey, whilst the dwellings on the southern side are primarily two-storey with a horizontal emphasis and generous spacing to the sides. The green boundaries and the generous spacing between the dwellings contribute to the open character and visual amenity of the area.
- 5.10 In response to the previous refusal the following changes have been made to the scheme; the size of the plot has been increased and the orientation of the dwelling has been amended so that it directly fronts Hortham Lane. The ridge and eaves heights of the proposed dwelling have been reduced by approximately 0.66 metres to 8.17 metres and 0.49 metres to 4.8 metres respectively. In addition, the footprint of the dwelling has been rotated by 90 degrees such that it comprises a wider frontage and a horizontal footprint. The scale, form and proportions of the proposed dwelling are considered to be more in keeping with the character of the surrounding built form.
- 5.11 The proposed dwelling is set back from the street and will not appear adversely out of keeping with the siting of the surrounding built form. In addition, a streetscene plan has been submitted, which demonstrates that the scale of the dwelling proposed is in-keeping with the scale of the surrounding built form. Accordingly, it is considered that the scale, form, siting, proportions and appearance of the dwelling proposed are acceptably in-keeping with the character of the surrounding built form. The dwelling proposed by reason of the increased distance to the flank boundaries will have a more spacious appearance in the streetscene and on balance, taking into account the improvements made to the appearance of the dwelling, it is considered that the loss of open space will not have a significant adverse affect on the character or visual amenity of the area. The proposal therefore, accords with policies D1, H1 and L5 of the South Gloucestershire Local Plan (adopted) January 2006.
- 5.12 The design of the gabled storm porch with the hanging tiles above is not considered to be in-keeping with the character of the area, and if permission is granted, a condition is recommended to ensure an alternative porch design. If

permission is granted, samples of external facing materials, and further details of the proposed front door are recommended by condition.

5.13 Residential Amenity

It is noted that objections have been received from neighbouring occupiers on the basis of the impact on their living conditions; careful consideration is required with regards to the affect of the proposed development on the residential amenity of surrounding occupiers.

5.14 Loss of Privacy

The only side openings proposed are a single pedestrian door and dual pane window at ground floor level in the western elevation. Therefore, although the proposal overlaps the rear building line of no.32 to the west, it is considered that it will not introduce any significant adverse privacy issues. The amendments made to the orientation of the dwelling result in it being at less of an oblique angle to no.32 to the west, and consequently, the first floor windows in the rear elevation of the proposed dwelling will face directly towards the rear boundary of the garden; this will lessen the degree of any overlooking into the gardens of neighbouring properties to the sides.

- 5.15 Objections have also been received regarding the impacts of the proposal on the occupiers of properties located to the south of the site in terms of loss of privacy. It is noted that first floor rear windows will face towards the neighbouring properties and associated gardens to the south; however, there is a separation distance of approximately 18 metres to the rear boundary, which will reduce the degree of the impact of any overlooking. In addition, the host dwelling no. 32a is orientated so that the rear elevation already faces directly towards the neighbouring garden and is closer to the boundary than the proposed dwelling. Accordingly, the proposal will not have a significantly greater effect on the residential amenity of neighbouring occupiers to the south in terms of loss of privacy and no new overlooking issues will be introduced.

5.16 Overbearing Impacts (Loss of Natural Light/Outlook)

The proposed dwelling overlaps the rear elevation of the neighbouring dwelling no. 32 to the west. However, the separation distance to the flank boundary and the neighbouring property has been increased to approximately 1.4 metres and 7.42 metres respectively at the closest points; it is considered that this will lessen the overbearing impact on neighbouring occupiers. Moreover, the siting of the proposed dwelling to the southeast of the neighbouring property is such that any loss of natural light will not be to an extent where it will adversely affect the living conditions of occupiers. The proposal will not be directly visible from principal windows in the front or rear elevations of the neighbouring dwelling and therefore, any loss of outlook will not unreasonably affect the living conditions of neighbouring occupiers. Although the dwelling will be visible from within the neighbouring garden, weight is given to its relatively large size and the fact that the proposal will only close a small proportion of the garden; as such, it is considered that any loss of outlook will not have an unreasonable affect on the enjoyment or viability of the garden. Accordingly, the siting of the dwelling in relation to the neighbouring property no.32 to the west and the proximity to the flank boundary is such that there will not be an unreasonable

affect on the residential amenity of occupiers through loss of natural light, outlook or overbearing impact.

- 5.17 The proposal extends past the front elevation of no.32a by approximately 1.7 metres. However, the proposed dwelling and no.32a are orientated away from each other, therefore, it is not considered that the proposed siting will adversely affect the residential amenity of neighbouring occupiers through loss of natural light or outlook. Given that the proposal benefits from a larger residential curtilage, it is considered that the proposed dwelling will provide an acceptable standard of amenity for future occupiers.
- 5.18 Whilst the proposed dwelling will be visible to occupiers of the neighbouring dwellings nos.11 and 15 Magnolia Gardens to the south of the application site, there is a separation distance between the proposed dwelling and nos. 11 and 15 of approximately 30 metres and 36 metres respectively. Accordingly, whilst the concerns of neighbouring occupiers are noted, it is not considered that any loss of outlook will have a significant adverse effect on the living conditions of occupiers. Therefore, a refusal on this basis would be unlikely to prove sustainable at appeal.
- 5.19 Objections have been raised on the basis of noise and disturbance. There is no reason to assume that the proposed dwelling will result in significantly greater noise and disturbance than the existing situation given the residential context. Objections have been received on the basis of noise and disturbance during construction; the occupiers of no.32 are both night workers and have raised concerns that disturbance in the day will result in them not being able to do their job properly at night. These concerns are noted, however, given the scale and nature of the proposal, it is not considered that the construction, if approved, will be significantly noisy or long term to have an unreasonable affect on the residential amenity of neighbouring occupiers to warrant a refusal. Given the scale and siting of the garage proposed, it is not considered that it will adversely affect the residential amenity of neighbouring occupiers through loss of natural light or noise or disturbance. Although the garage proposed may be visible to neighbouring occupiers it is not considered that such views will have an adversely harmful impact on living conditions to warrant a refusal.
- 5.20 Environmental Effects
Although the proposal results in the removal of part of a hedgerow growing on the front boundary, it is exempt from hedgerow regulations because it forms a boundary of a residential property. No other significant trees or vegetation will be removed to facilitate the proposal.
- 5.21 Transportation
The site is within close proximity to a bus stop with routes between Thornbury and Downend, inclusive of Frenchay Hospital, University of the West of England and Bristol Parkway Station, providing a 30-minute frequency service in both directions. Accordingly, it is considered that there is sufficient public transport provision to serve the proposal and for the site to be considered to be in a sufficiently sustainable location.

- 5.22 It is noted that objections have been received on the basis that the parking and turning areas proposed are unrealistic and because the site is accessed off a road, which serves as a 'rat run', and is in close proximity to a bend. In the previous application (PT12/3769/F), the plans were revised to take into account the concerns raised by officers and consequently, no transportation objections were raised. The proposal includes the same parking and turning provisions as the previous application (PT12/3769/F), and weight is given to the fact that the Highway Authority has raised no objections to the proposal.
- 5.23 In the previous application (PT12/3769/F) the Highway Authority stated that a speed of 34mph should be accommodated as shown from speed surveys taken from application PT10/2510/F, which calculates to a necessary visibility splay of 2.4m 'x' distance and a 51.4, 'y' distance. To the right of the access point this is easily achievable within land controlled by the applicant and within the extent of the highway leading to the carriageway edge. To the left of the access the visibility requirement is obstructed to a distance of approximately 49 metres although it is readily acknowledged that overtaking is likely to be highly infrequent on this stretch of carriageway and that a splay to the centre line of the carriageway in this direction may be deemed acceptable; this enables visibility over 90 metres to be achieved. Accordingly, the visibility splays are considered suitable and fit for purpose. With regards to visibility within the carriageway, i.e. for vehicles approaching right turning vehicles at the access point and for the right turning vehicles, the carriageway visibility is shown to be reasonably within the Sight Stopping Distances calculated from Manual for Streets.
- 5.24 It is noted that a Gospel Hall has been approved on the opposite side of Hortham Lane (PT10/2510/F) and the associated access is within close proximity to the proposed access. However, it is not considered that the traffic generated from the Gospel Hall will adversely conflict with traffic generated by the proposed dwelling to cause a significant adverse affect on highway safety.
- 5.25 Further Matters
The objection raised on the basis of the development setting a precedent is noted. However, the principle of the development is acceptable by virtue of policies H1 and GB3 of the South Gloucestershire Local Plan (adopted) January 2006. Therefore, any future proposals will be required to be assessed on their own merit against the criteria contained within the policies. It is not therefore, considered that this is a sustainable reason for refusal.
- 5.26 The objection on the basis that Barrats obtained a signed undertaking that no works will be undertaken within a period of 5 years from the date of sale (Sept 2010) without their express consent is a separate legal issue, which is outside the scope of this planning application.
- 5.27 The objections received relating to the support letters received and lack of consultation by the applicant are noted. However, these are not considered to be a valid reason for refusal in this instance.

- 5.28 The objections relating to the devaluation of neighbouring properties is not considered to be a material planning consideration in this instance, and therefore, a refusal on this basis would not prove sustainable at appeal.

6. CONCLUSION

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

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

The proposal relates to a major residential redevelopment site. The scale of the proposal is consistent with surrounding built form; its siting, infilling a gap between existing built form in a linear formation, is such that it will not have a significantly adversely more harmful affect on the openness of the Green Belt than the existing situation. The principle of residential development in this location is therefore, acceptable by virtue of policies H1 and GB3 of the South Gloucestershire Local Plan (adopted) January 2006.

- 6.3 Amendments have been made to the siting, orientation, scale and proportions of the proposed dwelling, and it is considered that its appearance is more in-keeping with the character of the surrounding built form. The amount of space around the dwelling to the flank boundaries has been increased, such that it will fit more comfortably within the site. Accordingly, on balance, the proposal will not have a significant adverse affect on the character or visual amenity of the area. The proposal is therefore, in accordance with policies D1, H1, L5 and GB3 of the South Gloucestershire Local Plan (adopted) January 2006.

