



**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. 11/13**

**Date to Members: 15/03/13**

**Member's Deadline: 21/03/13 (5pm)**

The reports listed over the page form the 'Circulated Schedule' a procedure agreed by the Planning and Transportation Committee on 21 November 1996. The procedure is designed to increase the effectiveness and efficiency of the Development Control Service. Under the arrangement reports are circulated on a weekly basis.

The reports assess the application, consider representations which have been received, and make a recommendation regarding the proposal. The procedure is designed to ensure that Members are aware of any concern expressed by interested parties in their ward and indicate a recommendation.

Having considered the reports, those applications that Councillors feel should be referred to an appropriate Area Development Control Committee must be notified to the Development Control section **by email within five working days of the publication of the schedule (by 5pm)**. If there has been no member request for referral within the time period, the decision notices will be issued in line with the recommendation in this schedule. **Before referring an item to the Committee, Members may wish to speak to an officer about the issue, in order that any problems can perhaps be resolved without the need for referral to a Committee**

**PLEASE NOTE: THE CIRCULATED SCHEDULE PROCESS IS ONLY OPEN  
TO THE ELECTED MEMBERS OF SOUTH GLOUCESTERSHIRE COUNCIL.**

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

If any Member requires any of the proposals listed in the Schedule to be considered by the appropriate Development Control Committee, please let the Director of Planning, Transportation and Strategic Environment know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

To refer an application(s) members are asked to email [MemberReferral@southglos.gov.uk](mailto: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](mailto: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.

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

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

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

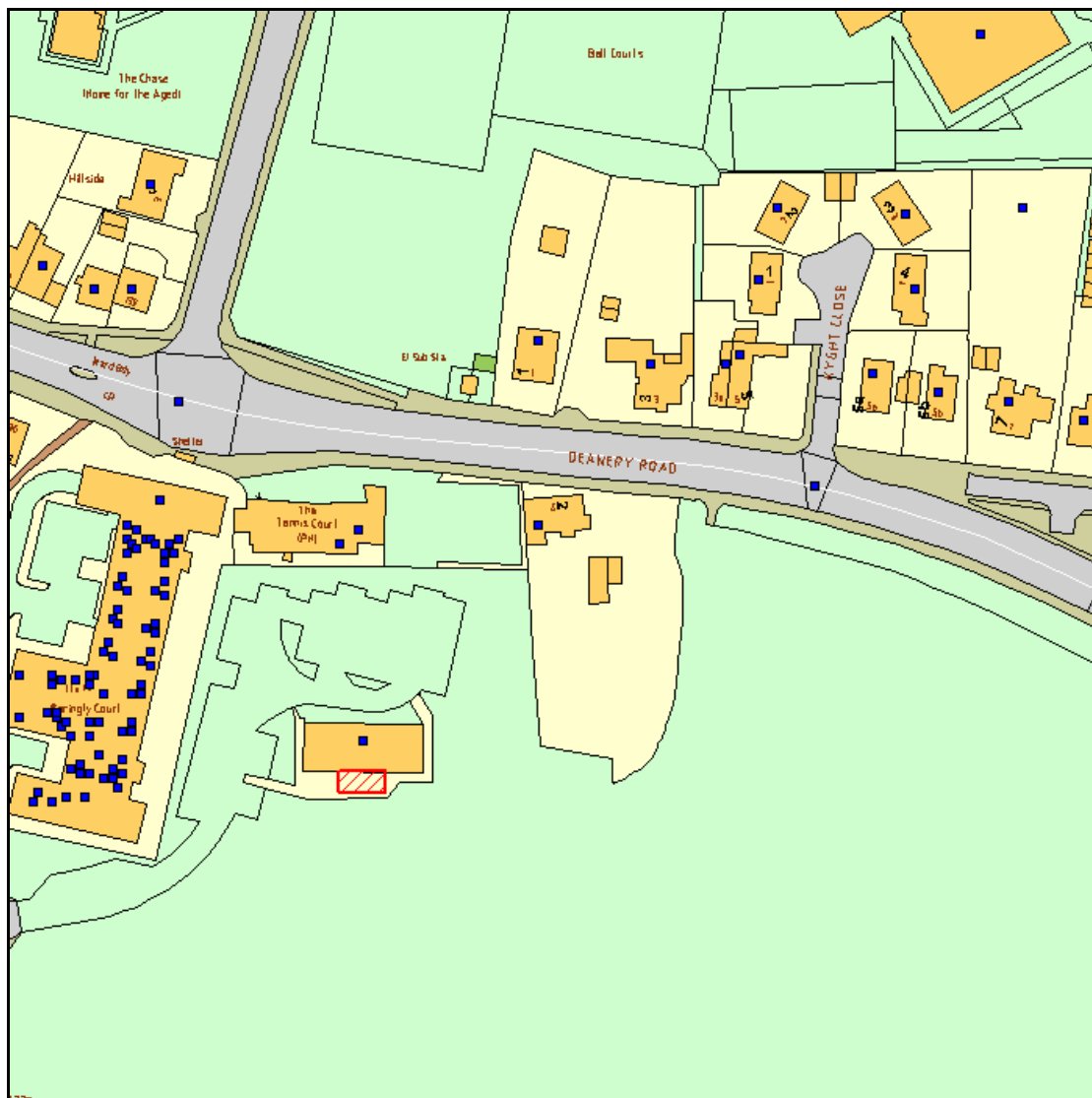
All other schedules during this period will be published as normal on Fridays

# CIRCULATED SCHEDULE – 15 MARCH 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/4202/F	Approve with Conditions	Kingswood Rugby Football Club Grimsbury Road Kingswood South Gloucestershire	Woodstock	None
2	PK12/4208/R3F	Deemed Consent	Barley Close Community Primary School Barley Close Mangotsfield South	Rodway	None
3	PK13/0169/R3F	Deemed Consent	Beacon Rise Primary School Hanham Road Kingswood South Gloucestershire BS15 8NU	Woodstock	None
4	PK13/0185/F	Approve with Conditions	Pucklechurch Congregational Church Shortwood Road Pucklechurch South Gloucestershire BS16 9RA	Boyd Valley	Pucklechurch Parish Council
5	PK13/0205/F	Approve with Conditions	The Yews Mill Lane Upton Cheyney South Gloucestershire BS30 6NH	Bitton	Bitton Parish Council
6	PK13/0206/F	Approve with Conditions	Lavenham Farm Nibley Lane Iron Acton South Gloucestershire BS37 9UR	Frampton Cotterell	Iron Acton Parish Council
7	PK13/0227/R3F	Deemed Consent	Mangotsfield Primary School Church Farm Road Emersons Green South Gloucestershire BS16 7EY	Emersons	Mangotsfield Rural Parish Council
8	PK13/0254/F	Approve with Conditions	Diamond Kebab & Pizza House 75-77 Regent Street Kingswood South Gloucestershire	Kings Chase	None
9	PK13/0327/EXT	Approve with Conditions	Siston Hill Farm Siston Common Siston South Gloucestershire BS15 4PF	Siston	Siston Parish Council
10	PK13/0334/CLP	Approve with Conditions	7 Pettigrove Road Kingswood South Gloucestershire BS15 9SN	Woodstock	None
11	PK13/0351/CLP	Approve with Conditions	9 Hurstwood Road Downend South Gloucestershire		
12	PK13/0386/CLE	Approve	Green View Farm Chippenham Road Marshfield Chippenham South Gloucestershire SN14 8LG	Boyd Valley	Marshfield Parish Council
13	PT12/3084/O	Approve with Conditions	134 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AX	Frampton Cotterell	Frampton Cotterell Parish Council
14	PT13/0214/F	Refusal	Barnstable The Street Alveston South Gloucestershire BS35 3SX	Thornbury South And	Alveston Parish Council
15	PT13/0467/TRE	Approve with Conditions	8 Orchard Close Winterbourne South Gloucestershire BS36 1BF	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK12/4202/F	<b>Applicant:</b>	Kingswood Rugby Football Club
<b>Site:</b>	Kingswood Rugby Football Club Grimsbury Road Kingswood Bristol South Gloucestershire	<b>Date Reg:</b>	15th February 2013
<b>Proposal:</b>	Erection of spectators shelter and associated works	<b>Parish:</b>	None
<b>Map Ref:</b>	366254 173542	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th April 2013



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**N.T.S.**

**PK12/4202/F**

## **INTRODUCTION**

This application is referred to the Circulated Schedule in accordance with procedure given that an objection has been received that is contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This full application relates to the installation of a shelter for spectators on the southern side of the clubhouse associated with Kingswood Rugby Football Club.
- 1.2 The proposed shelter comprises a steel frame with metal roof that will be sited so that it covers the main entrance and exit on the south elevation of the club house facing onto the playing fields. The structure would have a width of 15 metres, depth of 4 metres and height to the top of the roof of 3.2 metres.
- 1.3 A supporting statement submitted with the application indicates that there is a need for this facility as a result of a growing club with an influx of junior players and will ease cramped conditions in the clubhouse.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

Section 7      Requiring good design

Section 8      Promoting Healthy Communities

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1              Design

T12             Transportation

LC3            Sports and Leisure Facilities with the Urban Area/Settlement Boundaries

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

CS1            High Quality Design

CS23          Community Infrastructure and Cultural Activity

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 K7792/1 and 2 – Erection of Sports facility, provision of car park and associated facilities - Approve

### **4. CONSULTATION RESPONSES**

#### **4.1 Town/ Parish Council**

The area is unparished

#### 4.2 Highways Officer (summary)

The comments of the objection are noted. There is no objection to the proposed development subject to a condition to secure details of a car park management plan (to include details of the parking spaces on the site and to ensure that these are laid out and marked appropriately) in order to maximise parking on the site. The submitted details

#### 4.3 Sport England

Raise no objection to the proposal given that “The proposed development is ancillary to the principal use of the site as a playing field or playing fields, and does not affect the quantity or quality of pitches or adversely affect their use”.

### **Other Representations**

#### 4.4 Local Residents

Two responses have been received following the Public Consultation on this proposal.

One response supports/raises no objection to the proposed development.

The second response raises no objection to the actual structure that is being proposed through this planning application.

The response does however raise concerns about current highway safety/parking, (including pedestrian safety), issues around the site resulting from its use in a sporting capacity raising concern as to where any new spectators will park.

## **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. Framework Policy 8 supports access to high quality open spaces and opportunities for sport and recreation that can make an important contribution to the health and well-being of communities.

Policy LC4 of the South Gloucestershire Local Plan (Adopted) supports proposals for the development, expansion or improvement of indoor and outdoor sports and leisure facilities with the urban boundary subject to the transportation/highway impact, sustainable nature of the location, impact upon residential amenity and environmental impact. Policy CS23 also supports this position. Policy D1 is a general design policy and cites that development will only be permitted where good standards of site planning and design are achieved. In particular, proposals will be required to demonstrate that siting,

overall massing, form, scale, height, detailing, colour and materials respect and enhance the amenity, character and distinctiveness of both the site and the locality. As such, it is appropriate to consider how the design of the development would fit into the street scene on this employment site, what impact the proposal would have on any nearby occupiers.

## 5.2 Design

The design, in terms of form, scale and materials is functional and is considered appropriate to the host building and within the context of a sports ground. The proposal is in accord with the aims and objectives of Policy D1 of the South Gloucestershire Local Plan (Adopted)

## 5.3 Transportation

The proposed structure in itself, given its scale and location will not have an adverse impact upon traffic movement within the site.

A concern has been raised by a neighbouring occupier with respect to existing parking problems associated with the use of the site when rugby is taking place. The implication has been made that the improved facility would lead to more use of the site and that existing problems should be addressed.

Officers do not consider that the proposed development would result in any additional traffic movements at this established sports venue, however given the concern that has been raised officers have discussed the parking situation with the applicant. The applicant has agreed to submit a car park management plan to the Council for agreement and subsequent implementation. The plan would include details of available parking spaces and their layout and details of how the managing of any overspill will be handled. The applicant has indicated that these arrangements could be similar to control measures used during organised car boot sales that take place at the site.

Subject to the above condition the proposed development is considered acceptable in highway terms.

## 5.4 Residential amenity

There are no immediate neighbouring residences to be affected by the proposal and equally the nearby commercial units would not be materially affected by the proposal.

# 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted)



January 2006 set out above, and to all the relevant material considerations set out in the report.

6.3 The recommendation to grant permission is for the following reasons:-

1. The proposed shelter is of an appropriate design both in respect to the relationship to the building to which it is attached and within the context of the sports ground. The proposal would therefore accord with Planning Policy D1 (Achieving Good Quality Design in New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
2. The proposed development will have no material impact upon the residential amenity of neighbouring occupiers to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.
3. Subject to a condition to secure a car park management plan the proposed development is considered to address highway/transportation issues and accord with Policy T12 (Transportation) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission be granted subject to the conditions on the decision notice.

**Contact Officer: David Stockdale**  
**Tel. No. 01454 866622**

## **CONDITIONS**

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

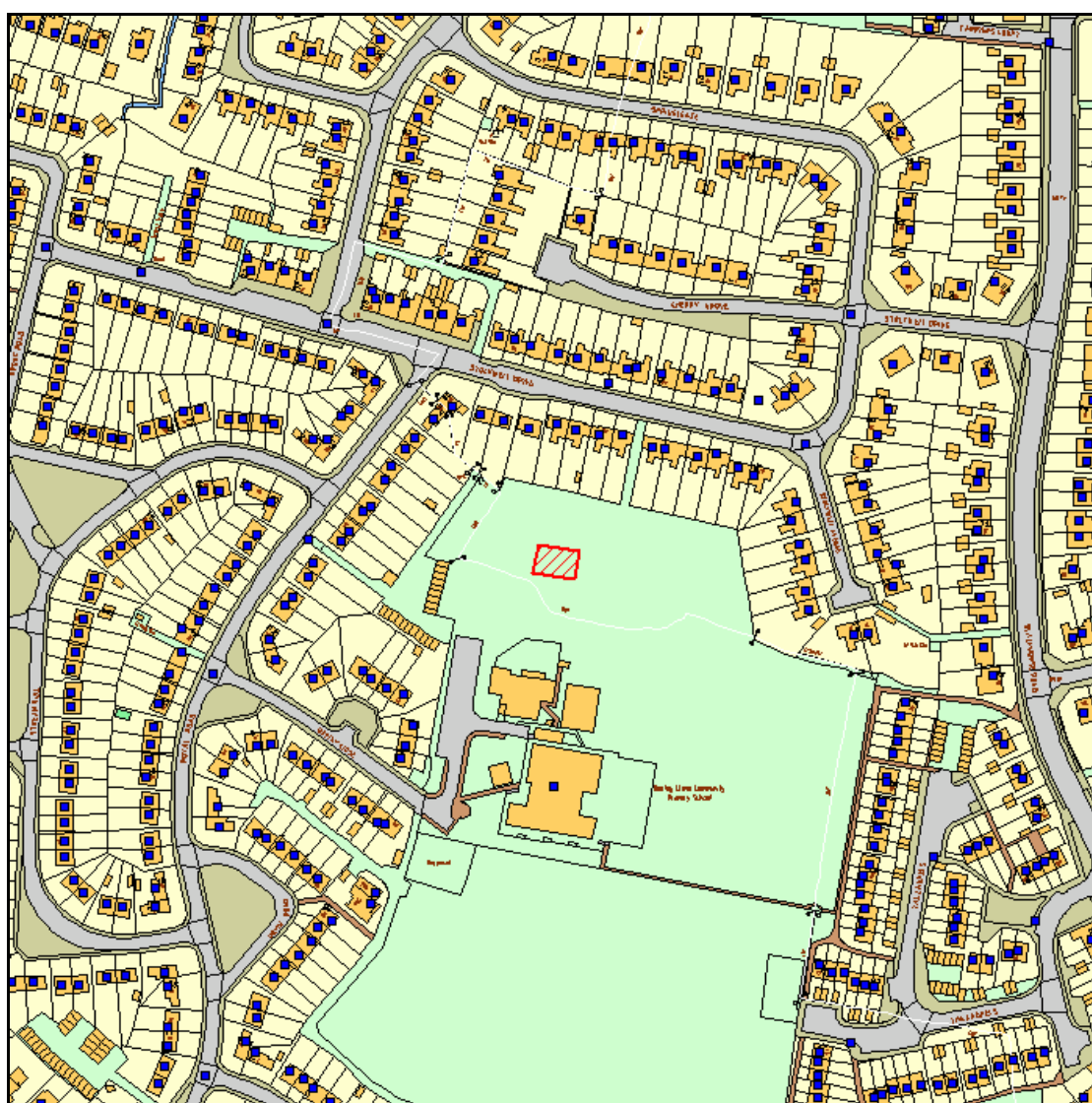
Reason

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

2. Prior to the first use of the spectator shelter hereby approved the applicant shall submit to and have approved in writing by the Local Planning Authority, a Car Park Management Plan. The Management Plan shall include details of the layout and details of how overspill parking will be managed. The approved Car Park Management Plan shall be implemented accordingly at all times thereafter and shall include the marking of parking spaces on the ground which shall be retained as such thereafter.

Reason

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

**CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013****App No.:** PK12/4208/R3F**Applicant:** South  
Gloucestershire  
council**Site:** Barley Close Community Primary  
School Barley Close Mangotsfield  
South Gloucestershire BS16 9DL**Date Reg:** 19th December  
2012**Proposal:** Erection of stand alone Nursery  
Classroom**Parish:** None**Map Ref:** 366161 176730**Ward:** Rodway  
**Target** 8th February 2013**Application** Minor**Category:****Date:**

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**N.T.S.****PK12/4208/R3F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been forwarded to the Council's Circulated Schedule of applications for Member consideration as it proposes development on land in the ownership of South Gloucestershire Council.

### **1. THE PROPOSAL**

- 1.1 The application site is situated within the residential suburb of Mangotsfield. The site comprises a primary school with school buildings and large playing field. A separate nursery and sure start centre are also located within the site. The site is bounded by residential development on all sides with rear gardens facing into the site. The site is accessed via Barley Close, a residential cul de sac, which is subject of traffic control measures to prevent school traffic from using the road. A designated off street parents parking area is situated in the south east corner of the site.
- 1.2 The application proposes erection of a temporary building to provide a stand alone Nursery Classroom. Four additional staff parking spaces and a new cycle store are also proposed.

The proposed temporary building is required to relocate an existing on site nursery within the permanent foundation unit on the north side of the main complex which also accommodates the sure start centre. The foundation unit is associated with the school although it functions independently. A reception class for the primary school will then be created in the vacated room within the existing foundation centre.

The nursery accommodates 30 children with associated staff and this will remain unchanged in the relocated building. The new reception class would comprise 30 children, one full time teacher and one part time teaching assistant.

This proposal is phase two of a proposed three phased project with the purpose of increasing the overall size of the primary school from single to two class entry. Phase one took place in 2012 when a two class Elliot building was provided within the site. Phase three would involve a future planning application for a further 4 classroom block later this year. The phasing is necessary due to the financial constraints being experienced by the Council at present and in the interest of minimal disruption to pupils.

