



**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. 28/13

Date to Members: 12/07/13

Member's Deadline: 18/07/13 (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 28/13 – 12 JULY 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/1417/F	Approve with Conditions	Windy Ridge Burton Road Acton Turville Badminton South Gloucestershire GL9 1HN	Cotswold Edge	Acton Turville Parish Council
2	PK13/1650/LB	Approve with Conditions	2 High Street Chipping Sodbury South Gloucestershire BS37 6AH	Chipping	Sodbury Town Council
3	PK13/1655/F	Approve with Conditions	Pitt Farm 3 East End Marshfield Chippenham South Gloucestershire SN14 8NU	Boyd Valley	Marshfield Parish Council
4	PK13/1668/F	Approve with Conditions	Hill House 91 Hill House Road Mangotsfield South Gloucestershire BS16 5QW	Rodway	None
5	PK13/1849/F	Approve with Conditions	37 Deanery Road Kingswood South Gloucestershire	Siston	None
6	PK13/1851/F	Approve with Conditions	Rear Of 47 - 49 St James Street Mangotsfield South Gloucestershire BS16 9HE	Rodway	None
7	PK13/1869/F	Approve with Conditions	Post Cottage France Lane Hawkesbury Upton Badminton South Gloucestershire GL9 1AS	Cotswold Edge	Hawkesbury Parish Council
8	PK13/1890/AD	Approve	2 High Street Chipping Sodbury South Gloucestershire BS37 6AH	Chipping	Sodbury Town Council
9	PK13/2105/TCA	No Objection	The Old School House Hyde's Lane Cold Ashton Chippenham South Gloucestershire SN14 8JU	Boyd Valley	Cold Ashton Parish Council
10	PK13/2173/CLP	Approve with Conditions	38 Oaktree Avenue Pucklechurch South Gloucestershire BS16 9TE	Boyd Valley	Pucklechurch Parish Council
11	PT13/0652/EXT	Approve with Conditions	Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1UU	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT13/1769/F	Approve with Conditions	6 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JZ	Frampton Cotterell	Frampton Cotterell Parish
13	PT13/1807/CLP	Refusal	Linden Lea Shepperdine Road Oldbury On Severn South Gloucestershire BS35 1RJ	Severn	Oldbury-on-Severn Parish Council
14	PT13/1913/F	Approve with Conditions	7 Stoke Lane Patchway South Gloucestershire BS34 6BN	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
15	PT13/1936/TCA	No Objection	Woodstock Quarry Road Frenchay South Gloucestershire BS16 1LY	Frenchay And Stoke Park	Winterbourne Parish Council
16	PT13/1939/F	Approve with Conditions	48A Over Lane Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
17	PT13/2100/TCA	No Objection	Beechcroft The Green Olveston South Gloucestershire BS35 4EJ	Severn	Olveston Parish Council

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/1417/F	Applicant:	Mrs Katy Voisey
Site:	Windy Ridge Burton Road Acton Turville Badminton South Gloucestershire	Date Reg:	30th April 2013
Proposal:	Demolition of stables and outbuildings to facilitate the erection of 1no. dwelling with associated works.	Parish:	Acton Turville Parish Council
Map Ref:	380868 180664	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	20th June 2013



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100023410, 2008.

N.T.S.

PK13/1417/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application relates to an existing single-storey stable building and outbuildings associated with 'Windyridge', a two-storey detached dwelling house located on the western side of Burton Road on the southern edge of the village of Acton Turville. Another dwelling, 'The Old Police House' lies to the north of the stable block. Save for two small cottages on the opposite side of Burton Road, the site is edge of village, semi-rural in character, with open fields to the west and south-east. The site lies just within the Established Settlement Boundary of Acton Turville and is also within the Cotswolds AONB.
- 1.2 It is proposed to demolish the existing stable block and outbuildings to facilitate the erection of a new two-storey, 4-bedroom, detached dwelling house in its place. Vehicular access would be via an existing access off Burton Road.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF).

2.2 Development Plans

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

CS1 - High Quality Design

CS5 - Location of Development

CS15 - Distribution of Housing

CS16 - Housing Density

CS17 - Housing Diversity

CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L2 - Cotswolds AONB

L12 - Conservation Areas

L13 - Listed Buildings

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

T7 - Cycle Parking

T12 - Transportation Development Control Policy for New Development

H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions

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

H4 - Development within Residential Curtilages

H6 - Affordable Housing

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

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

2.3 Supplementary Planning Guidance

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

Affordable Housing SPD Sept 2008

South Gloucestershire Council Residential Parking Standards 27 March 2013

3. RELEVANT PLANNING HISTORY

3.1 N2686 - Retention of dwelling house without agricultural occupancy condition.
Approved 17th June 1976

3.2 N2686/2 - Erection of single-storey side extension to provide lounge.
Approved 13th May 1982

3.3 N2686/3 - Erection of two-storey side extension to provide garage and bedroom.
Approved 26th May 1983

3.4 P87/2736 - Erection of two-storey side extension to provide lounge with en-suite bedroom above.
Approved 2nd Dec. 1987

4. CONSULTATION RESPONSES

4.1 Acton Turville Parish Council
No comment to make.

4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage
No comment

Environmental Protection

A condition relating to possible contamination should be imposed given the previous uses of the building.

Historic Environment

No objection

Landscape Officer

No objection subject to a condition to secure a landscape scheme.

Sustainable Transport

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

Conservation Officer

No objection.

Other Representations

4.3 Local Residents

1no. letter of objection was received from the occupier of 2 Burton Rd. The concerns raised are summarised as follows;

- Building work will affect house and access.
- Too much development in the area.
- The old stables add to the quaintness of the village.

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006.
- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.
- 5.3 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
 - B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
 - C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and
 - D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.4 It should be noted however that there is now no nationally prescribed figure for housing density.
- 5.5 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.6 Density
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like the NPPF seeks to avoid development, which makes an inefficient use of land.
- 5.7 The site is previously developed land. The proposal is considered to make efficient use of the land in what is a relatively sustainable location within a village. More than one additional dwelling could not realistically be accommodated on the plot and in this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.8 Scale, Design and Conservation Issues
The existing stable block is a modest construction of no specific architectural or heritage interest. The proposed new dwelling would sit in between and generally in line with two relatively modern houses, which are located just beyond the Acton Turville Conservation Area. The Conservation Area contains a number of traditional buildings including the Old School House and Pike Cottage, which are both grade II listed. The small terrace of cottages on the opposite side of Burton Road and the public house are locally listed. The site forms an important entrance point to the village.
- 5.9 The proposed new dwelling follows the established building line and is of an appropriate scale and massing, utilising a series of roof forms and building blocks to help break up the massing, and reflect traditional building form. The height has been reduced via the use of first floor accommodation within the roof

space, which reflects the local vernacular and the cottages opposite. The proposed materials to be used have been revised at officer request so that the walls would now be natural stone and the roof covering clay pantiles; windows would be painted timber. Acton Turville is strongly characterised by the use of traditional materials and in particular natural stone, clay or stone tiles and timber windows. The design as proposed appears to be based on many of the design details of the cottages opposite and details such as eaves, lintels (timber) and dormers reflect traditional detailing.

- 5.10 The revised scheme is now considered to be an acceptable design that would preserve or enhance the street scene and setting of the Conservation Area and nearby Listed Buildings and therefore accord with Policies H4, D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.11 Transportation Issues

For both the existing and proposed properties, it is proposed to utilise the existing vehicular accesses off Burton Road. There is already car parking for 3no. cars and a turning area to the front of the existing stable. The proposed parking provision i.e. two spaces, satisfies the minimum standards listed in Appendix A of the recently approved South Gloucestershire Residential Parking Standards.

- 5.12 The existing access has a slightly sub-standard visibility splay but has been in use since at least 2005; there are no records of any accidents in the area. The speed limit on the road is 30m.p.h. Subject to a condition to secure the proposed two parking spaces and turning area prior to the first occupation of the dwelling, there are no highway objections.

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

5.14 Impact on Residential Amenity

The proposed dwelling would be flanked by the existing detached houses, which are a similar scale to that proposed. Officers do not consider that a new dwelling in the location proposed would have an overbearing impact for neighbouring occupiers. There are no habitable room windows in the facing side elevations of either of the immediate neighbouring properties. There is adequate distance to the cottages on the opposite side of Burton Road and there are no properties to the rear, there would therefore be no issues of inter-visibility. Whilst there may be some overlooking of neighbouring gardens from the proposed first floor windows, this is a common enough occurrence in residential areas and would not be so significant to justify refusal of the application. The use of obscure glazing for the first floor en-suite window could be secured by condition. Whilst it is acknowledged that there would be some disturbance for neighbouring occupiers during the construction phase, this can be mitigated for by a condition to control the hours of working on site.

- 5.15 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.16 Landscape Issues
There is no vegetation of note within the actual application site itself. The site has limited amenity value in terms of the visual amenity and character of the street scene and locality in general; much of the application site is taken up by the existing stables and outbuildings and is therefore previously developed. For these reasons an objection on the grounds of loss of visual amenity or adverse impact on the natural beauty of the Cotswolds AONB is not in this case justified. The existing boundary walls to the north are to be retained and new stone walls erected on the southern boundary. A planting plan would be secured by condition.
- 5.17 The proposal is therefore in accordance with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- 5.18 Environmental and Drainage Issues
Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Given the previous uses of the site, a condition to secure a contamination survey and method of mitigation if contamination is found, should be imposed. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal which would utilise existing systems. The site is not prone to flooding. The proposal therefore accords with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.19 Affordable Housing
The proposal is for 1no. dwelling only, which is below the Council's threshold for affordable housing provision.
- 5.20 Education Service
The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.
- 5.21 Community Services
The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

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

- 6.2 The proposal would make efficient use of a previously developed site within an Established Settlement, which accords with government guidelines contained in the NPPF.
- 6.3 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies H2, H4 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first-floor en-suite window on the north elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

4. A) The previous use of the building(s) and adjacent land for stabling 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 Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the first occupation of the dwelling hereby approved, all new boundary walls and fences shall be erected in accordance with the approved Site Plan Drawing No. KV3.

Reason

To ensure the satisfactory appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting and times of planting 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 and the natural beauty of the Cotswolds AONB to accord with Policies L1 and L2 respectively of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance of the conservation area in accordance with national guidance set out at the NPPF and policies L12 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

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

- a. all new windows (including cill and head/lintel details). For the avoidance of doubt all new windows shall be timber;
- b. eaves

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance of the conservation area in accordance with national guidance set out at the NPPF and policies L12 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Prior to the first occupation of the dwelling hereby approved, the two car parking spaces shall be provided in accordance with the approved Proposed Site Plan Drawing No. KV3 and maintained thereafter for their intended purpose

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Residential Parking Standards (approved for Development Management purposes) 27 March 2013..

ITEM 2

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.: PK13/1650/LB
Site: 2 High Street Chipping Sodbury Bristol
South Gloucestershire BS37 6AH
Proposal: Consent to display of 1no. non
illuminated hanging sign.
Map Ref: 372573 182205
Application Minor
Category:

Applicant: Mrs Gillian Dyer
Date Reg: 31st May 2013
Parish: Sodbury Town
Council
Ward: Chipping Sodbury
Target 23rd July 2013
Date:



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PK13/1650/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

1.1 The applicant seeks listed building consent to display 1no non illuminated hanging sign. The application relates to premises situated within the Chipping Sodbury Conservation Area. The site is a grade II Listed Building and forms the last unit at the southern end of the Secondary Retail Frontage, as defined in the adopted Local Plan. It stands on the corner of Horseshoe Lane and the High Street, where Horseshoe Lane has a terrace of cottages facing the side of the site.

1.2 Two other applications have been submitted at the same time as this listed building application:

PK13/1649/F Change of Use from Class A1 to Class A4.
Resubmission of PK12/2979 retrospective

And

PK13/1890/ADV Display of 1 no. non-illuminated hanging sign on
metal bracket

Both these application have been referred to the Circulated Schedule following objections received by the Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L12 Conservation Areas

L13 Listed Buildings

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

CS1 High Quality Design

CS9 Built Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

Chipping Sodbury Conservation Area Guidance Note

3. RELEVANT PLANNING HISTORY

3.1 N8308 Change of use of ground floor to retail shop

Approved

- | | | |
|-----|---------------|---|
| 3.2 | PK12/2979/F | Change of use from shop (A1) to Tapas bar (Restaurants and Cafes A3) (retrospective) |
| | Refused | 19 November 2012 due to the impact that works to deal with odours would have on the Listed Building |
| 3.3 | PK13/1890/ADV | Display of 1 no. non-illuminated hanging sign on metal bracket |
| | Pending | |
| 3.4 | PK13/1649/F | Change of Use from Class A1 to Class A4. Resubmission of PK12/2979 retrospective |
| | Pending | |

4. **CONSULTATION RESPONSES**

4.1 Old Sodbury Town Council

Objection stated:

- (1) Based on local residents concerns and
- (2) There are sufficient drinking establishments in Chipping Sodbury

4.2 Other Consultees

Conservation Officer

No objection

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

None received for this application, however, some were received for application PK13/1649/F change of use from class A1 to Class A4 (Resubmission of PK12/2979/, Retrospective). The objections to the application were:

4 letters were received, objecting to the proposed use on the following grounds:

- *There is saturation of the area with licensed premises and no need for another*
- *The proposal would lead to increased late night noise leading to sleep deprivation, littering, damage to property, fights, vomiting and urination in Horseshoe Lane*
- *The back garden could be used as a smoking area*
- *Inadequate parking in the area*
- *The cottages in Horseshoe Lane would be most affected and are Listed, removing the possibility of double glazing to block the noise*

In addition, one letter of support was received, stating that

- *The site is within the town centre and as such noise and smell should be expected from a proposal that brings other benefits*
- *Local amenity was considered in determination of the licensing application, where stronger restrictions were imposed (such as 11pm closing Sunday to Thursday and midnight on Friday and Saturday and no food or drink outside after 10pm) and these times could be planning conditions*
- *The impact when the site was in use as a wine bar (N.B. albeit unauthorised) last year allows for assessment of the effects under this proposal. The previous unauthorised use involved hot food and this proposal does not.*

In addition, one original objection was 'withdrawn' in writing, but there was no record of the original objection being received.

These concerns were addressed in report associated with application PK13/1649/F

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

This application stands to be assessed against the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

- 5.2 This is a traditional hanging sign replacing a set of previous, inappropriate board signs that had been erected when the premises was trading as a Tapas Bar. The style, size and location of the sign are significant improvements and Listed Building/Conservation Officers have no objections to the application.

6. **CONCLUSION**

- 6.1 The recommendation to **grant** Listed Building Consent has been made having regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance contained within the National Planning Policy Framework.

7. **RECOMMENDATION**

- 7.1 That Listed Building Consent is **granted**, subject to the conditions shown.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

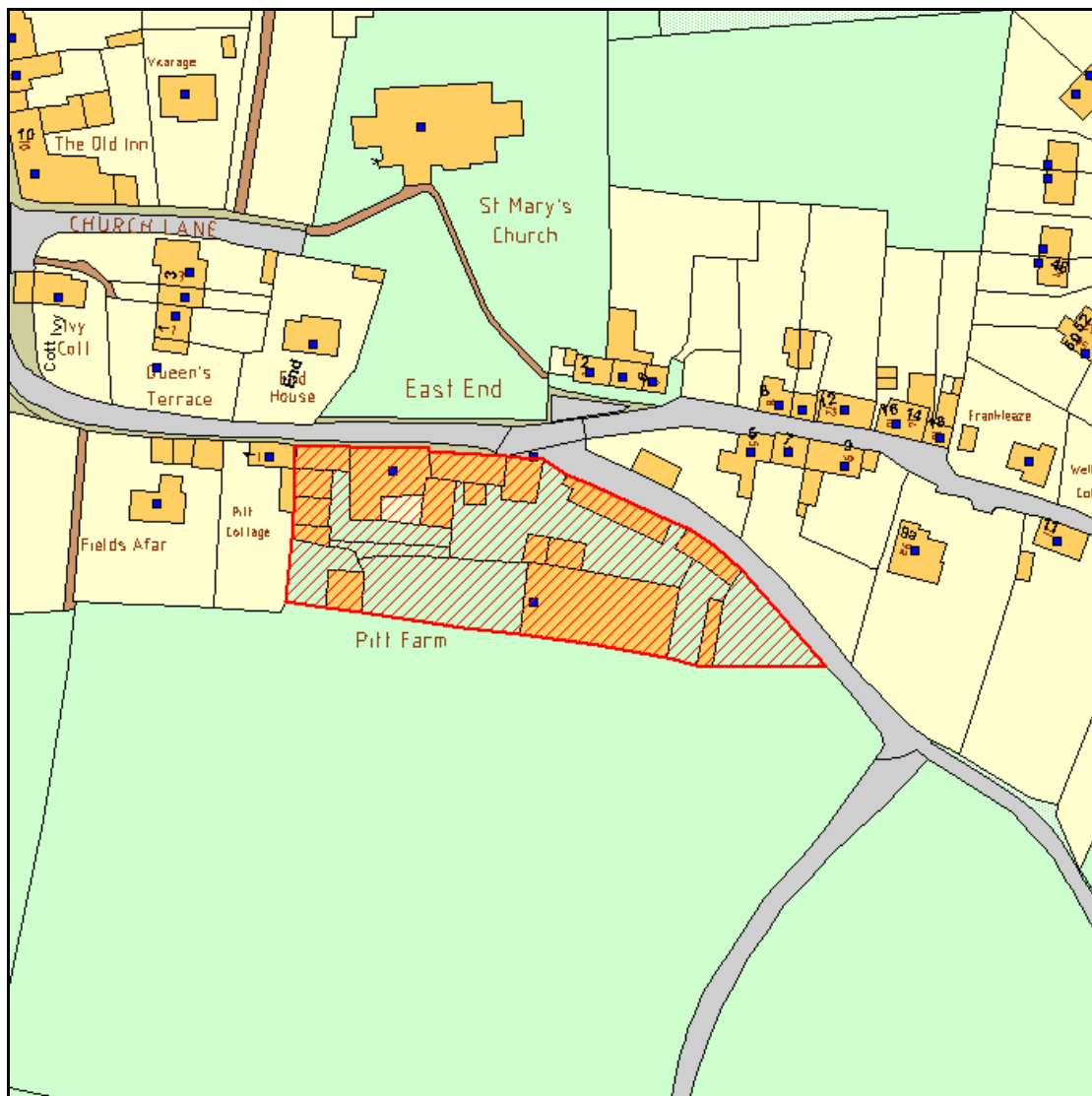
Reason

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.