The concerns of the neighbouring occupiers are noted, however, the proposal will not have a significant adverse affect on the residential amenity of neighbouring occupiers through loss of natural light, privacy, outlook, overbearing impact, or noise or disruption. The proposal is therefore, in accordance with policies H1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse transportation issues and accords with policies T12, H1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse environmental affects and accords with policies L1, L9 and H1 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used including the front entrance door 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 an adequate standard of external appearance and to accord with policies D1 and H1 of the South Gloucestershire Local Plan (adopted) January 2006.

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the eastern or western elevations of the property.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policies H1 and H4 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The access, parking and turning areas shall be provided in accordance with the approved plans prior to the first occupation of the dwelling hereby approved and thereafter retained for that purpose.

Reason

In the interests of highway safety and to accord with policies T12 and H1 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

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

6. Notwithstanding the details submitted, prior to the commencement of the development

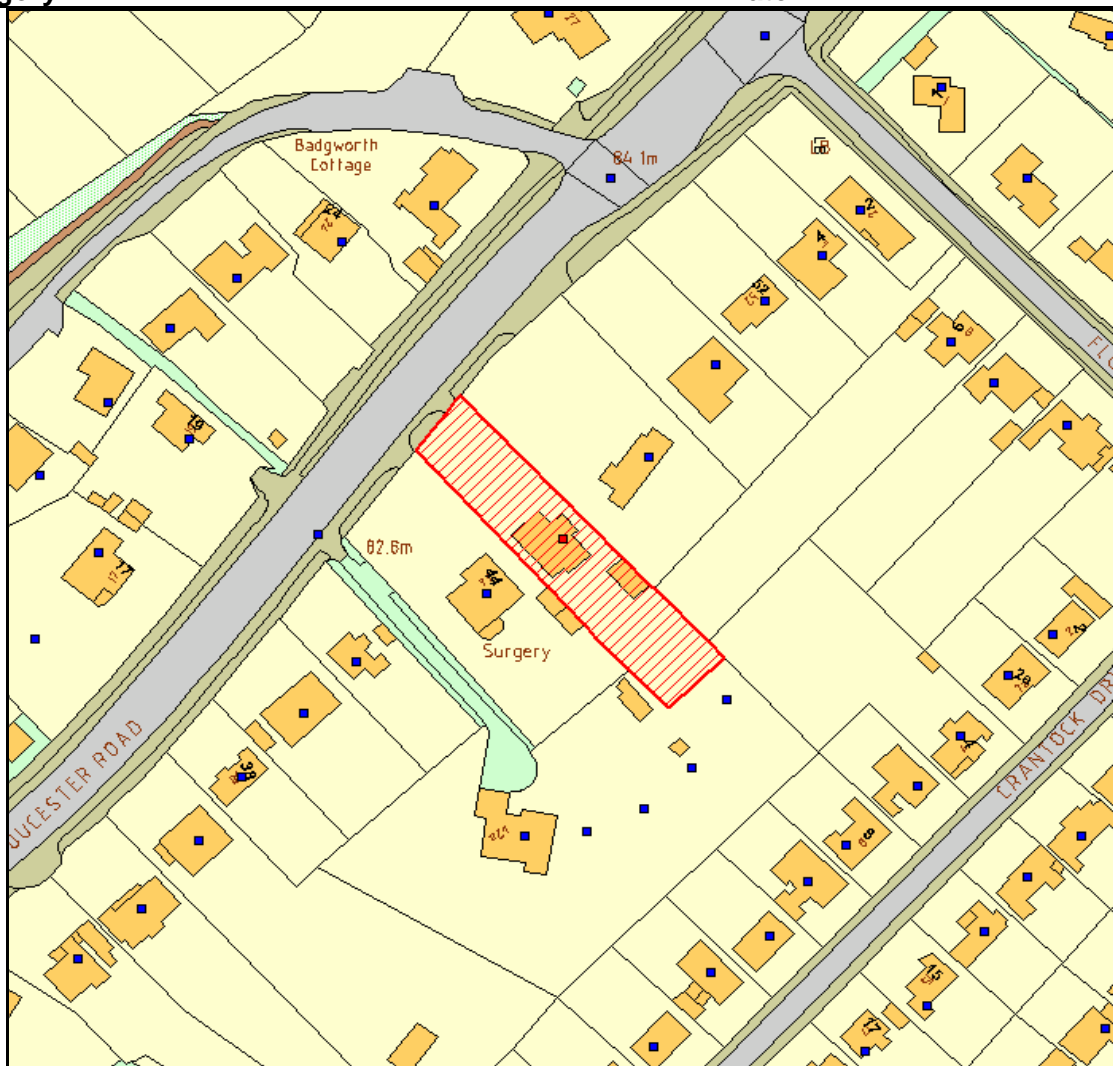
details of an amended porch design shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (For the avoidance of doubt the porch and vertical tile hanging shown on drawing no. 12-1587-204 received on 9th April 2013 shall not be constructed.

Reason

To ensure a high quality standard of design in-keeping with the character of the surrounding built form and to accord with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0676/F	Applicant:	Mrs S Pike c/o Agent
Site:	Ashley House 46 Gloucester Road Almondsbury Bristol South Gloucestershire	Date Reg:	28th February 2013
Proposal:	Erection of single storey extension to existing garage to facilitate change of use to mixed use residential and hairdressers (Class Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). (Resubmission of PT12/3718/F)	Parish:	Almondsbury Parish Council
Map Ref:	360929 184238	Ward:	Almondsbury
Application Category:	Minor	Target Date:	23rd April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0676/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the circulated schedule because there have been correspondence received contrary to the Officer's recommendation and an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks consent to extend and convert the existing domestic garage at a property on Gloucester Road in Almondsbury. It is the resubmission of a previously refused scheme.
- 1.2 Once extended and converted, the garage will become a hairdresser. A change of use will occur, from residential to Sui Generis. However the site will remain as one planning unit. Sites classified as Sui Generis have no permitted development rights for change of use. Therefore any subsequent change would require further planning consent.
- 1.3 The application site consists of a detached house on Gloucester Road in Almondsbury. The garage is located to the rear of the property and would be accessed by foot through a covered driveway from the front. The site is located within the settlement boundary of Almondsbury, which is a settlement 'washed over' by the green belt.
- 1.4 This application is the resubmission of PT12/3718/F, which was refused under delegated powers on 4th January 2013 for one reason related to transport. All other considerations were considered to be acceptable at the time. These other considerations remain unchanged and are therefore still considered to be acceptable.
- 1.5 Following the previous refusal, the applicant sought pre-application highways advice to overcome the above reason. The parking and access arrangements have been amended and submitted for consideration.

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
- T8 Parking Standards
- T12 Transportation
- E3 Employment Development within Defined Settlement Boundaries
- H4 Development within Existing Residential Curtilages

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

- CS1 High Quality Design

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Development in the Green Belt (Adopted) June 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT12/3718/F Refused 04/01/2013
Erection of single storey extension to existing garage to facilitate change of use to mixed use residential (Class C3) and hairdressers (Class A1) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

This application was refused for the following one reason:

The proposed development, if permitted, would increase the use of the existing access to no.46 Gloucester Road which is considered substandard to accommodate the levels of traffic generation by a Use Class A1, as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), unit in this location; the development would lead to vehicles parking and manoeuvring on the public highway, interrupting the free flow of traffic to the detriment of highway, pedestrian, and cyclist safety contrary to Policy T12 and Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 3.2 PT08/0873/RM Withdrawn 09/04/2008
Erection of 2no. dwellings (approval of reserved matters to be read in conjunction with planning permission PT06/2697/O)
- 3.3 PT06/2697/O Approved with Conditions 27/11/2006
Erection of 2no. dwellings and relocation of existing garage

4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council
Objection: Change of use is not appropriate in residential area. The development would increase traffic volumes and lead to highway safety issue. Objections against the previous application (PT12/3718/F) still stand. The amendments made to the parking and access arrangements by the applicant to not overcome these concerns.
- 4.2 Community Spaces
No comment
- 4.3 Drainage
No objection in principal however SUDS are required and the layout of the public sewer may affect development. Applicant advised to contact Wessex Water.
- 4.4 Transport
No objection subject to condition

4.5 Landscape
No comment

4.6 Wessex Water
A separate system of drainage will be required to serve the proposed development. No surface water connections will be permitted to the foul sewer system.

4.7 Environmental Protection
No objection

Other Representations

4.8 Local Residents
One comment has been received from a local resident. Concerns were raised on the following grounds:

- Development may set a precedent for further business premises;
- Development may impact on residential amenity (privacy, peace and quiet);
- High levels of sound insulation should be used to minimise noise from the development;
- Vents should expel into the curtilage of the property and not impact on nearby occupiers.

5. ANALYSIS OF PROPOSAL

5.1 This application seeks consent for a modest extension to an existing single storey garage to facilitate its conversion to a hairdresser. The scope of works also includes widening the access to the highway and the provision of parking facilities within the curtilage of the property.

5.2 Principle of Development
Both the NPPF and Local Plan are supportive, in principle, of this type of development. Paragraph 28 of the NPPF states that Local Planning Authorities should support the growth and expansion of all types of business and enterprise in rural areas. This can be done through the conversion of existing buildings and the promotion, retention, and development of local services and community facilities, such as shops.

5.3 Policy E3 of the Local Plan is also supportive in principle of employment development within existing defined settlements, subject to a detailed assessment of potential impacts.

5.4 As the site is located within an existing residential, policy H4 is relevant. This policy is also supportive in principle of development to facilitate working from home.

5.5 Therefore, the proposed development has been established as acceptable in principal. However, determination of the application is subject to the analysis set out below.