### **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

LC4	Expansion of Educational Facilities within the urban area
T8	Parking Standards
T12	Transportation for New Development
L17 & L18	The Water Environment

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

CS1	High Quality Design
CS8	Improving Accessibility
CS9	Environmental Resources
CS23	Community Facilities and Cultural Heritage

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist – August 2007

### 3 RELEVANT PLANNING HISTORY

- 3.1 PK03/2022/R3F Erection of new nursery unit, 3 no. classrooms, office and amenities with car parking and associated works.  
Approved 29.09.2003
- 3.2 PK10/1383/R3F Erection of single storey front extension to form additional surestart facilities.  
Approved 16.07.2010
- 3.3 PK11/1557/R3F Erection of single storey Elliott Classroom Block with associated works. Construction of tarmac play area.  
Approved 22.07.2011

### 4 CONSULTATION RESPONSES

- 4.1 Consultees [including internal consultees of the Council]

**Sustainable Transport** – The TRO for traffic management on Barley Close has been implemented as has the additional car park at The Laurels. The proposal would create no significant additional traffic and additional staff spaces are proposed on site. Due to the traffic management and car parking already provided the proposal is acceptable in highway safety terms.

**Ecology Officer** – No objection. There are no ecological constraints.

**Drainage Engineer** – No objection

#### Other Representations

- 4.2 Local Ward Member

Letter received from Cllr Bell Ward Member for Rodway Ward raising the following views which are not in objection or support of the application:

The increased intake of pupils to the School will effect local residents. Due consideration needs to be given to those residents living in Stockwell Drive who will be affected by opening up a school entrance in their road. Thus parents will dropping off their children and possibly blocking off driveways - there has to be a real effort made by the school to encourage pupils to walk if they live within a reasonable distance. Another alternative is car sharing, to reduce the amount of traffic

#### 4.3 Local Residents

Two letters of objection received from the occupier of 44 Stockwell Drive and from unnamed address raising the following concerns:

- No heavy plant vehicles should access the site from the entrance of Stockwell Drive, due to vibration, disturbance and safety issues
- Additional noise disturbance from moving the nursery closer to the houses on Stockwell Drive
- A pedestrian access should not be provided from the site to Stockwell Drive
- There is insufficient on street parking on Stockwell Drive for additional vehicles using any new access resulting in potential highway safety issues.

### 5. ANALYSIS OF PROPOSAL

#### 5.1 Principle of Development

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

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

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

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking.

Transportation issues related to parking (Policy T8) and highway safety/access/vehicle movements (T12) are also material to consideration of this application. The NPPF provides a new consideration in relation to

transportation matters. Par.32 of the NPPF is most relevant to consideration of this application in transportation and public safety terms. Par.32 reads,

*‘..... decisions should take account of whether:*

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;*
- safe and suitable access to the site can be achieved for all people; and*
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.’*

The test in determining whether this application is acceptable in transportation and public safety terms is now, whether the impact of the development in transportation terms would be severe.

The site is situated within the urban area and within an existing school site. The proposal would provide additional and relocated school facilities and as such, subject to consideration of matters of residential amenity, visual amenity, highway safety, drainage and ecology, the proposal can be accepted in principle.

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 is 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.

In determination of this application other than the differences expressly referred to above, there are no significant differences between the relevant adopted Development Plan policies and the Core Strategy.

## 5.2 Community, sports and recreation facilities

### **Community and education:**

The proposal would retain an existing nursery facility within the site to be relocated to the temporary building. In its place, an additional permanent

reception class would be created within the foundation centre block. The proposal is phase two of a three phased enlargement of the school to gradually increase the size from a single class to two class entry. The proposal would result in a two class reception year. An application for the third phase to provide a further 4 classroom block is proposed come forward later this year.

The proposal would contribute towards the provision of additional school places in the local area where there is significant demand which has currently resulted in significant pressure on local schools to find places to meet the increased demand. The NPPF highlights the need for Local Planning Authorities to assist in fulfilling the need for providing school facilities to meet local demand. Par.72 of the NPPF states,

*'The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.'*

The proposal would assist with meeting a recognised need for school places in the area and would therefore result in a positive community and educational benefit for the local area.

### **Sports and recreation:**

The new reception class would be located within the existing permanent foundation building within the site. The new nursery building would be located on a grassed area in the north west corner of the site. The grassed area is currently unused. The school site benefits from an extensive grassed recreation area located on the east and south sides of the site. The proposal would not interfere with the existing sports and recreation facilities within the site as the playing field is located on the south side of the site.

## **5.3 Visual amenity**

Policy D1 of the Local Plan requires all new development to be well-designed. The proposal would be located in a position on the north west side of the site close to the existing foundation building. The location has been chosen as it is close to the main service infrastructure within the site and will not impede on existing school facilities.

The building is of standard design for temporary class building and sits comfortably within the context of the school. The proposed building would be screened well from views outside the school site with only glimpses afforded through gaps between dwellings on Royal Road to the west and Stockwell Drive to the north. Considering the standard design and visual screening of the building, the proposal is considered to be acceptable and in keeping with the character of the site and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

#### 5.4 Residential amenity

The new building would be located 23m from the rear gardens of the dwellings to the north (Stockwell Drive) and 40m from the dwellings on Royal Road to the west. Considering the distance to the nearest dwellings, the proposal is considered not to prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development or result in a loss of outlook from the adjacent dwellings.

The proposal would house a nursery facility within the existing school site. Considering the existing school use and activities, the times when the building would be operational (weekday daytimes only) and the distance to the nearest dwellings it is considered that the proposal would result in no material increase in noise and disturbance within the site and would not unduly impact on the amenity of local residents in this respect.

#### 5.5 Highway safety and transportation matters

As indicated above, the proposal would provide an additional classroom for 30 children together with 4 additional car parking spaces for staff and an additional cycle shelter. The new classroom would result in one additional full time teacher and one part-time assistant.

*There have recently been a number of planning applications to facilitate an increase in the number of pupils at the school and this has and will continue to generate additional traffic and this has created highway safety issues and concerns for local residents. To address the highway and transportation issues a number of off-site highway works have already been undertaken to mitigate the existing and future impact of increasing pupil numbers on local residents. Measures already implemented include the followings;*

1. the installation of grass-crete surfacing and drop kerbs to a former grassed area off Barley Close to increase parking provision for local residents.
2. keep clear white lining to the turning area in Barley Close and yellow keep clear zig-zags by the school entrance.
3. introduction of Traffic Regulation Orders for the aforementioned lining to allow enforcement of penalties for traffic offences.
4. the extension of the Laurels car park to provide an additional 14 car spaces for parents to drop off and collect their children. A gate in the school boundary fencing has also been installed to provide safe and direct access to the school buildings.

As part of this current application, the following additional measures would also be implemented;

1. creation of 4 extra car parking spaces within the school grounds for staff and visitors,
2. creation of additional cycle shelters for 8 bikes.



A detailed “travel-plan” has also been submitted with this application, which follows extensive public consultation with residents and parents. This forms the basis of a sustainable and organised pattern of travel to the school in the interest of minimal disruption to the local community.

A need has been recognised for additional classrooms on site to cater for future increase in pupil numbers up to year 2017. However, this would be subject to future consideration as part of a separate application.

The 30 additional pupils would include a percentage of siblings which would result in shared vehicle trips. Additionally, in line with the recommendations of the travel plan, parents are to be encouraged to use other means of travel to and from school than the private car. A significant percentage of pupils would live within walking and cycling distance of the school.

The existing traffic management measures implemented and proposed additional cycle facilities are considered to be effective in mitigating the additional traffic which would be created by the provision of one additional reception class of 30 pupils.

The provision of 4 additional staff parking spaces within the site would be sufficient to meet the additional staff (one full time and one part time), which would result from the development. Considering all of the above matters, the proposal would result in no significant highway safety issues and as such the transportation and public safety impact of the proposal is unlikely to be severe.

Concern has been raised by two residents on Stockwell Drive in relation to creation of a new pedestrian entrance to the school site from Stockwell Drive. No entrance from Stockwell Drive is proposed as part of this application. The provision of a new entrance to the site from Stockwell Drive is being considered as part of phase three and as such may be considered as part of a future application. Additionally, any construction vehicles would enter the site via the main entrance from Barley Close only. A condition is recommended to ensure this is achieved.

## 5.6 Ecology

The application includes an ecological survey dated December 2012 by Wessex Ecological Consultancy.

The site for the new classroom consists of a mixture of tarmac hardstanding and close mown amenity grassland. The grassland is improved and species-poor and, with the tarmac, the site is of minimal value for nature conservation. The mown grassland is furthermore unsuited for use by hedgehog or slowworm which would preferentially use the belt of taller rough grassland to the north if present on site. The proposal is therefore unlikely to result in material ecological harm.

## 5.7 Flood and drainage

A culvert is located close to the site of the proposed building at a distance of 4m. The culvert is covered. The proposal is unlikely to impact on the flow of water in the culvert. The proposal would provide an adequate soakaway close to the building to manage surface water and would connect to the existing foul main infrastructure. The proposal is therefore considered to be acceptable in terms of flood and drainage matters.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
- a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy LC4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - b) It has been assessed that the proposed development been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development therefore accords to Policy D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
  - c) The proposal would result in no significant increase in traffic and on street parking issues and any such increase would be mitigated by existing traffic management measures and as such the proposal would result in no significant increase in traffic and no severe impact in terms of transportation and public safety matters. The development therefore accords to Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - d) The proposal would result in no material increase in surface water and would provide an effective method of surface water disposal. The proposal would also have no significant impact in relation to ground water. The development therefore accords to Policy L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.
  - e) The proposal would have no significant ecological implications and therefore accords to Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **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. The temporary Nursery Classroom building hereby permitted shall be removed within 3 months of the after the date when occupation ceases and it is no longer required for purposes falling within or ancillary to Use Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification) and the land restored to its former condition in accordance with the scheme of work to be first submitted to and approved in writing by the Local Planning Authority.

Reason

To preserve the character, appearance and amenity of the surrounding area and to accord with Policy LC04 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Within one month prior to the first occupation of the development hereby approved, a full travel plan shall be submitted for approval. The approved Travel Plan shall be implemented as approved before the development hereby permitted is brought into use; or as 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.

4. No vehicles associated with the construction of the development hereby approved shall access the Barley Close School site via the existing site access between nos 42 and 44 Stockwell Drive.

Reason:

In the interest of protecting the amenity of local residents, to accord with Policy LC4 of the adopted South Gloucestershire Local Plan (2006).

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0169/R3F	<b>Applicant:</b>	Mr Chris Thomas
<b>Site:</b>	Beacon Rise Primary School Hanham Road Kingswood Bristol South Gloucestershire	<b>Date Reg:</b>	14th February 2013
<b>Proposal:</b>	Installation of 12 no. Broxap 'Bxmw/Sco' scooter stands for 216 no. scooter spaces.	<b>Parish:</b>	None
<b>Map Ref:</b>	364731 172932	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th March 2013



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**PK13/0169/R3F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application has been referred to the Circulated Schedule as this is a Regulation 3 planning application.

### **1. THE PROPOSAL**

- 1.1 The proposal consists of the installation of 12 scooter stands for 216 no. scooter spaces at Beacon Rise Primary School, Hanham. The school is surrounded by residential properties with access to the site through Hanham Road.
- 1.2 During the course of the application, a revised plan is submitted to indicate that the existing tree and garden shrub.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Achieving Good Quality Design in New Development  
LC4 Proposals for Educational and Community Facilities  
T12 Transportation Development Control Policy for New Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 No relevant history.

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
The site is located outside parished areas.

#### **Other Representations**

- 4.2 Local Residents  
No comments received.

### **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The National Planning Policy Framework was published in March 2012. The document replaces most PPG/PPS guidance providing a more simplified and up to date advice in determination of planning applications.

The NPPF indicates that where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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

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

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector has concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made.

The Inspector has considered the results of the consultation process on the draft Main Modifications to the South Gloucestershire Core Strategy. This includes the Council response as set out in its letter of 16 November 2012. The Inspector considered the views put forward helpful in clarifying his views on a number of matters. The Inspector intends to issue a more detailed note early in the New Year regarding the matters that he would like to examine further. The Inspector has set a date in March to conclude his examination.

The Core Strategy is therefore a material consideration in the determination of planning applications, although at this stage the Core Strategy policies, which are subject to Inspector modification, are likely to carry less weight than the Development Plan at this stage.

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

Policy LC4 of the adopted South Gloucestershire Local Plan allows the development, expansion or improvement of education and community facilities within existing urban areas, provided that: -

- a) proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- b) development would not unacceptably prejudice residential amenities; and
- c) development would not have unacceptable environmental or transportation effects;
- d) development would not give rise to unacceptable levels of on street parking to the detriment of the amenities of surrounding area and highway safety.

## 5.2 Assessment of Development

### Accessibility

The site is located within primary residential area of Hanham, and therefore is highly accessible on foot and by bicycle. The proposed scooter stands would encourage more children riding scooters and using green transport. Therefore the proposal would meet this criteria.

### Residential Amenity

The proposed scooter stands would be set within the existing school site and would be adjacent to the boundary wall of the neighbouring residential properties. Although the proposed stands would be immediately adjacent residential boundaries, officers consider that the development would not materially harm residential amenity due to its modest scale and nature of development.

### Environmental and Transportation Effects

The proposed stands would be made of steel framework with powder coated light blue. Some of the proposed stands would be visible from the public realm. The revised drawings show the existing tree/garden shrubs, which are not subject to a Tree Preservation Order, are to be retained. As the stands would be within the school site, on this basis it is considered that the proposed development would have no adverse impact on the character and appearance of the existing site and the surrounding area.

The proposed scooter stands are set back from Hanham Road and Tippetts Road. As a result there would be no adverse impact on highway safety. The proposal would only result in a decrease in traffic movements and the site is accessible by bicycle and on foot.

Therefore the proposal would not have any adverse environmental and transportation impacts.

### Parking facilities

The proposed scooters stands would be located within the playground of the school and therefore would not affect the existing parking facilities within the site.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.

- a) The proposed scooter stands are of a satisfactory design and respects the character of the existing site and the surrounding area. The development therefore accords to Policies D1 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (Adopted) 2007.
- b) The proposed scooter stands would not have an adverse impact on residential amenity, have no adverse environmental impacts and not prejudice highway safety. The development therefore accords to Policies D1, T12 and LC4 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

7.1 That planning permission is **GRANTED** subject to the condition below.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **CONDITIONS**

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

Reason

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



## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0185/F	<b>Applicant:</b>	Mr C Powell
<b>Site:</b>	Pucklechurch Congregational Church Shortwood Road Pucklechurch South Gloucestershire	<b>Date Reg:</b>	22nd January 2013
<b>Proposal:</b>	Erection of 1 no. detached dwelling and associated works to include repairs to boundary wall. Demolition of porch to existing chapel and conversion to garage/store.(Re Submission of PK12/0665/F)	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369968 176407	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th March 2013



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PK13/0185/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following objections from the Parish Council and local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached dwellinghouse and garage with access and associated works to replace existing chapel remains.
- 1.2 The application site is within the established residential area of Pucklechurch and within the Pucklechurch Conservation Area. The proposed dwelling would have approximate measurements of height to eaves of 5 metres, height to ridge of 8.1 metres. The 'L' shape property would measure 12.5 metres and 9.5 metres at their maximum points.
- 1.3 During the course of the application revised plans were requested and received by the Council. The amendments were regarded as being minimal and to not change the overall principal of the development and were therefore not sent out for re-consultation.

### **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 Design in New Development
L1	Landscape Protection and Enhancement
EP1	Environmental Pollution
EP2	Flood Risk and Development
L17&18	The Water Environment
H2	Residential Development within Urban Areas
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8	Parking Standards
T12	Transportation Development Control
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
CS5	Location of Development
CS15	Distribution of Housing
CS16	Housing Density

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist (Adopted 2007)

### 3. **RELEVANT PLANNING HISTORY**

- |     |                         |   |
|-----|-------------------------|---|
| 3.1 | P91/1370/C<br>Withdrawn | Complete demolition<br>17.6.91  |
| 3.2 | P91/1371/C<br>Approved  | Demolition of main church leaving side<br>congregational area and kitchen area<br>10.7.91   |
| 3.3 | PK12/0666/CA<br>Refused | Demolition of chapel remains<br>23.5.12   |
| 3.4 | PK12/0665/F<br>Refused  | Erection of 1no detached dwelling and garage with<br>access and associated works to replace existing chapel<br>remains<br>23.5.12 |

### 4. **CONSULTATION RESPONSES**

#### 4.1 Pucklechurch Parish Council

Councillors appreciate the re-submission has addressed many of the issues raised by SGC's Conservation Officer as well as those design details highlighted by PPC, they do not believe what is now proposed is suitable for its setting at the centre of the village on one of the most prominent junctions. The design for the house and the remains of the chapel jar with each other - the design for the house gives the impression of a standalone country cottage in an area of large mainly flatfronted terraced stone buildings and no attempt has been made to marry its design with the chapel remains. The demolition of the porch and the proposed re-use of the remains in part as a garage is applauded, however the loss of the porch and the insertion of a flat garage door leaves a large expanse of what appears to be featureless render above it. NB although the plans reference the refurbishment of the chapel remains no details appear to be provided as to any finishes, colour etc that would/could be used to enhance what is already there and which also might help give the impression the house and the chapel are associated - PPC wants more information made available about what if anything is proposed. In the event that the re-submitted plans are approved Councillors would like to repeat the request that the pre-existing wall and gates are retained by condition and that the stone used be specified by condition as Blue Lias Limestone c.f. all the other buildings in this part of the village.

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

##### Conservation Officer

No objection subject to the conditions written on the decision notice

##### Drainage Engineer

No objection subject to a condition

##### Environmental Protection

No objection subject to informative

Archaeology

No objection subject to a condition

Ecology

No objection subject to an informative

**Other Representations**

4.3 Local Residents

Two letters of objection have been received. These are summarised as:

- still not in-keeping with other properties in vicinity
- south elevation would be 1.2 metres from our bathroom window removed our outlook and light
- trees very close to the wall of our house – concerns regarding root damage
- part of west elevation is rendered rather than stone – not in keeping with conservation area
- detached cottage does not fit character, type or massing of centre of village
- window adjacent to site is not frosted
- right to light

**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 (H2, 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

- 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 is 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.

- 5.3 Policy H2 of the South Gloucestershire Local Plan states residential development will be permitted within existing urban areas and defined settlement boundaries provided that it does not prejudice residential amenity, the maximum density is compatible with the site, the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and the provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposal. Policy H4 of the South Gloucestershire Local Plan is supportive in principle for the erection of infill dwellings within existing curtilages, providing the design is acceptable and that there is not unacceptable impact on residential and visual amenity. Policy D1 requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration and Policy T8 advises on minimum parking standards.

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

5.4 Character of the area

The junction of Abson Road, Shortwood Road and Westerleigh Road marks the centre of the historic commercial core of the village. Positioned on the former turnpike road from Bristol to Christian Malford, this part of the village has evolved in response to centuries of commercial activity and passing trade, giving it a distinctive character and appearance. The presence of two large inns (one now residential), various small shops, workshops, terraced cottages and houses, reflects the importance of this route and the former vitality of this part of the village. The area remains an active and integral part of community life with two shops, a pub and a post office providing important local services.