ITEM 3

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/1655/F	Applicant:	Plummer And Gaylard
Site:	Pitt Farm 3 East End Marshfield Chippenham South Gloucestershire	Date Reg:	29th May 2013
Proposal:	Erection of two single storey extensions to existing agricultural building. Revised scheme for PK12/3231/F.	Parish:	Marshfield Parish Council
Map Ref:	378205 173603	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	18th July 2013



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PK13/1655/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 relates to an agricultural building within the Grade II listed Pitt Farm located just south of the village of Marshfield. The site is an agricultural settlement with a number of barns, stables and outbuildings. Housing is located to the north of the site at a higher gradient. The profile of the land slopes steeply away from the site into open countryside. The proposed extension would fall just within the designated Green Belt boundary and is located within the settlement boundary. The site is within the Cotswold Area of Outstanding Natural Beauty and the Marshfield Conservation Area.
- 1.2 The application seeks permission for the erection of an extension to an existing agricultural building. The extension is required to accommodate livestock and store feed during the wintertime. This application is a revised scheme of previous approval PK13/1655/F including erection of a replacement implement store to the north elevation and a small increase to the approved building.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design
GB1	Development in the Green Belt
E9	Agricultural Development
EP1	Environmental Pollution
L1	Landscape Protection and Enhancement
L2	Cotswold Area of Outstanding Natural Beauty
L12	Conservation Areas
L13	Listed Buildings

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

CS1	High Quality Design
CS9	Managing the Environment and Heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Council Design Checklist (Adopted) 2007

Development within the Green Belt Supplementary Planning Document June 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/3231/F Erection of extension to existing agricultural building.
Approved 14.12.2012

4. **CONSULTATION RESPONSES**

4.1 **Marshfield Parish Council**

Marshfield Parish Council do not object to the lean-to extension but would raise concerns about the further extension to the main Barn.

4.2 **Other Consultees**

Conservation Officer – The rebuilding of the implement store to the north is acceptable subject to reuse of the original stone. The extension to the more modern building to the south is acceptable. A condition is required as previously to control the type, design and number of clear lights and more detail is required in respect of the photovoltaic panels.

Drainage Engineer – No comment

Sustainable Transport – No objection

Other Representations

4.3 **Local Residents**

One letter of objection received from the occupiers of 7 East End raising the following concern:

- The previous application sought to reduce the number of 'windows' which have now returned and there are too many
- The view from the south would look like a factory

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 application seeks permission for the erection of an extension to an existing agricultural building in order to accommodate an expansion in agricultural business. Policy E9 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to agricultural purpose, highways, environmental impact, and residential amenity.

The site is located within the Cotswold Area of Outstanding Natural Beauty and the Marshfield Conservation Area, and is in within the curtilage of Grade II listed Pitt Farm. The proposed extension would extend into the designated green belt boundary. As such consideration is given to relevant policies relating to landscape, conservation, listed buildings, and development in the green belt.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. 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 Agricultural Development

This proposal includes only a small increase to the previously approved building. Policy E9 states that proposals for agricultural buildings must be situated on land used for agricultural purposes and there must not be any underused suitable buildings available to serve the required purpose. The site is located on the farmyard of Pitt Farm to accommodate cattle and feed during the wintertime. Whilst some outbuildings and stables exist on the site these are not of a suitable size to accommodate the farm's expansion.

Given the existence of the existing farmyard and associated barns it is considered that the proposal would not result in an increase in environmental effect in terms of noise, water, soil or other type of pollution. The proposal is therefore in accordance with policy E9 and EP1 of the adopted Local Plan.

5.3 Highways

The site has an existing road and gate to allow access to the farmyard and the existing barns and outbuildings, and the application does not propose to alter this. The existing parking and manoeuvring arrangements would not be

significantly affected. The Highways Officer did not consider that the proposal would raise any particular highway or transportation issues and as such made no comment on the application. The proposal raises no severe issues in terms of highway safety and is therefore in accordance with policy E9 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Residential Amenity

The application site is located on the southern edge of Marshfield and falls within the settlement boundary. Residential dwellings are located to the north of the application site, set up on a higher profile. The main changes to the extant approval; relate to an addition to the southern building projecting by a further 1.7m to the east at the same height and width as the extant approval. This extension would be modest and would be situated a good distance from the neighbouring occupiers. The proposal implement store on the north side would be modest in scale measuring 14.3m length, 5.9m in height and 7.2m width. The new implement store would replace an existing open sided barn with pitched roof measuring 8.4m length, 2.4m to eaves and 5.5m to ridge and 7.7m width. The replacement store would not be significantly larger than the existing building.

As a result of the gradient of the landscape the residential dwellings to the north east of the site are located at a higher level than the farmyard site. As such, and given the distance of the surrounding dwellings from the site, it is considered that the proposal would not have a significant impact on the residential amenity of the surrounding dwellings. The site is already used for agricultural purposes and as such the proposal would not result in a significant increase in noise. Accordingly the proposal is not considered to have a significant impact on the residential amenity of people residing in the area and is therefore in accordance with policy E9 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Landscape

The site is located on the south east boundary of the Marshfield settlement boundary, within the Cotswolds Area of Outstanding Natural Beauty and would enter the designated Green Belt boundary. The site lies on the boundary of Landscape Character Area 3 – Aswicke Ridges to the south, and Area 2 – Marshfield Plateau.

Policy L2 of the Local Plan states that development which would harm the natural beauty of the Cotswold AONB will not be permitted, however it is recognised that appropriate small scale development may be required to meet the social and economic needs of the communities. Policies L1 and L2 ensure that new development conserves and enhances the character, distinctiveness, quality and amenity of the landscape of South Gloucestershire. The key landscape consideration in the proposed development includes: the views of the development from the surrounding area, retention of existing hedgerows and trees, and proposed landscaping to enhance the scheme.

The proposal is a revised scheme of a currently extant consent providing a small addition to the approved modern building on the south side of the site and an implement store as replacement of an existing open sided building to the

north. Both elements of the scheme would be contained within the existing farm unit and would not extend beyond its boundaries. The modest proposed increases would therefore have only limited additional impact in addition to the extant approval on the natural beauty and tranquillity of the Cotswolds AONB to the south.

5.6 Green Belt

The southern extension would fall within the designated green belt boundary and as such policy GB1 is a consideration. Policy GB1 seeks to retain the openness of the green belt limiting the type of development to occur on it. Agricultural buildings are identified as appropriate development within the green belt boundary provided that there would not be an adverse impact on the visual amenity of the green belt.

The proposal would provide two modest extensions to the extant approval PK12/3231/F and would not exceed the height of it. The proposed design is characteristic of an agricultural building and is in keeping with the rural use of the site. Therefore it is considered that the proposed development would not have a detrimental impact on the visual amenity or openness of the green belt. Accordingly the proposal is considered acceptable in terms of policy GB1 of the South Gloucestershire Local Plan (Adopted) 2006 and the appropriate supplementary planning document.

5.7 Impact on visual amenity, the Listed Building and Conservation Area

Policies L12 and L13 of the South Gloucestershire Local Plan (Adopted) 2006 consider the proposed scale, massing, and overall design of the proposal in the setting of the listed building and conservation area. Proposals will only be permitted if they preserve or enhance the character and significance of the historic character of the site and locality.

The proposal falls within the listed building curtilage of Pitt Farm, a Grade II listed, early 17th century farmhouse built in the local gabled vernacular, and prominently located at the back edge of the lane. The farmhouse has an attached historic barn and a series of modern agricultural barns to the east and south east. The site is located within the Marshfield Conservation area boundary. The farm is located at the southern edge of Marshfield backing on to open countryside, which has a varying topography. From the site there are extensive views over the Fuddlebrook Hill and valley, which has significant natural beauty and provides a traditional and tranquil setting for the conservation area. There is an extensive network of public rights of ways from the open countryside back towards the village. The site's function as a working farm plays an important role in sustaining the character and significance of the listed building and the conservation area.

In accordance with policies L12 and L13 the proposal to construct extensions to the existing agricultural barn to facilitate the functioning of the site is acceptable in principle provided that the design and appearance of the proposal is sensitive to the historic environment.

The proposed changes to the extant approval PK12/3231/F would be modest as identified in par.5.4 above. The design and material would be of acceptable quality and would be in keeping with the character of the existing farm unit, the character and appearance of the Conservation Area and the setting of adjacent Listed Buildings.

There is however concern in relation to the number, arrangement and design of the proposed 'clear lights' an array of small rooflights in the south roofslope of the proposed southern building to provide light into the building which would otherwise be dimly lit with natural light. The applicant has agreed to reduce and rearrange the clear lights as agreed under the previous consent PK12/3231/F. The condition attached to PK12/3231/F requiring details of the array of 'clear lights' to be submitted and approved prior to commencement of development has been replicated for this submission. The photovoltaic panels referred to on the submitted drawings was a typing mistake and the applicant has confirmed that no photovoltaic panels were to be provided. A condition is attached to the decision to preclude the provision of photovoltaic panels.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions below.

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. Notwithstanding the submitted proposed elevation drawings no development shall commence until the location, size, number (which shall be reduced from the number shown on the submitted proposed rear elevation drawing), and materials of the proposed 'clear roof lights' has been submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved details.

Reason

In order that the development serves to preserve the character and appearance of the Marshfield conservation area and the wider landscape setting, in accordance with policies L12 and L1 of the Adopted South Gloucestershire Local Plan.

3. Notwithstanding the submitted proposed elevation drawings this decision does not infer or imply consent for the provision of any photovoltaic solar panels on any buildings within the site edged red on the approved plan.

Reason

In order that the development serves to preserve the character and appearance of the Marshfield conservation area and the wider landscape setting, in accordance with policies L12 and L1 of the Adopted South Gloucestershire Local Plan.

4. Prior to the commencement of development a scheme of landscaping for a new and enhanced hedgerow on the southern boundary of the site, 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

In order to contain the building within the landscape, to minimise visual impact when viewed from the open land to the south, and to accord with policies L1, L2, L12, L13 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In order that the development serves to preserve the character and appearance of the Marshfield conservation area and the wider landscape setting, in accordance with policies L12 and L1 of the Adopted South Gloucestershire Local Plan.

6. All stone used in the construction of the existing implement store shown on drawing no. MP/IS/5.13 shall be reused in the construction of the proposed replacement implement store.

Reason

In order that the development serves to preserve the character and appearance of the Marshfield conservation area and the wider landscape setting, in accordance with policies L12 and L1 of the Adopted South Gloucestershire Local Plan.

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

Reason

In order that the development serves to preserve the character and appearance of the Marshfield conservation area and the wider landscape setting, in accordance with policies L12 and L1 of the Adopted South Gloucestershire Local Plan.

8. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) eaves details
 - (b) external boarding finish

Reason

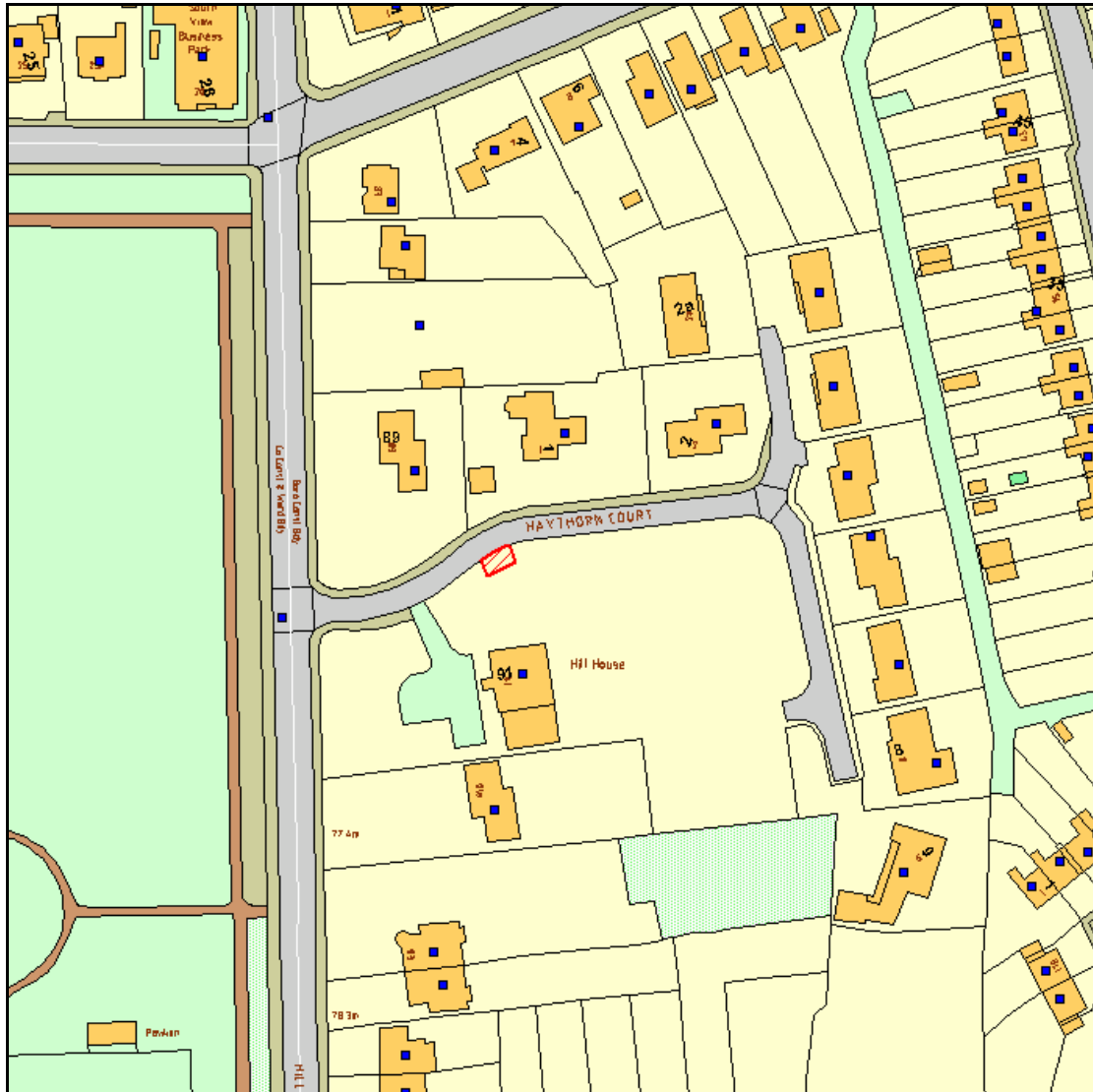
In order that the development serves to preserve the character and appearance of the Marshfield conservation area and the wider landscape setting, in accordance with policies L12 and L1 of the Adopted South Gloucestershire Local Plan.

ITEM 4

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.: PK13/1668/F
Site: Hill House 91 Hill House Road
Mangotsfield South Gloucestershire
Proposal: Erection of bin store and associated
works (Retrospective)
Map Ref: 365705 176050
Application Minor
Category:

Applicant: Mr Robert Jenkins
Date Reg: 7th June 2013
Parish: None
Ward: Rodway
Target 31st July 2013
Date:



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PK13/1668/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following the receipt of objections from local residents contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a bin store and associated works. This application is retrospective.
- 1.2 The application site relates to a grade II listed building situated within the residential settlement boundary of Mangotsfield.
- 1.3 The application proposes changes to the structure in situ to reduce its width from 5.7 metres to 3.8 metres, to reposition the existing rear panels to the front to hide the bins from general view and to introduce semi-mature planting to further screen the structure.