- 5.6 Furthermore, application PT12/3718/F (of which this application is a resubmission) was refused for one reason related to highways. The application under consideration needs to illustrate that the previous refusal reason has been satisfactorily overcome.
- 5.7 Transport and Highway Safety
The previous application was refused for the reason set out in paragraph 3.1 (above). It was considered that the access to the application site was substandard and could not adequately accommodate the traffic associated with the development. In addition to this, inadequate levels of off-street parking had been indicated which would lead to vehicles disrupting the flow of traffic on the Gloucester Road. It should be noted that Gloucester Road is a Class A highway.
- 5.8 Following the previous refusal, the applicant sought pre-application advice from the LPA. It is now proposed to provide six independently accessibly parking spaces, a turning area, and to widen the access to 5 metres.
- 5.9 The Highways Officer has assessed the proposed access and parking arrangements. Subject to a condition requiring the parking spaces to be provided prior to the first use of the hairdressers and retained henceforth there is no objection on transport or highway safety grounds. As a result, it is now considered that the previous refusal reason has been overcome.
- 5.10 Green Belt
There was no previous objection to this development on green belt grounds. At present, the property is a residential dwellinghouse. Under policy GB1 of the Local Plan and the Development in the Green Belt SPD, only limited extension to residential dwellings are permissible within the green belt. However, paragraph 89 of the National Planning Policy Framework allows for the limited extension of a building, regardless of whether it is residential or not.
- 5.11 Only a very limited extension is proposed, providing an additional 9.75 square metres of floorspace to the garage. This equates to less than a 30% increase in the size of the garage alone, without consideration of the other existing buildings on site. The addition is considered to be proportionate and therefore acceptable on green belt grounds.
- 5.12 Design
A simple front extension to the existing garage is proposed. A full height glazed entrance will be positioned on the front elevation. The garage retains a simple and functional appearance and the character of the existing building. The design is considered to meet the requirements of policy D1 of the Local Plan.
- 5.13 Amenity
Comments have been received from the adjacent neighbour who is concerned about the noise generated by the development. Whilst it is still considered that there will be no prejudicial impact on residential amenity, now that this

application is in a position to gain consent, it is important to consider if any planning conditions are necessary to protect residential amenity.

- 5.14 It has been indicated on the application form that opening times would be 09:00-18:00 Monday-Saturday with no trading on Sundays and Bank Holidays. These opening times will be secured by condition to protect the amenity of nearby occupiers during the evenings and weekends. Furthermore a restriction will be placed on the installation of openings for vents, flues and the such like so that their impact can be assessed.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development for a single storey front extension to the existing garage and the change of use of the site to a Sui Generis residential/ hairdresser has been assessed against policies D1, L1, T8, T12, E3 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework. Employment development is supported by the NPPF and policies E3 and H4 of the Local Plan. The proposed development meets the required design standard and will not result in a prejudicial impact on residential amenity. There are no highway safety issues and the proposal complies with policy T12 and T8. The development is in accordance with green belt policy and will not have an adverse impact on the landscape.
- 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 that the proposed development be GRANTED subject to the conditions listed below

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows, flues, vents or any other type of opening other than those shown on the plans hereby approved shall be inserted at any time in the converted garage building at the property.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity, and to protect the residential amenity of the neighbouring occupiers, and to accord with Policy D1, E3 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The premises known as Ashley House 46 Gloucester Road Almondsbury shall be used as a mixed use residential dwelling and hairdressers (Use Class Sui Generis of the Schedule to the Town and Country Planning (Use Classes) Order 1987) and for no other purpose (including any other purpose in any class 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

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

5. The use of the hairdressers hereby permitted shall not be open to customers outside the following times 09:00 to 18:00 Monday to Saturday. The hairdressers may not be open to customers on Sundays or Bank Holidays.

Reason

To minimise disturbance to occupiers of 48 Gloucester Road Almondsbury and to accord with Policy E3 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The additional and any replacement paving and parking areas hereby approved must be of a permeable design and construction and ensure that surface water run off is retained at source. Rainfall or surface water run off must be directed to a permeable soakage area within the curtilage of the property or a permeable surfacing material used.

Reason

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

7. Prior to the first use of the converted garage, the off-street parking facilities and widened means of access shown on the plan hereby approved shall be provided, 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.

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0681/F	Applicant:	Mr And Mrs R Bacon
Site:	The Cottage Woodhouse Avenue Almondsbury South Gloucestershire BS32 4HT	Date Reg:	1st March 2013
Proposal:	Erection of two storey and single storey side extension to provide additional living accommodation. (Resubmission of PT12/2664/F).	Parish:	Olveston Parish Council
Map Ref:	361761 185215	Ward:	Severn
Application Category:	Householder	Target Date:	23rd April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0681/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's circulated schedule of applications as a representation has been received raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated to the north east of Almondsbury village in a hamlet known as Woodhouse Down on the east side of the A38 Gloucester Road. The site is situated on the north side of Woodhouse Avenue and is bounded by residential dwellings to the north and east, an access track to the west with open field beyond and with shared vehicular access onto Woodhouse Avenue to the south. The site comprises a traditional stone built two storey detached dwelling with detached outbuilding to the north and conservatory extension to the south.

The application site is situated outside any defined settlement boundary or the urban area and within the Bristol/Bath Green Belt as defined in the adopted Local Plan.

- 1.2 The application proposes erection of two storey and single storey side extension to provide additional living accommodation

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
H4 Development within Existing Residential Curtilages
T8 Parking Standards
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
CS5 Location of Development

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist – August 2007
Development in the Green Belt SPD (June 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PT05/0888/F Erection of replacement porch
Approved 03.05.2005

- 3.2 PT12/2664/F Erection of two storey and single storey side extension to provide additional living accommodation.
Withdrawn

4. **CONSULTATION RESPONSES**

- 4.1 Olveston Parish Council
No objection

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

Drainage Engineer – No objection. Informative related to building close to sewer required.

Wessex Water – No objection

Landscape Officer – No objection

Other Representations

- 4.3 Local Residents

One letter of objection received from the occupier of Sunnyside raising the following concerns:

- There is no submission for sewage disposal as the existing sewer passes through Sunnyside
- Removal of the hedgerow on Woodside Avenue is unacceptable as the street is lined by field hedges which are in keeping with the natural environment
- No public notice has been displayed to publicise the application.

5. **ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications. The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

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

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

unacceptable impact on residential and visual amenity. Policy GB1 of the South Gloucestershire Local Plan seeks to ensure that development within the Green Belt falls within the limited categories of appropriate development and does not impact adversely on the openness or visual amenity of the Green Belt.

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. A further day of Examination took place on 7th March 2013 and further modifications are requested. At this stage the Core Strategy therefore remains unadopted, but will be adopted in the near future. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

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

5.2 Visual impact

Policy D1 of the Local Plan requires all new development to be well-designed. The application site is situated within a semi rural context. The area is within the countryside outside any defined settlement boundary but the site forms part of a group of dwellings on the east side of the A38 giving the area a green but suburban character.

The existing dwelling is a traditional rural cottage constructed from stone with double Roman roof tiles. The proposal would create two new extensions to the sides of the dwelling resulting in a double piled appearance when viewed from Woodhouse Avenue to the south. A further lean to single storey extension is proposed on the south side of the dwelling. The extensions on the south side of the building would be visible from Woodhouse Avenue although views would be screened in the main by a large fence on the south boundary. The extension on the north side would be screened well from public views other than distant views from the east. However, the extensions would be of a traditional style and form and although the form and shape of the building would change as a result of the combined extensions, the resultant dwelling would still have a traditional form and design and the original dwelling would still be decipherable. The design and materials would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential amenity

The two extensions on the south side of the building would be situated away from Sunnyside to the north and would be located a distance of 25m from the

dwelling to the south and 60m from Colmar to the east. The proposal would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development or loss of privacy

5.4 Green Belt

Policy GB1 of the SGLP identifies limited categories of development for which permission can be given. Development that falls outside the limited categories as specified in policy GB1, will be considered inappropriate development and there is a general presumption against inappropriate development within the Green Belt. The limited categories of appropriate development for the construction of new buildings are:

- 1) Development for agriculture or forestry purposes;
- 2) Essential facilities for outdoor sports and recreation and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within it;
- 3) Cemeteries;
- 4) Limited extensions, alterations or replacement of existing dwellings provided that it does not result in disproportionate additions over and above the size of the original building;
- 5) Limited infilling within the boundaries of settlements as defined in the SGLP.

The NPPF has now introduces an additional category of appropriate development which is:

Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. Additionally, criteria 4 above now relates to any building within the Green Belt rather than exclusively dwellings. However, criteria 4 above has not changed in relation to residential extensions and as such the NPPF is consistent with the adopted Local Plan in consideration of this application.

The proposal as an extension to a dwellinghouse must be considered against criteria 4 above. The extension must therefore represent a proportionate increase over and above the original dwellinghouse in order to be considered appropriate development in the Green Belt.

The lean to conservatory on the side of the dwelling was clearly built after 1948 and would be replaced with the proposal. The conservatory does not constitute part of the original dwellinghouse and therefore should be considered in calculating the volume increase of the proposal. Additionally a side porch and rear coal bunker which formed part of the original dwellinghouse (as at 1948) have since been removed but must be included in the calculation of the original dwellinghouse. A front porch was built in 2005 under permission PT05/0888/F.

The porch replaced an original porch of similar volume. Considering all of these matters, the proposal is calculated to represent a 34.56% increase over the original dwellinghouse.

The SGC Development in the Green Belt SPD identifies up to a 30% increase over the original dwellinghouse to be a proportionate increase. Proposals with an increase of between 30-50% would be considered in relation to scale and proportion in relation to the scale of the house. In this case the proposed extensions would result in a 36.3% increase to the original dwellinghouse.

As the proposal exceeds the 30% threshold for acceptability of an extension as a proportionate increase, in accordance with guidance in the Council's Development in the Green Belt SPD particular regard should be had to whether the proposal would appear out of scale and proportion. Therefore although an extension of 34.56% increase to the original dwelling could be unacceptable, as the extension is clearly in keeping in design, form and scale terms to the original dwellinghouse and located tucked away from public views, the proposal is considered to constitute a proportionate increase to the original dwellinghouse using the tests in the Council's Development in the Green Belt SPD. As such the proposal is considered to be appropriate development, which would not adversely impact on the openness of the Green Belt. As indicated in par.5.2 above the proposal is considered to be acceptable in visual impact terms and as such would not adversely impact on the visual amenity of the Green Belt. The proposal is therefore considered to accord with policy GB1 of the adopted Local Plan.

5.5 Other issues

The neighbour has raised concern that the applicant has not made a submission for waste disposal. This is not required as part of the planning application process. The proposal would result in no significant increase in foul waste and as such the existing main connection is acceptable in planning terms for this scheme. The proposal would be subject to a more rigorous test of acceptability as part of any future Building Regulations application. Additionally, the Council's Drainage Engineer and Wessex Water have raised no objection to the development.