This part of the conservation area has a distinctly built-up and enclosed character. The terraces and wide building frontages create well-defined edges to the main road and a strong degree of visual containment. Buildings within the commercial core are predominantly stone built, two storeys in height, with a pleasant mix of vernacular and classical proportions. The majority are aligned parallel with the road, with cottages, former workshops and commercial premises being set on the back edge of the pavement. Stone walls and small gardens separate the other properties from the pavements, perhaps being a reflection of their higher social or economic status within the village. The substantial demolition of the former congregational chapel at the corner of Abson Road and Shortwood Road has created an unfortunate void in the streetscape, exposing the large extension of the adjoining property that has been constructed in unsympathetic Bradstone walling. The decaying remnants of the chapel remain in a poor condition and the site is becoming unsightly. The walls, boundary, gate piers and gates are, however, important surviving features from the former church and whilst elements are in a deteriorating condition, they are key reminders of the historic, community use of the site and the original building.

The application site has lain vacant and derelict since the church was partially demolished in the early 1990s. The majority of the main church building was taken down, leaving the east wall and part of the south east corner, and the side congregational area and kitchen were also retained. Since then, the building has further deteriorated to the point that the porch has partially collapsed and the entrance piers removed.

In terms of use, the Pucklechurch Community Plan, published in April 2011 stated an 'overwhelming support for the redevelopment of the derelict chapel site in Pucklechurch village centre as a garden or community facility.' However, the parish council has since confirmed that Councillors and the community would prefer to see a house built on the site providing it is sympathetic to the listed buildings in the area. Whilst it would be desirable to see this land retained with a community use, it is considered that this is highly unlikely to be forthcoming or viable.

## 5.5 Design and Visual Amenity

The site is constrained by the former use and surviving structures, including the boundary walls, entrance gate and grave. The character of the area is also a factor that has to be taken into account when considering applications for development on this sensitive corner site. A more detailed analysis of the area highlights the subtle differences between the area to the north and east, and the area to the west and south of the application site. To the north & east, the buildings generally have classical proportions with symmetrical elevations, central doors with hoods and vertically sliding sash windows. Roofs tend to be clay tile with coped verges and a mix of plain eaves and parapets. To the west & south, the buildings are generally smaller with vernacular proportions and detailing, traditional casement windows, asymmetrical elevations and plain verges and eaves. The application site sits at the corner and is a pivot point between these two distinctive areas of this part of the conservation area. There is, therefore, a challenge to designing a building since it may appear incongruous to one or other of the building groups.

The other issue is the position of the building in the plot. It is governed on the west side by the location of the grave and it was previously deemed inappropriate to have the private garden space on the side of the building closest to the road since it would ultimately result in inappropriate boundary treatments detracting from the character of the area. The maintenance of the historic boundary walls and the desire to protect the building line on Abson Road also meant having the building set in line with the terrace to the east, thereby creating a narrow garden/footpath area in front of the building. When viewed from the east along Abson Road, the building, along with the retained chapel remains, should help maintain a sense of enclosure even if it is not a continuous terrace. This alignment also means that it will present a partial frontage to views from Westerleigh Road, similar to the way the chapel terminated views from this road.

Various schemes have been submitted for the site with the most recent being refused in 2012. Since then, the design has been revisited and refined with the building made smaller, the principle elevation more sympathetically

proportioned and detailed, and the building relocated in the plot to avoid private garden space being located on the public side of the building. The remains of the chapel have been retained and integrated into the scheme although the porch is lost to facilitate car access into the site.

Initially the Conservation Officer had some concerns regarding the depth of the building which would have made the building appear heavy and bulky compared to the surrounding traditional buildings and would have been exacerbated by the roof pitch which also appeared shallow in comparison. In addition the arrangement of windows in this elevation appeared rather modern in appearance. It was noted that many gables in the area are predominantly blank and so any proposed windows here, to get the building to address Shortwood Road, needed to be sympathetic to the traditional character of the area.

Following these comments revised plans showed a reduction in the depth of the building and the west elevation fenestration has been improved. These alterations have helped in terms of the overall proportions of the dwelling. Equally, the porch on the north elevation has been reduced to what is considered a more acceptable size. Concern has been expressed regarding a detached property in this central location. However, the area shows a variety of buildings including terraces, semi-detached and detached properties within a short distance of the application site. The proposal is therefore considered to be in-keeping. In addition concerns regarding the proposed materials to be used within the conservation area have been indicated to the Council. All materials will be covered by conditions. However, it is worth noting that different finishes ranging from natural stone to painted render are present within a few metres of the site.

The original chapel boundary walls are to be consolidated and the dropped section will be raised to match the height of the walls either side. The boundary is a mix of attractive railings above a dressed stone coping and a cruder, poor quality cement mortar flaunching. Whilst the reinstatement of the railings to match the surviving sections would be the ideal boundary treatment, it would be considered beneficial if the applicant were to replace the mortar coping with stone coping. This would provide an attractive and durable top to the wall and contribute to enhance the character and appearance of the conservation area.

Elsewhere, the hard surfacing of the site looks very utilitarian and standard. A landscaping scheme and details of all hard surfacing materials should be secured with any approval.

It is considered that the application is a significant improvement on the earlier, refused application and the applicant has been willing to work with the Council to achieve the best possible outcome for this unusual site. The design, scale and proportions of the front elevation are sympathetic to the surrounding buildings and the use of materials is appropriate for the context. The design and proportions of the prominent gable elevation facing Shortwood Road have been resolved. When approached from the south along Shortwood Road, the building's set back position means that it does not encroach into views of the

listed No. 1 Abson Road (the former public house) and this 3 storey building remains the dominant building in the village core.

In terms of the proposed scheme, Officers are comfortable with the proportions, general form of the building and layout of the site, the position and alignment of the building and the proposal is considered acceptable having regard to the various constraints identified and detailed above.

#### 5.6 Residential Amenity

Closest neighbours to the site are at No. 1 Shortwood Road to the south of the application site. The elevation closest to the application site is a large blank expanse of wall with one small window. It is assumed this window is at high level within the bathroom it serves. It is acknowledged that the constraints of the site which include an existing grave to the west, listed structures to the east and the wall and railings to the north have dictated where a dwelling could be located on this prominent corner position. The proposed dwelling would be approximately 1.7 metres away from this neighbouring high window and neighbours have expressed their concern regarding loss of outlook and light.

When assessing a proposal and its impact on neighbours, different weightings are given to different rooms in terms of the effect the proposal would have on those occupiers. Primary rooms, such as living rooms, are given the highest consideration, whereas rooms such as bathrooms, are regarded as being of secondary importance. In this case the area in question is a bathroom, and therefore not a primary living space. With regard to the loss of outlook, it is not considered that such a window as described and serving a bathroom has a function of providing an outlook for occupiers. On this basis the likely impact to neighbours is considered acceptable.

Neighbours at No. 1 Shortwood Road have also expressed concern regarding Right to Light rules. If the neighbour has a 'right to light' established then this would be a civil matter for them to enforce. Given the above including the orientation, size, purpose and function of the window and having considered the likely impact on the light levels as part of this application, the relationship is considered a reasonable one.

During the application the concerns of the neighbours were noted by the applicant. As a consequence it was proposed that the floor level of the dwelling be reduced. This would result in a reduction in the overall height of the building and a nestling down of the building into the plot. As the neighbour's window is located high in the north elevation it is considered that these alterations would thereby lessen the perceived impact of the development and again the likely impact to neighbours is deemed acceptable.

With regard to the issue of the proximity of proposed trees and their impact on the neighbour's property a condition will be attached to the decision notice requiring a landscape plan.

#### 5.7 Sustainable Transport

Highway Engineers have assessed the application using the relevant policies within the adopted local plan and in addition the Draft Supplementary Planning



Document: Residential Parking Standards (November 2012). Although this document has not yet been adopted, it has passed through the first consultation stage and therefore carries a certain amount of weight in assessing applications. Furthermore, it uses principles laid down in the emerging Core Strategy which carries considerable weight at this stage. Policy CS8 states that for new development:

*'Car parking and vehicular site access should be well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety.'*

The draft SPD goes on to state that *'inadequate or poorly designed residential parking can add to congestion, hinder bus and emergency services and have a negative impact on quality of life.'*

Initial comments made by the Highway Engineer expressed concern that the originally proposed garage would restrict car parking, turning and manoeuvring space has been changed to a carport. Following these comments revised plans were received changing the originally outwards opening doors. These alterations now mean the garage and the rear garden can remain secure behind doors which do not interfere with the manoeuvring of vehicles on site. There are no transport objections.

5.8 Affordable Housing/Education/Community Service

The proposal for 1no. dwellinghouse falls below the Council's threshold for affordable housing, education and community service provision.

5.9 Noise, dust, smell and pollution

The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination. Should the application be approved, an informative relating to hours and methods of work would apply during the period of construction to protect the amenity of local residents.

5.10 Drainage

Drainage engineers have no objection to the proposal providing appropriate permeable paving/tarmac and adequate provision for water run-off is made. Should the application be approved a condition regarding SUDS details would be attached to the decision notice.

## 6. CONCLUSION

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

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

- (a) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (c) An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 and highway safety is unaffected in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (d) Adequate amenity space would be provided to serve the development in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (e) The design of the scheme would be in accordance with Policy D1 and L12 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. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority  
 Full planning application – A detailed development layout showing surface water and SUDS proposals is required as part of this submission.  
 No public surface water sewer is available.

Reason:

To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17, L18, EP1, EP2 and National Planning Policy Framework

3. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and record archaeological remains uncovered during the work. This work is to be carried out in accordance with the attached brief.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Notwithstanding previously submitted details and prior to the commencement of development, the design and details including materials and finishes of the following items shall be submitted to and approved in writing by the local planning authority:
  - a. Eaves, verges, coping (including corbelling) and ridges
  - b. All windows (including glazing bars, cill, reveal and lintels)
  - c. All external doors (including furniture & fittings)
  - d. Front door hood
  - e. All extract vents, flues, gas and electric meter boxes
  - f. Chimneys (including pots)
  - g. Rainwater goods and soil pipes including colour and method of fixing. For the avoidance of doubt, all rainwater goods and soil pipes shall be cast metal.
  - h. Garage doors.

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

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

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

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

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

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

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

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

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

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

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

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

10. No development shall commence until a full schedule of repairs and details of proposed external wall finishes and colours for the chapel remains, including details of the proposed garage door opening have been submitted to and approved in writing by the local planning authority. Any damage to the chapel walls shall be made good to match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

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.

11. The dropped section of northern boundary wall shall be rebuilt to match the existing original stonework in respect of colour, texture, coursing, jointing and pointing, and the natural stone coping shall be reinstated to match the existing in respect of stone type, colour, detailing and finish on the full length of the northern boundary prior to first occupation of the dwelling house.

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.

12. The existing stone wall, decorative metal gate and metal railings enclosing the north and west boundary of the site shall be retained.

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.

13. The natural stone gate piers to the north-east entrance into the site shall be reinstated in accordance with the submitted drawings prior to first occupation of the dwelling hereby approved.

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.

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

Reason

To protect the character and appearance of the area to accord with Policies H4, D1, L1, L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the character and appearance of the area to accord with Policies H4,D1,L1,L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The existing windows in the east elevation of the proposed garage/chapel remains shall not be removed or changed without the express consent of the Local Planning Authority.

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

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0205/F	<b>Applicant:</b>	Dr & Mrs M Howe
<b>Site:</b>	The Yews Mill Lane Upton Cheyney South Gloucestershire	<b>Date Reg:</b>	30th January 2013
<b>Proposal:</b>	Partial demolition of existing lean to and canopy to facilitate the erection of a ground floor and first floor rear extension to form additional living accommodation.	<b>Parish:</b>	Bitton Parish Council
<b>Map Ref:</b>	369099 170195	<b>Ward:</b>	Bitton
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th March 2013



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100023410, 2008.

**N.T.S.**

**PK13/0205/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as concerns have been raised by the Parish Council in respect of the original (superseded) drawings.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the partial demolition of the existing lean-to canopy to facilitate the erection of a ground and first floor rear extension to form additional living accommodation.
- 1.2 The application site consists of a detached locally listed residential dwelling situated within the Upton Cheyney Conservation Area, the Cotswolds Area of Outstanding Natural Beauty, and the adopted green belt. To the east of the site is a public right of way.
- 1.3 Following comments made by the Council's Conservation Officer the applicant was invited to amend the proposal to incorporate a cat-slip style roof. Revised plans were received on 5<sup>th</sup> March 2013. A re-consultation period was not undertaken, as the proposal has reduced in scale,

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

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

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design  
H4 Development within Existing Residential Curtilages  
GB1 Development in the Green Belt  
L2 Cotswolds Area of Outstanding Natural Beauty  
L12 Conservation Areas  
L15 Locally Listed Buildings

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  
CS34 Rural Areas

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) 2006  
South Gloucestershire Local List SPD (Adopted) 2008  
Development in the Green Belt SPD (Adopted) 2007

### 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK09/5048/F - Installation of 2no. front dormer windows to facilitate loft conversion. Alterations to chimney. **Approved 28<sup>th</sup> October 2009**
- 3.2 PK01/3132/F - Re-building and extension to existing garages (Re-submission of PK01/1867/F). **Approved 20<sup>th</sup> December 2001**
- 3.3 PK01/1867/F - Rebuilding and extension to existing garages. **Refused 17<sup>th</sup> August 2001**
- 3.4 PK00/1911/F - Erection of a two storey rear extension. **Approved 10<sup>th</sup> November 2000**
- 3.5 K5178/1 – Tennis Court and replacement stable block with garage, change of use of agricultural land to garden. **Approved 13<sup>th</sup> April 1987.**

### 4. **CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
Councillors noted that this is a locally listed building in a Conservation Area. They found the proposals far from ideal and sought the opinion of the Conservation Officer.
- 4.2 Community Spaces  
No comment.
- 4.3 Tree Officer  
No comments.
- 4.4 Landscape Officer  
No comment.
- 4.5 Conservation Officer  
No objection in principle. Revisions sought to the design of the proposal to incorporate cat-slip roof. Revisions received 5<sup>th</sup> March 2013 are acceptable. Conditions recommended for materials and detailing.
- 4.6 Public Rights of Way  
The proposal is unlikely to affect PROW PBN/28/10 – advisory note recommended to ensure no building materials are stored on the right of way.

#### **Other Representations**

- 4.3 Local Residents  
No comments received



## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The proposal seeks permission for the erection of a ground and first floor rear extension. The site is a locally listed building located within the adopted green belt boundary, the Cotswold's Area of Outstanding Natural Beauty, and the Upton Cheyney Conservation Area. Policies H4 and GB1 allow the for principle of the proposal provided it does not result in disproportionate additions over and above the original dwelling, and does not prejudice residential amenity or highway safety. Given the constraints of the site significant weight is also given to the design of the proposal in the context of the locally listed building, conservation area, and AONB.

### 5.2 **Green Belt**

Policy GB1 of the adopted Local Plan allows for limited alterations within existing residential curtilages in principle provided they do not result in disproportionate additions over and above the original dwelling. Guidance contained within the Development in the Green Belt SPD (Adopted) stipulates that a volume increase from the original dwelling of 30% is likely to be considered acceptable. Volume increases above this should be considered carefully to ensure they remain proportionate to the original site. Increases in excess of 50% are likely to be considered unacceptable. Proposals must not prejudice the visual amenity or openness of the green belt.

5.3 The application site consists of a detached two storey residential dwelling situated within a large plot in the open countryside. The proposal is for a ground and first floor rear extension, which would extend the existing single storey rear lean-to by 1 metre in height and 1.6 metres in depth. A history search of the site shows that the dwelling has already benefited from a two-storey rear extension and dormer windows. This is estimated to equate to an approximate 22-25% increase from the original dwelling. The proposed rear extension would not significantly increase the volume of the existing dwelling, with an approximate 5% increase from the original dwelling. The total increase would therefore equate to an approximate 30% volume increase, which in this context is considered proportionate and acceptable. The proposal would not prejudice the visual amenity or the openness of the green belt.

### 5.4 **Conservation and Design/ Visual Amenity**

The application refers to a locally listed building situated within the Upton Cheyney Conservation Area and Cotswolds AONB. Development within or affecting a conservation area will only be permitted where it would enhance or preserve the character and appearance of the conservation area. With regard to policies L12 and L15 significant weight will be given to the massing, scale, materials, colour, detailing and overall design in the setting of the locally listed building and the conservation area.

- 5.5 The proposal relates to a stone built cottage of L-shaped plan, with a single storey infill within the angle, roofed with a lean-to roof. The front elevation has an attractive symmetrical front with multi-pane sash windows arranged around a central doorway. The rear is more utilitarian in character, with a rear range wing, lean-to roof and casement windows.
- 5.6 The original (superseded) proposal was to replace the single storey rear element with a two-storey extension, with a gable on the side elevation. Extending from this would be a new single storey addition with lean-to roof, much the same size and form as that demolished. This design was considered by the Conservation Officer, who felt that the proposed two-storey extension would create an odd and awkward junction between the proposed and the existing, which is likely to be difficult to maintain and could cause problems in the future. It was considered that a more traditional cat-slide roof would be more appropriate. In response to these comments the applicant was invited to submit amended drawings, which were received on 5<sup>th</sup> March 2013. The revised proposal incorporates a cat-slip style roof, which is one metre higher than the existing lean-to roof, and increasing the depth of the existing single storey lean-to by 1.6 metres. The revised design of the proposal responds more sympathetically to the existing character and appearance of the building, and is therefore considered acceptable in the context of the locally listed building and the conservation area. The scale, massing and proportions of the proposal are considered acceptable in the context of the site and the locality.
- 5.7 The proposed materials for the walls of the proposal are matching local rubble stone and dressed quoins, roughly brought to course, in lime mortar 1:3 (lime putty, two course grit and sand) brushed back from face. The proposed roof materials are second hand double roman tiles and clay ridge to match the existing. The proposed windows and doors would be painted softwood to match the existing. The proposed rooflights would be 'The Rooflight Company' Conservation Rooflights model CR10. These materials are considered acceptable, however, a condition will be attached to the decision notice, which will require a sample panel of stone (to include coursing, pointing, stone and mortar) to be constructed and agreed in writing prior to the commencement of works. Similarly, given the sensitive nature of the site, a condition will be used to ensure that the design detailing of the proposed windows, doors, vents and flues, and eaves are submitted and approved prior to the commencement of works. Subject to these conditions the proposal is considered acceptable in terms of policies H4, D1, L12 and L15 of the South Gloucestershire Local Plan (Adopted) 2006.
- 5.8 Residential Amenity  
The application refers to a detached residential dwelling, situated within large grounds, within the open countryside. The proposed extension would not be adjacent to any neighbouring dwellings and as such would not have an overbearing impact on them or affect their privacy.

5.9 Transport

The proposal does not result in an increase in bedroom space, would not affect parking provision, and would not be adjacent to the highway. The proposal therefore raises no transportation concerns.

5.10 Landscape

The proposal would not be highly visible from the surrounding landscape and as such would not have a detrimental impact on the natural beauty of the AONB. The protected trees on site would not be affected by the proposal.

5.11 Other Matters

During the consultation period the Parish Council raised concern over the original (superseded) design of the proposal and sought the opinion of the Conservation Officer. Revised drawings received on 5<sup>th</sup> March 2013 have responded directly to the Conservation Officer's comments. No other objections were received. A re-consultation period was not undertaken as the proposal was reduced in scale and the amended plans responded directly to the Conservation Officer's comments.