2. POLICY CONTEXT

- 2.1 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Design in New Development
 - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.2 South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
 - CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
 - South Gloucestershire Design Checklist (Adopted 2007)
 - South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P86/4815 Construction of 3 no. Flats and 6 no. garages with associated works
Refused 2.3.87
- 3.2 K3071/12 Construction of 3 no. Flats and 6 no. garages with associated external works
Refused 2.3.87
- 3.3 P86/4589 Garage court to serve hill house and 2-storey block of flats
Refused 17.11.86
- 3.4 K3071/11 Garage block adjoining hill house and 2-storey block of flats
Refused 17.11.86
- 3.5 P85/4342 Construction of residential flats and garage court
Refused 7.10.85

3.6	K3071/9 Refused	Residential development 7.10.85
3.7	K3071/8 Refused	Erection of 4no flats and garage 15.3.85
3.8	K3071/5 Refused	Erection of 6 no flats, 2 detached dwellinghouses and garage block containing 10 garages and a double garage 30.1.84
3.9	L17/4 Refused	Erection of six flats and garage court containing 10 garages 30.1.84
3.10	K3071/4 Approved	Erection of 8 dwelling houses and garages 15.5.83
3.11	L17/5 Refused	Erection of 4 flats, garage block comprising 8 garages and associated paths and driveways. 15.3.85
3.12	L17/3 Approved	Removal of internal plaster mouldings, panelling and doors 19.7.83
3.13	L17/2 Approved	Conversion to form 4 self contained dwelling units 11.1.83
3.14	L17 Approved	Demolition of existing single storey extension. Alterations and additions to remainder of building to form elderly persons home 5.6.81
3.15	K3071/1 Approved	Alterations and additions to existing house to form elderly persons home 5.6.81
3.16	K3071 Approved	Outline application for the erection of 7 dwelling houses. Change of use of existing dwelling to elderly persons home 13.3.80

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees
Listed Building Officer
No objections subject to conditions attached to the decision notice

English Heritage
No objection

Highway Drainage

No objection

Sustainable Transport

No objection

Environmental Protection

No objection subject to an informative

Other Representations

4.3 Local Residents

Five letters of objection have been received by the Council from four local residents. These are summarised as:

- mature trees and shrubs screen bin store from Hill House only and do not screen the sides or front
- bin store has already been painted dark green which does little to lessen the impact of the structure
- when viewed from Haythorne Court the structure is very intrusive and spoils what previously was a pleasant outlook
- moving panel back to the front will hide the bins from the road, but it is a large, ugly structure not in keeping with its surroundings and a blot on the landscape
- no need to erect bin store as SGC has a scheme to assist elderly or infirm get their bins out
- bin store has been built to a high standard but should have been constructed to conceal rather than display the bins. Support suggestion to turn it 180 degrees and would also suggest need to plant evergreen shrubs to break up the rigid lines of the structure
- suggest planting of semi-mature Hawthorn to cover front panels as well
- siting subjects residents and visitors to permanent view of bins when other residents put theirs away

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. It is considered that the proposed development accords with the principle of development and this is considered in more detail below.

5.2 Design and Visual Amenity

Hill House is a large detached house, said to date from circa 1700, but probably built for Edward Andrews circa 1743. It is Ashlar with hipped slate roof, and a good symmetrical 3 storey frontage with five windows and a central Roman Doric porch. It is prominently sited on slightly raised ground, overlooking Page Park.

A wooden three sided bin store has been erected without planning permission, adjacent to the footpath to the north of Hill House. Although the north side of Hill House is lined with tree planting, the structure is prominently visible in views towards the principal elevation. In its current state the bin store is considered to harm the setting of the grade II listed building.

The application therefore proposes some amendments to the bin store in order to improve its appearance, thereby mitigating the harm. These include:

- reducing it's length by a third;
- staining the timber fence panels a green colour;
- planting semi-mature hawthorn at either end of the store (min 1m tall on planting), and
- relocating the fence panels to the footpath side, thereby shielding the bins from the road/pavement.

Given the above proposed changes it is considered that, subject to an appropriate colour finish being used, the above listed items would help to alleviate some of the harm and as such the proposal would be acceptable. These changes would be secured by conditions attached to the decision notice.

The comments made by local residents regarding the position of the bin store, its colour and materials used, the planting, its visual prominence and it not being in-keeping with the area are acknowledged. It is considered that the changes proposed to the existing bin store would result in a structure which would be more appropriate to its setting in terms of its overall design. The proposed planting would be secured by a condition and it is considered in time would successfully help to screen the bin store.

5.3 Residential Amenity

The bin store is positioned to the north of the grade II listed building on a piece of grassed land adjacent to Haythorn Court. Although it is screened somewhat from Hill House by mature trees, it is in a prominent and highly visible position. Nonetheless it the position of the bin store is considered not to impact on the residential amenity of neighbours or occupiers and as such is in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed erection of a bin store and associated works (retrospective) is considered to be in-keeping with the overall character of the dwelling and surrounding area in terms of its scale, design and the materials used. Furthermore, the existing level of residential amenity afforded to neighbouring properties is protected. As such the proposal accords with Policies D1 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Within three months of the date of the decision, details of the proposed landscaping/planting shall be submitted in writing for approval and a sample of the colour and finish of the timber panels shall be submitted for approval to the Local Planning Authority. The scheme shall be carried out in accordance with the approved details.

Reason

To maintain and enhance the character and setting of the listed building and to accord with Policy L13 of the South Gloucestershire Local Plan (Adopted) 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/1849/F	Applicant:	Miss C Sims
Site:	37 Deanery Road Kingswood Bristol South Gloucestershire BS15 9JB	Date Reg:	30th May 2013
Proposal:	Change of use from Dwelling (Class C3) to Registered Childrens Home (Class C2) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended).	Parish:	None
Map Ref:	366643 173605	Ward:	Siston
Application Category:	Minor	Target Date:	19th July 2013



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PK13/1849/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application relates to the former Ferndale Guest House located next to the Esso Petrol Station and Tesco Express on Deanery Road, adjacent to the Ring Road Roundabout between Kingswood and Warmley. The main Guest House building has 7 bedrooms and is attached to a similar residential property. To the rear of the Guest House are extensive grounds within which is situated; a detached 2 bedroom residence used as staff accommodation; car parking for 10no. vehicles and an area of lawns enclosed by trees. The vehicular access is from Deanery Road between the Guest House and the Petrol Station car park
- 1.2 It is proposed to convert the former Guest House to a registered Children's Home (C2). The smaller detached property would be used for overnight staff accommodation and administration for the Children's Home. The Children's Home would comprise 17 rooms including bedrooms, dinning room, kitchen and main bathrooms. The Children's Home would operate on a 24 hours basis and provide employment for 4 full-time and 2 part-time employees. No building works are proposed and the existing parking and access arrangements would be retained.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF).

2.2 Development Plans

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

CS1 - High Quality Design

CS5 - Location of Development

CS15 - Distribution of Housing

CS16 - Housing Density

CS17 - Housing Diversity

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

H5 - Proposals for the conversion of existing residential properties into smaller units of self-contained residential accommodation, or change of use to houses in multiple occupation, or conversion of non-residential properties for residential use.

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 K1791/1 - Residential development (outline) on approximately 0.12ha.
Refused 29 Sept. 1982

3.2 K1791/2 - Erection of three dwelling houses, construction of access road (Outline).
Refused 9 Nov 1983

3.3 K1791/4 - Erection of a detached double and single garage with games room above.
Approved 5 May 1989

3.4 P99/4144 - Change of use from residential (C3) to bed and breakfast accommodation (C3).
Approved 20 April 1999

It is noted that bed and Breakfast accommodation in fact falls within use class C1. However as the decision notice states C3 and the decision notice forms the legal confirmation of the permission granted the decision as stated on the decision notice must be considered to be effective..

3.5 PK00/2562/RVC - Variation of condition 2 of planning permission K1791/4 to allow use of garage/games room as ancillary living accommodation for manager of guest house.
Approved 7 Dec. 2000

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

Object on the grounds that this property is accessed via the busy Esso Garage/Tesco Express site, which means the volume of traffic could prove hazardous for children.

4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage

No comment

Environmental Protection

No adverse comments.

Tree Officer
No objections

Sustainable Transport
No objection

Other Representations

4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

Principle of Development

- 5.1 The NPPF has recently superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that, the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006.
- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.
- 5.3 The proposal falls to be determined under Policy H5 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the change of use of residential properties to houses in multiple occupation, subject to the following criteria:
- A. Would not prejudice the character of the surrounding area; and
 - B. Would not prejudice the amenities of nearby occupiers; and
 - C. Would identify an acceptable level of off-street parking; and
 - D. Would provide adequate amenity space; and
 - E. (In the case of buildings not previously used for residential purposes) the property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.
- 5.4 Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy both seek to secure

good quality designs that are compatible with the character of the site and locality.

5.5 Scale and Design

No external works are required to facilitate the proposed change of use so the appearance of the building would not alter. The proposed use is not dissimilar to the previous authorised use. The scheme would preserve the street scene and given that there is a residential nursing home only two doors away, would not look out of place in this mixed use location. The scheme therefore accords with Policies H5(A) and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.6 Impact on Residential Amenity

There would be no additional issues of loss of privacy and the extensive and enclosed grounds to the rear would provide an excellent amenity area for future occupants. Whilst the future occupants would be predominantly children, the applicant has confirmed that they are of the older age group i.e. over 13 years in age, attending school or college. There would be 24 hour surveillance provided by the staff who have separate accommodation within the site.

5.7 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policy H5(B) and H5(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.8 Transportation Issues

It is proposed to retain the existing access and parking area, that can accommodate 10 cars, which complies with the Council's maximum parking standards listed under Policy T8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. (It should be noted that the recently approved South Gloucestershire Council Residential Parking Standards do not apply for C2 uses). Officers are satisfied that the proposed car parking provision and access is adequate for the size of the development.

5.9 Concerns have been raised by the Parish Council on the grounds of highway safety for future occupants of the Children's Home, given the proximity of the access to the Tesco Express and Petrol Station access.

5.10 The applicant has stated that the future occupants would be 13+ in age and would by then have learned road safety skills and travel independently to school/college anyway or if not would be accompanied by one of the support staff, as appropriate. Given the proximity of schools in the area, children already use the highways in this area. Furthermore new occupants of the Children's Home would be alerted to any potential risks as part of their induction. It is also noted that there is an underpass, footway, pelican crossing point and cycle way; all very adjacent to the property. Officers have checked the accident records for the area which reveal that there have been no pedestrian incidents.

5.11 Given the extant use of the site as a Guest House, officers are satisfied that the scheme is acceptable in highway safety terms and accords with Policies T12, and H5(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.12 Landscape Issues

There are Trees within the site, that are protected by Tree Preservation Order (TPO) but it is proposed to retain all of the existing vegetation. The proposal is therefore in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

5.13 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the conversion phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of working. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal, which would utilise existing systems. The site is not prone to flooding. The proposal therefore accords with Policies L17, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. CONCLUSION

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

6.2 The proposal would provide a social facility for the area which makes efficient use of the site and would provide additional employment in a sustainable location, which accords with government guidelines contained in the NPPF.

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed on the Decision Notice.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies H5 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The 10 car parking spaces shown on the approved Block Plan Drawing No. L-06295 shall be maintained at all times and used only in conjunction with the use of the building as a Children's Home.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8, T12 and H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 6

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/1851/F	Applicant:	Mr & Mrs E Simmonds & Mr L Osmond
Site:	Rear of 47 - 49 St James Street Mangotsfield South Gloucestershire BS16 9HE	Date Reg:	3rd June 2013
Proposal:	Demolition of existing garages and erection of 1no. detached dwelling with access, cycle and bin stores and associated works.	Parish:	None
Map Ref:	366318 176324	Ward:	Rodway
Application Category:	Minor	Target Date:	23rd July 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 1no. detached dwelling with access, cycle and bin stores, and associated works.
- 1.2 The application site consists of the rear gardens of 2no. semi-detached residential dwellings situated on a corner plot adjacent to the junction of St James Street and Long Road. The site is situated within the established settlement boundary of Mangotsfield within an established residential area. The proposed dwelling would be accessed via Long Road, which is an unclassified highway.
- 1.3 During the course of the application revised plans were submitted to show the existing extensions at the rear of number 47 and 49 St James Street. Minor alterations were also made to the internal layout at first floor level and first floor windows. As there was no fundamental change to the proposal a re-consultation period was not deemed necessary.

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 Residential Development within the Existing urban area
- H4 Development within Existing Residential Curtilages
- L1 Landscape Protection and Enhancement
- T8 Parking Standards
- T12 Transportation Development Control
- EP1 Environmental Pollution
- EP2 Flood Risk and Development

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

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

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
South Gloucestershire Residential Parking Standards SPD (Adopted for Development Management Purposes) March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK00/1527/F (no.49 St James Street) - Erection of two-storey rear extension and rear conservatory. Approved 18th July 2000

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Unparished
- 4.2 Transport Officer
No objection subject to a condition relating to provision of parking.
- 4.3 Highway Drainage
No objection subject to conditions
- 4.4 Archaeology Officer
No objection
- 4.5 Environmental Protection
No objection. Informative recommended

Other Representations

- 4.6 Local Residents
Five letters of objection have been received from local residents. The comments are summarised as follows:
- No right of access to lane – the lane serves no.s 51, 53, 55, 57. Reference made to previous applications PK01/2152/F- r.e. access.
 - Extra load on sewerage system.
 - Rainwater run-off from paving.
 - Loss of privacy.
 - Loss of light.
 - Use of access lane for deliveries, removal of waste etc.
 - Noise and disruption from building works.
 - Damage to neighbour's property during construction.
 - Another building close to neighbour's property.
 - Enough houses already in the area.
 - Plans do not show existing extensions and garage in neighbour's property. Rear extensions used as bedrooms.
 - Statement relating to cycle shed/ use of bike unsubstantiated.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application seeks permission for the erection of 1no. detached dwelling with an established settlement boundary. 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, highway safety, design and environment.

5.2 Residential Amenity

The existing site consists of two semi-detached residential dwellings situated on a corner plot adjacent to the junction of St James Street and Long Road. The proposal is to erect 1no. double storey detached dwelling in the rear garden of the two properties. The proposed dwelling would front Long Road and would be situated adjacent to no. 101 Long Road, which is a detached double storey residential dwelling approved under application reference K2016. Number 101 Long Road does not have any windows on the east side elevation and the proposal would not extend beyond its rear elevation. The proposal is therefore not considered to prejudice the residential amenity of number 101 Long Road.

5.3 The proposed dwelling would be situated 15 metres from the existing two properties and would not have any windows on the side elevation. In terms of the impact of the proposal on numbers 47 and 49 it is considered that adequate distance remains between the proposal and the existing properties to ensure that it would not prejudice their residential amenity in terms of overbearing impact or significant loss of light, and would not result in a loss of privacy provided no windows are installed in the eastern side elevation. This will be subject to a condition attached to the decision notice. The rear elevation of the proposal would face the rear gardens of numbers 51, 53, 55, 57, which are situated at a right angle to the application site. The proposed dwelling is considered to remain an adequate distance from these dwellings to ensure that it would not appear overbearing or intrusive and as such would not prejudice their residential amenity. Whilst the proposal may result in some loss of light to the rear garden of number 51 this would not be significant enough to have a detrimental impact on their residential amenity and would not warrant a refusal of the application.

5.4 In terms of loss of privacy it is acknowledged that the proposal would result in additional windows on the rear elevation of the proposal facing the rear gardens of the dwellings to the north of the site. The proposal would not, however, result in a direct line of vision between habitable windows and is not considered to exacerbate the existing situation. The proposal is therefore not considered to prejudice mutual privacy. Revised plans received 27th June include 1no. obscure glazed window on the eastern side of the rear elevation; leaving only one habitable window at first floor level facing the rear gardens of these dwellings.

- 5.5 With regard to private amenity space the proposal would result in the loss of part of the rear gardens of both number 47 and 49 St James Street. Although undesirable it is considered that adequate private amenity space would remain to serve each two-bedroom property. The proposed detached dwelling would be served by a limited area of private amenity space at the rear. Although it is acknowledged that this area is limited in size it is acknowledged that it is reflective of the amenity space available on the adjacent site and would not warrant a refusal of the application. To ensure that the amenity space shown remains available for its purpose Officers consider it necessary to remove the permitted development rights for the proposed dwelling. This is reflected by a condition attached to the decision notice.
- 5.7 Highway Safety
The existing site comprises two dwellings, both of which have separate parking provision. Currently number 47 is accessed via Long Road, which is an unclassified highway, with parking provision for two plus cars available in a garage and on a hardstanding area within the site boundary. Number 49 has a detached garage/ workshop and hardstanding area for one car at the rear of the property accessed via the private access lane adjacent to the north of the site boundary. The existing dwellings comprise of two bedroom dwellings.
- 5.8 The proposed layout is to include 2no. parking spaces at the rear of number 47 accessed via a widened access from Long Road. Number 49 would be served by 1no. parking space access from the private lane, as is the case for the existing parking provision. The proposed number parking spaces for these two dwellings is in accordance with the Council's Residential Parking Standards SPD and is therefore considered acceptable. The proposed three-bedroom dwelling would be served by 2no. parking spaces in a tandem layout to the side of the dwelling. Although this layout is undesirable the application has demonstrated that the site can provide parking provision in accordance with the Council's minimum standards and is therefore considered acceptable. The Council's Transport Officer raises no objection to the proposal on grounds of highway safety provided the parking for the existing dwellings is provided prior to the commencement of development.
- 5.9 Design
The site is located within an established residential area with dwellings predominantly facing the highway and moderate rear gardens. The local area is characterised by a mix of housing types, designs and materials and as such does not have a distinct local character. The proposed detached dwelling would be situated adjacent to number 101 Long Road, which is a detached dwelling with a pitched roof. The height of the proposed dwelling would match number 101 Long Road and would follow a similar pattern of development, facing the highway. The overall scale and proportions of the proposed dwelling are considered acceptable.
- 5.10 The application proposes a detached double storey two bedroom dwelling with a pitched roof. The design and access statement indicates that the proposal would be constructed with a concrete tiled roof and a render finish. These

materials are considered acceptable however to ensure a high quality of design the application will be subject to a condition ensuring that details and samples are submitted prior to the commencement of development. The overall design and detailing of the proposal is relatively simple in appearance and is considered appropriate for the street scene.