Concern has been raised by a neighbouring occupier that a hedgerow would be removed on the south boundary affecting the character and appearance of the area. There is no indication on the application that a hedgerow is to be removed. No hedgerow within the site is protected by the Hedgerow Regulations or Tree Preservation Order. As such any future loss of the hedgerow in question would be outside the Council's control. On this basis no significant weight has been attached to this matter as a material consideration.

Concern has been raised that no site notice was posted publicising the application. As the application is for householder development in accordance with the Council's adopted Statement of Community Involvement, the application was publicised by informing any neighbouring occupier individually by post rather than display of a site notice. The application was publicised in accordance with the Council's adopted procedure in this case.

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. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
- a) Due to its scale and position in relation to the adjacent dwelling, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
 - b) It has been assessed that the proposed extensions have been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
 - c) The proposed extensions would represent a proportionate increase to the size of the original dwellinghouse and would not impact materially on the openness and visual amenity of the Green Belt. As such the development therefore accords to Policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy D1 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0686/F	Applicant:	Mr K King
Site:	3 Tockington Lane Almondsbury Bristol South Gloucestershire BS32 4DZ	Date Reg:	1st March 2013
Proposal:	Erection of single storey front extension to provide additional living accommodation.	Parish:	Almondsbury Parish Council
Map Ref:	360067 184274	Ward:	Almondsbury
Application Category:	Householder	Target Date:	23rd April 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0686/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as an objection has been received from the parish council, contrary to officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent to (i) erect a rear dormer extension, (ii) erect a rear single storey extension, and (iii) erect a front extension to form additional living space.
- 1.2 The property is an end-terraced house in a row of 4no. houses situated within the Almondsbury village settlement boundary. The village is washed over by the Green Belt.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
D1 Design
H4 Development within Existing Residential Cartilages, including Extensions and New Dwellings
GB1 Development within the Green Belt

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT03/2893/F: Erection of rear gable dormer to facilitate loft conversion. Erection of two storey side extension to form garage and living room with bedroom and ensuite above to include front and rear dormer. Date 10.11.2003. **Approved with conditions.**
- 3.2 PT01/2658/F: Erection of two storey side extension and roof conversion with rear gable dormer. Date 10.12.2001. **Approved with conditions.**
- 3.3 P99/1984: Erection of two storey side extension and erection of garages. Date 27.08.1999. **Approved with conditions.**

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Object on grounds of design, visual appearance and on highway issues. Noted that the details on the application form and documents submitted by the Council differed significantly.

4.2 Community Spaces

No comment

4.3 Landscape Officer

No comment

4.4 Highway Drainage

No objection

4.5 Wessex Water

Advised applicant to refer to them regarding proximity of public sewer to the development.

Other Representations

4.6 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The previous planning permissions granted have established a principle of development for some of this proposal. The 2003 permission granted consent for a similar front extension to increase the entrance lobby and provide a WC, and also a full-width gable roofed dormer in the rear roof slope. The dormer shape has been revised for this application. There have been no previous applications for the ground floor rear extension.

Development within the curtilage of existing dwellings (including extensions) is assessed through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The policy is largely supportive of residential extensions subject to tests of design and character, and effect on public and residential amenity. Overall design standards for the district are set out in policy D1.

Extensions within the Green Belt are acceptable under policy GB1 provided they form proportionate additions to the original building.

The application seeks permission for three aspects of development at the property. It is noted that both the rear extension and dormer window aspects proposed could be implemented under permitted development rights, without the need for planning permission.

5.2 Design / Green Belt

The terrace of which the property is part sits at the top of a ridge sloping into open fields to the west. Although the property is on the 'inner'-end of the terrace, the rear is partially exposed and may be visible in long views from open land. As such the design and scale of the dormer will need to be well-proportioned to the existing building and respect the open character of the Green Belt.

The proposed dormer is less than the full width of the house, and so narrower than that approved in the 2003 permission. It appears more clearly as an addition to, rather than part of, the roof than the previous scheme. However it is limited to the upper half of the roof and thus does not dominate the roof space. It has a pitched roof similar to the existing roof style, and will be constructed of materials to match the existing property. The windows in the dormer are well positioned and are in vertical alignment with equivalent features on the first and ground floor.

The property has an existing flat-roofed utility area protruding from the rear elevation. This will be extended to the east by approximately 1.6 metres and a hipped roof applied to the enlarged feature. The scale of the extension and materials are considered to be acceptable.

The roof slope, materials and window positioning of the front extension are in-keeping with the front of the existing property. It is suitably scaled relative to the existing and will appear as an unobtrusive and well-proportioned addition to the house. The dormer may be visible in distant views from Marshwall Lane, however any impact of its appearance on the Green Belt will not be to an extent that warrants refusal.

Taking the above aspects of the development into account it is considered the design of the proposal meets the criteria set out in policy D1 and GB1.

5.3 Residential amenity

The rear extension will not result in an unacceptable loss of amenity space to the property and will not be visible, and therefore not affect, the occupiers of no. 5.

The front extension will be partially visible to the neighbouring property at no. 5. However as the extension is relatively shallow (1.2 metres), and the front elevation sits slightly behind that of no. 5, any loss of amenity will not be to an unacceptable degree.

5.4 Public amenity

The row of four terraces forming 3-7 Tockington Lane sit on a sharp corner and are prominent in views along the Lane heading into or out of the settlement. The ground floor of the terrace is partially obscured by wild planting along Marshwall Lane. The principal elevation of each house sits slightly ahead of its neighbour, which creates a 'stepped' appearance. In combination they provide a degree of visual interest in the street scene and focal point on approach to the corner.

The extension will disturb the 'staggered' effect of the principal elevations of the terrace, however as this will only be at the already partially-obscured ground floor level this is considered to be acceptable.

The rear extension will not be visible from public views and the dormer will not be distinguishable from the existing house at the distance from the nearest public viewpoint.

In conclusion to sections 5.4 and 5.5, the proposal is considered acceptable in terms of policy H4.

5.5 Other considerations

The majority of comments received in consultee responses have been assessed and responded to within the report. The Parish Council also objected on highway issues but have not elaborated on this point. It is considered there are no highway issues in respect of this application.

6. **CONCLUSION**

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

6.2 Given the nature of the existing site it is considered that the proposal would not have a detrimental impact on the residential amenity of the site or neighbouring properties. The design of the proposal is informed by and respects the character of the site and locality. The scale and materials proposed are considered acceptable in the context of the existing building and its location within the Green Belt. Accordingly the proposal is considered acceptable in terms of policies D1, H4 and GB1 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. **RECOMMENDATION**

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

Contact Officer: Christopher Roe
Tel. No. 01454 863427

CONDITIONS

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

Reason

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

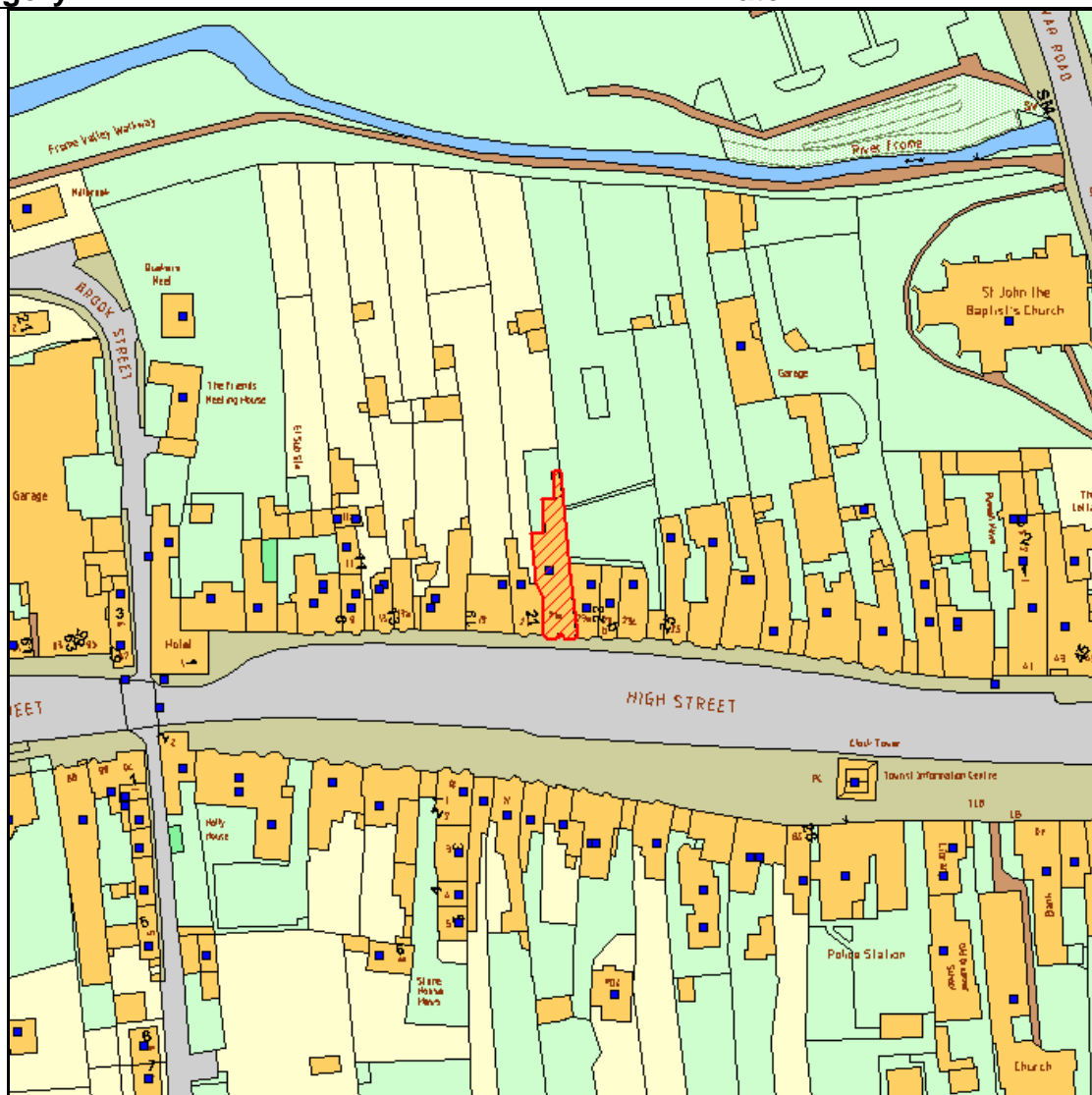
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 15/13 - 12 APRIL 2013