**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 rear extension is considered a proportionate addition in the context of the green belt. The proposal would not affect the residential amenity of surrounding dwellings, and would not prejudice highway safety or parking provision. As such the proposal is considered acceptable in terms of policies H4 and GB1 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The revised design of the proposal, incorporating a cat-slip style roof, is considered acceptable in the context of the locally listed building and the conservation area. Subject to conditions relating to materials and detailing the overall design of the proposal would be informed by, respect, and enhance the character and distinctiveness of the site and the locality. It is considered that the proposal would not prejudice the visual amenity of the AONB or the green belt. Accordingly the proposal is considered acceptable in terms of policies D1, H4, L12, L15 and L2 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

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

Reason

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

2. 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) Windows and Doors (including cill and head details)
  - (b) All new vents and flues
  - (c) Eaves overhang

Reason

To ensure satisfactory external appearance, to protect the character and appearance of the locally listed building and the Upton Cheyney conservation area, and to accord with Policies L12 and L15 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

4. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

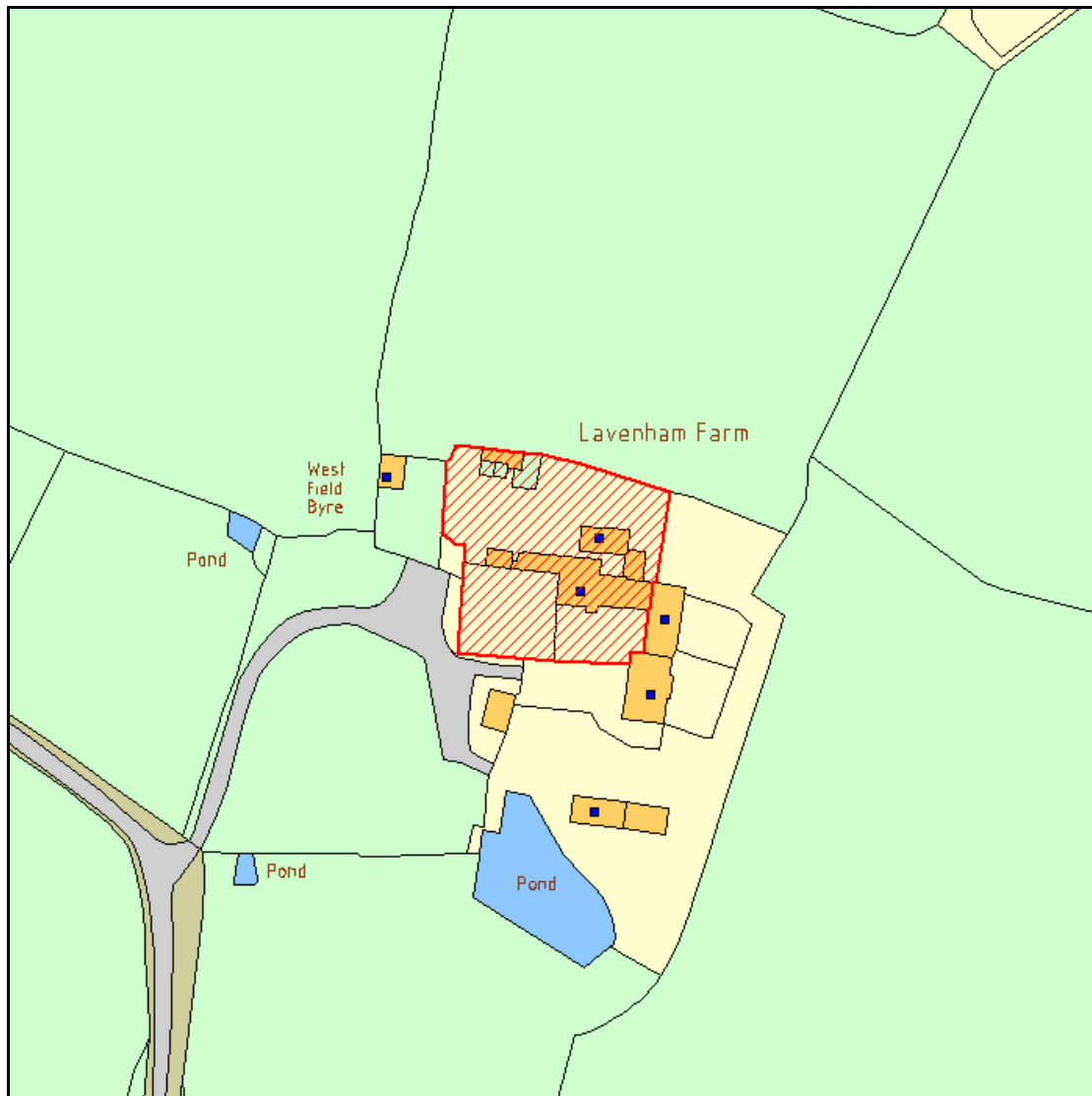
5. The rooflights used in the extension hereby permitted shall be Conservation Rooflights, and shall be maintained as such thereafter.

Reason

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

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0206/F	<b>Applicant:</b>	Mr C Ross
<b>Site:</b>	Lavenham Farm Nibley Lane Iron Acton South Gloucestershire	<b>Date Reg:</b>	30th January 2013
<b>Proposal:</b>	Conversion of summerhouse to form 1no. holiday let.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	368696 183130	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th March 2013



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N.T.S.

PK13/0206/F

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 Planning permission PK06/0769/F was granted to convert the complex of traditional farm buildings at Lavenham Farm to residential properties and for most part the permission has now been implemented. The current proposal relates to an existing Summerhouse that lies to the rear of what was the original farmhouse. The Summerhouse was granted planning permission in June 2011 and replaced a former dilapidated storage building. The site lies within the Green Belt and is surrounded by open countryside but is not within a Conservation Area or Established Settlement Boundary. A PROW utilises the access off Nibley Lane and runs to the back of the overall site.
- 1.2 It is proposed to convert the Summerhouse to a single one-bedroom holiday let. The works to convert the building would be internal only.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework (NPPF) March 2012  
Technical Guidance to the NPPF

#### **2.2 Development Plans**

Joint Replacement Structure Plan (saved policies)

Policy 2 - Location of Development

Policy 16 - Green Belt

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

Policy CS1 - Design

South Gloucestershire Local Plan (Adopted) 6th January 2006.

D1 - Design

L1 - Landscape Protection and Enhancement

L9 - Species Protection

L17 & L18 - The Water Environment

EP1 - Environmental Pollution

EP2 - Flood Risk and Development

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

GB1 - Green Belts

H10 - Conversion and Re-use of Rural Buildings for Residential Purposes

E7 - Conversion and re-use of Rural Buildings

E11 - Tourism  
LC12 - Recreational Routes

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> Aug 2007  
Development in the Green Belt (SPD) June 2007

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK11/1035/F - Erection of Summer House and Garden Store.  
Approved 7 June 2011

### **4. CONSULTATION RESPONSES**

- 4.1 Iron Acton Parish Council  
Object - Over development of site. Do not believe it was historically a Summerhouse. Piecemeal development. The Council also stated that if the development is approved, should seek controls to ensure holiday let is set to a limited letting period.

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

Environmental Protection  
No objection

Landscape  
No objection.

Sustainable Transport  
It is noted that this proposal will make use of an existing access from Nibley Lane and part of the former farm-yard will be used for parking. Thus the applicant can accommodate an acceptable level of parking for the Holiday Let. It is considered that although the proposal would undoubtedly generate a small number of extra trips on the highway network, it raises no significant transportation issues. There is there no objection.

Highway Drainage  
No objection.

### **Other Representations**

- 4.3 Local Residents  
1no. letter of objection was received from a local resident. The concerns raised are summarised as follows:
- The building lies within a small, quiet estate of six dwellings.
  - The estate is accessed via a shared drive.
  - The houses within the estate are all in close proximity to each other.



- Increased noise pollution and adverse impact on residential amenity.
- The applicant is in the process of selling his house.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The NPPF has recently superseded various PPS's and PPG's, not least PPG2 – Green Belts. The NPPF carries a general presumption in favour of sustainable economic development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.2 Para 214 of the NPPF makes it clear that for 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with the NPPF.

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

5.4 The South Gloucestershire Core Strategy incorporating Post-Submission Changes Dec 2011 has now been through the Examination in Public (EiP) stage; the policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.

5.5 In the first instance the proposal must be considered in the light of the latest policies relating to development within the Green Belt. Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 states that the change of use of existing buildings within the Green Belt is not inappropriate provided that :

1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;
2. The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and
3. The form, bulk and general design of the buildings, are in keeping with their surroundings.

5.6 Policy E7 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 sets the criteria against which proposals for the conversion of existing traditional buildings in the countryside, to alternative uses, are determined. The criteria attached to this policy are very similar to those of Policy GB1. Although having an attractive rustic appearance, the building is however a modern construction. The supporting text to policy E7 states that re-using existing vacant buildings can help reduce vandalism, dereliction and the demand for new buildings in the countryside. The Council's first priority will be to see such buildings re-used for purposes, which make a positive contribution to the rural economy i.e. for agricultural, industrial, commercial or tourism purposes. The building lies within the residential cartilage of Lavenham Farm House and as such its authorised use is already residential. The proposed conversion of the building to a holiday let would however make a positive contribution to the tourist industry of the area. Policy E11 permits proposals for new tourist accommodation subject to the following criteria:

- A. Development would not have unacceptable environmental effects; and
- B. The proposals would not prejudice the amenities of neighbouring residential occupiers; and
- C. The proposal would not give rise to unacceptable levels of traffic on unsuitable local roads and access and parking arrangements would not prejudice highway safety; and

In addition:

The conversion of existing rural buildings for holiday accommodation will only be permitted where it can be demonstrated that a business use, including other tourism related activity, cannot be achieved. In such cases the Council will impose conditions restricting occupancy.

Other material considerations in the determination of this application are the policies within National Planning Policy Framework (NPPF) March 2012.

5.7 The following is an analysis of the various criteria concerned regarding the proposal:

5.8 Green Belt Issues

The site is located in the Bristol/Bath Green Belt where Policy GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, apply a general presumption against development that would be harmful to Green Belt objectives. The most important attribute of Green Belts is their openness. Inappropriate development within the Green Belt would by definition be harmful to the Green Belt. Very special circumstances are required to justify the harm by reason of inappropriateness.

5.9 Policy GB1 permits the change of use of land or buildings within the green Belt only where the following criteria are met:

- 1. It would not have a materially greater impact than the present authorised use on the openness of the Green Belt and would not conflict with the purpose of including land in it;**
- 5.10 The existing building has the appearance of a small bungalow and already lies within an existing residential curtilage. The building could already be occupied as an annexe ancillary to the existing 'Farm House'. The proposed conversion involves no new build or expansion of the existing residential curtilage. The proposed Holiday Let would be occupied on a short-term holiday let basis only and given the small size of the building any intensification of use of the site would be insignificant.
- 5.11 In this case therefore, officers do not consider that it could be reasonably argued that the scheme would result in encroachment into the countryside or that it would have a materially greater impact on the openness of the Green Belt than the current authorised use.
- 5.12 There are many other examples of Holiday Lets within the open countryside and Green Belt. Most of these would be converted buildings incorporating modest curtilages. Officers are satisfied that with an appropriate condition to control occupancy of the building, the proposal would, on balance, not be inappropriate development in the Green Belt and as such would accord with Policy GB(1) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.13 **The buildings are of permanent and substantial construction and are capable of conversion without major or complete reconstruction; and**
- The building is a modern construction only 2 years old. Officers are therefore satisfied that criterion 2 of Policy GB1 is met.
- 5.14 **3. The form, bulk and general design of the buildings, are in keeping with their surroundings.**
- 5.15 The existing building has the appearance of a small bungalow. No external works are required to convert the building, the appearance of which would not alter. The building would continue to be in-keeping with its surroundings.

#### Alternative Uses

- 5.16 As required by Policy E11 and H10(A), alternative business uses for the building need to be considered. However the building is already in residential use, being located within the residential curtilage of Lavenham Farm House and used ancillary to the enjoyment of the house.
- 5.17 The proposed use of the building as a Holiday Let, would however make a positive contribution to the rural economy. The proposal could provide a much-valued source of additional employment for the applicant. Officers consider that this would accord with the Government's clear objectives in promoting sustainable economic growth as outlined in the NPPF. .

5.18 Transportation Issues

Traffic generation would be small and given that the Holiday Let would be one bed-roomed only, it is likely to attract only one car at a time. The traffic generated is also likely to be seasonal and comprise of private cars only. The existing access arrangements would be utilised and there would be adequate parking and turning provision within the existing yard area. There are no highway objections. The proposal therefore accords with Policies T8, T12, and E11 (C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.19 Landscape Issues

The building would be retained with no change to its form, bulk or mass. The amenity areas would be provided within the existing enclosed garden area. There are no proposals to remove the existing vegetation within or around the site. Any intensification of use of the site would be minimal. Officers are satisfied that the proposal would not adversely affect the visual amenity of the Green Belt or landscape in general and would therefore accord with Policies L1, D1 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.20 Impact Upon Residential Amenity

Although well related to the 'Farm House', this property is a reasonable distance from the building. The proposed Holiday Let use is likely to have little impact on neighbouring residential amenity, both in terms of noise or disturbance, or from the traffic generated; furthermore the general outlook for neighbouring occupiers would be retained. The Holiday Let would have one bedroom only and as such would be unsuitable for family occupation. Whilst there may be some disturbance for neighbouring occupiers during the conversion phase, this would be on a temporary basis only. The proposal therefore accords with Policy E11(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.21 Environmental Issues

Officers raise no objection in principle. The previous uses of the building are unlikely to have resulted in any contamination of the site or building itself. The proposed use would have no more impact on the environment than the existing authorised use. The proposal therefore accords with Policies E11(A) and EP1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Drainage Issues

It is proposed to dispose of foul waste to the existing septic tank and surface water to existing soakways. The scheme would be in accordance with Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.23 Public Rights of Way

That the proposal is unlikely to have any detrimental effect on the nearest public right of way that utilises the access driveway and skirts around the back of the application site. The proposal is therefore considered to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.24 Ecology

The site has no special ecological designation. The building is a recent construction and the land adjacent to it is already domestic curtilage. There are no adverse ecological implications and the proposal accords with Policy L9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.25 Other Issues

Any change of use of the building to a separate residential dwelling would require planning permission in its own right. Irrespective of whether or not the applicant is selling his house, the proposal has been determined on its merits having regard to both existing and future occupiers.

**6. CONCLUSION**

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

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

- a) The proposed use would not give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords with Policies E11(B) and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the proposed conversion has been designed to respect and maintain the massing, scale, proportions, materials vernacular and overall design and character of the rural location. The development therefore accords with Policies GB1, E7 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide adequate access and adequate off street parking within the site. The proposal would not give rise to unacceptable levels of traffic generation. The proposal is therefore considered to be acceptable in highway safety terms in accord with Policies E11(C), T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.
- d) The proposal is considered to be of a good quality design and layout, which integrates well with the rural context and landscape. The proposal would not result in material harm to the visual amenity of the Green Belt. The proposal therefore accords with Policies L1, H10 and GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- e) Consideration has been given to the proposal's impact on protected

species in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

f) The scheme demonstrates a good standard of sustainability in accordance with the requirements of Policy D1 of the South Gloucestershire Local Plan (Adopted)

g) Consideration has been given to the environmental and drainage aspects of the proposal in accordance with the requirements of Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

h) The building is considered to be structurally sound and capable of conversion in accordance with Policies E7(A) and H10(B) of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

i) Alternative business uses for the building have been adequately considered in accordance with Policies E11 and H10(A) of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

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

## **7. RECOMMENDATION**

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

**Contact Officer: Roger Hemming**  
**Tel. No. 01454 863537**

## **CONDITIONS**

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

Reason

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

2. The holiday unit hereby approved shall be occupied by the same person(s) for no more than 42 days in any 12 month period.

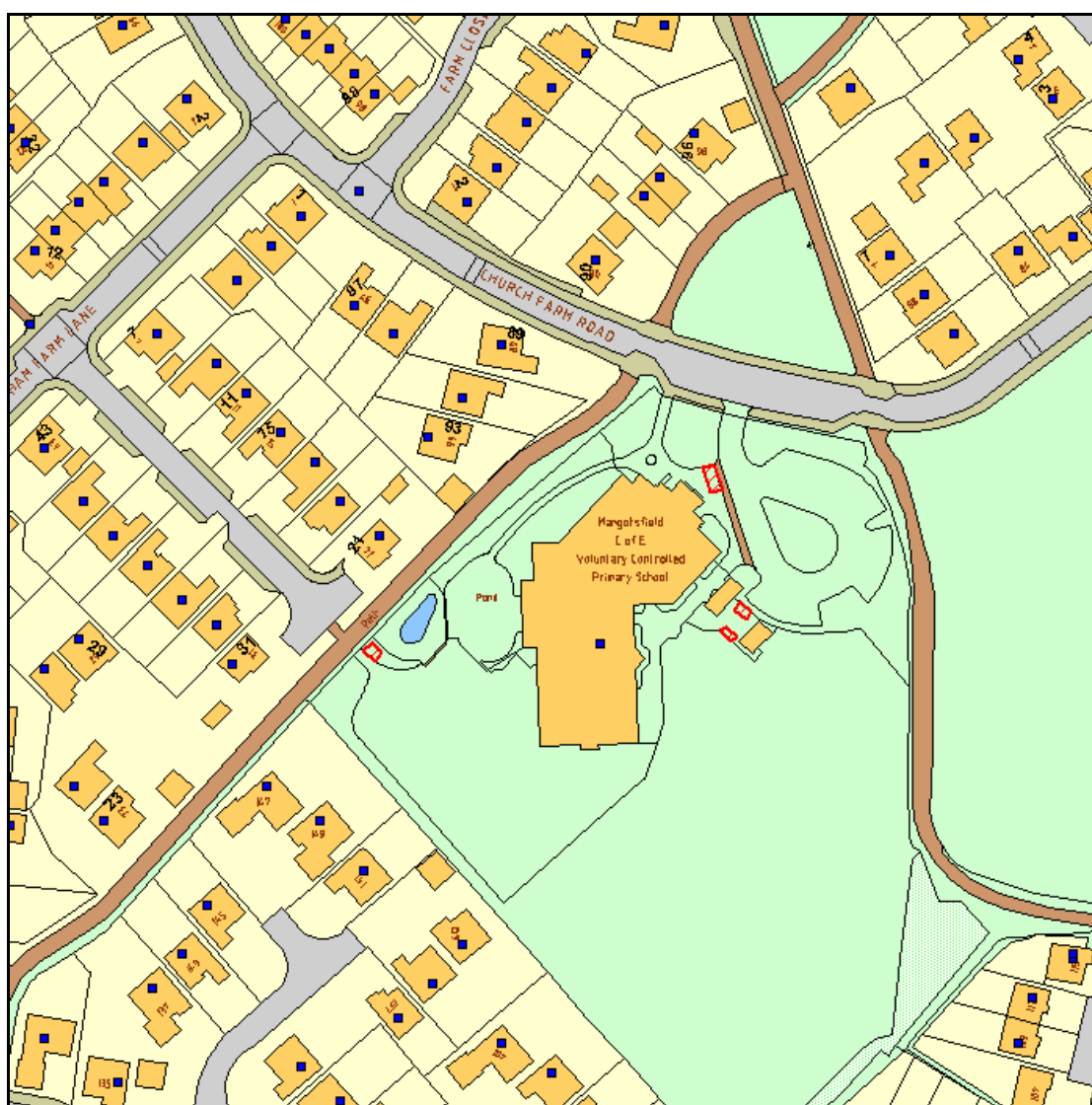
To ensure that the unit remains as tourist accommodation in the interests of the rural economy and to accord with Policy E7 and E11 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The owners/occupiers shall maintain an up-to-date register of the names of all occupiers of the holiday let, and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

To ensure that the unit remains as tourist accommodation in the interests of the rural economy and to accord with Policy E7 and E11 of the South Gloucestershire Local Plan (Adopted) 6th January 2006

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0227/R3F	<b>Applicant:</b>	Streetcare and Transport
<b>Site:</b>	Mangotsfield Primary School Church Farm Road Emersons Green South Gloucestershire BS16 7EY	<b>Date Reg:</b>	14th February 2013
<b>Proposal:</b>	Installation of 2no. cycle shelters, 2no. scooter stands and construction of hardstanding for 3no. cycle stands.	<b>Parish:</b>	Mangotsfield Rural Parish Council
<b>Map Ref:</b>	366900 176542	<b>Ward:</b>	Emersons Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th March 2013



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**PK13/0227/R3F**



## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of 1no. 'Broxap Castleford' style cycle shelter to accommodate 6no. Sheffield cycle stands; 1no. 'Broxap Junior' style cycle shelter to accommodate 4no. cycle stands; 2no. 'Broxap Bxmw/Sco' type scooter stands; and a hardstanding to accommodate 3no. Sheffield cycle stands.
- 1.2 The application site comprises Mangotsfield C of E Primary School, situated within an established residential area of Emersons Green.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Quality Design

LC4 Provision for Education and Community Facilities within the Existing Urban Area and Boundaries of Settlements

T12 Transportation Development Control Policy for New Development

T8 Parking Standards

L1 Landscape Protection and Enhancement

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

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted) 2006

### **3. RELEVANT PLANNING HISTORY**

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

### **4. CONSULTATION RESPONSES**

#### 4.1 Mangotsfield Rural Parish Council

No objection

- 4.2 Transport Officer  
No objection
- 4.3 Archaeology Officer  
No comment
- 4.4 Public Rights of Way  
The proposal is unlikely to affect PROW PMR/21/20

### **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

- 5.1 Principle of Development  
The application seeks permission for the erection of 1no. 'Broxap Castleford' style cycle shelter to accommodate 6no. Sheffield cycle stands; 1no. 'Broxap Junior' style cycle shelter to accommodate 4no. cycles; 2no. 'Broxap Bxmw/Sco' type scooter stands; and a hardstanding to accommodate 3no. Sheffield cycle stands. Policy LC4 of the adopted Local Plan allows for expansion and improvement to education and community facilities in principle provided there is no adverse impact on residential amenity or transport.