- 5.11 The application has included a scheme of landscaping incorporating proposed planting and boundary treatments. The boundary treatment to the front of the dwelling would be a 0.4 metre brick wall, which is considered appropriate in the street scene.

5.12 Drainage

The application has been considered by the Council's Drainage Officer and there are no objections to the proposal subject to a condition relating to the submission of surface water details. The submitted plans indicate that the hardstanding areas will be constructed of permeable materials, which is a requirement to ensure that surface water run-off is retained at source. Matters relating to sewerage systems would part of the building regulations application and as such is not given weight in this planning decision. There are no objections to the proposal on grounds of environmental pollution.

5.13 Other Matters

Objection comments have been received which refer to the right of access to the private lane at the north of the site. It is noted here that matters relating to land ownership and rights of access are a civil matter outside of the control of the planning application and as such are not given weight when determining the application. It is noted that number 49 has an existing parking space and workshop at the rear of the property accessed from this lane. Further reference is made to a previous application (ref: PK01/2152/F), which refers to the access in the Officer's report. This does not denote a formal indication of access rights. Similarly damage to property as a result of building works and access for construction is not a planning matter.

- 5.14 Comments made by local residents make reference to the absence of the existing extensions on the submitted plans. The plans received 27th June have been revised accordingly to include all existing extensions. Local residents also make reference to the number of bedrooms in the existing properties indicating that the information submitted by the applicant is inaccurate. The information submitted in relation to the number of bedrooms in the existing properties is believed to be accurate and this is reflected by the plans approved under application PK00/1527/F for number 49 St James Street.

- 5.15 Concerns have been raised relating to noise and disruption from construction. It is acknowledged that some disturbance from construction is inevitable as a result of building works however this is not considered detrimental to residential amenity and would not warrant a refusal of the application. Given the proximity of neighbouring properties to the application site it is considered reasonable to attach a condition to the decision notice restricting hours of construction. An informative relating to construction sites will also be outlined as advice for the applicant.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That the application is APPROVED subject to the following conditions:

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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 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, and 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 satisfactory provision of private amenity space and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be

submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

5. Prior to the commencement of development on the dwelling hereby approved, the off-street parking facilities for no.s 47 and 49 St James Street shown on the plan hereby approved shall be provided, and thereafter retained for that purpose. The off-street parking facilities for the proposed dwelling (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

6. The hours of working on site during the period of construction shall be restricted to 7:30 - 18:00 on Mondays to Fridays (inclusive), 8:00 - 13:00 on Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

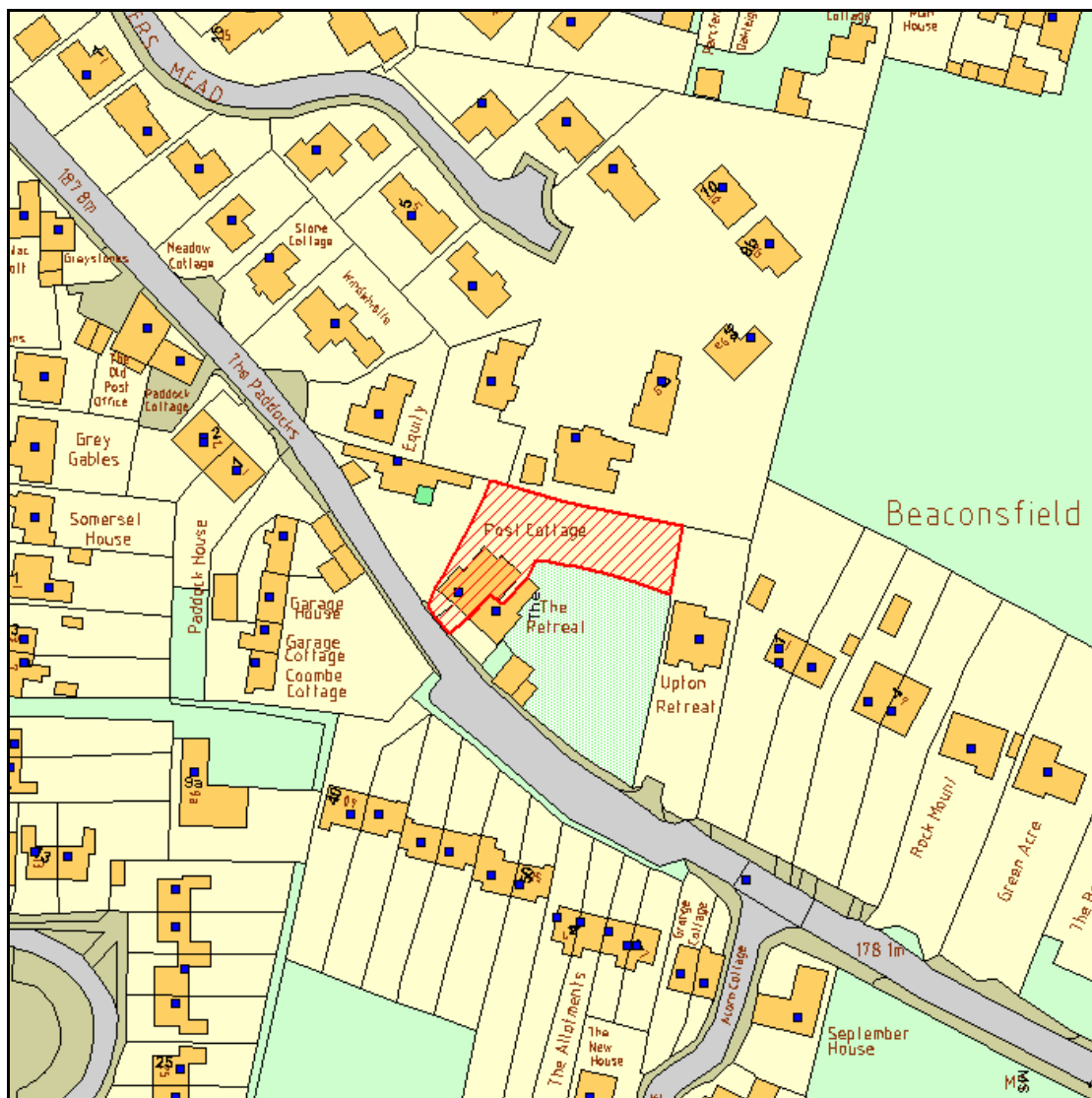
Reason

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

ITEM 7

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/1869/F	Applicant:	Mr And Mrs G Young
Site:	Post Cottage France Lane Hawkesbury Upton Badminton South Gloucestershire	Date Reg:	3rd June 2013
Proposal:	Demolition of various outbuildings and erection of single storey rear and side extension to form additional living accommodation	Parish:	Hawkesbury Parish Council
Map Ref:	378111 186787	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	23rd July 2013



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following a comment from a local resident.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of various outbuildings and the erection of a single storey rear extension to form additional living accommodation.
- 1.2 The application site relates to a two-storey semi-detached cottage situated with the settlement boundary of Hawkesbury Upton and with the Hawkesbury Upton Conservation Area.
- 1.3 During the course of the application revised plans were requested and received to correct the labelling on the plans. In addition these revised plans altered the pitch of the proposed roof to make it more in-keeping with that of the host dwelling.

2. POLICY CONTEXT

- 2.1 South Gloucestershire Local Plan (Adopted) January 2006
 - D1 Achieving Good Design in New Development
 - H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
 - L12 Conservation Areas
- 2.2 South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
 - CS1 High Quality Design
 - CS5 Location of Development
 - CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P96/1132 Construction of vehicular access and hardstanding
Approved 22.5.96
- 3.2 P96/2719/C Remove render from end elevation and point
 stonework. Repair defective chimney
Approved 17.12.96

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Upton Parish Council
No objection but please take into consideration the neighbour's comments

4.2 Other Consultees

Conservation Officer

No objection subject to conditions attached to the decision notice

Archaeology Officer

No objection

Other Representations

4.3 Local Residents

One letter has been received from a local resident. The points raised are summarised as:

- No objection in principle but would like to see windows on east elevation to be non-opening and of obscure glass. This is to reduce the noise from the new living area that will be closer to our property and to ensure no overlooking
- Changes to the chimney should meet appropriate building standards
- Assume that as old workshop is defunct as it does not appear on plans and there are no current plans to reinstate it

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies. The site is within the established settlement area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policies in the local plan (H4 and D1) require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore they should respond to local character and history and reflect the identity of local surroundings and materials and not detract from the character or appearance of the Conservation Area Policy (L120).

- 5.2 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. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination was scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. 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.

Officers are satisfied that the proposed development accords with the principle of development and this is discussed in more detail below.

5.3 Design and Visual Amenity

Post Cottage and The Retreat are a pair of traditional cottages dating from the late eighteenth/early nineteenth century. The historic maps appear to show that Post Cottage was two small cottages. There is evidence on the front elevation of Post Cottage that later works were carried out, including the replacement of window surrounds within earlier dressed stone surrounds and the addition of a porch, and this could have been done when two cottages were turned to one. The Retreat is in a more original state externally, and for this reason is locally listed.

The application proposes the replacement of a series of rear extensions, of varying roof forms, with a single large pitched roof. The proposed roof pitch was assessed as being untraditionally wide and shallow. This feature is not considered to reflect the traditional character and form of the original cottage. Revised plans were received by the Council to reflect a steeper roof pitch to match that of the host dwelling. It was further suggested to the agent that the wide single gable roof projection to the rear could be split into two smaller gables to better reflect the character of the host dwelling. However, it has been explained to Officers that given the existing situation no internal support would be available to accommodate the two gables. Although it is considered the design could be improved upon, on balance, given the scale of the proposal and its location, Officers consider a refusal could not be supported and the proposed development is therefore deemed to be acceptable.

Good quality materials would be used in its construction, details of which are to be secured by condition. Comments relating to the function and quality of the chimney would be dealt with under building regulations and the old workshop would be incorporated into the footprint of the proposed extension.

Given the above the proposal is deemed to accord with policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Residential Amenity

The proposal would be located to the rear of the cottage, replacing for the most part an existing group of various single storey extensions and increasing the footprint slightly. The extension would have openings in its northwest, north and northeast elevations. Two windows proposed in the northwest side would replace an existing set of windows in this elevation. Comments have been received from neighbours requesting that these windows closest to them, in what would be the northwest elevation (not the east elevation as identified by them), be obscure glazed and non-opening.

The proposed extension would extend the existing projection to the east by an additional 1.2 metres (approx). However, the distance between the two

properties is approximately 14 metres and screened by planting. Furthermore, the application site is at a slightly lower level than its neighbour and positioned further to the south. Given this and the fact that the single storey extension already has windows in this elevation, it is considered that the proposal would not adversely impact on the residential amenity of those neighbours over and above that already existing. To the north neighbours here are side-on to and above the level of the application site and separated from them by a distance of approximately 20 metres. Openings in the northeast elevation would not change and the residential amenity of neighbours would remain as existing. There would be sufficient garden space to serve the property following the development.

The proposal is considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Notwithstanding previously submitted details and prior to the commencement of development a representative sample panel of roughcast render of at least one metre square showing the texture and finish, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance

with the agreed samples, which shall be retained on site until completion of the development for consistency

Reason

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

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

- a. all new windows (including cill and head/lintel details). For the avoidance of doubt all new windows shall be timber;
- b. all new doors (including frame and head details)
- c. eaves, verges and ridges

The works shall be completed in accordance with the agreed details

Reason

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

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

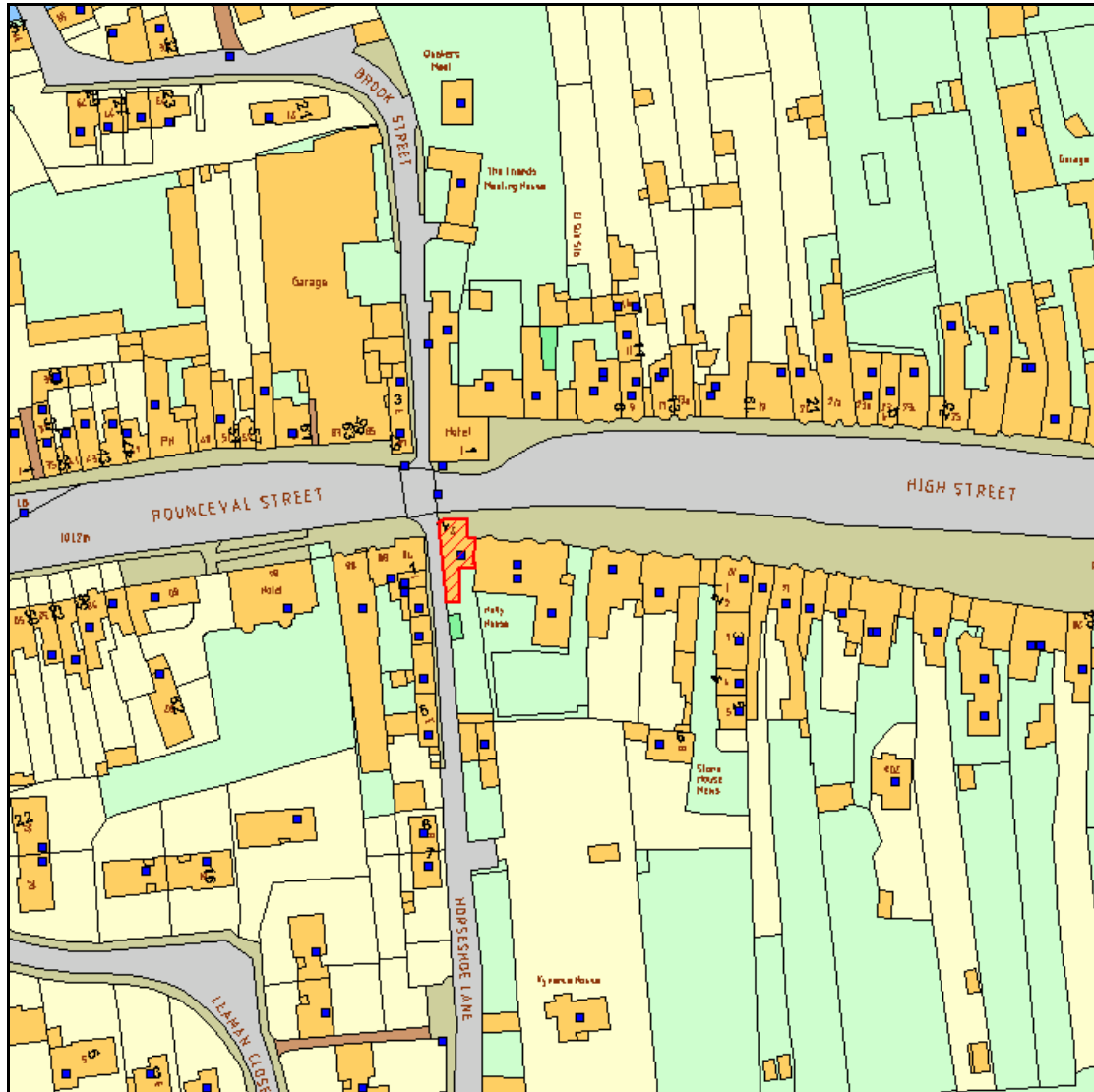
Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/1890/ADV	Applicant:	Mrs Gillian Dyer
Site:	2 High Street Chipping Sodbury Bristol South Gloucestershire BS37 6AH	Date Reg:	3rd June 2013
Proposal:	Display of 1no. non-illuminated hanging sign.	Parish:	Sodbury Town Council
Map Ref:	372573 182205	Ward:	Chipping Sodbury
Application Category:	Minor	Target Date:	23rd July 2013



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PK13/1890/ADV

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from Sodbury Town Council contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for the display of 1no. non-illuminated hanging sign.
- 1.2 The application site comprises a two-storey grade II listed end of terrace property located on the southern side of Chipping Sodbury High Street. The property is constructed of stone and comprises a front gable. It projects from the established building line and terminates views from the eastern end of the high street. The site is located within the defined Chipping Sodbury settlement boundary and Conservation Area.
- 1.3 The proposed sign is located on the northern principal elevation of the building; it is fixed to a traditional metal bracket at a height of approximately 2.8 metres from the ground; it measures approximately 0.65 metres in height, 0.55 metres in width and 0.05 metres in depth. The sign is constructed of timber and comprises the text "Gilly's" in black on a white background.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisement) Regulations 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/1650/LB, consent to display of 1 no. non illuminated hanging sign, undecided.
- 3.2 PK13/1649/F, change of use from Class A1 (Shops) to Class A4 (Drinking Establishment) as defined in the Town and Country Planning (Use Classes) Order 1987, as amended (Re Submission of PK12/2979/F) (Retrospective), undecided.
- 3.3 PK12/2979/F, change of use from Class A1 (Shops) to Class A3 (Restaurants and Cafes) as defined in the Town and Country Planning (Use Classes) Order 1987, as amended, refusal, 19/11/12.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
Objection
- 4.2 Transportation DC Officer
No objection

- 4.3 Conservation Officer
No objection

Other Representations

- 4.4 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The Town and Country Planning (Control of Advertisement) Regulations 2007 and Section 220 of the Town and Country Planning Act relevant to the proposal indicate that the main issue for Local Planning Authorities to consider is the impact of signs on the amenity and public safety and taking into account the cumulative impacts. Advice contained in the National Planning Policy Framework relating to advertisements is also a material consideration when considering the proposal. In this instance, when considering amenity, consideration is required regarding the impact on the character and setting of the listed building and the visual amenity of the Conservation Area.