App No.:	PT13/0703/RVC	Applicant:	Hamptons DelicatessenHamp tons Delicatessen
Site:	Hamptons 21A High Street Chipping Sodbury Bristol South Gloucestershire	Date Reg:	4th March 2013
Proposal:	Variation of condition 2 and 5 attached to planning application PK07/1257/F to allow Sunday opening and the use of courtyard by customers.	Parish:	Sodbury Town Council
Map Ref:	372651 182247	Ward:	Chipping Sodbury
Application	Minor	Target	25th April 2013
Category:		Date:	



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0703/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as representations have been received from local residents and members of the public, which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the variation of conditions 2 and 5 attached to decision notice PK07/1257/F to allow Sunday opening hours and use of the outdoor courtyard for customers.
- 1.2 Planning permission was granted on 1st February 2008 under reference PK07/1257/F for the change of use from retail (Class A1) to culinary retail/café with ancillary office (sui generis). The conditions referred to in the current application are as follows:

- 2: *The use hereby permitted shall not be open to customers outside the following times Monday -Saturday (inclusive) 08.00am- 18.00pm.*

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 5: *The use hereby authorised shall not take place anywhere on the site except within the building that forms part of the red edge plan dated the 22nd January 2008*

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.3 The application relates to an authorised mixed-use café and retail unit (sui generis) located on a primary shopping frontage. The site is a grade II listed building situated within the Chipping Sodbury Conservation Area.
14. During the course of the application the agent made the following comments in support of the application:
- Distinction between bookmaker and a café.
 - Distinction between people outside having a coffee and a chat (daytime only) with groups of people in a pub (evening use).
 - Consideration to town centre (primary frontage) location.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- RT1 Development in Town Centres
- RT9 Changes of use of Retail premises within Primary Shopping Frontages in Town District Centres
- L13 Conservation Areas
- L14 Listed Buildings

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

- 2.3 Supplementary Planning Guidance
Chipping Sodbury Conservation Area SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 **PK07/1257/F and PK07/1268/LB** - Change of use from Retail (Class A1) to Cullinary Retail/Cafe with ancillary office (Sui Generis) as defined in the Town and Country Planning (use classes) Order 2005. **Approved 1st February 2008**
- 2: *The use hereby permitted shall not be open to customers outside the following times Monday -Saturday (inclusive) 08.00am- 18.00pm.*
 - 5: *The use hereby authorised shall not take place anywhere on the site except within the building that forms part of the red edge plan dated the 22nd January 2008.*
- 3.2 **PK05/1926/F and PK05/1908/LB**- Partial change of use of ground floor from Retail (Class A1) to Betting Office (Class A2) as defined in the Town and Country Planning (use classes) Order 2005. Installation of air conditioning unit and replacement doors to rear elevation. **Withdrawn 3rd October 2005**
- 3.3 **PK02/3088/F** - Change of use of part of retail unit (A1) to betting office (A2). **Refused 27th February 2003. Appeal Dismissed.**
- *The proposed subdivision of the retail unit and the introduction of the betting shop (A2) use would result in a change in the nature of the use and an intensification of activity at the site. In the opinion of the Local Planning Authority this would be seriously detrimental to the residential amenity of the occupiers of the adjoining property, and contrary to criterion (C) of Policy RT9 of the South Gloucestershire Local Plan (Revised Deposit Draft), and Policy LP20 of the adopted Yate & Chipping Sodbury Local Plan.*

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Conservation Officer
No objection
- 4.3 Community Spaces
No comment

4.4 Highway Drainage
No comment

Other Representations

4.5 Local Residents

Three letters of support and three letters of objection have been received from local residents and members of the public. The comments are summarised below:

4.6 Supporting Comments

- Always found them (Hamptons) to be considerate neighbours.
- As they are already well supported they can only be an asset to the High Street.
- At present options are limited, especially on Sundays..
- Society today uses, and expects, outside area.
- Customers who use Hamptons are very unlikely to create any nuisance.
- Allowing Sunday opening would enhance local facilities significantly.
- As a local resident I want viable businesses that bring prosperity to the local community.
- The arrival of Waitrose will already increase the number of visitors and local businesses should be capitalising on this – enabling them to provide extra jobs and strength to the local business community.
- The courtyard will be a significant improvement to their offering.
- The walkway to the new Waitrose is not far down the street anyway – cannot see that this will add much to noise levels.

4.7 Objection Comments

Two of the objecting comments raise no objection to the variation of condition 2 but do object to the variation of condition 5. One letter objects to the variation of both conditions.

- No circumstances have changed since the conditions were put in place.
- Amendments would adversely affect the quality of life for all residents from 15-21 inclusive.
- Local and national policy seeks to ensure development does not adversely prejudice residential amenity.
- The courtyard is less than 12 foot from my back garden wall.
- This is not the first time proposals have been made to use the back courtyard for customer use – reference original application by Hamptons and PK02/3065/LB.
- This application makes no concessions or reference to resolving issues highlighted in previous applications.
- Reference paragraph 5.11 of D&A statement – there are over a dozen or so pubs and restaurants but they are not of direct comparison to Hamptons – they offer fundamentally different clientele at different core times. None of which contain both an open area of premises and close to residential premises. – *(References are made to specified pubs and cafes).*
- Hamptons have not been treated harshly – regulations were made for the peace and wellbeing of the neighbours in nearby properties.
- Noise pollution – reference Mr Steve Lansdown of the Planning Inspectorate – PK02/3224/LB and PK02/3088/F – paragraphs 18, 20, 22.

- The report highlights the unacceptable noise levels that would occur from the use of the courtyard. – Although the report refers to a betting shop nothing has changed structurally.
- Noise would funnel out the open back door.
- Reference made to correspondence in 2007 (PK07/1268/F) – use of courtyard strongly resisted.
- Air pollution and smell of food together with people smoking. Smells would transfer into residential garden areas. Restriction of smoking would not be enforceable.
- Detrimental effect on health and wellbeing.
- Loss of privacy – in particular use of garden.
- Residential development plays an important role in ensuring the vitality of town centres.
- Long-term future of listed buildings will be put at risk as a result of the proposal.
- Each application should be judged on its own merit.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application refers to conditions 2 and 5 of application PK07/1257/F, which consider the opening hours of the approved use, and the use of the outdoor courtyard. As such, with reference to policies RT1 and RT9, in this application consideration is given to town centre function, viability and vitality, environmental impacts, and residential amenity.

5.2 Town Centre Viability and Vitality

Policies RT1 and RT9 refer to the overall vitality and viability of town centres. This is highlighted again within national guidance under section 2 of the National Planning Policy Framework. The application site consists of a mixed use café and delicatessen within the primary shopping frontage of Chipping Sodbury. In this respect South Gloucestershire Council seek to protect and enhance the vitality of town centres encouraging a broad range of accessible retail, leisure, community, service and commercial facilities. Town centres should have scope to expand, modernise and diversify to meet changing conditions. In this instance the provision of Sunday opening hours and use of the courtyard is acceptable in principle provided it does not have unacceptable environmental impacts and does not prejudice residential amenity.

5.3 Residential Amenity

In this instance significant weight is given to the impact of the proposal on residential amenity. Conditions 2 and 5 of planning application PK07/1257/F were both imposed in order to protect the amenities of the occupiers of nearby dwelling houses. Under application PK07/1257/F consideration was given to the previous appeal decision for application PK02/3088/F and PK02/3224/LB, which sought permission for the change of use of part of the retail unit (A1) to a betting office (A2). The appeal was dismissed on 14th October 2003. Within this appeal decision the Planning Inspectorate referred directly to the residential amenity of the surrounding residential dwellings with the following conclusions:

To my mind, the proposed use as a betting shop would be inherently noisy, due both to the continuous racing news broadcasts, and the responses of customers to them. The intensity of use by customers at some times of the day and evening could be substantial. I consider that there would be significant noise and disturbance...to the adjacent garden area, to the dining room which has a bay window with a door to outside, and the bedroom above. In my view, the extended opening hours during the summer evenings and every Sunday would be unacceptably intrusive at a time when residents would expect to be able to enjoy the peace and quiet of their rear gardens and open windows. The front elevations are built directly up to the public pavement, which makes the private rear garden of particular importance to the quality of life of the occupiers. I understand that the present use is not subject to limitations on its hours of operation. However, in my opinion, the proposed use would be significantly more intrusive to the residential environment to the rear than the usual range of retail activity and the hours of AI operation in such a location.

If the rear doors of the proposed betting shop were open, this would be particularly intrusive, accentuated by the close physical relationships and hard surfaces of the buildings and boundaries.

- 5.4 When considering application PK07/1257/F for the change of use to the current mixed use (sui generis) Officers considered the nature of the proposed mixed use delicatessen and café in comparison to the previously refused betting office. It was considered that the proposed hours of Monday-Saturday (inclusive) 08:00-18:00 would be acceptable provided the outdoor courtyard was not used and was subject to the condition that the use would not be operated on Sundays. In this instance significant weight was given to the previous appeal decision. In this application for the variation of conditions 2 and 5 regard is given to any changes in terms of impact on residential amenity. It is considered that the characteristics of the site have remained the same and as such significant weight will still be given to the previous appeal decision, in particular with reference the use of the courtyard. For clarity the following paragraphs will consider the two conditions separately.

5.5 Condition 2 – Opening Hours

The application seeks to vary condition 2 to allow opening hours Monday – Saturday (inclusive) 08:00-18:00, and Sundays 09:00 – 17:00. The previous appeal decision refers to extended summer and Sunday opening hours as unacceptably intrusive at a time when residents would expect to be able to enjoy the peace and quiet of their rear gardens and open windows. It is acknowledged that the appeal decision relates to a betting office, which would be inherently noisy with broadcasting and customer reactions, however the appeal decision relates only to the use of the building (with an open rear door) and not the use of the courtyard.