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

- 5.3 Transport  
The application site has some existing cycle facilities on the north east and east sides of the site. The proposal is for 1no. 'Broxap Castleford' style cycle shelter, 1no. 'Broxap Junior' style cycle, 2no. 'Broxap Bxmw/Sco' type scooter stands; and a hardstanding. The proposal would accommodate approximately 26 cycles, and 36 scooters.

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

- 5.4 Design/ Visual Amenity  
The proposed cycle shelters would be constructed with a steel frame and glazing with a concrete hardstanding. The proposed 1no. Broxap Castleford shelter would be located at the front of the site and would replace an existing cycle rack and tree planters. The Broxap Castleford shelter would have a length of 5 metres, a width of 2.4 metres, and a height of approximately 2.5 metres. The proposed 1no. Junior Cycle Shelter would be located on the east

of the site adjacent to an existing timber outbuilding. The junior cycle shelter would have a length of 2.45 metres, a width of 1.05 metres, and a height of approximately 1.3 metres. The scooter stands and proposed hardstanding would have a concrete base.

The proposed shelters are considered minor in scale and the design of them is considered acceptable in the context of the school and the local area. Some minor landscaping (grass area and 2no. planted trees) would be lost as a result of the proposal, however, this is not considered significant in terms of scale or landscape value. As such the proposed shelter is considered acceptable in terms of policies D1 and L1 of the South Gloucestershire Local Plan (Adopted).

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed 2no. cycle shelters and hardstandings, by virtue of their location and small scale, would not prejudice the residential amenity of surrounding dwellings, and would not prejudice highway safety. The design of the proposal is considered acceptable in the context of the site and the locality. Accordingly the proposal is considered acceptable in terms of policies D1, LC4, T8, T12, and L1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That the application is **APPROVED** subject to the conditions below.

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

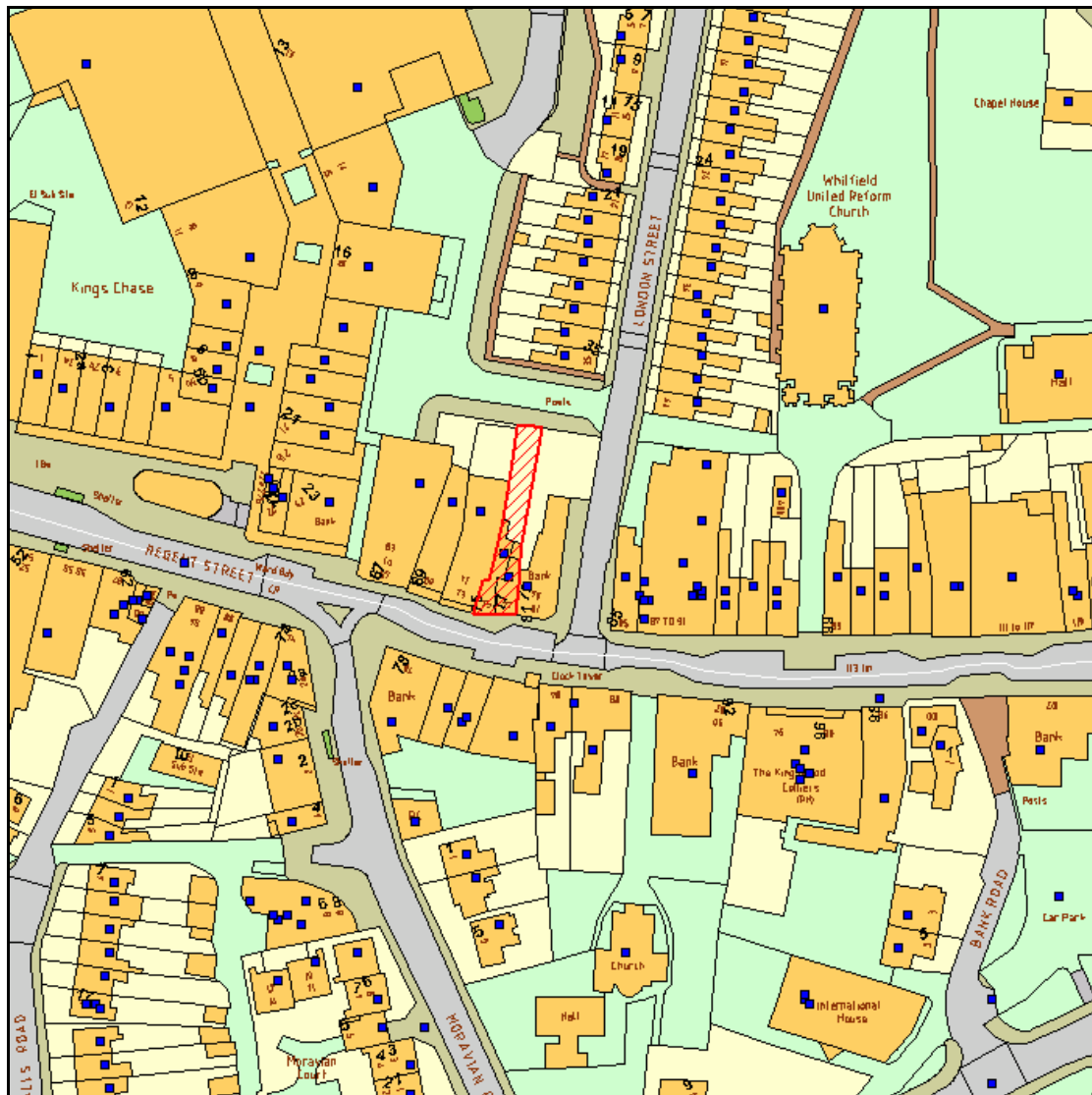
- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0254/F	<b>Applicant:</b>	Mr H Basbydar
<b>Site:</b>	Diamond Kebab & Pizza House 75-77 Regent Street Kingswood Bristol South Gloucestershire	<b>Date Reg:</b>	7th February 2013
<b>Proposal:</b>	Alteration to shop front. Erection of terrace to rear and boundary fence 2.6m at highest point. (Retrospective)	<b>Parish:</b>	None
<b>Map Ref:</b>	364814 173866	<b>Ward:</b>	Kings Chase
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd April 2013



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**PK13/0254/F**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This report appears on the Circulated Schedule following a letter of objection received from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for alterations to a shop front. Also included in the application is a terrace to the rear of the property and a boundary fence reaching 2.6 metres at its highest point. As some of the development has already taken place the application is partly retrospective.
- 1.2 The application site relates to a shop along Kingswood High Street which has a communal parking area to the rear.

### **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  
EP1 Environmental Protection  
RT1 Development in Town Centres  
T12 Highway safety
- 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  
Shopfront Guide (Adopted 2012)  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Council Town Centres and Retailing (August 2010)

### **3. RELEVANT PLANNING HISTORY**

Most recent applications:

- |     |                         |   |
|-----|-------------------------|---|
| 3.1 | PK08/0029/F<br>Approved | Change of use of shop A1 to restaurant A3<br>18.2.08  |
| 3.2 | PK04/3730/F<br>Approved | Erection of single storey side and rear extension to form store and toilets and disabled WC<br>3.2.05     |
| 3.2 | PK01/1549/F<br>Refused  | Change of use from retail A1 to hot food takeaway A3 – extension of hot food takeaway at No. 75<br>5.7.01 |

#### **4. CONSULTATION RESPONSES**

4.1 Parish/Town Council  
The area is unparished

4.2 Other Consultees [including internal consultees of the Council]

Highway Engineers  
No objection

Environmental Protection  
No objection subject to a condition attached to the decision notice

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received:

- tenant above the property who is constantly disturbed by noise that emits from the existing terrace (sometimes in the Summer until 4.00 a.m). Our previous tenant left because of this noise nuisance
- Diamond Kebab now have nowhere to park their vehicles so they obstruct the right of way into our carpark causing our own staff parking problems.
- They do not have enough room for their two large waste containers and as a result these very often block our access

#### **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy RT1 accepts retail and other development appropriate to a Town Centre such as Kingswood provided that, it is acceptable in terms of the existing vitality and viability, scale and function, accessibility, environmental and transportation effects.

5.2 Design and Visual Amenity

The application site is a kebab and pizza house situated within a rank of shops and businesses in Kingswood. The applicants seeks permission to make some minor changes to the shop front comprising the blocking up of a single door and updating the fenestration. In terms of the scale and design the proposals are in-keeping with the host property and the area in general.

In addition the application seeks retrospective permission for an outside seating area to the rear of the shop premises. This is situated adjacent to a large steel container also within the rear curtilage of the shop. The seating area is on a low area of decking and screened by a close boarded fence ranging in height from 1.8 metres to 2.6 metres. This would accommodate approximately 6 tables and 12 chairs. Given the rear location of the site it is considered that the scale of the development, the style and type of materials used are acceptable.

Overall, the above alterations to the shopfront and the addition of a rear seating area do not impact on the function of the existing shop in its highstreet location.

**5.3 Residential Amenity**

The application site is situated adjacent to Regent Street in Kingswood. The street is comprised of various retail and commercial premises with a few residential flats overlooking the street. It is considered that the proposed change to the shopfront would not have a negative impact on the residential amenity of neighbours in this vicinity. To the rear, closest residential properties to the north are approximately 34 metres away. Given the fencing surrounding the rear of the site it is considered that the application would not have an overlooking impact on these neighbours.

With regard to the noise and disturbance caused by the proposal environmental protection officers have assessed the site and by the inclusion of a condition limiting the opening hours the application is deemed acceptable.

**5.4 Highway Matters**

The proposed development is not considered to give rise to any highway concerns and in this way it accords with policy. Concerns have been expressed by neighbours regarding the location of the waste bins and them blocking access into neighbouring businesses and properties. Environmental protection officers are satisfied the applicant has suitable arrangements for the collection and transfer of waste. Large bins are stored on the area of open ground to the rear of the application site. The bins are located immediately outside the large metal container and screened from neighbours to the west by a wall of approximately 1.2 metres in height. As such these arrangements are considered acceptable.

**6. CONCLUSION**

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:

- a) Due to its scale and position in relation to the residential addresses in the locality, the development is considered not to give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy RT1, EP1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.
- b) It has been assessed that the development has been designed to respect and maintain the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area. The development

therefore accords to Policy RT1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

- c) The proposed would be acceptable in relation to personal safety and security and would not materially increase crime in the locality. The development therefore accords to Policy RT1 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

## **7. RECOMMENDATION**

- 7.1 That the application 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. The use of the roof terrace for the purpose permitted shall not be open to customers outside of the following times: 10.00hrs to 18.00hrs Monday to Sunday incl.

Reason:

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



## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0327/EXT	<b>Applicant:</b>	Orchard Crest Developments
<b>Site:</b>	Siston Hill Farm Siston Common Siston South Gloucestershire	<b>Date Reg:</b>	5th February 2013
<b>Proposal:</b>	Erection of 4no. dwellings with detached garages and associated works. (Consent to extend time limit implementation for PK10/0079/F)	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	366295 175084	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st April 2013



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**PK13/0327/EXT**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

Letters of both support and objection to this proposal have been received.

### **1. THE PROPOSAL**

- 1.1 This application is seeking an extension on the time limit attached to application PK10/0079/F at Siston Hall Farm, Siston Common. The original application was for the erection of 4 no. detached dwellings, with detached garages and associated works. The original application was approved on 18 March 2010 and the consent therefore lapses on 18 March 2013. As this application to extend the permission was submitted before the 3 year expiry date (it was received on 4 February 2013 in valid form), the application to extend the time limit for implementation is valid.

### **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  
T7 Cycle Parking  
T8 Parking Standards  
T12 Highway safety  
H2 Development in the Urban Area  
L1 Landscape Protection and Enhancement  
L17 and L18 the Water Environment

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

- CS1 High Quality Design  
CS5 Location of Development
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted)

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PK10/0079/F Erection of four dwellings Approved 2010
- 3.2 PK13/0079/F Erection of 5 dwellings Withdrawn  
The developers are in negotiation with the Council with regard to a potential resubmission of this scheme.

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
No adverse comments.
- 4.2 Other Consultees [including internal consultees of the Council]  
Highway Officer  
No transportation comments regarding the extension of time.

Ecologist

No ecological constraints to extending the time limit to start.

Archaeology

No objection to the extended time limit.

Tree Officer

No objection

Technical Services

No objection – previous conditions to be applied.

Public Rights of Way

The time extension would have no consequences for public footpath PSN3.

Coal Authority

No objection, subject to the inclusion of a condition requiring the implementation of the Coal Mining Risk Assessment which accompanied this application.

Landscape

No landscape objection to the time extension.

**Other Representations**

4.3 Local Residents

One letter of objection was received, citing the following concerns:

- the development would be detrimental to the outlook of the common
- should be a boundary hedge between the cycle path and the development
- electric gates are neither necessary or desirable
- if there is no threat from previous coalmining activities great thought needs to be given to the style and use of materials
- if care isn't taken over drainage, the cycle path could be affected

One letter of support was 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 has, by definition of the previous approval, already 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 the original application was decided the main policy changes have been the emergence of the South Gloucestershire Council Core Strategy and the Draft National Planning Policy Framework (NPPF). The latest version of the Core Strategy, which incorporates post submission changes, inspector's preliminary findings and draft main modifications\_ is a material consideration when assessing planning applications. However, the original application was assessed against the South Gloucestershire Local Plan (adopted) January 2006, and this is still the adopted Development Plan.

5.3 The NPPF is also a material consideration. Paragraph 12 of the NPPF makes it clear that development that accords with an up-to-date Local Plan should be approved. The NPPF also sets the test that development proposals meet the sustainability test and, in that regard, the location of the site in the urban area is considered to be sustainable. The main issues in the previous application were the density of development, the design and layout of the proposal, residential amenity, the access track width, landscape, archaeology, drainage and ecology. In regard to these issues it is not considered there has been any significant changes in the direction of local and national policy and the proposal is still therefore considered to be acceptable. With regard to site density, the national minimum limit has now been removed.

5.4 Whilst it is accepted that a local resident has concerns regarding the proposed development, no new issues have been raised that were not broadly considered by the Council at the time of the determination of PK10/0079/F, other than the issues of the electric gates, the coalmining risk assessment and the risk to the cycle path from drainage. In regard to these issues, no changes to the approved scheme are proposed and it is important to recognise that the scope of this application is limited to extending the time limit to commence the development. Drainage details and compliance with the Coal Mining Risk Assessment are required by the relevant condition below. No further residential dwellings have been constructed immediately adjacent to the site boundary that could be adversely affected by the proposed development. It is therefore considered that all relevant concerns were considered at the time of the previous approval in 2010. The condition of the site has changed over the intervening period, with it having been tidied up.

5.3 Having visited the site, the Officer considers that there are no material physical changes to the site since the original application was decided. 17 conditions were attached to the original consent and these conditions are still considered to apply. An additional condition requiring compliance with the submitted Coal Mining Risk Assessment has been included below. Given the above, there is no objection to the extension of time of the previously approved permission and the previous conditions will be copied over to the new permission along with the additional condition.

## 6. CONCLUSION

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

- 6.2 The principle of the proposed development has been accepted by virtue of the approval of application no. PK10/0079/F and it is considered that there have been no significant changes in terms of the physical condition of the site or planning policy, which would materially affect the original decision.
- 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 Planning permission to extend the time limit for implementation is approved subject conditions brought forward from the previous planning permission, along with one additional condition.

**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 samples of the roofing and external facing materials proposed to be used in the construction of the dwellings, garages and boundary walls and details of all hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

3. No development shall take place until detailed elevations and sections of the proposed windows and doors have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

4. No development shall take place until the application site has been surveyed by a suitably qualified person for reptiles at a suitable time of year. If present, a reptile mitigation strategy shall be drawn up and agreed in writing with the Council. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason

To safeguard the population of slow-worms present on the site in accordance with Policy L9 of the South Gloucestershire Local Plan.

5. No development shall take place until an Ecological and Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. All management works shall be carried out in accordance with the approved details.

Reason

To protect the wildlife and the ecological interests of the site in accordance with Policy L9 of the South Gloucestershire Local Plan.

6. 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.

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

Reason

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

8. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

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

9. No development shall take place until a geo-hydrology and mining report has been submitted to and approved in writing by the Local Planning Authority and all works shall be carried out in accordance with the approved details.

Reason

To prevent non-point source pollution and flooding and to accord with Policies L17, L18 and EP2 of the South Gloucestershire Local Plan.

10. An Arboricultural Method statement by which all the retained trees and hedgerows on the site and the Oak Tree sited west of the application site ( which is owned and maintained by South Gloucestershire Council ) and Walnut Tree are to be protected during construction works shall be submitted to and approved in writing by the Local Planning Authority before works commence on site. The submitted drawings shall also show the line of the protective fencing. Such protection shall be provided prior to the clearance of the site and shall be maintained for the duration of the works.