5.2 Amenity

The proposed sign comprises traditional materials and a traditional appearance, which is considered to be sympathetic to the historic character of the building and surrounding area. The sign is also sympathetic in terms of its scale and siting such that it will not appear adversely intrusive on the building. The Councils Conservation Officer has considered the proposal and has raised no objections. Accordingly, there are no objections in terms of amenity.

5.3 Public Safety

The sign is sited high up on the building where it will not obstruct pedestrian or vehicular movements on the public highway. The amount of information contained on the sign and the size of the text is such that it will not be adversely distracting to the detriment of highway safety.

6. RECOMMENDATION

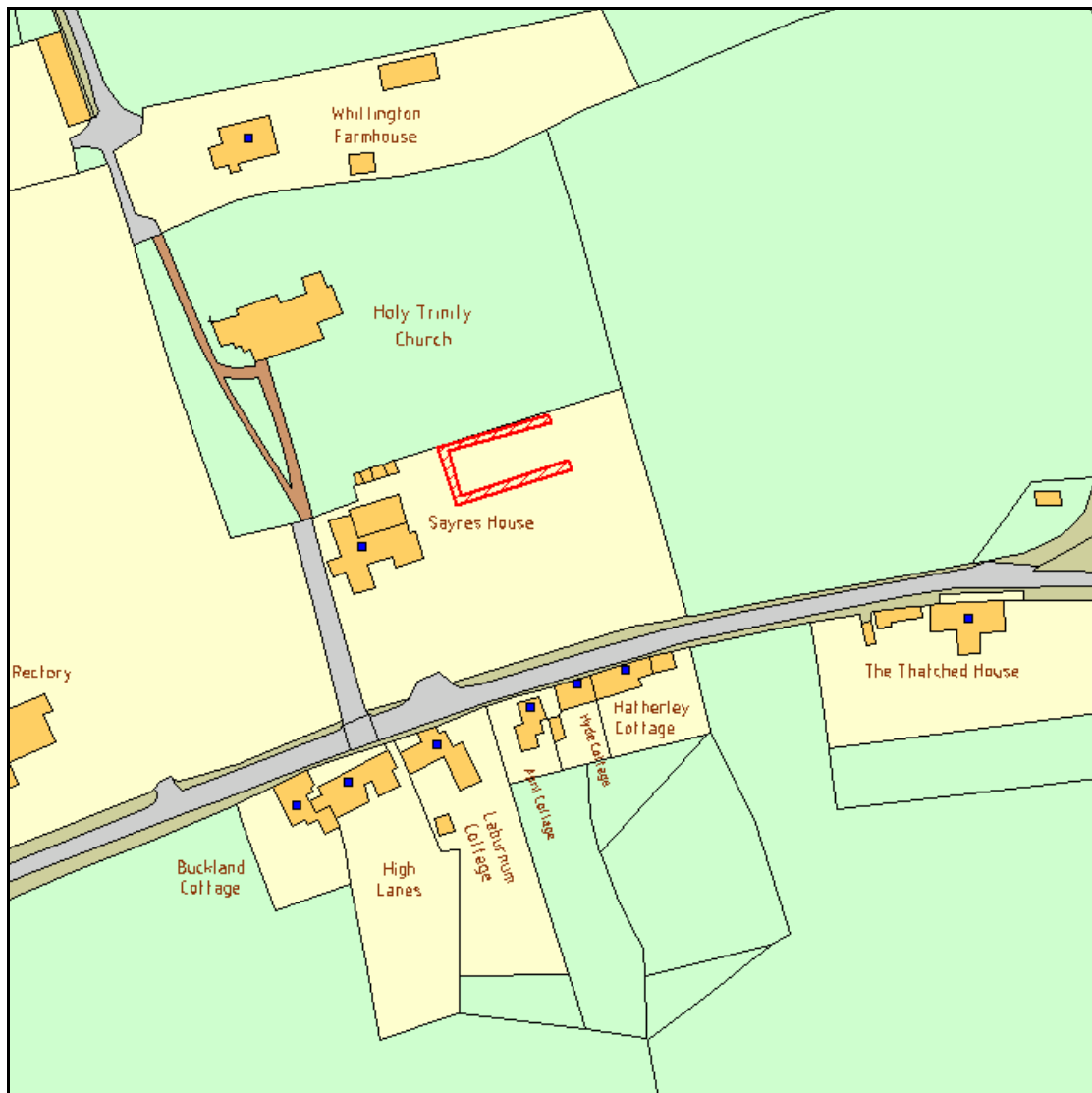
- 6.1 Advertisement consent is GRANTED.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

ITEM 9

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/2105/TCA	Applicant:	Mr Nigel Trapp
Site:	The Old School House Hyde's Lane Cold Ashton Chippenham South Gloucestershire	Date Reg:	17th June 2013
Proposal:	Works to remove Beech hedging within Cold Ashton Conservation Area	Parish:	Cold Ashton Parish Council
Map Ref:	375121 172690	Ward:	Boyd Valley
Application Category:		Target Date:	24th July 2013



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PK13/2105/TCA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received from a resident contrary to officer's recommendation. The report appears for information. Due to strict time parameters for this type of application, the application should not be referred to committee as deemed consent will be granted should the decision notice not be issued before the expiry date of 24th July 2013.

1. THE PROPOSAL

- 1.1 The application seeks consent to remove Beech hedging within the Cold Ashton Conservation Area.
- 1.2 The trees are located within the gardens of The Old School House, formerly known as Sayres House, Cold Ashton, SN14 8JU.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Trees) Regulation 1999
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
Policy L12

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Cold Ashton Parish Council
No objection.
- 4.2 Council Tree Officer
No objection

Other Representations

- 4.3 Local Residents
Objection – works should not take place until after bird nesting season, in compliance with Wildlife and Countryside Act 1981.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and appearance of a conservation area.

This act makes special provision for trees in Conservation Areas that are not the subject of a Tree Preservation Order (TPO). Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree should be taken into account.

5.2 Consideration of Proposal

The hedging is located in a large plot to the east of the property adjacent to the Holy Trinity churchyard.

The Beech hedging forms a U-shaped courtyard area at the north boundary of the site, and has overgrown a traditional dry stone wall. The hedging has little or landscape value and does not offer any visual amenity. The individual trees are not discernable and would not meet the criteria for inclusion on a Tree Preservation Order.

5.3 There are no objections to the removal of the hedge.

5.4 Other matters

A resident has objected to the works taking place until after the bird nesting season, in accordance with the Wildlife and Countryside Act 1981. As stated in 5.1, the sole test to be considered for this type of application is whether the hedging contributes such visual and historical amenity to be worthy of a Tree Preservation Order. Although other legislation may be relevant to the proposed works, this cannot be enforced by the planning regime.

6. RECOMMENDATION

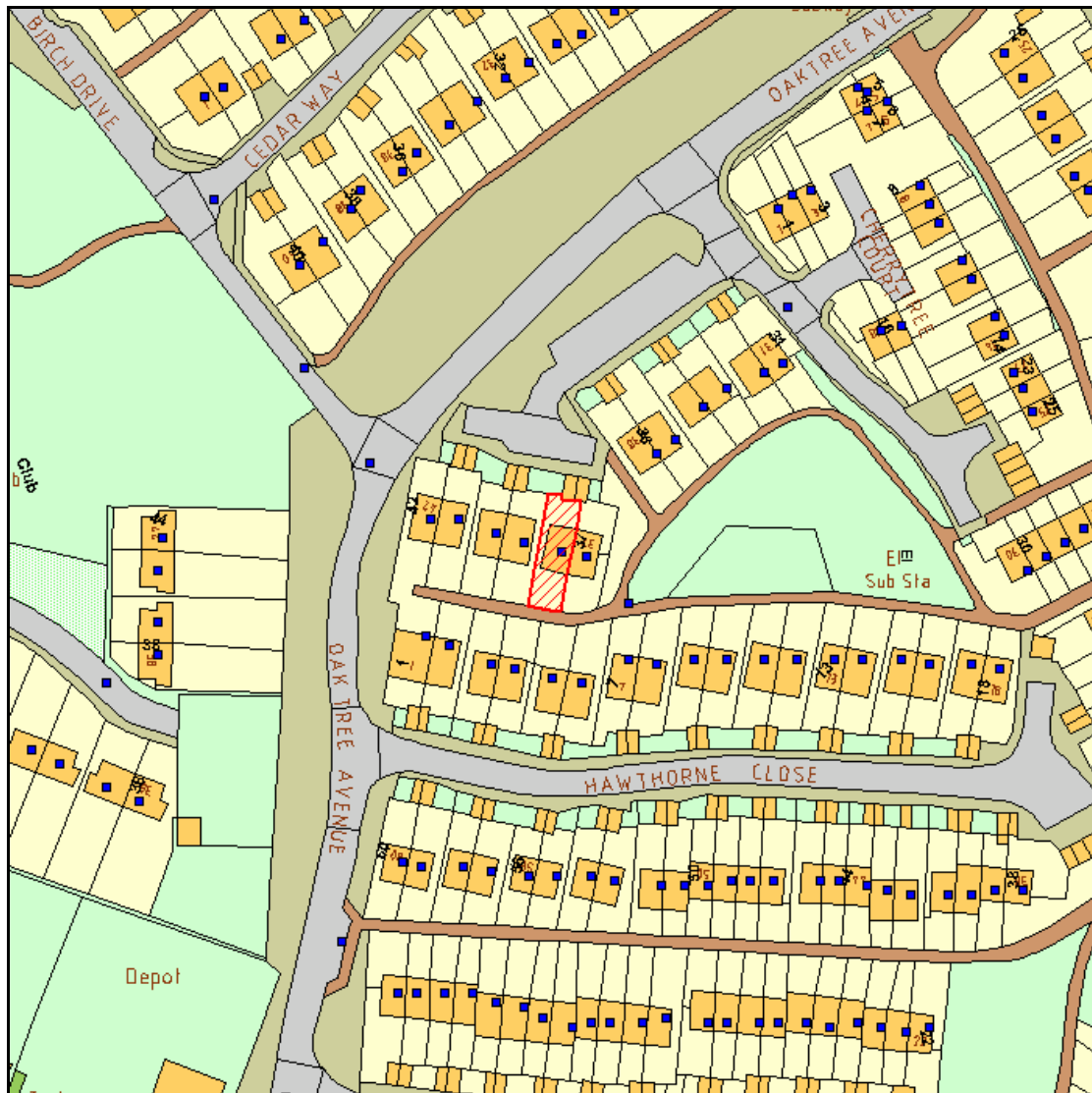
6.1 **No objection** to works to remove Beech hedging within the Cold Ashton Conservation Area.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

ITEM 10

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PK13/2173/CLP	Applicant:	Mr Andy Smith
Site:	38 Oaktree Avenue Pucklechurch South Gloucestershire BS16 9TE	Date Reg:	19th June 2013
Proposal:	Application for Certificate of Lawfulness for the proposed construction of side dormer to facilitate loft conversion (Resubmission of PK13/1397/CLP)	Parish:	Pucklechurch Parish Council
Map Ref:	370042 176098	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	12th August 2013



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PK13/2173/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as it is an application for a Certificate of Lawfulness for a proposed development, in accordance with the established practice for determining applications of this kind.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) Order 2013. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of the construction of a full length side dormer on a semi-detached house to form additional living accommodation.
- 1.3 Having reviewed the planning history for this property, the Council's records do not indicate that permitted development rights have been removed or restricted. Therefore it is considered that the property's permitted development rights are intact and exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
No objection
- 4.2 Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE SUBMITTED

- 5.1 The following documentation has been submitted to the Council on 17th June 2013 in support of this application, and on which the application shall be determined:
- iPlans diagram 'Site Location and Block Plans', reference Issue 1A, dated 01.05.2013
 - Architectural Services diagram 'Existing Elevations', reference Issue 1A page no. 2, dated 10.04.2013.
 - iPlans diagram 'Proposed Elevations', reference Issue 1A page no. 2, dated 15.06.2013.
 - Architectural Services diagram 'Existing Floor Plans', reference Issue 1A page no. 1, dated 04.04.2013.
 - Architectural Services diagram 'Proposed Floor Plans', reference Issue 1A page no. 1, dated 10.04.2013.
 - Email from Julie Routledge at iPlans received on 21st June 2013, confirming type and height of first floor side facing glazing.

6. ANALYSIS OF PROPOSAL

- 6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.
- 6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development is can be lawfully implemented.
- 6.3 The proposed development consists of a side dormer roof extension. This development would fall under the criteria of **Schedule 2, Part 1, Class B** of Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 (enlargement of a house consisting of an addition or alteration to its roof). This type of development allows for the enlargement of the roof of a dwellinghouse provided certain criteria are met. Developments that fail any of the following criteria would not be permitted.
- 6.4 *B.1 Development is not permitted by Class B if:–*

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

The development does not propose to exceed the height of the existing roof.

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

Submitted plans 'Proposed Elevations' show that the enlarged roof does not extend beyond the roof slope on the front elevation or any elevation which fronts the highway.

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

The proposed works consist of the construction of a side dormer on a semi-detached dwellinghouse to facilitate a loft conversion. The existing building has a pitched roof running from front to rear, and the dormer will be positioned within the side-facing roof slope.

The application form states the additional volume of the proposed works is "falls within the 50 m³ allowance". An independent calculation carried out by the officer using the submitted material has calculated the additional volume to be 47.89m³. The property is semi-detached and therefore may extend up to 50 cubic metres as permitted development. As the proposal is within the permitted threshold stated under point (c) ii it is in compliance with this criterion.

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

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

The proposal does not provide for a veranda, balcony or raised platform. The submitted material does not show any existing or proposed chimneys or vent pipes, however on a site visit it was noted there are a number of flue outlets protruding from the existing roof space. The site is not on Article 1(5) land and therefore this criterion is not applicable.

6.5 *B.2 Development is permitted by Class B subject to the following conditions –*

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

The submitted plans state that the materials will match those of the existing dwelling. The proposed development is therefore considered to be in compliance with this condition.

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

Submitted plans 'Proposed Elevations' shows the proposed dormer face will be set back from the eaves of the property by approximately 400mm, and thus this condition has been complied with.

- (c) *any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -*

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

The proposal includes two dormer windows to serve the en-suite bathroom and shower room. The email from iPlans received on 21st June 2013 confirms the opening part of the window will be over 1.7 metres above the floor in the room they are located in and will be obscure glazed.

7. CONCLUSION

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.
- 7.2 It is considered that the side dormer roof extension has been found to comply with the criteria of Schedule 2 Part 1 Class B of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required.

8. RECOMMENDATION

- 8.1 It is recommended that a Certificate of Lawfulness for Proposed development be GRANTED for the following reason:

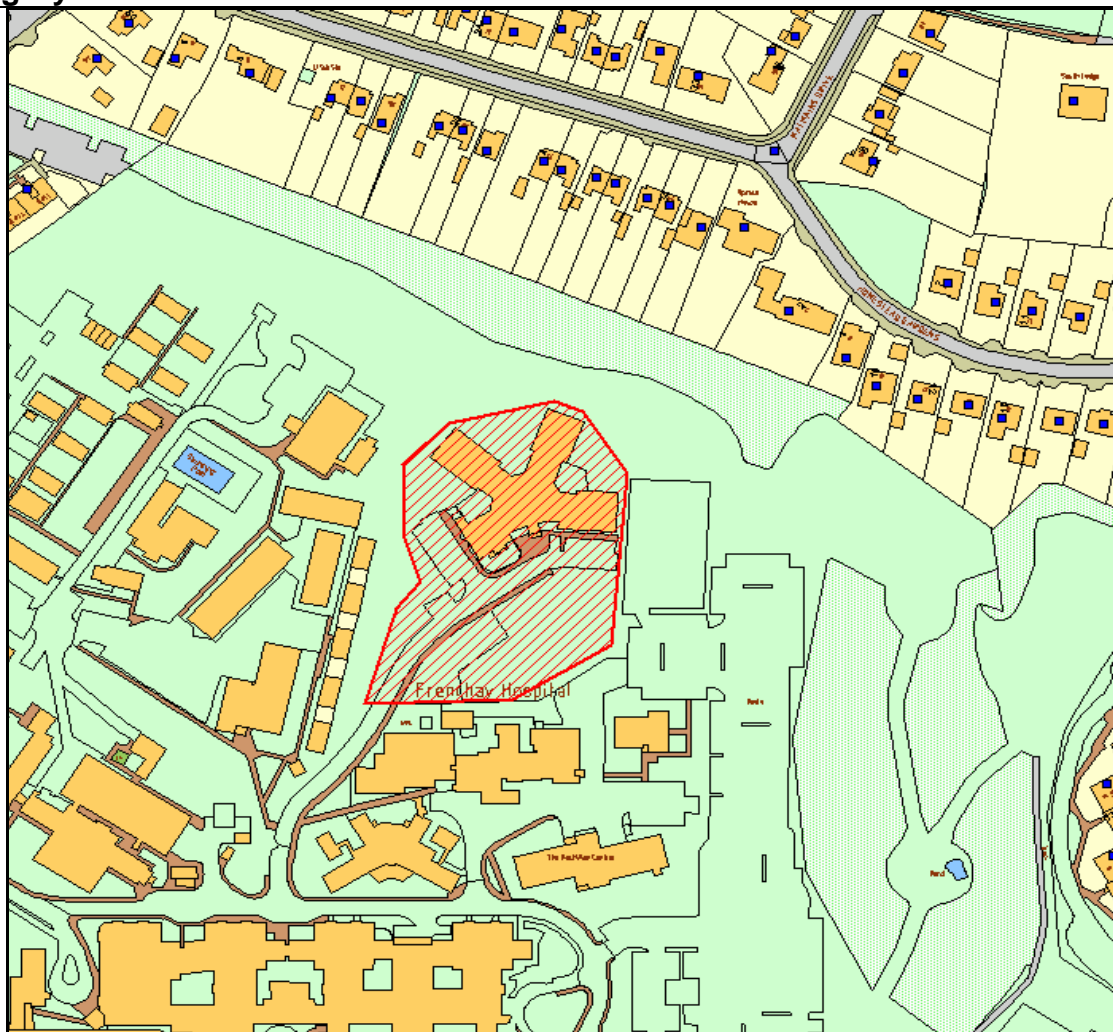
Evidence has been provide to demonstrate, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, and is considered permitted development.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