- 5.6 In this case, with regard to the current use of the site as a mixed used café and delicatessen it is considered that the extended opening hours, although having some impact on residential amenity, would not have the same detrimental impact as the previous proposed betting office provided the courtyard remains

- unused. It is considered that extended opening hours would improve the vitality and viability of the town centre providing greater choice for the local community. In this respect it is considered that the extended opening hours are acceptable.
- 5.7 Application PK07/1257/F was subject to a condition for the submission and approval of sound proofing measures relating to a section of the adjoining wall within the café area. There is no record for the discharge of this condition. As such these details must be submitted within three months of the decision notice for this application and approved details must be retained as such thereafter.
- 5.8 Condition 5 – Courtyard
The application proposes to vary condition 5 to allow the use of the area hatched black on Block Plan (Rev B) dated 22/03/2013. Numbers 17-21 High Street are in residential use with the rear garden of number 21 High Street flanking the rear yard of number 21A. The rear garden of 19 High Street is also in close proximity. The Planning Inspectorate considered that noise would be accentuated by the close physical relationships and hard surfaces of the buildings and boundaries. It is considered that this remains the case at present. In light of this, with regard to the use of the courtyard, it is considered that noise from the courtyard associated with the café use of the site would be unacceptably intrusive to the rear gardens of the nearby residential dwellings to the detriment of their residential amenity. It is considered that the impact on residential amenity outweighs any gain achieved in terms of town centre vitality and viability.
- 5.9 Listed Building/ Conservation
The proposal would not result in any material changes to the fabric of the listed building or the conservation area. There are therefore no concerns in terms of impact on the historic environment.
- 5.10 Other Matters
Representations have been made both in support and opposition to the applications. A decision has been made based on the merits of the site with regard to adopted local and national planning policy and material considerations. Consideration has been given to the use of the site as retail and café unit - decisions cannot be made based on the current occupier.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) The Planning Act 1990 (as amended), 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 variation of condition 2, for the extended opening hours, would positively contribute to the viability and vitality of the town centre offering greater opportunities for the local community. Provided the courtyard is not used it is considered that the extended opening hours would not have a detrimental impact on the residential amenity of nearby occupiers. The

proposed opening hours are therefore in accordance with policies RT1 and RT1 of the adopted Local Plan, and national guidance under the National Planning Policy Framework. The recommendation is to approve the variation of this condition.

- 6.3 It is considered that the use of the rear courtyard, by virtue of its close proximity to neighbouring residential dwellings, would be unacceptably intrusive to the residents of these dwellings, to the detriment of their residential amenity. The proposal to use the courtyard is therefore contrary to policies RT1 and RT9 of the South Gloucestershire Local Plan (Adopted) 2006. This condition will not be varied.
- 6.4 The recommendation to approve the variation of condition 2 has been taken having regard to the policies in the South Gloucestershire Local Plan set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That the variation of condition 2 is approved.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The use hereby permitted shall not be open to customers outside the following times: Monday -Saturday (inclusive) 08.00am - 18.00pm, and Sundays 09:00am - 17:00pm

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies RT1 and RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. No deliveries shall be taken at or despatched from the site outside the hours of Monday -Saturday (inclusive) 08.00am- 18.00pm nor at any time on Sundays, Bank or Public Holidays.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Within 3 months of this decision notice details of sound proofing measures relating to a section of the adjoining wall within the proposed cafe area shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details and retained as such thereafter.

Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The use hereby authorised shall not take place on any external areas associated with this planning unit (21A High Street, Chipping Sodbury).

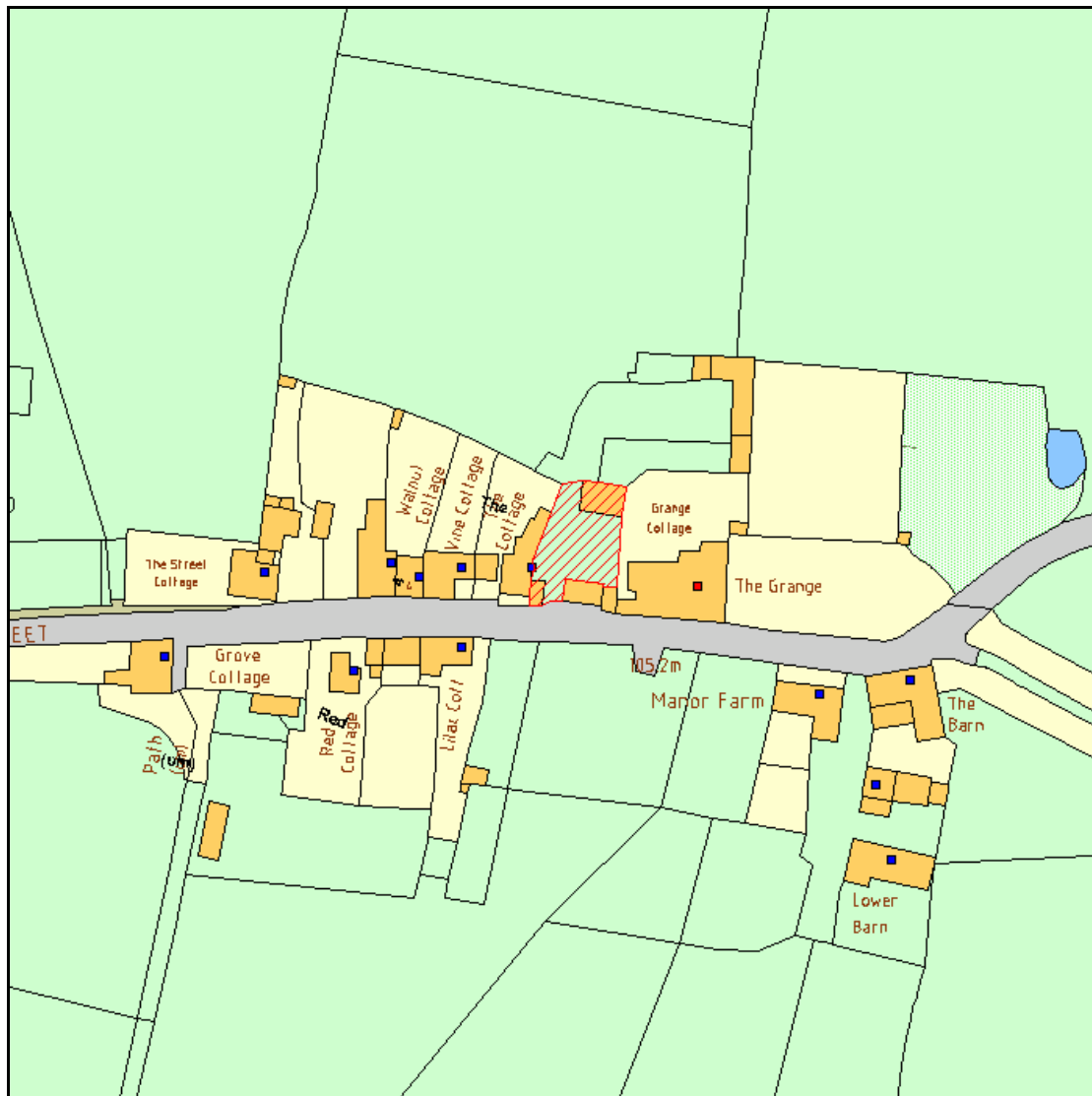
Reason:

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy RT9 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 15

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0761/F	Applicant:	Mr Joe Squier
Site:	The Grange The Street Alveston Bristol South Gloucestershire	Date Reg:	5th March 2013
Proposal:	Conversion of barn to form 1no. dwelling with associated works. (Re- submission of PT12/2196/F).	Parish:	Alveston Parish Council
Map Ref:	363930 188043	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	25th April 2013



© South Gloucestershire Council 2007.all rights reserved.
This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the
Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
100023410, 2008. **N.T.S.** **PT13/0761/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because concerns have been raised by the Parish Council and a neighbouring occupier contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the conversion of a barn to form 1no. dwelling with associated works. The application forms a resubmission of application PT12/2196/F, which was refused for the following reasons...

The proposed alterations to facilitate the conversion to residential will have a detrimental effect on the character and appearance of the curtilage listed building to the detriment of the character and visual amenity of the area and the setting of the grade II listed building The Grange. The proposal is therefore, contrary to policies H10 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

Insufficient evidence has been submitted to demonstrate that all reasonable attempts have been made to secure a suitable business reuse for the building. The proposal is therefore, contrary to policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

- 1.2 The application site comprises a curtilage listed stone outbuilding associated with the grade II listed building The Grange. The building is situated on the northern side of The Street and is set back from the street behind existing built form. The building abuts open fields directly to the north. The site is located within the open Green Belt outside of any defined settlement boundary.
- 1.3 The proposed conversion provides a kitchen and living room at ground floor level, with a bathroom and two bedrooms at first floor level.
- 1.4 A listed building application PT13/0811/LB has been submitted in conjunction with this application.
- 1.5 Due to time constraints the application is being circulated to Members even though the consultation expiry date has not passed. However, if any new consultations are received which raise issues that have not already been considered then the application will be re-circulated.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes
L13 Listed Buildings

T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
L9 Species Protection
EP1 Environmental Pollution

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

CS1 High Quality Design
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-Safeguarded Economic Development Sites
CS34 Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)
Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/2196/F, conversion of barn to form 1no. dwelling with associated works, 14/12/12. Refused for the following reasons:

The proposed alterations to facilitate the conversion to residential will have a detrimental effect on the character and appearance of the curtilage listed building to the detriment of the character and visual amenity of the area and the setting of the grade II listed building The Grange. The proposal is therefore, contrary to policies H10 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

Insufficient evidence has been submitted to demonstrate that all reasonable attempts have been made to secure a suitable business reuse for the building. The proposal is therefore, contrary to policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

- 3.2 PT13/0811/LB, internal and external repairs and alterations including 2no. rooflights, 1no vents in front elevation and substitution of door with window at first floor level, to facilitate the conversion of building to 1no. dwelling. (Re-submission of PT12/2197/LB), undecided.