Reason

In the interests of the long term health of the trees and hedgerows and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

11. No development shall take place until a full dilapidation schedule of the single track access/public right of way, cycle path and common land arising from the construction traffic is submitted to and agreed in writing by the Local Planning Authority. Any damage to the single access track/public right of way, cycle path and common land shall be made good to the full satisfaction of the Local Planning Authority.

Reason

To safeguard the public highway and adjoining Common and in accordance with Policy T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

13. Details of all boundary treatments to be erected on site shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Development shall be carried out in accordance with the approved details.

Reason

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

14. The off-street parking facilities for all vehicles 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.

15. The hours of working on site during the period of construction shall be restricted to Monday-Friday 7.30-18.00 and Saturday 8.00-13.00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenity enjoyed by those living in the locality to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Prior to the commencement of the development a Waste Management Audit shall be submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
- (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
  - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
  - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
  - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.
  - (e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

To accord with the Council's adopted Waste Management Strategy and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. No development shall take place until an investigation and risk assessment of the application site has been carried out which shall be completed in accordance with a scheme to assess the nature and extent of any contamination on the site by a suitably qualified person and which shall be approved in writing by the Local Planning Authority. If contamination is present a detailed remediation scheme shall be drawn up and agreed in writing with the Local Planning Authority. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation. The above shall be undertaken in accordance with the attached schedule.

Reason



To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy EP1 and EP6 of South Gloucestershire Local Plan.

18. Prior to the commencement of the development hereby approved, site investigation works shall be carried out on the site to ascertain the extent of shallow mine workings (if any) . In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

In order to remediate any unstable ground to safeguard the site and surrounding properties to accord with policy EP7 of the adopted South Gloucestershire Local Plan.

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0334/CLP	<b>Applicant:</b>	Mr And Mrs Parkes
<b>Site:</b>	7 Pettigrove Road Kingswood Bristol South Gloucestershire BS15 9SN	<b>Date Reg:</b>	4th February 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear and side extension.	<b>Parish:</b>	None
<b>Map Ref:</b>	365110 172979	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	1st April 2013



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**N.T.S.**

**PK13/0334/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) (No.2) Order 2008. 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 removal of an existing rear conservatory, and construction of a single-storey rear extension 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) (no.2) (England) Order 2008

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 Parish/Town Council  
No parish council operates in this area, therefore there has been no consultation.

- 4.2 Community Spaces Officer  
No comment.
- 4.3 Highway Drainage Officer  
No comment.
- 4.4 Public Rights of Way Officer  
No objection.

#### **Other Representations**

- 4.5 Local Residents  
None received
- 4.6 Open Spaces Society  
No response received

### **5. SUMMARY OF EVIDENCE SUBMITTED**

- 5.1 The following documentation has been submitted to the Council on 4 February 2013 in support of this application, and on which the application shall be determined:
- Maddox Design, 'Site Location & Existing Site Plan', drawing no. CA13/002/01, dated Jan 2013
  - Maddox Design, 'Proposed Site Plan', drawing no. CA13/002/02, dated Jan 2013
  - Maddox Design, 'Existing Floor Plan and Elevations', drawing no. CA13/002/03, dated Jan 2013
  - Maddox Design, 'Proposed Floor Plan and Elevations', drawing no. CA13/002/04, dated Jan 2013

### **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 rear extension. This development would fall under the criteria of **Schedule 2, Part 1, Class A** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a

dwellinghouse). This type of development allows for the enlargement of a dwellinghouse provided certain criteria are met. Developments that fail any of the following criteria would not be permitted:

6.4 A.1 Development is not permitted by Class A if: -

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

The submitted drawing CA13/002/01 includes the site plan. The net result of the proposed development (i.e. removal of the existing conservatory and erection of the extension), combined with other buildings within the property's curtilage, would not exceed 50% of the curtilage being covered by buildings.

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

A single-storey rear extension is proposed. The existing property is a two-storey detached house. The highest part of the proposed extension will not exceed the highest part of the existing house, which is the ridge.

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

A single-storey rear extension is proposed. The existing property is a two-storey detached house. The height of the eaves of the proposed extension would not exceed the height of the eaves on the existing dwellinghouse.

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

The proposed extension is located to the rear of the existing property. The proposed extension is to finish flush with, and therefore not extend beyond, the most rear elevation and eastern side elevation. The proposal will not extend beyond a wall which forms a principal or side elevation which fronts a highway.

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

The rear wall of the original building is 'stepped' and thus under the applicable regulations, is considered to have two rear elevations. As such the proposal

has been tested against both rear elevations. The proposal intends to 'infill' the step formed by the removal of the conservatory.

The submitted drawing CA13/002/04 shows the extension will extend beyond the inner-most rear elevation by 3 metres. It will not extend beyond the outer-most rear elevation. The proposed extension would have a maximum height to ridge of 3.4 metres and is therefore in accordance with this criterion.

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

The proposed elevation is not of more than one storey. This criterion is therefore not applicable.

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

The plot the property is situated in narrows from front to rear. Submitted drawing CA13/002/02 shows the proposed extension will be within 1 metre of the boundary with the adjacent house. The eaves height of the extension has been measured to be 2.5 metres. As this is below 3 metres, the proposed development is in accordance with this criterion.

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

The rear wall of the original building is 'stepped' and thus under the applicable regulations, is considered to have two east-facing side elevations. As such the proposal has been tested against both east facing side elevations. The proposal intends to 'infill' the step formed by the removal of the conservatory.

The submitted drawing CA13/002/04 shows the extension will not extend beyond the outer-most east elevation but will extend beyond the inner-most east elevation. The proposed extension would have a maximum height to ridge of 3.4 metres and will have one storey. The original dwelling house has a width of 10 metres, and the extension will have a width of 4.6 metres.

The proposed extension is less than half the width of the original dwellinghouse, less than 4 metres in height and only one storey, and therefore is in compliance with this criterion.

- (i) *it would consist of or include:-*

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

The submitted drawing CA13/002/04 shows a soil vent pipe, however as this is an existing feature that is to remain unaltered, the proposal is in adherence with this criterion.

#### *A.2 Tests for development on Article 1(5) land*

The application site is not on Article 1(5) land; therefore this section is not applicable.

#### *A.3 Development is permitted by Class A subject to the following conditions:-*

- (a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;*
- (b) *any upper-floor windows located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -*
  - i) *obscure-glazed, and*
  - ii) *non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and*
- (c) *where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

Submitted plan CA13/002/04 indicates that roof, windows and door materials used will match those in the existing dwelling. It is not stated whether external walls in the proposed development will also match. For the extension to be considered permitted development the elevations must be of a similar appearance to the existing house. As the proposed extension is of single storey A.3(b) and A.3(c) are not relevant. It is therefore concluded that the conditions of Part 1 Class A have been met.

The single storey rear extension is therefore considered to comply with Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development provided that the external elevations of the extension are constructed of a material with a similar appearance to the existing dwelling house.

The modification to the existing first floor bathroom window is an alteration or improvement to the dwellinghouse. However this does not fall within any of the exclusions under Class A and is therefore permitted development.

## **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) (no.2) (England) Order 2008.
- 7.2 The single-storey rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required, provided that the external elevations of the proposal are constructed of a material with a similar appearance to the existing dwelling house.

## **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) (no.2) (England) Order 2008, and is considered permitted development.

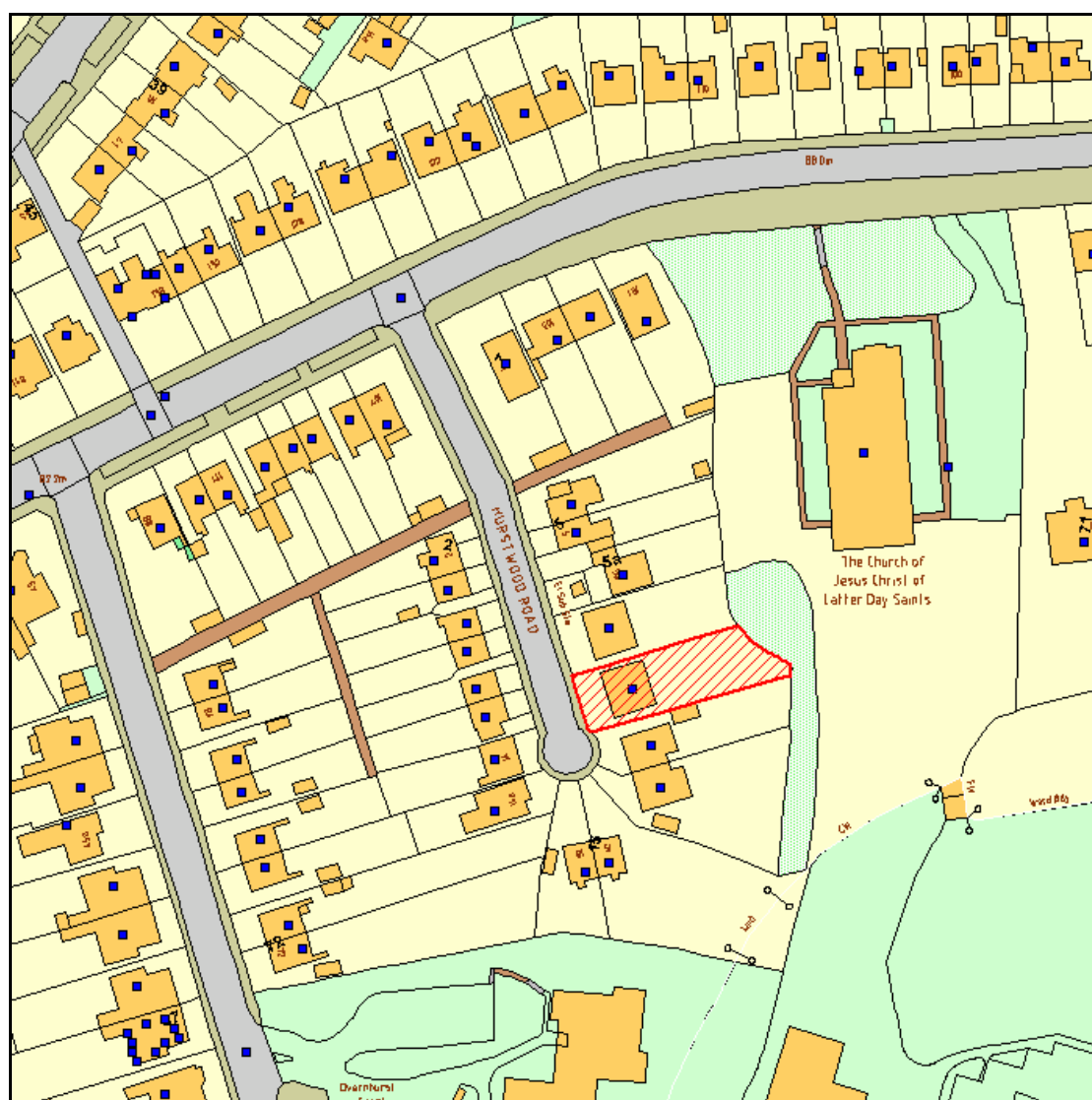
However, the proposed development can only be considered permitted development and any certificate issued remain valid, provided that the external elevations of the extension are constructed of a material with a similar appearance to the existing dwelling house.

**Contact Officer: Christopher Roe**  
**Tel. No. 01454 863427**



## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PK13/0351/CLP	<b>Applicant:</b>	Mr Mitch Woodward
<b>Site:</b>	9 Hurstwood Road Downend South Gloucestershire BS16 5EG	<b>Date Reg:</b>	6th February 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness Proposed for the installation of rear dormer window to facilitate loft conversion.	<b>Parish:</b>	
<b>Map Ref:</b>	364594 176395	<b>Ward:</b>	
<b>Application Category:</b>	Minor	<b>Target Date:</b>	2nd April 2013



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**PK13/0351/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) (No.2) Order 2008. 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 installation of a rear dormer window to facilitate a loft conversion on a detached house.
- 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) (no.2) (England) Order 2008.

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 Downend & Bromley Heath Parish Council  
No objection.
- 4.2 Community Spaces Officer  
No comment.
- 4.3 Highway Drainage Officer

No comment.

## **Other Representations**

- 4.4 Local Residents  
None received

## **5. SUMMARY OF EVIDENCE SUBMITTED**

- 5.1 The following documentation has been submitted to the Council on 5th February 2013 in support of this application, and on which the application shall be determined:

- Aztech Architecture 'Existing Ground Floor Plan', diagram no. AZ1596-0001, dated 21st January 2013
- Aztech Architecture 'Existing Loft Floor Plan', diagram no. AZ1596-0002, dated 21st January 2013
- Aztech Architecture 'Existing Elevations' and 'Existing Typical Section', diagram no. AZ1596-0003, dated 21st January 2013
- Aztech Architecture 'Proposed Ground Floor Plan', diagram no. AZ1596-0004, dated 21st January 2013
- Aztech Architecture 'Proposed First Floor Plan', diagram no. AZ1596-0005, dated 21st January 2013
- Aztech Architecture 'Proposed Elevations', diagram no. AZ1596-0006, dated 21st January 2013
- Aztech Architecture 'Proposed Typical Section', diagram no. AZ1596-0007, dated 21st January 2013

## **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 rear dormer window to facilitate a loft conversion on a detached house. This development would fall under the criteria of **Schedule 2, Part 1, Class B** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (the enlargement of a dwellinghouse 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;*

Submitted plan AZ-1596-0006 indicates that the proposal will not exceed the height of the highest part of the existing roof.

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

Submitted plans AZ-1596-0005 and 0006 show the existing roof slope on the principal elevation (that facing Hurstwood Road) being extended towards the side elevations. The enlarged roof does not extend beyond the plane of the roof slope and therefore is in accordance with this criterion. However the two roof lights proposed in the extended front roof slope do extend beyond the plane of the roof slope and are therefore not permitted under Class B. The two roof lights will have to be tested against criteria set out in Class C to determine whether the proposal is permitted.

- (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 one dormer window to facilitate a loft conversion. As the existing building has a hipped roof the cubic content of the roof space will increase beyond the rear dormer. The submitted plan AZ-1596-0006 states the additional volume of the proposed works is 49.65m<sup>3</sup>. An independent calculation carried out by the officer has calculated the additional volume to be slightly less at 48.5m<sup>3</sup>. The property is detached and therefore may extend up to 50 cubic metres as permitted development. Although the stated and calculated volumes differ slightly they are both within the content limit, therefore the proposed development is considered to be 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 development will remove one of the chimney stacks on the south slope of the roof and two vent pipes, but does not install new, or alter the existing features. As such this is considered to be permitted

development. The site is not on Article 1(5) land 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;*

Submitted plans AZ-1596-0006 states that the materials proposed for the roof tiles, windows, fascias and rainwater goods 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 AZ-1596-0006 confirms the proposed dormer face will be set back from the eaves of the property by a minimum of 200mm, 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 proposed dormer windows are on the rear elevation. Plan AZ-1596-0006 shows a window is proposed within the stairwell on the south face of the extension. Plan AZ-1596-0005 confirms that this window will be obscure glazed and fixed shut, thus in adherence with this condition.

6.6 Details contained with the submitted plans indicate that the rear dormer window adheres to all the conditions specified under B.2. It is therefore considered to comply with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development.

6.7 The proposed development also includes two roof lights. This aspect of the development would fall under the criteria of **Schedule 2, Part 1, Class C** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (any other alteration to the roof of a house.) This allows for alterations to the roof of a dwellinghouse providing the development meets the following criteria:

6.8 *C.1 Development is not permitted by Class C if –*

- (a) *the alteration would protrude more than 150 millimetres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;*

The distance the proposed roof lights will protrude beyond the plane of the slope has been measured to be 50 millimetres. The proposed roof lights comply with this criterion.

- (b) *it would result in the highest part of the alteration being higher than the highest part of the original roof; or*

Submitted plan AZ-1596-0007 indicates that the proposed roof lights will not exceed the height of the highest part of the existing roof.

- (c) *it would consist of or include -*  
*i. the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*  
*ii. the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.*

As set out in 6.4 (e) the development will remove one of the chimney stacks on the south slope of the roof and two vent pipes, but does not install new, or alter the existing features, and as such is considered to be permitted development. It does not propose photovoltaics or solar thermal equipment.

- 6.9 *C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –*  
*(a) obscure-glazed; and*  
*(b) 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 proposed roof lights are on the roof slope of the principal elevation (that facing Hurstwood Road.) and therefore this condition is not applicable.

- 6.10 The installation of 2 roof lights in the roof slope of the principal elevation are therefore considered to comply with Schedule 2 Part 1 Class C of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and are considered permitted development.

## 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) (no.2) (England) Order 2008.
- 7.2 The rear dormer window 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.

- 7.3 The installation of 2no. roof lights has been found to comply with the criteria of Schedule 2 Part 1 Class C 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:

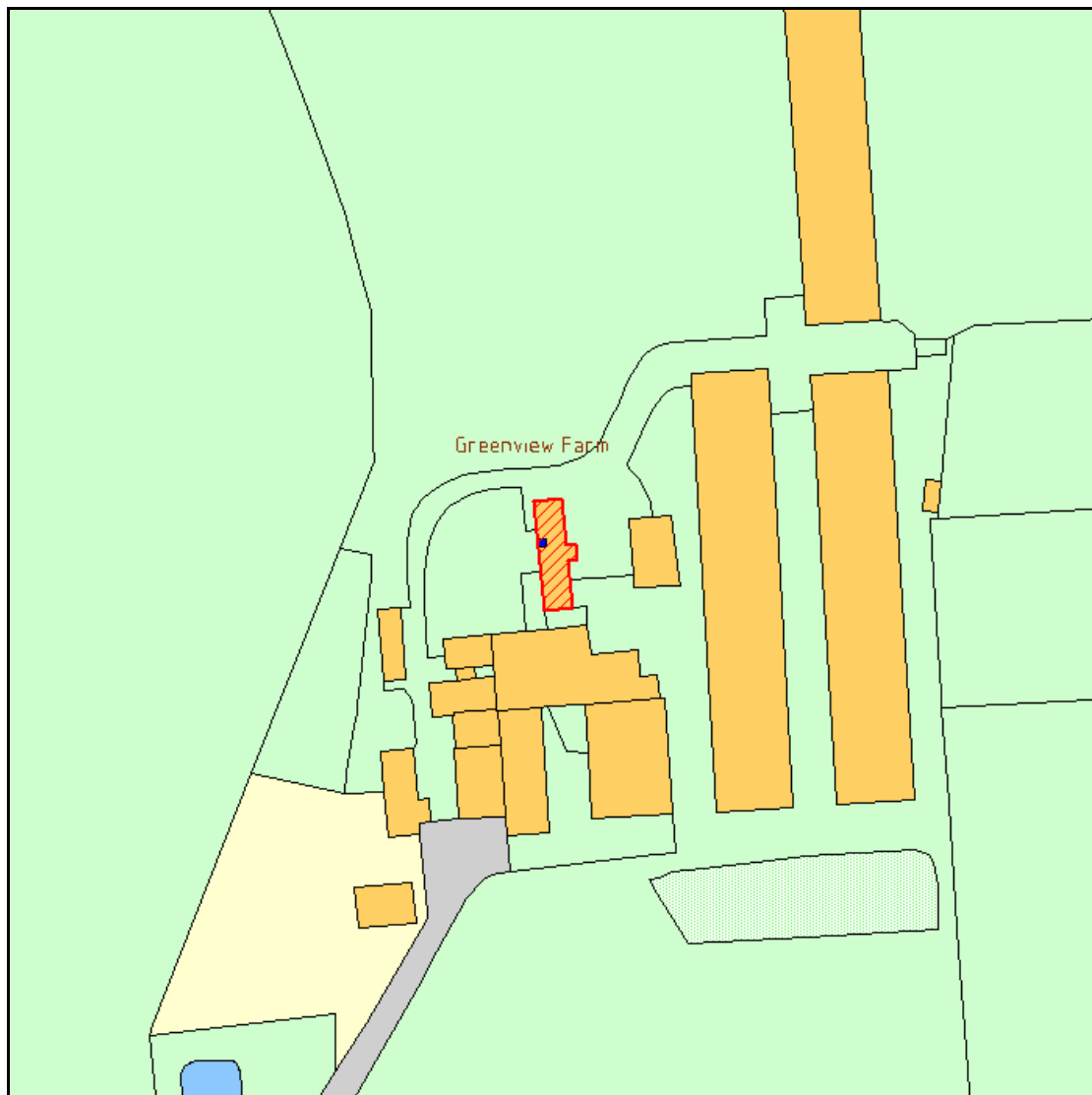
Evidence has been provide to demonstrate, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development.