ITEM 11

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PT13/0652/EXT	Applicant:	Four Seasons Health Care
Site:	Frenchay Hospital Frenchay Park Road Frenchay South Gloucestershire BS16 1UU	Date Reg:	22nd April 2013
Proposal:	Erection of residential care unit (Outline) with access, layout and scale to be determined. All other matters reserved. (Consent to extend time limit implementation for PT10/0502/O).	Parish:	Winterbourne Parish Council
Map Ref:	363880 177705	Ward:	Frenchay And Stoke Park
Application Category:	Major	Target Date:	18th July 2013



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PT13/0652/EXT

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the objection received from Winterbourne Parish Council contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of a residential care unit with access, layout and scale to be determined and all other matters reserved. The application forms an extension of time to application PT10/0502/O.
- 1.2 The building of 1404 square metres will include 15 additional bedrooms, 20 consultant/office rooms and a large rehabilitation flat. The proposed building will be 102 square metres smaller in floor area (a reduction of 7.25%) over that previously approved by application PT05/0722/REP. The site currently accommodates 21 car parking spaces and a further 8 are proposed along with a covered cycle shelter. The remainder of the site is given over to landscaping and soft garden amenity areas. There is no alteration to existing access arrangements.
- 1.3 In terms of the dimensions of the building the front elevation to the north spans 65.5 metres in length (as opposed to 73 metres of the current approval). A single storey building extends by 16.6 metres. In terms of height, at two storey level, the ridge height would be 8.2 metres, this ridge dropping to approximately 6 metres for the single storey parts of the building.
- 1.4 The application site comprises an area of the hospital site that is currently undeveloped at the north-eastern corner. The site is situated between two large detached units. The building to the north built in the early 1990's houses 20 bedrooms, day rooms, therapy rooms, staff facilities, offices, consulting rooms as well as Hydrotherapy Pool and Gym areas to assist rehabilitation. The centre provides a rehabilitation service for adults with traumatic and acquired brain injury.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
L1 Landscape Protection and Enhancement
L12 Conservation Areas
L17 and L18 The Water Environment
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy for New Development
H2 Proposals for Residential Development ...including residential institutions and special needs accommodation

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

CS9 Managing the Environment and Heritage

CS25 Communities of the North Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/2390/F, erection of residential unit for patients with learning disabilities, approval, 13/11/00.
- 3.2 PT05/0772/REP, erection of residential unit for patients with learning disabilities. (Renewal of planning permission PT00/2390/F dated 10 November 2000), approval, 28/06/05.
- 3.3 PT10/0502/O, erection of residential care unit (Outline) with access, layout and scale to be determined. All other matters reserved, approval, 28/05/10.

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council

The Parish Council previously objected as they were unsure if this was to be a permanent building due to the redevelopment of the hospital.

4.2 Transportation DC Officer

No comment

4.3 Conservation Officer

No objection subject to the same reserved matters as previously conditioned

4.4 Environmental Protection Officer

No objection

4.5 Care Quality Commission

Not within remit to comment on planning applications

4.6 Drainage Officer

No objection subject to condition

4.7 Landscape Officer

No objection; however, given the ongoing master plan discussions of the adjacent site, the treatment of the southern and eastern site boundaries will be critical in achieving a successful, integrated scheme in this portion of the overall site redevelopment. The Local Planning Authority will expect to see detailed boundary and access treatment proposals, together with landscape proposals

(including 1:200 scale detailed planting plans), as part of the Reserved Matters application.

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Guidance contained in 'Greater Flexibility for Planning Permissions' (2009) states that Local Planning Authorities should take a positive and constructive approach towards applications, which improve the prospect of sustainable development being taken forward quickly. The development proposed in an application for extension will by definition have been judged to be acceptable in principle at an earlier date. Local Planning Authorities should, in making their decisions, focus their attention on development plan policies and other material considerations (including national policies on matters such as climate change), which may have changed significantly since the original grant of permission. In accordance with government advice, the main issues to consider are whether there have been any significant changes to planning policy or physical changes to the site, which would materially affect the original decision.

5.2 Consideration of Proposal

Since planning permission was granted under application PT10/0502/O the main policy changes have been the replacement of national guidance, in the form of planning policy statements and guidance, with the National Planning Policy Framework (NPPF). The NPPF is basically a condensed version of the previous guidance, although there is more emphasis on positive planning for growth and there is a presumption in favour of sustainable development. Accordingly, it is not considered that the introduction of the NPPF materially affects the original decision in this instance.

- 5.3 The previous decision was made taking into account the policies from the South Gloucestershire Local Plan (adopted) January 2006 and the South Gloucestershire Core Strategy (Pre Submission Publication Draft March 2010). The South Gloucestershire Local Plan (adopted) January 2006 is still the Council's Development Plan; however, a new version of the core strategy has since been published (Core Strategy Incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012). Policy CS25 of the Core Strategy states that development proposals will support the redevelopment of the existing hospital site at Frenchay for residential and ancillary infrastructure and services, including new health facilities.

- 5.4 Consideration is therefore, required regarding the impact of the proposal on the viability of the redevelopment of the Frenchay Hospital site, which adjoins the application site. Since the previous application was decided an application for outline planning permission has been submitted (PT13/0002/O) for the development of the Frenchay Hospital site, which is still under consideration and there have been ongoing discussions regarding the indicative master plan

and the potential site layout. The treatment of the southern and eastern site boundaries will be critical in achieving a successful integrated scheme in this portion of the overall site redevelopment of Frenchay Hospital. This is because these boundaries will form the rear garden boundaries of the proposed adjacent housing. In addition, the site will be accessed via a residential street therefore, the boundary and entrance treatment here will be very important within the overall redevelopment scheme. Accordingly, the Local Planning Authority will expect to see detailed boundary and access treatment proposals, together with landscape proposals (including 1:200 scale detailed planting plans), as part of the Reserved Matters application, in accordance with conditions 1 and 2 of the original Outline permission.

- 5.5 The master plan produced illustrates that residential properties will likely be located within close proximity to the application site. However, provided that adequate landscape planting is undertaken along the eastern and southern boundaries, it is considered that there will not be a significant adverse effect on the residential amenity of occupiers. Weight is also given to the fact that the indicative master plan shows the dwellings located to the south and east of the site, therefore, there will not be a significant adverse impact through loss of natural light.
- 5.6 The original decision includes 7no. conditions which comprise standard time compliance; off street parking provision; travel plan; and BREEAM “very good” compliance. All conditions are still considered to be relevant and it is recommended that they are copied to the new consent if permission is granted. An addition condition is recommended in respect of drainage details given the comments of the Council’s Drainage Officer.
- 5.7 Further Matters
In response the Parish Councils comments, the building will be a permanent structure to complement the existing building.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Approval of the details of the appearance of the building and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the appearance of any buildings to be erected and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The off street parking facilities (for all vehicles, including cycles) 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 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.

6. Prior to the commencement of development an updated travel plan shall be submitted to the Local Planning Authority for approval. The agreed scheme shall be implemented as approved before the development hereby permitted is brought into use or otherwise agreed in the Travel Plan.

Reason

To encourage means of transportation other than the private car, to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.

7. In accordance with the Sustainability Statement received 10th May 2010, the proposed development shall achieve a BREEAM rating of "very good" unless otherwise agreed in writing by the Local Planning Authority.

Reason

In order to achieve energy conservation and the protection of finite environmental resources and to accord with policy D1 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS1 of the South Gloucestershire Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.

8. 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.

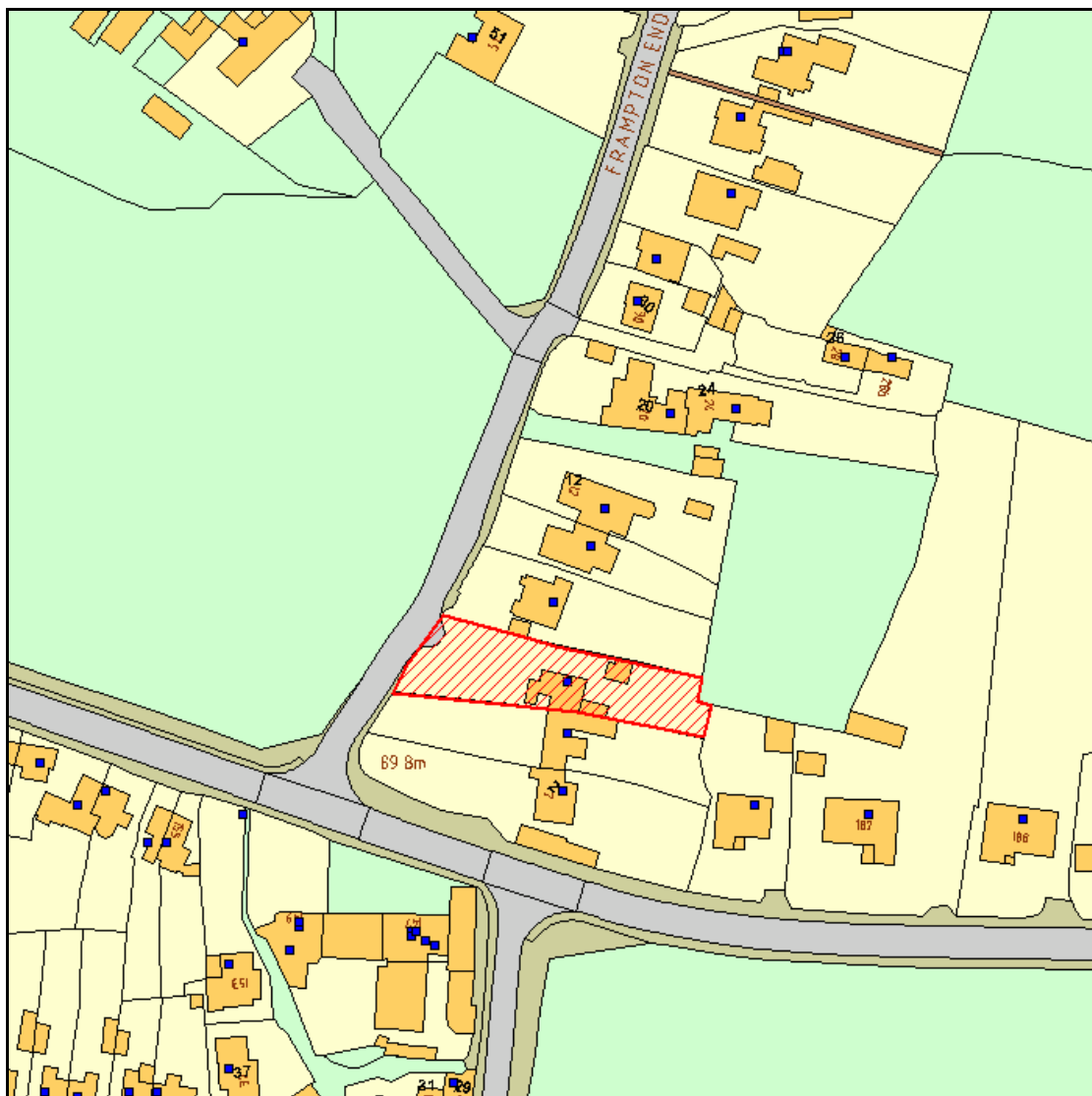
Reason

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

ITEM 12

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PT13/1769/F	Applicant:	Mr Mark Cole
Site:	6 Frampton End Road Frampton Cotterell South Gloucestershire BS36 2JZ	Date Reg:	28th May 2013
Proposal:	Erection of two storey rear extension and 2 storey side extension to provide additional living accommodation (Resubmission of PT13/0275/F)	Parish:	Frampton Cotterell Parish Council
Map Ref:	367355 181699	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	15th July 2013



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PT13/1769/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is circulated because the officer recommendation conflicts with the objection raised by Frampton Cotterell Parish Council and another objection received.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission for the erection of a two storey rear extension, incorporating a dormer roof extension and a part ground and part two storey side extension. The proposal incorporates the rebuilding of parts of the original building which fell or had to be taken down as part of the refurbishment works at the start of the year. The alterations remove a modern front extension and older rear single storey extensions.
- 1.2 The application site relates to a cottage style dwelling forming the end house in a terrace of three individually designed houses. The houses are all locally listed and this house is designed with its primary elevation facing sideways away from the attached houses. The site is situated just outside of the settlement boundary and lies within Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Section 7 requiring good design
Section 9 Protecting Green Belt Land

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design In New Development

H4: Development within Existing Residential Curtilage

GB1: Development within the Green Belt

L15: Buildings and structures which make a significant contribution to the character and distinctiveness of the locality

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

CS1 High Quality Design

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

South Gloucestershire Development within the Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/0275/F Erection of two storey front, rear and side extensions to provide additional living accommodation and integral garage. Withdrawn
- 3.2 PT13/1973/F Erection of 1.3 m high front wall. (Retrospective) pending consideration.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cottrell Parish Council
Objection – over-development and will have a detrimental impact on the streetscene.
- 4.2 Highway drainage
No objection
- 4.3 The Archaeology Officer
No objection
- 4.4 Conservation Officer
The reduced scheme is a considerable improvement on the original application and the restoration of the original cottage is welcomed although some further alterations to detail would be welcomed.
- 4.5 Local Residents
One support comment was received as the writer and attached neighbour finds the proposal a sensible redevelopment which improves the appearance of the property from the roadside and extends at the rear where he advises the proposal would secure privacy and not affect the natural light at the back of the house because of the existence of the writers single storey buildings. The layout is also considered agreeable as the rooms attached to No.4 are unlikely to cause noise transfer.

One objection comment was received as the writer is concerned that cottage was one of the original cottages of Frampton Cottage which has been virtually demolished in order to pave the way for a large side and rear extension. Concern that this will completely change the character of the original cottage and will lead to over-development. The writer proposes that the cottage should be returned to its original state. A small extension at the rear of the property which would not be seen from the road would be acceptable.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. There is therefore a presumption in favour of development subject to further consideration in relation to the policies of the local plan.
Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for extensions to residential dwellings. This is subject to the proposed development:
- respecting the character and appearance of the existing dwelling and the surrounding area;
 - not prejudicing the amenities of nearby occupiers
 - maintaining highway safety; and

- providing adequate amenity space.

5.2 Policy D1 of the Local Plan applies to all types of development. It considers general design principles to ensure new development respects, conserves and enhances the character and quality of the surrounding local environment. The proposal is also locally listed and it is therefore recognised that the building contributes to the locally.

5.3 Green Belt policy in both the NPPF and Policy GB1 of the local plan requires that only proportionate extensions to buildings within the Green Belt should be permitted. This is considered later in the report.

5.4 Visual Amenity and design

This locally listed building was undergoing renovation earlier this year, but during the course of those renovations, the roof was made unstable and had to be removed at the suggestion of the Council's Building Regulations Team. As a result the first floor walls to this cottage were also too unstable to stay upright and these too were taken/fell down. This is regrettable from a design point of view and will cost the builder significantly in rebuild costs and time delays on this project. Whilst the loss of the original building is regrettable, the building is not on the Scheduled list of buildings under the Planning (Listed buildings and Conservation Areas) Act 1990 but a locally recognised building which contributes to the Character and Distinctiveness of the area. As such no offence under the planning acts has occurred. The renovation works also removed modern and pre-planning act single storey development which stood at the front and rear of the house.

The agent has worked with the officer to design a scheme which rebuilds the first floor of the cottage and re-attaches the adjoining extension to the neighbouring house in a form very similar to that which was demolished. This application then seeks to erect a small, single storey, side extension at the front of the house in place of the front and side extension which stood until a few months ago and erect a rear, two storey extension. The proposed single storey extension would be situated marginally behind the front (road facing) elevation. This extension is an improvement on the previous front and side extension and retains the character and appearance of the old house as it originally stood.

The rear extension projects 6.6m down the garden but is little seen from the road and is designed to create a visual distinction between it and the original cottage. The use of cladding is intended to give it a secondary, ancillary appearance, the eaves are also modestly below those of the main part of the house and a glazed feature doorway creates more separation. In design terms the extension is two thirds of the depth of the cottage but the design and location of the proposal ensures that the scheme does not detract from the visual amenity of its surroundings. There is a large site area and as such the proposal is not considered to be overdevelopment of the site. The materials proposed are essentially render with hardwood timber cladding and timber lintels where shown and a tiled roof. Notwithstanding that the proposed elevation annotates interlocking concrete grey tiles to the roof, it is considered that the red/brown interlocking tiles stipulated in the application form and reflecting the materials which previously adorned the roof would be more

appropriate to the character of the cottage. The cottage is currently white painted rough cast render and the extension should match the material of the existing cottage. Conditions can adequately secure the roofing and walling materials.