- 3.3 PT12/2197/LB, internal and external repairs and alterations including 3no. rooflights, 2no vents in front elevation and substitution of door with window at first floor level, to facilitate the conversion of building to 1no. dwelling, 04/01/13. Refused for the following reason:

The internal and external alterations proposed to facilitate the conversion to residential will have a detrimental effect on the character and setting of the curtilage listed building and the setting of the grade II listed building The Grange. The proposal is therefore, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained in the National Planning Policy Framework.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection, however, we request planners to ensure there is no potential for on-street parking as The Street is very narrow at this point.
- 4.2 Community Spaces
No comment.
- 4.3 Transportation DC Officer
There is no transportation objection raised to the proposed development.
- 4.4 Environmental Protection Officer
No objection subject to a condition regarding potential land contamination
- 4.5 Drainage Officer
No objection
- 4.6 Ecological Officer
No objection subject to condition
- 4.7 Listed Building Officer
No objection subject to conditions

Other Representations

- 4.8 Local Residents
One letter of objection has been received by a neighbouring occupier. The occupier objects on the basis that the proposal will allow for views directly into their rear garden from a close proximity from a window proposed in the western (side) elevation.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Green Belt
The National Planning Policy Framework (NPPF) still places an emphasis on protecting the openness of the Green Belt. It states that Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. The NPPF states that the re-use of buildings, provided that the buildings are of permanent and substantial construction, is not inappropriate development provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. This advice is generally reflected by planning policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006, which allows for the change of use of land and existing buildings in the Green Belt. The main issues to consider are whether the proposal will have a materially greater impact on

the openness of the Green Belt than the present authorised use; whether the building is permanent and substantial in construction and can be converted without major or complete reconstruction; and whether the design of the building is in-keeping with the surroundings.

- 5.2 The applicant has submitted a structural survey prepared by TG Designs LTD dated October 2012. The report concludes that the application building is of permanent construction and structurally sound to a degree where it is capable of conversion without major or complete reconstruction and that the works generally involve localised repairs. The building appeared solid and in sound condition when the officer visited the site, and a Council Building Control Officer inspected the building in the previously refused application (PT12/2196/F) and was in agreement with the structural report submitted that the barn could be converted without major or complete reconstruction. No alterations are proposed to the scale or form of the building, therefore, the conversion of the building will not have a materially greater impact on the openness of the Green Belt.
- 5.3 An area of private amenity space, is allocated for the converted building which will likely impact on the character and openness of the Green Belt due to domestic paraphernalia; however, weight is given to the fact that it is relatively small in size in comparison to neighbouring gardens covering an area of approximately 82 square metres. Accordingly, the proposed domestic use will not encroach significantly far into the countryside and will not therefore, have a materially greater impact on the openness of the Green Belt than the existing situation. If permission is granted conditions are recommended to remove permitted development rights in the interests of the openness of the Green Belt and to protect the historic context and for details of appropriate boundary treatments to be submitted.
- 5.4 The building is curtilage listed and is clearly historic; according to the applicant it was formerly a barn used for stabling. It is of modest scale and simple proportions and comprises traditional character. It is considered therefore, that the design of the existing building is in-keeping with the surrounding area. Accordingly, the principle of the development in the Green Belt is acceptable and accords with policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
- 5.5 The NPPF implies that Local Planning Authorities should support economic growth in rural areas in order to create jobs and prosperity by promoting the sustainable growth and expansion of all types of business and enterprise in rural areas through the conversion of existing buildings.
The NPPF indicates that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. Policy H10 of the South Gloucestershire Local Plan (adopted) January 2006 also recognises that the re-use of rural buildings for residential purposes can have merits in terms of reducing vandalism and the demand for new buildings in the countryside and

allows for the principle of the development. However, the Council's first priority is for buildings to be re-used for purposes that make a positive contribution to the rural economy, i.e. for agricultural, industrial, commercial or tourism purposes. Accordingly policy H10 of the Local Plan requires that all reasonable attempts are made to secure a suitable business re-use before a residential re-use is considered. Given that the overarching aim of the NPPF is for economic growth it is considered that this part of policy H10 still holds significant weight and should to be adequately addressed by proposals. Policy CS13 of the Core Strategy also states that proposals for residential re-use of buildings will need to be accompanied by a statement clearly demonstrating that a marketing appraisal has been undertaken to assess alternative economic development uses. Accordingly, the main issues to consider are whether all reasonable attempts have been made to find a suitable business re-use (policy H10 of the Local Plan); whether the buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction (policies GB1 and H10 of the Local Plan); whether the buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design (policies GB1 and H10 of the Local Plan); whether the development including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area (policies D1, GB1, H10, L1 and L13 of the Local Plan); whether the buildings are well related to an existing settlement or other groups of buildings (policy H10 of the Local Plan); the impact on the residential amenity of neighbouring occupiers (policy H10 of the Local Plan); and the transportation effects (policy T12 of the Local Plan).

5.6 Use Considerations

The previous application (PT12/2196/F) was refused for the following reason:

Insufficient evidence has been submitted to demonstrate that all reasonable attempts have been made to secure a suitable business reuse for the building. The proposal is therefore, contrary to policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.7 In response, the applicant has submitted a market appraisal carried out by Voyce Pullin on the viability of the building for a suitable business reuse. The report highlights the following points: agricultural and industrial uses are unworkable due to the close proximity of residential properties; the current downturn in the economy means that demand for such offices that have been converted from redundant farm buildings has now all but dried up and generally there is vacant space in both rural and established urban areas (this current situation is acknowledged by the proposed changes to Permitted Development Rights to try to bring these buildings back into use; the report states that only rural conversions which are in truly 'prime' location and can provide extensive car parking or, exceptionally, are close to public transport links, are likely to receive any serious market interest. The report states that were the subject building to be converted into offices it would be extremely difficult to find a tenant in the current economic climate. The building is of limited internal area – bearing in mind the high cost of conversion it is very unlikely that an economic return would result from an office reuse and it is highly doubtful that any lending institution would fund such a project. The report states that access to the

building from the public road is restricted in width and the shared car parking on site is limited; there is virtually no demand at a commercial level for 'craft – type' uses which could give a viable alternative use to this building. The report states that a holiday cottage use is only a feasible solution where the property is located within a well-defined tourist area; although the South Gloucestershire area generally will attract a certain number of visitors it cannot be described as a prime 'destination location' and the report suggests that there is ample existing tourist accommodation to meet demand. The report summarises that, having regard to recent nearby precedents, a residential conversion is the most suitable and only economically viable use for the building.

- 5.8 Given the market appraisal report submitted, it is considered on balance, that it is unlikely that a viable business re-use or mixed use scheme could found for the building. Accordingly, the proposed residential re-use is not contrary to the aims of policy CS13 of the Core Strategy or policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.9 Appearance/Form and Impact on the Character of the Area and Listed Building
Issues relating to whether the building is in-keeping with the character of the area and capable of conversion without major or complete reconstruction have already been considered in paragraph 5.2 of the report.

- 5.10 The previous application (PT12/2196/F) was refused for the following reason:

The proposed alterations to facilitate the conversion to residential will have a detrimental effect on the character and appearance of the curtilage listed building to the detriment of the character and visual amenity of the area and the setting of the grade II listed building The Grange. The proposal is therefore, contrary to policies H10 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.11 The existing building is a single storey stone built structure of simple proportions and modest scale. It will have originally served as a stable or outbuilding serving The Grange , a grade II listed building dating from the seventeenth century and is located within close proximity to the southeast. The building retains historic features and fabric and therefore, possesses traditional character. No changes are proposed to the scale or form of the building and the proposal generally utilises the existing openings in the main walls of the building, which is the correct approach. The applicant states that the existing rotten sash windows and solid timber doors will be replaced by matching units. The residential paraphernalia associated with the conversion to residential such as velux rooflights, extract vent and outlet have been located to the rear roofslope of the building. This is considered to be an improvement over the previously refused application where they were located in the principal elevation thus harming the traditional character of the building. In addition venting is also proposed through ridge tile vents, which will be relatively inconspicuous. The revised scheme is therefore, considered acceptable in terms of design. There are however, points that still require clarification. The drawings state that the windows and doors will be repaired where possible, while the supporting statement states they will be replaced. Wherever possible historic fabric should be repaired and a condition is therefore, recommended on this basis. The

design of any external timber louvers required on the gable first floor window to prevent overlooking should be submitted for consideration. If vertical these would reflect the vertical boarded door.

- 5.12 In terms of landscape impacts, the building is generally screened from views from The Street to the south by existing built form but is open to views from the open countryside to the north notwithstanding a low stone wall and hedgerows that provide partial screening. The most significant impact of the proposal on the character of the landscape is the inevitable domestic paraphernalia associated with the residential curtilage. Notwithstanding this, the proposed residential curtilage indicated by the red line site plan is not significantly large and will not encroach significantly further into the countryside than existing gardens associated with neighbouring properties in The Street. If permission is granted a condition is required with regards to the design and location of boundary treatments.

5.13 Environmental Considerations

Ecology

An ecological survey has been submitted of the use of the building by bats dated 13th October 2012 by Abricon. No signs of use by bats were observed during an internal/external inspection of the building and no bats were recorded during the dawn/dusk survey. Weight is given to the fact that no ecological objections were raised in the previous application (PT12/2196/F), however, officers recommended a condition in the event of permission being granted to ensure that the development is carried out in accordance with the recommendations contained in section 8 of the ecological report. Accordingly, subject to the same condition, there are no ecological objections to the proposal.

- 5.14 The applicant has indicated that foul water drainage is to be provided via a septic tank at the rear of the building. A percolation test has been carried out on site, which indicated a maximum time for complete soakaway of 2 hours, which indicates a percolation value of 24. The Council's Drainage Officer has raised no objections to the proposed method of drainage.

5.15 Transportation

The existing vehicular access off The Street will serve the proposed dwelling, whilst two parking spaces are proposed to the front of the dwelling. The Parish Council's Concerns are noted, however, it is considered that the proposal will not result in a material increase in on-street parking to the detriment of congestion or high safety. The level of parking proposed accords with the Council's Residential Parking SPD (adopted). Officers note that visibility from the access is sub-standard in relation to the posted speed limit (National speed limit), however, vehicle speeds and the number of vehicles using this highway is low and constrained by the predominantly single-track nature of the rural road. Accordingly, it is considered that the visibility available is acceptable given the context. The building is located within close proximity to other buildings located on both sides of The Street and, therefore, it does not occupy an adversely isolated location.