**Contact Officer: Christopher Roe**  
**Tel. No. 01454 863427**

**CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013**

<b>App No.:</b>	PK13/0386/CLE	<b>Applicant:</b>	Mr C Bloomer
<b>Site:</b>	Green View Farm Chippenham Road Marshfield Chippenham South Gloucestershire	<b>Date Reg:</b>	11th February 2013
<b>Proposal:</b>	Certificate of lawfulness for the existing use of farm building as dwelling house.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	378944 174007	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	4th April 2013

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**N.T.S.**

**PK13/0386/CLE**



## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

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

By way of information, Members should be aware, that the test to be applied to this application for a Certificate of Lawful Use, is that the applicant has to prove on the balance of probability, that the use of the building as described, has occurred for a period of 4 years consecutively, prior to the receipt of the application on the 6<sup>th</sup> February 2013.

### **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for an existing use of the building.
- 1.2 The application relates to a single-storey, detached building known as 'The Lodge', situated in open countryside and lying within the Green View Farm complex, Marshfield. The application relates to the building only and does not include any residential curtilage. The building was previously used in conjunction with the agricultural uses of the site but is thought to have originated as a billet. The property has three bedrooms, a kitchen, living-room and shower rooms.
- 1.3 The property is accessed via the existing farmyard and tracks.
- 1.4 The applicant seeks a Certificate of Lawfulness to confirm the continued use of the building for permanent residential use; this is a 4 year test.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990: Section 191  
Town and Country Planning (Development Management Procedure) (England) Order 2010: Article 35  
Town and Country Planning (Use Classes) Order 1987 (as amended).  
Circular 10/97: Enforcing Planning Control.
- 2.2 Development Plans  
As the application is for a Certificate of Lawfulness, the policy context is not directly relevant, as the land use merits are not under consideration. The applicant need only demonstrate that on the balance of probability, the use has taken place for an uninterrupted period of at least 4 years prior to the receipt of the application (6<sup>th</sup> Feb. 2013).

### **3. RELEVANT PLANNING HISTORY**

- 3.1 None relating to the building.

#### 4. **SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF THE APPLICATION**

The applicant has submitted the following appendices as evidence in support of the application:

1. An affidavit from Charles Anthony Bloomer dated 11<sup>th</sup> January 2013  
In summary Mr Bloomer states the following:

- I live at Green View Farm and am director of the poultry breeding business known as Bybrook Agricultural Limited. My wife, Susan Carol Bloomer and I occupy the building (identified in Exhibit 1 on plan no. LDC.1669.001) as our main residence.
- Exhibit 2 comprises three plans nos. LDC.1669.002, LDC.1669.003 and LDC.1669.004 showing the existing floor plan; the existing elevations and the original floor plan of the building respectively.
- The farm was purchased on the 8<sup>th</sup> January 1998. At that time the buildings on the Farm comprised a range of structures designed and used for the purposes of agriculture together with a single-storey dwelling. Following the purchase, planning permission was granted for the erection of four poultry rearing buildings that have subsequently been erected.
- When the farm was purchased, my wife and I were living at Bybrook Lodge, Castle Combe, near Chippenham. The building now occupied as the dwelling at the Farm was used as the Farm Office and Store for chemicals and vaccines until the beginning of 2007. Since 2003 my wife and I had been seeking to sell our dwelling at Bybrook Lodge. After a series of unsuccessful attempts to purchase other dwellings and potential sales of Bybrook Lodge that had not been successfully completed, we were successful in identifying a purchaser of Bybrook Lodge. As we had not found a dwelling that suited our needs and not wishing to lose the purchaser for Bybrook Lodge, we decided to move to Green View Farm and occupy the building that was at that time being used as the Farm office.
- In order to make the Farm office suitable for occupation as a dwelling, the following alterations and conversions were undertaken:
  - i) Under-floor insulation and heating installed.
  - ii) Walls insulated with internal block-work, cavity and fibreglass.
  - iii) External gables and wall studwork re-clad with Canadian cedar wood.
  - iv) Internal apex of roof insulated with T&G boarding and 75mm of insulation.
  - v) Steel beams in ceiling enclosed with 100mm fibre glass and plaster board.
  - vi) Internal walls formed with 'Celon' insulation blocks.
  - vii) Triple glazing to windows and doors.
- I undertook much of the work of conversion but did employ specialist tradesmen to undertake the plumbing, plastering and electrical work.
- Exhibit 3 is an extract from the accounts for Bybrook Agriculture Ltd. for

the period from 1<sup>st</sup> May 2007 to the 1<sup>st</sup> December 2007 showing the purchase of goods for installation in the dwelling.

- The conversion was completed November 2007 and my wife and I moved into the dwelling on the 15<sup>th</sup> November 2007. Since that date we have continued to occupy the dwelling as our sole residence until the present day. Exhibit 4 shows extracts from Bybrook Agriculture Ltd. showing payments made in respect of private consumption of oil, gas and electricity at The Lodge.
- Since the first occupation of The Lodge in Nov. 2007, this dwelling has been our principal residence and since that date the building has been used for no other purpose. Exhibit 5 is a selection of photographs, which confirm the residential use of the dwelling. I confirm that no material change has taken place to the interior or exterior of the dwelling since our first occupation in Nov. 2007.

## **5. SUMMARY OF CONTRARY EVIDENCE**

5.1 None

## **6. OTHER CONSULTATIONS**

6.1 Local Councillor  
No response

6.2 Local Residents  
No responses

6.3 Marshfield Parish Council  
No objection

6.4 Sustainable Transport  
No comment

## **7. ASSESSMENT**

7.1 The issues, which are relevant to the determination of an application for a Certificate of Lawfulness for existing use, are whether or not, in this case, the use described has been carried out for a continuous period exceeding 4 years and whether or not the use is in contravention of any Enforcement Notice, which is in force.

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

7.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. For a certificate to

be issued, the building within the red edged application site plan, must have been continuously used for residential purposes for a 4 year period prior to 6<sup>th</sup> February 2013 i.e. the date of receipt of the application. Advice contained in Circular 10/97 states that a certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. "beyond reasonable doubt." Furthermore, the applicant's own evidence need not be corroborated by independent evidence in order to be accepted. If the Council has no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant's version of events less than probable, should be taken into account.

#### 7.4 Hierarchy of Evidence

The evidence submitted comprises an affidavit. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

7.5 As noted above the only evidence to support the case is in the form of an affidavit and supporting documents. There is no evidence against.

#### 7.6 Examination of evidence

The only issue, which needs to be resolved in the determination of this application, is whether or not the building within the red edged application site plan has been continuously used for residential purposes for a 4 year period prior to 6<sup>th</sup> Feb. 2013 i.e. the date of receipt of the application; therefore the relevant period is 6<sup>th</sup> Feb. 2009 to 6<sup>th</sup> Feb. 2013.

7.7 From the hierarchy of evidence the most valuable submission is the affidavit. The applicant submits that he and his wife moved into The Lodge on the 15<sup>th</sup> November 2007 and has lived there ever since. This would cover the requisite 4 year period.

- 7.8 Officers have viewed the Council's archive of aerial photographs and can confirm the presence of the building on the site in its current form in 1999. There is nothing in the 1999 photograph to indicate any residential occupation of the building. In the aerial photograph for 2008 the building is the same and other than a footway to the side and a car parked adjacent, there is nothing to suggest that the building is used for residential use.
- 7.9 Officers have inspected the planning history of the site which revealed a planning application P97/4157 (registered March 1997) for two poultry rearing houses. The applicant is a C.A.Bloomer of Bybrook Lodge, Castle Coombe. This supports the applicant's submission that he was living at Bybrook Lodge at that time.
- 7.10 A second planning application PK00/0930/F (registered 13 April 2000) to vary condition 8 attached to P97/4157, to enable the retention of the building now known as The Lodge, was again submitted by Mr A.Bloomer of Bybrook Lodge, Castle Coombe. This supports the applicant's submission that he was living at Bybrook Lodge at that time.
- 7.11 A letter dated 25<sup>th</sup> August 1999 from the Council's Enforcement Officer to the applicant's agent makes reference to the building being used for storage purposes in association with the agricultural activities of the farm. This concurs with the applicant's submission.
- 7.12 Exhibit 3 of the affidavit lists a number of building materials purchased by Bybrook Agriculture but there is nothing to indicate what these materials were used for or more specifically to which building they related. The accounts for gas and electric shown in Exhibit 4 are more conclusive as they make reference to 'Lodge Electricity' and 'Lodge Gas'. These entries date from 4<sup>th</sup> June 2007 to 9<sup>th</sup> April 2008 for the electric and 19<sup>th</sup> Sept. 2007 to 28<sup>th</sup> Feb 2008 for gas. Later entries for electric, gas and oil refer to a 'Cabin'. These entries in the accounts are inconclusive as the utilities could have been for an office use and the reference to a 'cabin' is ambiguous, although it is fair to say that 'The Lodge' does have the appearance of a wooden cabin. The aforementioned dates do however tie in with the applicant's submission that he and his wife moved into the property in November 2007.
- 7.13 The submitted photographs in Exhibit 5 are not dated but having carried out a site visit of the property, officers can confirm that the photographs are of 'The Lodge'. Officers can also confirm that 'The Lodge' was fully furnished for residential occupation and going by the appearance of the rooms (which are laid out in accordance with the submitted plan) and the number of personal affects, the building appeared to have been occupied for some time.
- 7.14 From an internal enquiry of the Council Tax records it transpires that 'The Lodge' is not registered for Council Tax purposes. This does not necessarily mean however that the building has not been occupied as a private residence for the requisite 4 year period.

- 7.15 Given all of the above evidence, officers are of the opinion that it is likely that the building has been continuously occupied as a residential dwelling for the requisite 4-year period. In terms of contrary evidence none has been submitted.
- 7.16 Although the submitted evidence is not conclusive, in the total absence of any counter evidence, officers are satisfied that on the balance of probability Mr & Mrs Charles Antony Bloomer has continuously occupied 'The Lodge' for the relevant 4-year period.

## **8.0. CONCLUSION**

- 8.1 The submitted evidence covers the relevant 4- year period prior to receipt of the application.
- 8.2 The evidence indicates that for the 4 years continuous to the receipt of the application the building shown edged red on the submitted plan was used for domestic purposes (C3).
- 8.3 In the absence of any contrary evidence, it is the considered view therefore that on the balance of probability the applicants have provided the evidence to support the claim.

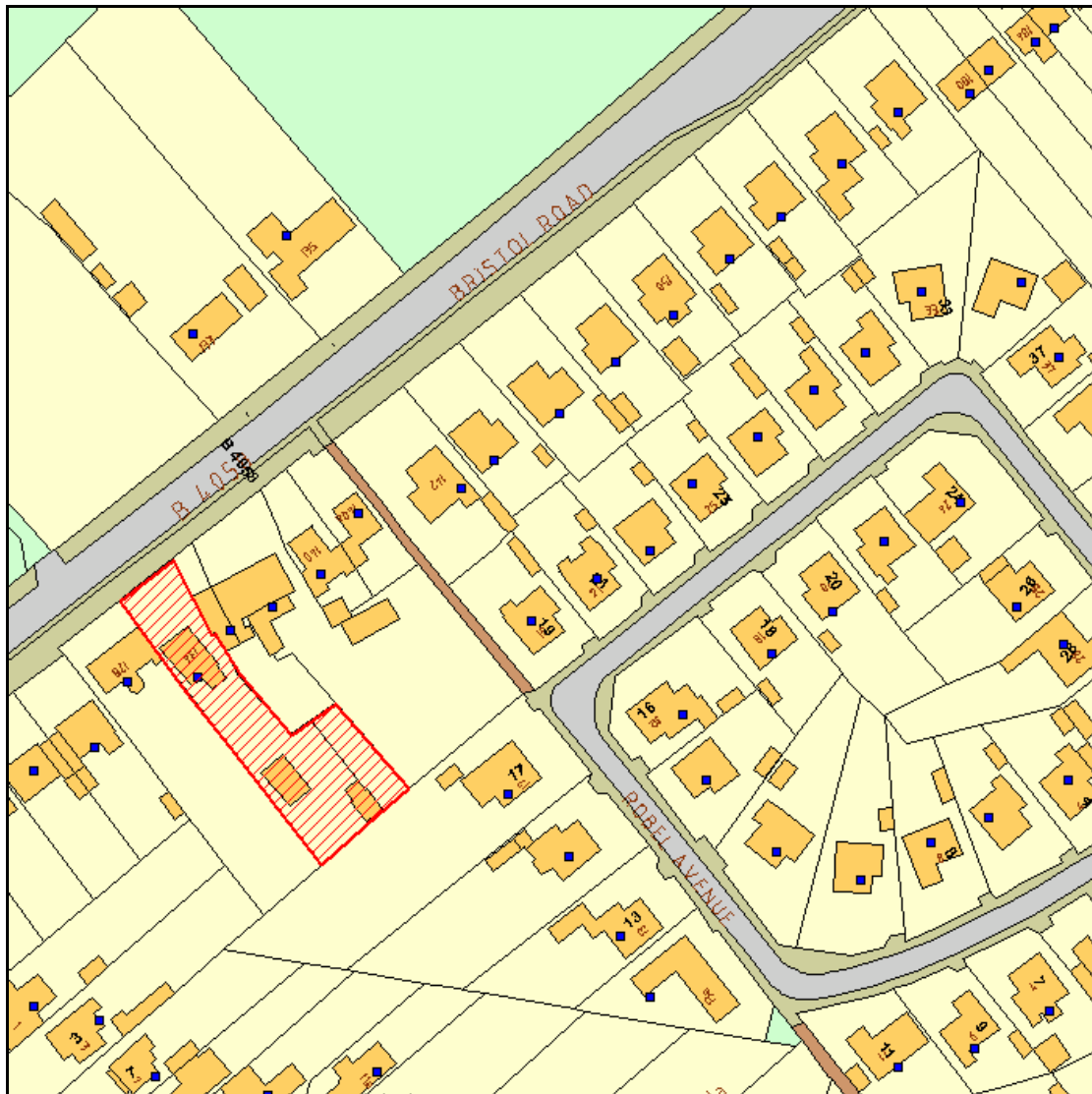
## **9. RECOMMENDATION**

- 8.1 That a Certificate of Existing Lawful Use be GRANTED for the continued use of the building for residential (C3) purposes as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

**Contact Officer:** Roger Hemming  
**Tel. No.** 01454 863537

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PT12/3084/O	<b>Applicant:</b>	Mr G Wilson
<b>Site:</b>	134 Bristol Road Frampton Cotterell South Gloucestershire BS36 2AX	<b>Date Reg:</b>	14th September 2012
<b>Proposal:</b>	Demolition of existing dwelling, garage and outbuilding to facilitate the erection of 3no. dwellings (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	365829 181968	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	7th November 2012



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PT12/3084/O

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

The application is referred to the Circulated Schedule as there are comments that are contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks consent (in principle) for the construction of three new dwellings on this site. The proposal would involve the demolition of the existing dwelling on the site and associated out buildings. All matters are reserved except access.
- 1.2 The site is located off Bristol Road in Frampton Cotterell. The site is currently occupied by a single detached dwelling towards the front of the site; and associated outbuildings to the rear. The proposed development utilise the existing access to the site.
- 1.3 It is noted that a very similar development proposal was approved in outline in 2008 (PT07/2448/O) and this is detailed below. That approval was not implemented. This application would effectively seek to renew the previous approval.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

##### **South Gloucestershire Local Plan (Adopted) January 2006**

D1 Achieving Good Quality Design in New Development

H2 Residential Development in Existing Urban Areas and Settlement Boundaries.

H4 Development within Residential Curtilages

T12 Transportation Development Control Policy for New Development

T8 Off Street Parking Standards

##### **South Gloucestershire Core Strategy incorporating Post-Submission Changes December 2011**

CS1 High Quality Design

CS5 Location of Development

CS15 Distribution of Housing

CS16 Housing Density

CS17 Housing Diversity

CS34 Rural Areas

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist

Frampton Cotterell Village Design Statement



### 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT06/3008/F Demolition of double garage and stone outbuilding to facilitate erection of 2 no. dwellings with garage and associated works.

Refused 17<sup>th</sup> November 2006

- 3.2 PT07/2448/O Demolition of existing dwelling, garage and outbuilding to facilitate erection of 3no. dwellings (Outline) with access only to be considered. All other matters reserved.

Approved 22<sup>nd</sup> February 2008

### 4. **CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
The Parish Council objects on the basis that the development represents over-development.
- 4.2 Sustainable Transport  
No Objection subject to the inclusion of further details relating to the layout of the internal access areas of the development; and details of the treatment of the access within the highway.
- 4.3 Environmental Health Officer  
No Objection in principle
- 4.4 Archaeological Officer  
No Objection

#### **Other Representations**

- 4.5 Local Residents  
Four sets of comments have been received raising objection to the proposed development. The comments can be summarised as follows;

The development will result in the loss of privacy due to overlooking from the proposed dwellings across to existing dwellings in the area.

It was a condition of the previous outline consent that the development should not impact on the amenity of the surrounding area. This is not the case with this application.

The proposed dwellings are close to the existing boundaries with adjacent residential properties. Concern is raised as to the ability to construct and maintain the dwellings without egress into adjacent residential properties.

The development will result in the damage and loss of trees; and the loss and damage of existing wildlife corridors. There is also concern over the impact of the development upon bats in the locality.

The development will result in additional traffic noise in the rear of the site and passing the adjacent dwellings to the detriment of the occupiers of nearby dwellings

The development will increase the level of traffic being generated onto Bristol Road where road accidents are common. The development would increase this risk.

The constant development of infilling in gardens is undermining the rural character of the area.

A recent application for a bungalow in the back garden of a nearby property was refused

The applicant has not previously discussed this proposal with neighbours; and is only interested in commercial gain

The existing dwelling is not an infill dwelling as it replaced an existing cottage.

The application refers to modifications to the existing dwelling when this is not the case as the outside walls are in a different location.

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development details to the construction of three new dwellings within the settlement boundary of Frampton Cotterell. In this instance, the application is made in outline with all matters reserved.