On this basis, it is considered that the proposed development would respectfully reconstruct the character and appearance of the existing dwelling and would accord with policies D1 and H4 of the South Gloucestershire Local Plan. The retention of the remaining buildings and the rebuilding of the demolished elements of the structure also accord with Policy L15 that seeks to retain locally listed buildings.

5.5 Residential Amenity

The side elevation of the house is essentially the front of the old cottage and as such first floor windows face the neighbouring, non-adjoined bungalow. This is an existing situation which is tolerable but would be exaggerated by the proposed development without appropriate conditions. The effect of extending as proposed is that the glazed feature window and a further window on the side (north facing) elevation would cause an unacceptable loss of privacy to the residents of the bungalow as the angles involved would facilitate direct view into the rear windows of the bungalow. A condition is therefore necessary to restrict these windows to obscure or opaque glazing. No windows are shown in the other side elevation but similarly a condition preventing the insertion of windows in the cat slide dormer is necessary. Due to the distance between the proposal and the bungalow the overall scale and size of the proposed development would not be overbearing on the residential amenity of occupiers of the bungalow. Similarly the depth of extension proposed would have negligible impact on the adjoined neighbour as a large single storey structure is located immediately south of the rear extension. Accordingly the proposed development would not prejudice residential amenity, and would accord with policy H4 of the South Gloucestershire Local Plan.

There is also sufficient remaining garden for the proposed occupants.

5.5 Green Belt

The erection of new extensions to dwellinghouses are considered to be appropriate forms of development within the Green Belt where:

- ☐ the extension would not result in a disproportionate additions over and above the size of the original dwelling; and
- ☐ the extension would not harm the openness of the Green Belt.

5.6 The dwelling has been previously extended through various ground floor extensions. These are all proposed to be demolished in the proposal. Approximately half of these are thought to be pre-1947 and therefore contribute to the 'original size of the dwelling for the purposes of green belt policy. It has been assessed that the proposed development would constitute a volume increase of 45% and that overall this is considered to be proportionate and an appropriate development which will not harm the Green belt. Furthermore the development would be contained within an existing row of dwellings and would

not encroach into the openness of the Green Belt. It is therefore considered that the proposed development would constitute an appropriate form of development within the Green Belt, and would accord with policies GB1 and H4 of the South Gloucestershire Local Plan.

5.7 Transportation

The proposal does not propose changes to the existing drive and access arrangements although there is a further , as yet undecided, application which alters the front wall and access. Notwithstanding that application there is adequate parking on site, after demolition of the garage to accommodate at least two cars for the proposed development.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

7.1 Planning permission to be **GRANTED** subject to the conditions set out below.

Contact Officer: **Karen Hayes**
Tel. No. **01454 863472**

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 use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor windows on the northern elevation shall be glazed with obscure or opaque glass to level 3 standard or above, with any opening part of the window being above 1.7m above first floor, floor level .

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 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, north or south elevations of the building works hereby permitted.

Reason

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

4. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason

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

5. The tiles to be used in the development hereby permitted shall match those of the attached neighbouring house in colour, material and profile unless details of other tiles are submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the extensions hereby permitted.

Reason

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

ITEM 13

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PT13/1807/CLP	Applicant:	Mrs Sandra Jenkins
Site:	Linden Lea Shepperdine Road Oldbury On Severn South Gloucestershire	Date Reg:	4th June 2013
Proposal:	Certificate of Lawfulness Proposed for use of site for running of dog sitting service from 8am to 6pm	Parish:	Oldbury-on-Severn Parish Council
Map Ref:	362147 193933	Ward:	Severn
Application Category:	Minor	Target Date:	24th July 2013



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PT13/1807/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule as it is an application for a Certificate of Lawfulness for a proposed development. This is in accordance with the established practice for determining applications of this type.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development is for the use of the site for running a dog sitting service from 8am to 6pm.
- 1.3 Having reviewed the planning history for this property, the Council's records do not indicate that permitted development rights have been removed or restricted. Therefore it is considered that the property's permitted development rights are intact and exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations contained in the sources listed below.

- Town and Country Planning Act 1990

- Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Oldbury on Severn Parish Council
No response received.

- 4.2 Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
One letter received objecting to the proposal on grounds it constitutes a significant change of use and would have an adverse effect on immediate neighbours and the neighbourhood.

5. SUMMARY OF EVIDENCE SUBMITTED

- 5.1 The following documentation has been submitted to the Council on 25th April 2013 in support of this application, and on which the application shall be determined:
- OS Map showing Location Map, Council date stamped 29 May 2013.
 - Letter from the applicant dated 20th May 2013 explaining the proposal.

6. ANALYSIS OF PROPOSAL

- 6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.
- 6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development is can be lawfully implemented.
- 6.3 The proposal is to establish a dog sitting business during the daytime from Linden Lea, Shepperdine Road, Oldbury on Severn. The site is currently occupied by a residential property and curtilage. An area in the south-east corner of the site is laid to concrete, and surrounded by a post-and-rail fence. This area contains a stables and small outbuilding used for storage.

The officer has visited the site and is of the opinion that there is no evidence to suggest that this area is being used for any purpose other than in a manner incidental to the enjoyment of the dwellinghouse. Therefore the officer is of the opinion that this concreted area, and buildings contained therein, is part of the residential curtilage. As such the current use of the land shown within the red line boundary on the Site Location Plan is entirely for residential purposes.

- 6.4 The proposal seeks to install fencing in a small area north of the concreted stable area which is currently part of the rear garden of Linden Lea. This can be implemented under permitted development rights. The dog sitting service would then operate from both this newly fenced area and the concreted stable area, including the existing stables and outbuilding.

The area to be used for the dog sitting business would be approximately 20% of the land within the current residential curtilage.

- 6.5 The key considerations to be addressed in determining this application are whether the proposal constitutes development and whether the extent of the change of use within the residential curtilage could be considered to be ‘incidental’ to the enjoyment of the dwellinghouse.
- 6.6 The Town and Country Planning Act 1990 Section 55(1) includes the definition of development, which includes the clause

“the making of any material change in the use of any buildings or other land”.

Paragraph (2) goes on to define certain operations that shall not be taken for the purposes of the Act to involve development of the land, including specifically under bullet (d)

“the use of any buildings or land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such.”

With regard to paragraph (2)(d) related to changes of use within residential curtilage the meaning of ‘incidental’ must be examined. In terms of a change of use, the incidental use must be minor in nature, and dependent on the existence of the primary use. Although the physical area of the residential curtilage which is to be used for business purposes is a useful guide to establishing whether the use is incidental, it is not the only parameter. In *Wallington v SoS for Wales* 1991 PLR 87 the Court of Appeal also consider the nature and scale of the incidental activity, noting that the more dominant the activity the less likely it is to be described as incidental, and that the indulgence of a hobby is more likely to qualify than some commercial activity.

Although the plot is large, the area of land to be allocated for the business will occupy a not insubstantial proportion of the residential curtilage, as quantified in 6.4 above. This area will be accessed from the main entrance gate and driveway also used for the primary residential use. The driveway to access the business area of the plot will not be exclusively used by the proposed dog sitting operations and would continue to operate for the retained residential use of the plot. However the necessity for this land to be used for the business operation has been considered in establishing whether a material change of use would occur as a result of the proposal.

In this instance the scale by which the proposed use impinges on the enjoyment of the dwellinghouse as a dwellinghouse exceeds that which could be considered to be incidental. As such the proposed change of use of the land within the residential curtilage is considered to be material.

Overall, it is considered that the proposal constitutes a material change of use, and is not considered to be incidental to the enjoyment of the dwellinghouse.

6.7 Other matters

One letter of objection has been received from a local resident on the following issues.

- The certificate would change the use of the land from residential to business use.
- The presence of kennels at Linden Lea would end the countryside tranquillity of the area.
- Access to the site is along a narrow track unsuitable for the increase in traffic resulting from the proposal.
- Increased levels of traffic which would result in increased noise levels upon arrival at the site.
- Ability of the applicants to handle their own domestic dog.
- A Right of Way over land owned by the neighbouring property to access the public highway from the development site.

The extent to which the site would be used for business purposes has been addressed in the analysis above. The issues related to noise and local amenity, traffic generation and suitability of the access road to the site are planning matters and are therefore not assessed in a Certificate of Lawfulness application. Issues relating handling of domestic animals and rights of access across land are civil matters and not for the planning regime to assess.

7. CONCLUSION

7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in the Town and Country Planning Act 1990 and Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

7.2 It is considered that on balance the proposed change of use of the land to operate a dog sitting service constitutes a material change of use of the land, and is not of a purpose that is considered incidental to the dwellinghouse.

Further the change of use proposed does not fall under any permitted development category of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, and therefore requires planning permission.

8. RECOMMENDATION

8.1 That a Certificate of Lawfulness for Proposed Development is REFUSED.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

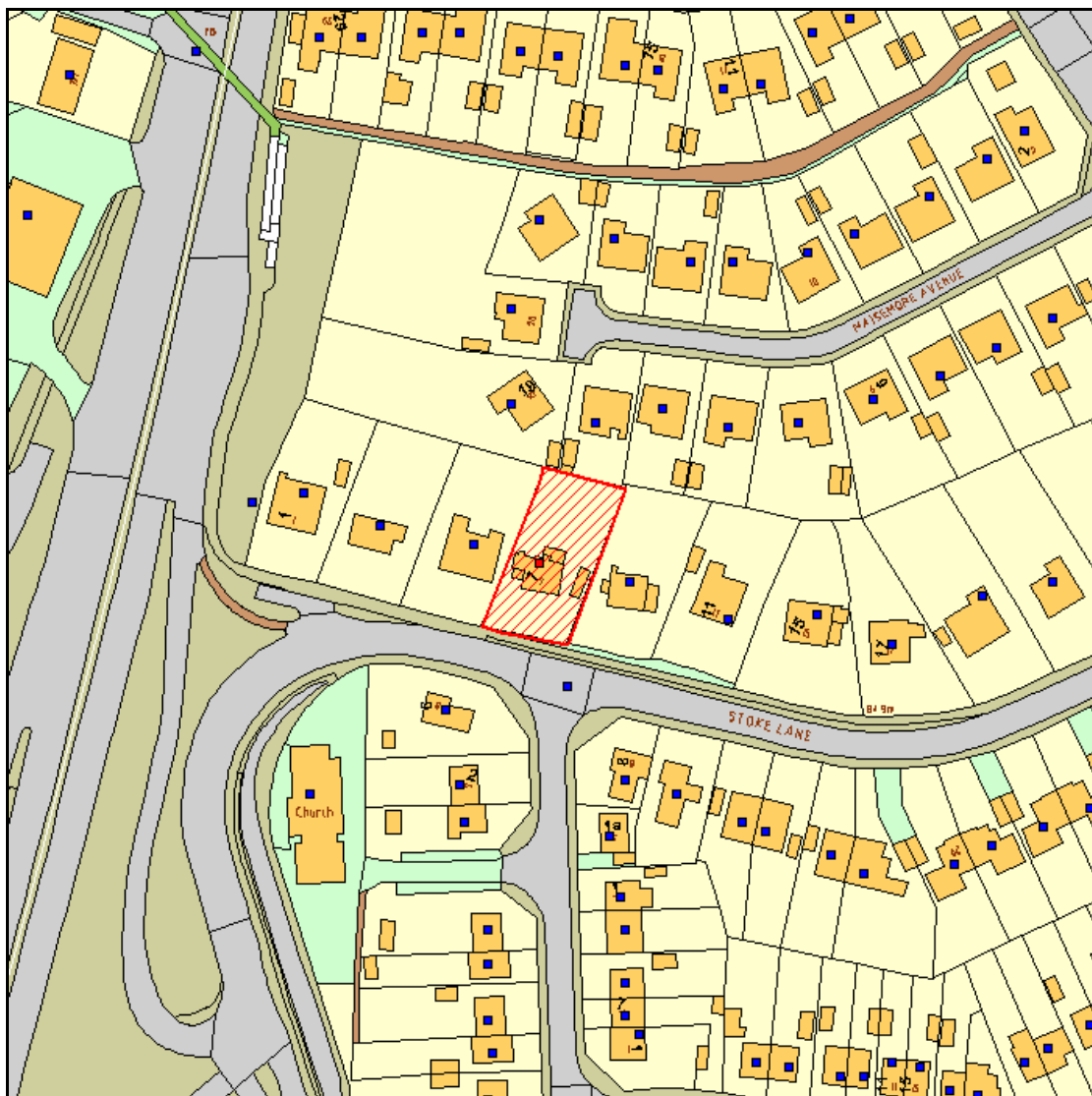
REASON FOR REFUSAL

1. It is considered that on balance the proposed change of use of the land to operate a dog sitting service constitutes a material change of use of the land, and is not of a purpose that is considered incidental to the dwellinghouse. Further the change of use proposed does not fall under any permitted development category of Schedule 2, Part 3 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, and therefore requires planning permission.

ITEM 14

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PT13/1913/F	Applicant:	Mr And Mrs G Hampson
Site:	7 Stoke Lane Patchway Bristol South Gloucestershire BS34 6BN	Date Reg:	5th June 2013
Proposal:	Alterations to increase height of existing roof to provide storage space	Parish:	Patchway Town Council
Map Ref:	360835 182009	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Householder	Target Date:	24th July 2013



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PT13/1913/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because concerns have been raised by Patchway Town Council contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for alterations to increase the height of existing roof to provide storage space.
- 1.2 The application site comprises a single storey detached property on the northern side of Stoke Lane. The site is located within the established residential area of Patchway.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/1812/F, alterations to roofline, approval, 24/07/12 (this application relates to no.5 Stoke Lane).
- 3.2 PT03/1936/F, erection of single storey rear extension to form living room, approval, 18/08/03.
- 3.3 PT04/2928/F, erection of single storey side extension to form 1 no. dwelling, refusal, 15/10/04.
- 3.4 PT04/3996/F, erection of single storey side extension to form self-contained annexe, approval, 12/01/05.

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
Patchway Town Council would like to see the extension to the roof at the back of the property to avoid changing the appearance of the house.

- 4.2 Drainage Officer
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 allows for the principle of the development proposed. The main issues to consider are the appearance/form of the proposal (policies D1 and H4 of the Local Plan); the effect on the residential amenity of neighbouring occupiers (policy H4 of the Local Plan) and the transportation effects (policies T12 and H4 of the Local Plan).

5.2 Appearance/Form

The proposal increases the height of the existing low-hipped roof to allow for additional storage space in the roof. The main roof ridge is increased from approximately 4.4 metres to 5.5 metres. The increase in ridge height proposed, combined with the fact that the property has been extended previously, significantly increases the bulk of the roof form. Whilst the proposed roof will be higher than the neighbouring property to the east, the proposed roof will be roughly commensurate to the ridge height of the properties to the west. Weight is given to the fact that planning permission was granted under application PT12/1812/F for an increase in the roof height at no.5 Stoke Lane. Whilst the bulkier roof form proposed will be prominent in the streetscene, with the hipped roof design, it is not considered to be adversely out of keeping with the character of the surrounding built form in terms of scale or form. The flat and vertical elements of the roof form will not be adversely prominent from views from the public realm. The applicant has specified the materials double roman tiles, vertical tiles and felt; a condition is recommended if permission is granted to ensure that the materials match the existing dwelling. The concerns raised by the Town Council are noted, however, it is not considered that the proposal will be adversely harmful to the character of the streetscene to warrant requesting amended plans.

5.3 Residential Amenity

The footprint of the dwelling will not change. Whilst the increase in roof height will have a greater impact on the amenity of neighbouring occupiers, the existing footprint does not extend significantly past the existing front and rear building lines of the neighbouring properties. Accordingly, it is not considered that there will be a significant adverse impact on the residential amenity of neighbouring occupiers through loss of natural light. It is not considered that the proposal will have a significant adverse impact on the privacy of neighbouring occupiers.

5.4 Transportation

Given the nature of the proposal it is not considered that there will be a significant increase in vehicular traffic. Whilst the increase in roof height could

function as additional accommodation in the future, the entire front of the dwelling is paved for parking. Accordingly, it is considered that there is sufficient parking available at the site to serve the dwelling.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. The 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 roof of the existing dwelling.