5.16 Residential Amenity

No alterations are proposed to the scale or form of the building; therefore, the proposal will not have a significantly greater impact on the residential amenity of neighbouring occupiers than the existing situation in terms of loss of natural light or outlook. The proposal primarily utilises existing openings in the building, however, 2no. additional roof lights are proposed in the rear (north) roof slope and an existing blocked opening at first floor level in the western side elevation is to be opened to form a window. Careful consideration is required as to the impacts of the additional openings on the privacy of neighbouring occupiers. The proposed first floor window in the western side elevation would allow for an unreasonable degree of overlooking into the rear garden of the neighbouring property given that is located at a distance of approximately 4.5 metres from the boundary. It is however, considered that the overlooking issue could be overcome by conditioning the window to be covered by external louvers to restrict views into the neighbouring garden. As this issue could be dealt with adequately by condition it will not form a reason for refusal.

- 5.17 The rooflights proposed are located high enough up the roofslope to ensure that no significant adverse overlooking issues will be introduced. Although the bedrooms proposed do not benefit from an outlook, especially if the window proposed in the western side elevation is obscure glazed, taking into consideration the ground floor accommodation, size of the rooms proposed and the allocated private amenity space, it is considered that there is no reason why the proposal could not provide an acceptable standard of living accommodation for future occupiers.

6. CONCLUSION

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

The proposal relates to the change of use of an existing former agricultural building to residential; the application building is substantial and in-keeping with the character of the surroundings, and change of use of the building will not have a significantly adversely greater impact on the openness of the Green Belt than the existing situation. The principle of the development is therefore, acceptable by virtue of policies GB1 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

Sufficient information has been submitted to demonstrate that a business re-use of the building is not viable. The proposal therefore, is not in conflict with policy CS13 of the South Gloucestershire Core Strategy or policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

The alterations proposed relating to the residential re-use will not adversely affect the character of the grade II curtilage listed building or the setting of the grade II listed building The Grange, and will not adversely affect the character or visual amenity of the surrounding landscape. The proposal therefore, accords with policies D1, H10, L1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse ecological or transportation issues and accords with policies T12, L9 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

Subject to a condition to ensure that the window in the western side elevation is obscure glazed or covered by appropriate external louvers to prevent views into the neighbouring garden, it is considered that the proposal will not have a significant adverse affect on the residential amenity of neighbouring occupiers through loss of natural light or privacy. The proposal therefore, accords with policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

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

Reason

In the interests of the character and visual amenity of the area and to accord with policies D1, L1 and L13 of the South Gloucestershire Local Plan (adopted) January 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, C, D, E, F, G and H), or any minor operations as specified in

Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

Given the small size of the proposed garden, Green Belt location and the historic context there are exceptional circumstances for removing permitted development rights to accord with policies H10, GB1 and L13 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The development shall be carried out in accordance with the recommendations relating to bats contained in section 8 of the bat survey dated 13th October 2012 by Abricon forming part of the application.

Reason

In the ecological interests of the site and to accord with policies L9 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

5. Prior to the commencement of the development the design of timber louvers required on the gable first floor window shall be submitted to and agreed in writing by the Local Planning Authority. (For the avoidance of doubt the timber louvers should prevent overlooking into the neighbouring garden). The development shall be carried out in accordance with the agreed details prior to the first occupation of the building and retained thereafter.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

Reason

To ensure an acceptable standard of appearance in the interests of the character of the grade II curtilage listed building and to preserve the setting of the grade II listed building The Grange and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

6. Notwithstanding previously submitted details and prior to the commencement of the development the detailed design, including materials and finishes, of the following items, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by elevation and section drawings at a scale of 1:5 (including sections) and the development shall be completed strictly in accordance with the approved drawings:
 - a. all new windows (including cill and head details)
 - b. all new doors (where existing historic doors cannot be repaired)
 - c. all new vents and flues
 - d. Eaves
 - e. rooflights

Reason

To achieve a high quality standard of appearance to preserve the character of the grade II curtilage listed building and the setting of the grade II listed building The

Grange and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

7. Prior to the commencement of the development a representative sample panel of lime mortar pointing of at least one metre square, showing mortar and jointing, shall be erected 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 for consistency.

Reason

To achieve a high quality standard of appearance to preserve the character of the grade II curtilage listed building and the setting of the grade II listed building The Grange and to accord with policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

8. A) The previous use of the building and adjacent land for agricultural purposes may have given rise to contamination. Prior to commencement, an investigation shall be carried out by a suitably qualified person, into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

Reason

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

9. No windows other than those shown on the plans hereby approved shall be inserted at any time in the western and eastern side elevations of the property.

Reason

To protect the privacy of neighbouring occupiers and to accord with policy H10 of the South Gloucestershire Local Plan (adopted) January 2006.

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

Reason

To ensure the satisfactory provision of parking facilities and in the interests of highway safety and the amenities of the area and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 15/13 – 12 APRIL 2013

App No.:	PT13/0811/LB	Applicant:	Mr Joe Squier
Site:	The Grange The Street Alveston South Gloucestershire	Date Reg:	12th March 2013
Proposal:	Internal and external repairs and alterations including 2no. rooflights, 1no vents in front elevation and substitution of door with window at first floor level, to facilitate the conversion of building to 1no. dwelling. (Re-submission of PT12/2197/LB)	Parish:	Alveston Parish Council
Map Ref:	363930 188043	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	2nd May 2013



© South Gloucestershire Council 2007.all rights reserved.

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

100023410, 2008.

N.T.S.

PT13/0811/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because concerns have been raised by the Parish Council contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks listed building consent for internal and external repairs and alterations including 2no. rooflights, 1no. vent in the front elevation and the substitution of a door with a window at first floor level, to facilitate the conversion of the building to 1no. dwelling. The application forms a resubmission of application PT12/2197/LB, which was refused for the following reason:

The internal and external alterations proposed to facilitate the conversion to residential will have a detrimental effect on the character and setting of the curtilage listed building and the setting of the grade II listed building The Grange. The proposal is therefore, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained in the National Planning Policy Framework.

- 1.2 The application site comprises a curtilage listed stone outbuilding formerly associated with the grade II listed building The Grange. The building is situated on the northern side of The Street and is set back from the street behind existing built form. The existing building is a single storey stone built structure of simple proportions and modest scale. It would originally have served as a stable or outbuilding serving The Grange. The building retains historic features and fabric and it therefore, possesses traditional character and contributes to the setting of the Grange and the character of the streetscene.
- 1.3 The proposed conversion provides a kitchen and living room at ground floor level, with a bathroom and two bedrooms at first floor level.
- 1.4 Planning application no. PT13/0761/F has been submitted in conjunction with this application.
- 1.5 Due to time constraints the application is being circulated to Members even though the consultation expiry date has not passed. However, if any new consultations are received which raise issues that have not already been considered then the application will be re-circulated.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/2197/LB, internal and external repairs and alterations including 3no. rooflights, 2no vents in front elevation and substitution of door with window at first floor level, to facilitate the conversion of building to 1no. dwelling, refusal, 05/12/12.

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

No objection, however, we request that planners ensure there is no potential for on-street parking as The Street is very narrow at this point.

The issue raised by the Parish Council has been considered in the associated planning applications (PT13/0761/F).

4.2 Listed Building Officer

No objection subject to conditions

Other Representations

4.3 Local Residents

No comments have been received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Consideration of Proposal

The previous (PT12/2197/LB) was refused for the following reason:

The internal and external alterations proposed to facilitate the conversion to residential will have a detrimental effect on the character and setting of the curtilage listed building and the setting of the grade II listed building The Grange. The proposal is therefore, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained in the National Planning Policy Framework.

- 5.3 The existing building is a single storey stone built structure of simple proportions and modest scale. It would have originally served as a stable or outbuilding serving The Grange, a grade II listed building dating from the seventeenth century (re-fronted in the eighteenth century), and is located in close proximity. The building retains historic features and fabric and is therefore possesses traditional character. Although apparently single storey from the south elevation, it does have a floor, however this serves a simple hay loft and is unlit. The building is visible from the lane and contributes to the setting of The Grange and the character of the streetscene.

- 5.4 The revised application acceptably addresses the concerns raised in the previously refused application (PT12/2197/LB). Accordingly, the revised scheme is considered to be acceptable in principle. There are a number of matters that require further clarification. The drawings state that the windows and doors will be repaired where possible, whilst the supporting statement states that they will be replaced. Wherever possible historic fabric should be repaired and as such, a condition is recommended on this basis if consent is granted. The proposal reflects discussions regarding the treatment of the timber first floor beams. On opening up and further investigation if these beams can be retained and flitched this would be the preferable option. Only if this cannot be done should the alternative steel option be considered. A condition is recommended if consent is granted to enable further assessment and agreement once the opening up and further investigations have taken place. It is not clear from the application where dry lining is proposed and where lime plaster is proposed. A mixture is considered acceptable in principle, with the lined areas limited to kitchens and bathrooms. The plan appears to show this but annotations on the drawing are unclear. A condition is recommended to cover this issue if consent is granted. In addition, conditions are recommended if consent is granted with regards to the mortar mix specification for the re-pointing and the design of any external timber louvers required on the gable first floor window to prevent overlooking.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Listed Building Consent is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason
As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.
2. Notwithstanding previously submitted details and prior to the commencement of works the detailed design, including materials and finishes, of the following items, shall be submitted and approved in writing by the Local Planning Authority. The details shall be accompanied by elevation and section drawings at a scale of 1:5 (including sections) and works shall be completed strictly in accordance with the approved drawings.

- a. all new windows (including cill and head details)
- b. all new doors (where existing historic doors cannot be repaired)
- c. all new vents and flues
- d. Eaves
- e. rooflights
- f. new stairs

Reason

To safeguard the special architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework

- 3. Prior to the commencement of the works a representative sample panel of lime mortar pointing of at least one metre square, showing mortar and jointing, shall be erected on site and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved panel, which shall be retained on site for consistency.

Reason

To safeguard the special architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework

- 4. Prior to the commencement of the works and following the further investigation of the beams, the treatment of the beams and new floor structure shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason

To safeguard the special architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework

- 5. Notwithstanding previously submitted details and prior to the commencement of the works all new wall, floor and ceiling finishes shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved details.

Reason

To safeguard the special architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework

- 6. Prior to the commencement of the works the design of timber louvers required on the gable first floor window shall be submitted to and agreed in writing by the Local Planning Authority. (For the avoidance of doubt the timber louvers should prevent overlooking into the neighbouring garden). The works shall be carried out in

accordance with the agreed details prior to the first occupation of the building and retained thereafter.

Reason

To safeguard the special architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the National Planning Policy Framework