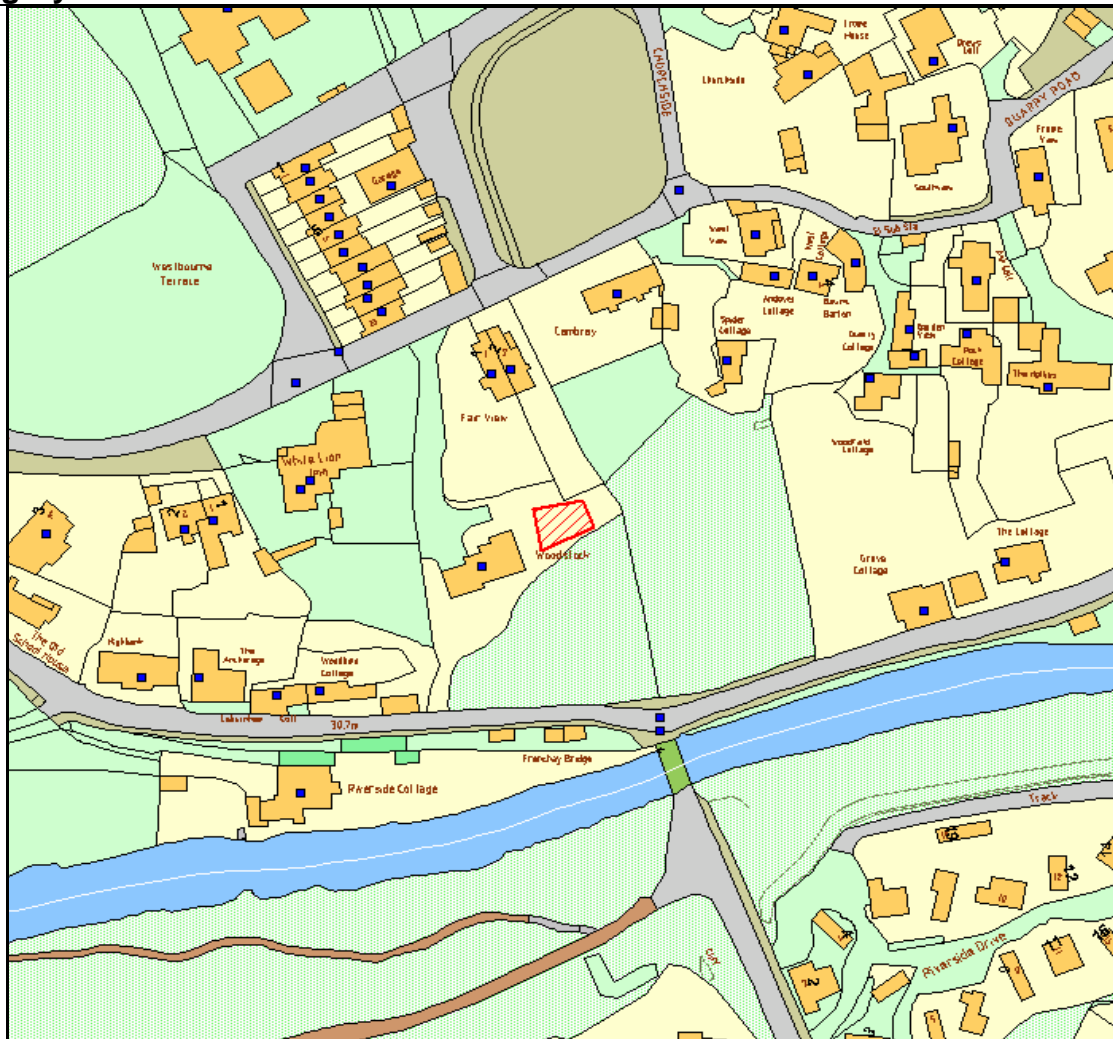
Reason

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

ITEM 15

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PT13/1936/TCA	Applicant:	Mr Humphries
Site:	Woodstock Quarry Road Frenchay Bristol South Gloucestershire	Date Reg:	18th June 2013
Proposal:	Works to reduce crown of 1no. Ash tree by a maximum of 3.5 metres. Reduce crown of 2no.sycamore trees to a maximum of 4.5 metres and 6 metres. Removal of 1no. Sycamore and Ash tree within Frenchay Conservation Area.	Parish:	Winterbourne Parish Council
Map Ref:	363955 177261	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	24th July 2013



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PT13/1936/TCA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received from the parish council contrary to the officer's recommendation. The report appears for information. Due to strict time parameters for this type of application, the application should not be referred to committee as deemed consent will be granted should the decision notice not be issued before the expiry date of 24th July 2013.

1. THE PROPOSAL

- 1.1 The application seeks consent to carry out the following works, all within Frenchay Conservation Area:
- reduce crown of 1no. Ash tree by a maximum of 3.5 metres.
 - reduce crown of 2no.sycamore trees to a maximum of 4.5 metres and 6 metres
 - removal of 1no. Sycamore and Ash tree.
- 1.2 The trees are located within the grounds of Woodstock, Quarry Road, Frenchay.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Trees) Regulation 1999
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
Policy L12

3. RELEVANT PLANNING HISTORY

- 3.1 PT04/2416/TCA: Works to 11 no. trees or groups of trees. Decision date 11.08.2004. **No objection.**

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection as not all the trees are within the boundary of the property.
- 4.2 Council Tree Officer
No objection.

Other Representations

- 4.3 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and appearance of a conservation area. This act makes special provision for trees in Conservation Areas that are not the subject of a Tree Preservation Order (TPO). Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree should be taken into account.

5.2 Consideration of Proposal

Woodstock is a modern detached dwelling located in one of the former quarries in the village. It is set back from the road and at the foot of a slope is largely hidden from view.

The plot the property is located in is large and is largely occupied by woodland to the south and east.

The trees subject to the works are located to the south east of the property. Neither the trees proposed to be removed or have their crown height reduced are considered worthy of a Tree Preservation Order. There are no objections to the proposal.

6. RECOMMENDATION

6.1 **No objection** to works to the following works, all within Frenchay Conservation Area:

- reduce crown of 1no. Ash tree by a maximum of 3.5 metres.
- reduce crown of 2no.sycamore trees to a maximum of 4.5 metres and 6 metres
- removal of 1no. Sycamore and Ash tree.

Contact Officer: Christopher Roe
Tel. No. 01454 863427

ITEM 16

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

App No.:	PT13/1939/F	Applicant:	Mr David Cowes
Site:	48A Over Lane Almondsbury Bristol South Gloucestershire BS32 4BW	Date Reg:	6th June 2013
Proposal:	Excavation of sloping land and erection of retaining wall to facilitate erection of garden shed/store.	Parish:	Almondsbury Parish Council
Map Ref:	359627 183191	Ward:	Almondsbury
Application Category:	Householder	Target Date:	29th July 2013



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100023410, 2008. **N.T.S.** **PT13/1939/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of an outbuilding in the rear garden of a dwelling in the Green Belt and the open countryside. The dwelling in question stands on a steep hillside facing southeast. Its rear garden is also steep and the wooden outbuilding has already been erected approximately half way up and close to the northeastern boundary of the site. At the time of the site visit it had a veranda on its front elevation, facing into the site. This is not indicated on the submitted plans and therefore the proposal, at least in this respect, is not considered to be retrospective, despite the implementation of something broadly similar on site. The application form makes clear that the works have not already been started and amended plans have since been submitted which show the same building located further up the hill, beyond the rear building line of No. 48.

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
GB1 Green Belt
H4 Development in residential cartilages
L11 Archaeology
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Development in the Green Belt (2007)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
Object to the proposal on the basis that the site is in the Green Belt and it is claimed that the development would be prevented by a covenant. Loss of privacy as the building is within 3 metres from the neighbour's door. Overbearing impact especially when the boundary hedgerow is not in leaf. and it would exacerbate existing flooding on Over Lane.

4.2 Other Consultees
Technical Services
No comment

Archaeology

A watching brief condition should be applied in respect of the amended siting for the building. The extent of ground disturbance of the site where the building has been erected has not been quantified, but the application site bounds the Knoll Park hillfort, an important but poorly surviving monument.

Other Representations

4.3 Local Residents

Two letters of objection has been received, from the same neighbour, citing the following concerns:

- Boundary between properties is shown incorrectly on the plans
- As cut and fill was not carried out on the rocky hillside, the building stands taller than it should have done as a result
- Would like the use that the building is put to clarified
- The building can be seen from next door when the beech hedge is not in leaf
- A covenant states that outbuildings should not be erected

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are the impact of the building on residential and visual amenity. With regard to the site's Green Belt setting, the proposal is for small scale householder development which is not considered to affect the openness of the Green Belt in this rear garden location. The proposal is therefore considered to be acceptable in principle, subject to the flowing detailed analysis.

5.2 Visual Amenity

The context of the site is considered to be important in analysing visual impact. The building would be located in a rear garden, adjoining another rear garden. Permitted development rights allow the erection of outbuildings and it is not unreasonable to expect these to be visible from neighbouring properties, whether there are boundary treatments or not. With this in mind, the main factor in this assessment is the appropriateness of the design of the outbuilding. It is of timber construction, with a lightweight appearance, common to garden sheds, despite its significant footprint shown as 43.2 square metres. The visual impact of the proposal is necessarily limited by the screening effect in views from the public realm by the house on site, despite the size of the proposal. As such, it is considered that the design is appropriate to the rear garden setting there would be no harm to visual amenity generally.

5.3 Residential Amenity

While this outbuilding requires planning permission for its erection, its use would implicitly have to be ancillary to the dwelling that it serves as any other purpose could constitute a material change of use, for which separate planning permission could be required. The likely use of the building was originally put forward as a store. Mention has also been made of its use as a shed. Both uses would have to be ancillary to the dwelling. The effects on residential amenity are therefore limited, for this application, to the physical impacts of the building. In this regard, it is noted that, while it is close to the boundary with the adjoining dwelling, No. 48, there is a substantial hedgerow between the properties. The building is shown on the plans as being 4 metres high, with a 2.4 metres height to the ridge. There is a tree screen to the rear of the site. It is considered that both the trees and hedge form effective screens to protect adjoining occupiers from noise which could be generated within the outbuilding, notwithstanding the fact that outdoor activities rather than indoor ones could take place in the same part of the garden without requiring planning permission, as long as they are ancillary to the use of the dwelling.

With regard to the physical impact of the building, it is recognised that it is located away from the site boundary and the adjacent dwelling, No. 48., is also set back, collectively providing a gap between built form of 6.5 metres. At such a distance it is considered that no overbearing impact would occur, taking account of the fact that the plans show that only the eaves height would be closest to the boundary, from which point the modest roof slope extends away from the boundary. It is acknowledged that due to the shed not being located on lowered ground within the steeply sloping site, it may be taller than shown on the plans, but the separation distance is considered adequate to rule out any overbearing impact, given the orientation of the roof. The separation distance and the lack of windows in the rear elevation are also considered to be adequate to prevent any loss of privacy or harm to residential amenity generally and the proposal is considered to accord with policy H4 in this regard.

5.4 Other Issues

The application site lies within an area of archaeological potential and the northern boundary of the site is bounded by Knole Park hillfort, an important but poorly surviving monument. A structure has already been built on this site without permission and this may have impacted on existing archaeology. A condition for a programme of archaeological work to monitor all ground disturbance is recommended below. The condition specifies that no further ground disturbance shall take place until a WSI has been agreed and implemented and this is considered to represent a suitable safeguard to satisfy policy L11 of the adopted Local Plan.

Three other issues have been raised through the consultation process. In regard to the issue regarding exacerbating flooding in Over Lane, no objection has been raised by Technical Services. However, it is acknowledged that Over Lane is prone to flooding and under the circumstances it is considered appropriate to require drainage details, given the size of the building applied for. This is recommended as a condition below.

The drawing of the boundary line between properties is not considered to be a critical issue as the decision notice will state that that planning permission does not apply on any land not owned by the applicant and that if access is required on neighbouring land, permission would have to be sought to avoid trespassing. It is understood that the concern raised does not affect the proposed location of the outbuilding and it is considered that this can be erected from within the site, due to the space left between the proposed location and the site boundary. It should be noted that the approval of planning permission does not confer ownership. Also relevant to civil rather than planning law is the covenant that was raised through the consultation process.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. 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, L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

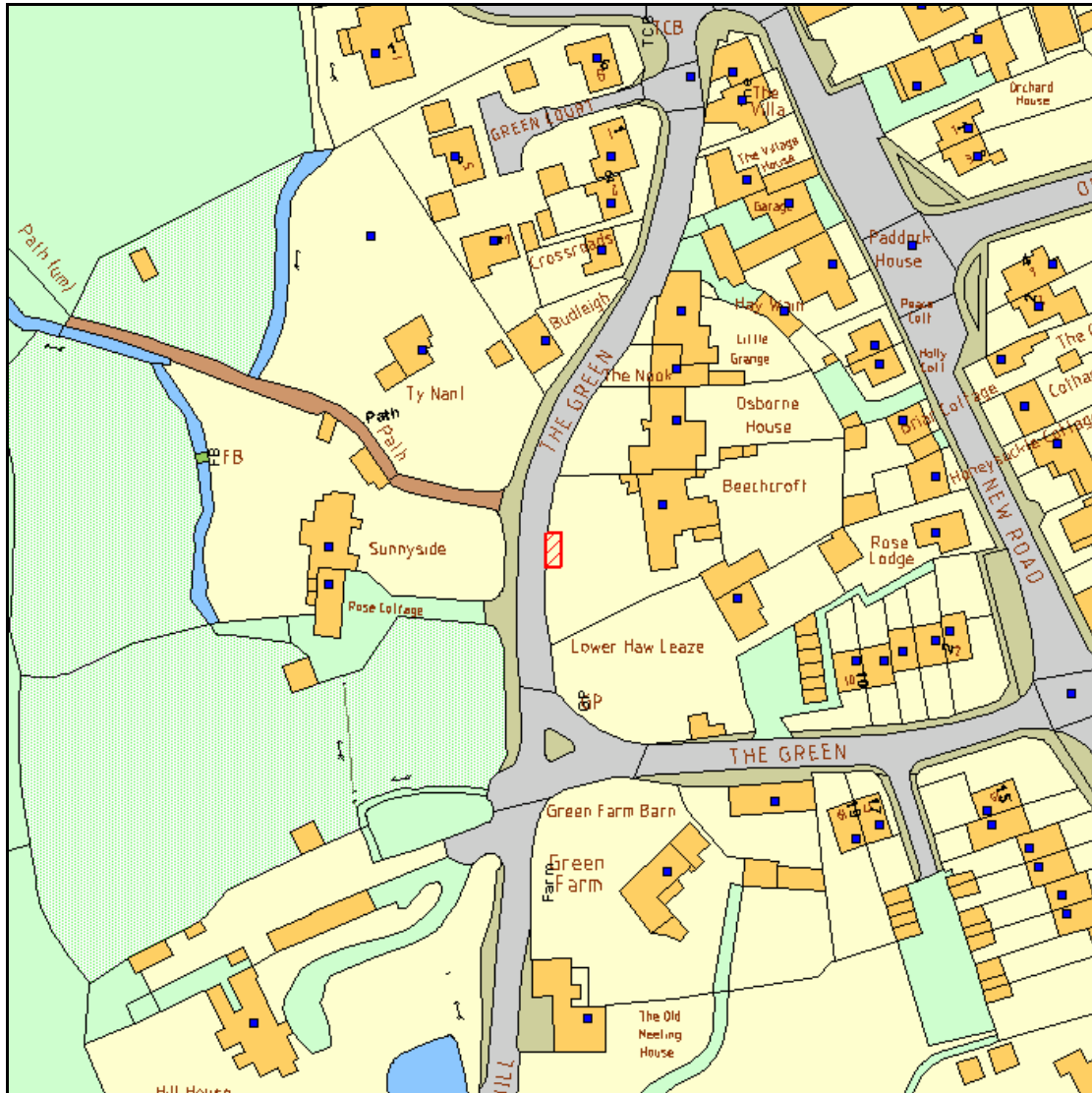
3. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in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

Reason

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

CIRCULATED SCHEDULE NO. 28/13 – 12 JULY 2013

Applicant:	Mr Peter Grindal
Date Reg:	17th June 2013
Parish:	Olveston Parish Council
Ward:	Severn
Target Date:	24th July 2013



PT13/2100/TCA

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received from a resident contrary to officer's recommendation. The report appears for information. Due to strict time parameters for this type of application, the application should not be referred to committee as deemed consent will be granted should the decision notice not be issued before the expiry date of 24th July 2013.

1. THE PROPOSAL

1.1 The application seeks consent to fell 1no. Prunus tree within the Olveston Conservation Area.

1.2 The tree is located within the front garden of Beechcroft, The Green, Olveston.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (Listed Building and Conservation Areas) Act 1990
Town and Country Planning (Trees) Regulation 1999

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
Policy L12

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
No objection.

4.2 Council Tree Officer
No objection.

Other Representations

4.3 Local Residents

One response received objecting to the proposal, as works should not take place until after bird nesting season, in compliance with Wildlife and Countryside Act 1981.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Under the Planning (Listed Building and Conservation Areas) Act 1990 it is recognised that trees can make a special contribution to the character and appearance of a Conservation Area.

This act makes special provision for trees in Conservation Areas that are not the subject of a Tree Preservation Order (TPO). Under Section 211, subject to a range of exceptions, planning permission is required for proposals to cut down, top or lop a tree in a conservation area. The purpose of this requirement is to provide the Local Planning Authority an opportunity to consider bringing any tree under their control by making a TPO in respect of it. When considering whether trees are worthy of protection in conservation areas, the visual, historic and amenity contribution of the tree should be taken into account.

5.2 Consideration of Proposal

The tree is a small ornamental Cherry tree adjacent to a low stone boundary wall on the front, western boundary of the property.

The tree is in reasonable condition though it has a weak branch union at 1.5 metres which is a potential failure point in the medium term. The tree is in very close proximity to the property's boundary wall which is cracked in the vicinity of the tree. The Council Tree Officer is of the opinion, it is likely that the roots of the tree are contributing to this damage.

For the above reasons the tree would not meet the criteria for inclusion on a Tree Preservation Order. There are no objections to this proposal.

5.3 Other matters

A resident has objected to the works taking place until after the bird nesting season, in accordance with the Wildlife and Countryside Act 1981. As stated in 5.1, the sole test to be considered for this type of application is whether the tree contributes such visual and historical amenity to be worthy of a Tree Preservation Order. Although other legislation may be relevant to the proposed works, this cannot be enforced by the planning regime.

6. RECOMMENDATION

6.1 **No objection** to works to fell 1no. Prunus tree in the Olveston Conservation Area.

Contact Officer: Christopher Roe
Tel. No. 01454 863427