### **5.2 Principle of Development**

The previous planning approval (PT07/2448/O) detailed a very similar development and was also approved in outline with all matters reserved. That approval has now expired. Since that approval, there has been considerable change in respect of the relevant planning policy and the development plan. In particular, the National Planning Policy Framework sets out the presumption in support of positive economic development and growth provided that the principles of sustainable development are not compromised by development.

5.3 The South Gloucestershire Core Strategy is at an advanced stage and as such carries material weight in respect of the assessment of this application. Nonetheless, the South Gloucestershire Local Plan (Adopted) January 2006 is still the adopted development plan and carries more weight and as such forms the basis for the consideration of this application. On this basis, Policy H2 of the South Gloucestershire Local Plan remains the principle policy for consideration. In this instance, it is considered that Policy H2 of the South Gloucestershire Local Plan is consistent with the thrust of the National Planning Policy Framework in that it is supportive of new housing within a sustainable location. The Core Strategy sets out very similar principles and it is considered that the

location of the site is such that the proposed development is acceptable in principle.

5.4 Design and Layout

The design of the new dwellings and the layout of the site are matters reserved for consideration at a later date. Nonetheless, it remains appropriate to consider the likelihood of a development which would achieve high standards of design. In this instance, the applicant has submitted an indicative layout to demonstrate possible solutions to layout. The previous approval was also supported by an indicative layout. It is considered that the proposed layout is acceptable in principle and would provide the basis for a well designed development. Furthermore, it is considered that the development can respond well to the context of the site and subject to the submission of reserved matters officers are satisfied that there is a reasonable prospect of the development meeting the high standards of design expected in South Gloucestershire. The design and layout of the site should respond to the constraints of the site and in particular the following issues;

5.5 Residential Amenity

The site is located within an established residential area and is surrounded by well spaced residential properties. The indicative site layout shows two dwellings in the Southeastern area of the site relatively close to the Southeast boundary with 17, Robel Avenue. The site also shares its boundary with 128, 136 and 140 Bristol Road. I considering the indicative layout, it is considered that the proposed development can be accommodated within the site without a detrimental impact upon privacy as a result of overlooking or overbearing relationships. This is because the dwellings would be well separated from the adjacent dwellings. Whilst there would be views across the garden areas of the adjacent properties from the proposed development there would not likely be any views available directly into dwellings or more interment areas. This is consistent with views already available from existing properties and is a typical relationship in residential areas.

5.6 It is noted that the dwelling at 136 Bristol Road is directly adjacent to the proposed access to the site (and the driveway associated with the existing dwelling). It is also noted that there is a window directly facing the driveway. This matter was considered under the previous applications and in particular, under application the first application (PT06/3008/F) the narrowness of the gap between the existing dwellings was considered to be unsuitable for use as an access in residential amenity terms. However, under the later application (PT07/2448/O) the LPA considered that the benefit of the replacement of the existing dwelling with a new dwelling allowed sufficient space to be created for the new access, and so allow sufficient room for vehicles to pass the adjacent dwelling without creating an unacceptable impact on the amenity of the occupants of that dwelling. In this instance, the proposed development remains materially the same as the previously approved scheme (PT07/2448/O). Officers consider that there is not any material changes in circumstances that would justify a different solution; and as such the proposed relationship is considered acceptable.

5.7 Trees

There are no trees within the site itself, however there are a number of substantial trees within the neighbouring properties which will affect the site in terms of the roots of those trees. This would have an impact upon the layout of the proposed development. For clarity, the proposed dwelling to the front of the site (effectively a replacement of the existing dwelling) would not impact upon the roots of the surrounding trees. The proposed dwelling to the rear would potentially impact upon roots of surrounding trees and as such, the layout of the site would be influenced by those trees. In order to fully understand the scope of the tree roots within the site; and the impact of the development of this site on those trees, the applicant has undertaken and submitted an arboricultural assessment to the Local Planning Authority. This has been scrutinised by the South Gloucestershire Council Arboriculturalist, and has confirmed that the trees themselves are not worthy of formal protection under a Tree Preservation Order. The developer has provided a method statement that demonstrates the methods of construction and protection of the trees during the construction phase of the development. The Council Arboriculturalist has also confirmed that this is acceptable and as such, the layout of the site can fully account for the presence of nearby trees. An appropriately worded condition can be used to secure exact details of construction and tree protection at the reserved matters stage; should this application be approved.

5.8 *Parking and Access within the site*

Again, the exact layout of the site is not for consideration at this stage. However, the layout of the site will be influenced by the need to provide adequate turning, circulation and parking space for the proposed dwellings. The applicant has indicated that there would be two off street parking spaces per-dwelling and based upon this level it is anticipated that the dwellings would be three or four bed dwellings. However, at this stage the bedroom numbers are not for consideration as this would be a matter reserved for consideration at a later date. Notwithstanding the above, it is considered that there is sufficient room within the site to provide 6 off street parking spaces; and provide sufficient turning and manoeuvring space within the site.

5.9 The Sustainable Transport Team does not object in principle to the development on this basis. Further consideration of the internal access and off street parking would be given at the reserved matters stage. Further details relating to off street parking and turning facilities, waste and recycling collection and fire access will need to be included with the reserved matters application and this can form the basis of a planning condition should this application be approved. The Draft Residential Parking Standards Supplementary Planning Document is at an advanced stage and is nearing adoption. This document sets minimum parking standards in respect of new residential development. Clearly, this would influence the layout of the proposed development. Nonetheless, having regards to the above, it is not considered that the adoption of the document in due course would have a precluding effect upon the eventual development of three dwellings on the site. An informative referring the developer to this document can be added to any approval of this planning application.

5.10 Having regards to the above assessment, it is considered that the indicative layout submitted with this application is sufficient to demonstrate that the

development can be provided with careful consideration of the above constraints.

5.11 Access and Highway Safety

Access to the site is a matter for consideration at this stage. The above assessment sets out that the internal access, parking and circulation space can be reasonably achieved and the final layout of the development would influence the arrangements. In terms of the access from the site onto Bristol Road, this was considered with the assessment of the previous outline planning consent (PT07/2448/O). Although that application has now expired, there are not material changes in the circumstances relating to the access onto the site. In particular, the proposed development includes the demolition of the existing dwelling, which will allow sufficient width to allow vehicles to pass and so prevent the need for vehicles to stand in the highway. Visibility is good in both directions. On this basis, there is no objection to the proposed development in principle. The access to the site would cross over the existing footway and there is a dropped kerb arrangement in place relating to the existing access to the site. This will need some adjustment to allow the access to comply with adoptable standards. This work would be carried out within the public highway and as such a Grampian style planning condition is sufficient to secure that details are submitted to the Local Planning Authority works are complete (to an adoptable standard) prior to the first occupation of the dwellings.

5.12 Subject to the above condition, it is considered that the proposed development is acceptable in highway safety terms.

**6. CONCLUSION**

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

6.2 It is concluded that the dwellings can be positioned in relation to the neighbouring dwellings to ensure they do not give rise to a material loss of amenity to the adjacent occupiers. The development therefore accords to Policy H2, H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6.3 It is concluded that the proposed dwellings in principle could be designed to respect and maintain the massing, scale, proportions, materials and overall design and traditional character and vernacular of the surrounding area. The development therefore accords to Policy D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.

6.4 It is concluded that in principle that the development can provide adequate parking and manoeuvring for vehicles on site, and; that the access to the site from the public highway can provide an adequate standard of safe access to the development. As such the proposal is considered to be acceptable in

highway safety terms in accord with Policy T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 6.5 The recommendation to grant outline 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 Outline Planning Consent is approved subject to the following conditions.

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

### **CONDITIONS**

1. Approval of the details of the layout, scale and appearance of the buildings, 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 layout, scale and appearance of any buildings to be erected, the means of access to the site 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

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

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

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

5. The development hereby approved shall be implemented in accordance with the findings and recommendations contained in the Arboricultural Report dated 16th January 2013 by Greenman Environmental Management (Stuart Roberts - Arboricultural Consultant) in relation to this site. Thereafter the development shall be maintained as such.

Reason

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

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

Reason

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

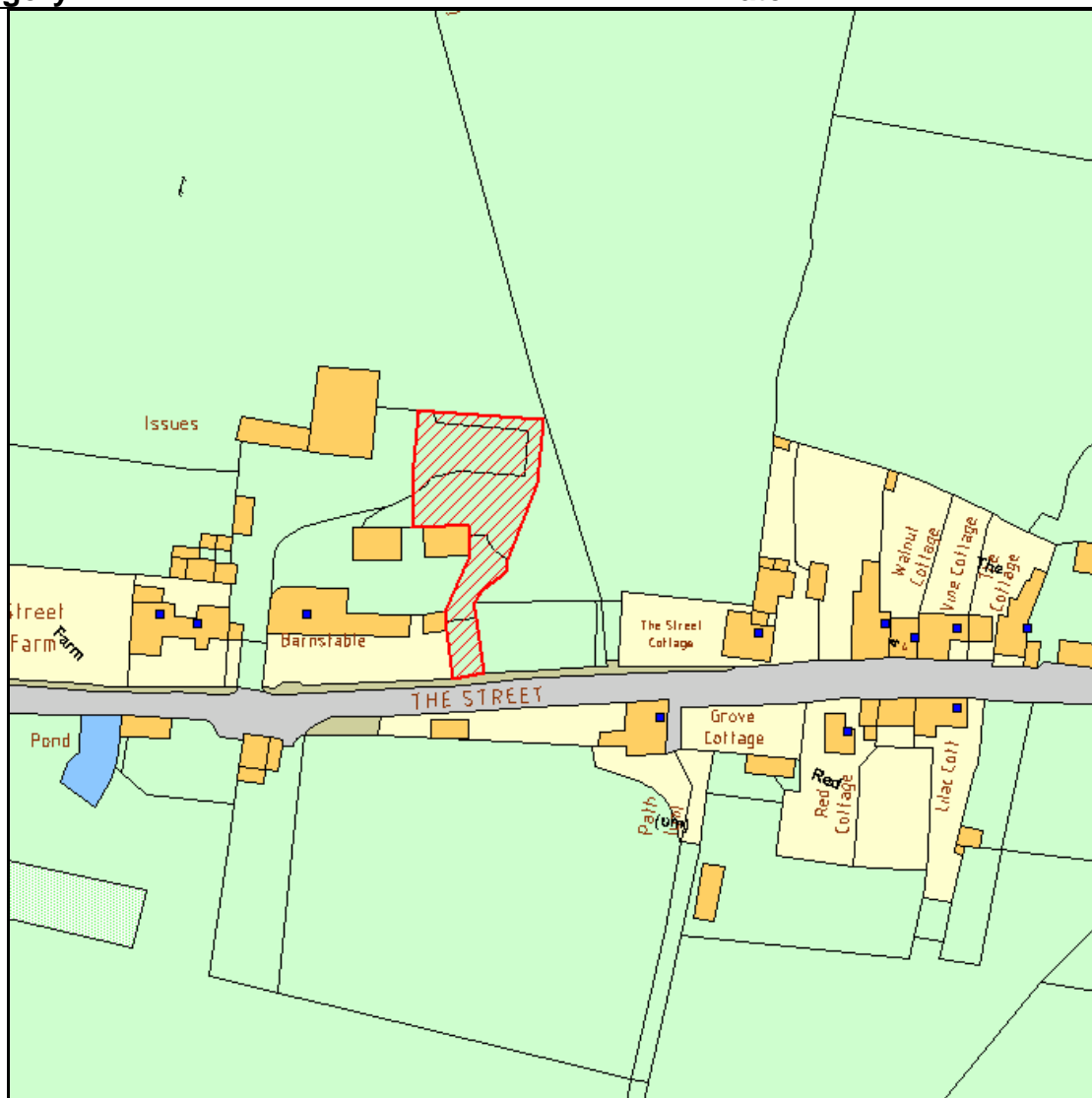
7. Prior to the commencement of development, full details demonstrating the method of reconstruction and improvement of the access to the site within the public highway shall be submitted to the Local Planning Authority for agreement in writing. The development shall not be occupied until the access to the site has been implemented in accordance with the agreed details and thereafter shall be retained as such.

Reason

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

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PT13/0214/F	<b>Applicant:</b>	Mrs K Lamb
<b>Site:</b>	Barnstable The Street Alveston South Gloucestershire	<b>Date Reg:</b>	29th January 2013
<b>Proposal:</b>	Change of use of land from land for the keeping of horses to dog day care facility. (Retrospective). Erection of two storey building and creation of new driveway.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	363742 188050	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th March 2013



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**N.T.S.**

**PT13/0214/F**



## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

Letters of support and objection to the proposal have been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for three elements, as follows:  
Change of use of land from land for the keeping of horses to dog day care facility (sui generis), erection of two storey building and creation of new driveway. All elements are retrospective and relate to a one and a half storey building and the access thereto, along with a strip of agricultural land to the east of the site, within the red line where a loop road off the access would be located. The site lies in the Green Belt and in the open countryside, outside the settlement boundary of Alveston.
- 1.2 The building in question was erected where planning permission was approved for a stables building. It has accommodation including an office within the roof, accessed from an outside staircase, while downstairs is further accommodation. The application seeks a change of use of the building and the land to the front and rear of it to a dog day care facility. It is understood that this business currently has a capacity for 50 animals. The access has been formed to the east of the farmhouse within the same ownership, forming a breach in the boundary wall to the lane. The house is a Listed Building and its grounds contain a barn in the process of being converted to residential use.
- 1.3 A covering letter was submitted with the application making clear that the dog care business has been run from the site for the last 9 years and involves dropping dogs off for the day and collecting them at the end of the day. 7 people including the owner are employed at the site. The site generates an estimated 50 vehicular movements a day. The business was run from a mobile home and now operates from the garage on site, without planning permission. The newly built dog care building has been erected south of where the stables were approved in 2007. The letter states that the approved stables building was never erected. A further letter was submitted after the application had been registered, making the following points about the proposal. These were not put forward as very special circumstances, but for the purposes of this report will be considered as such. They are summarised as follows:
  - Planning permission was granted in March 2007 for a stable building of almost identical proportions, in a similar location to that of the current building and would be read against the existing group
  - The applicant would accept a condition to remove the existing mobile home and this would improve the setting of the listed building. Without the new building, the applicant may be forced to apply for a Certificate of Lawfulness to retain the mobile home which has been in place for over ten years.
  - As the letters of support show, the business provides a useful facility for local residents and provides local employment.
  - Planning policy guidance strongly encourages economic growth and this business is well located close to Thornbury and surrounding villages, well located from A38 and if this application were to be refused the business could have to close.

## **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

L13 Listed Buildings

E6 Employment development in the countryside

T8 Parking standards

T12 Highway safety

EP1 Environmental Pollution

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

CS1 High Quality Design

CS5 Location of Development

CS9 Heritage

### **2.3 Supplementary Planning Guidance**

Development in the Green Belt, adopted 2007

## **3. RELEVANT PLANNING HISTORY**

3.1 PT07/0464/F Erection of domestic stable, store and tack room Approved 2007

## **4. CONSULTATION RESPONSES**

### **4.1 Alveston Parish Council**

Object to the proposal due to the development being inappropriate in the Green Belt and the surrounding residential properties making the site unsuitable for a business use. The Parish also noted that the development had preceded the application for planning permission.

### **4.2 Other Consultees [including internal consultees of the Council]**

#### Transportation

Dwell times at the site are short, akin to a childrens' day nursery. Access and turning is acceptable as proposed. No objection is raised, subject to conditions limiting the site to 80 dogs; preventing staff parking on the turning area and that pick up and drop off times of 0700-0900 and 1600-1800 are adhered to.

#### Landscape

The proposed driveway would project into the Green belt and the building that has been erected compromises the openness of the Green Belt. Recommend refusal.

#### Conservation

Recommend refusal due to the impact on the Listed Building caused by the access track extending beyond the farm group and the impact of the new building.

Archaeology  
No comments

Public Rights of Way

This application will affect two footpaths, passing through the fields to the north and east of the site. These have been diverted and are now closer to the site. No objection is raised on the basis that historically the site has been well managed in regard to dogs loose on the footpath.

Technical Services

No objection, subject to a condition requiring the submission of a SUDS-compliant drainage plan.

**Other Representations**

**4.3 Local Residents**

59 letters of support have been received, making the following summarised statements:

- The business offers a great service, an asset to the locality
- The business takes care of its neighbours and the environment
- No highway problems in using the existing drop off layout and the new one will improve this
- The site is easy to access off the A38
- No difference between keeping farm animals and keeping dogs
- The permanent buildings would replace temporary ones and look better
- The site has a viable business offering jobs and should be supported as such
- The facility is vital for working dog owners
- Using the fields this way will prevent future development
- Any problems with the access are as a result of inconsiderate driving and not the design of the access
- The business has supported local events such as Thornbury carnival
- The new building sits well in its location
- The access road to the A38 is short and has passing facilities
- If this facility did not exist, people may have to give up their jobs to care for their dogs or give them to other families or leave them at home
- This facility allows people to avoid driving home at lunchtime to exercise their dogs
- The site uses farmland to generate income in an innovative way

A petition in support of the proposal containing 38 names was also submitted.

A further 5 general comments were received, neither supporting nor objecting to the proposal. These raised the following issues:

- Inaccuracies in supporting information with the application – mirrors have been installed to help with manoeuvring at the access, two cars cannot pass and dropping off at present is more frequent than one car each five minutes
- The business should not get bigger than at present
- If approved, the use of the site should be tied to the current owners only

- If the business expands, a staff member, as at present, will be required to oversee traffic at the site
- The proposed expansion would increase traffic movements in the lane too much

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site lies in the Green Belt, where the uses of land and the erection of buildings which can be regarded as not inappropriate are defined in policy GB1 of the adopted Local Plan and the National Planning Policy Framework. The proposal involves a newly erected building and its curtilage, together with a looped access road, on agricultural land. The categories of development which is not inappropriate do not include buildings for dog care nor the use of land for dog care and therefore the proposal is contrary to Green Belt policy. However, set against this is policy E6, which encourages employment development in the countryside in limited cases. These are A) conversion or re-use of existing rural buildings, B) only non-Green Belt sites and C) development permitted by policies E4 and E7 to E11 (in order, safeguarded employment sites, conversion of rural buildings, farm diversification, agricultural development, horse-related development and tourism). None of these apply to this proposal.

As the development is contrary to Green Belt policy, it is for the applicant to advance very special circumstances to be evaluated against the harm to the Green Belt that inappropriate uses of land and the erection of inappropriate buildings cause. In this instance, the very special circumstances are referred to at 1.3 above.

- Planning permission was granted in March 2007 for a stable building of almost identical proportions, in a similar location to that of the current building and would be read against the existing group

The stables building was for a recreation use which is not inappropriate in the Green Belt and complied with policy E10 of the South Gloucestershire Local Plan. Furthermore, if assessed against the NPPF, it would further a positive aim of the Green Belt in providing outdoor sport and recreation in accordance with paragraph 81 of the NPPF. While the current building is considered to be of similar proportions, the use it is proposed to be put to does not fall within the uses of land which can be accepted in the Green Belt. It is an economic development use and not a recreational one. This comparison is therefore not considered to be valid.

- The applicant would accept a condition to remove the existing mobile home and this would improve the setting of the listed building. Without the new building, the applicant may be forced to apply for a Certificate of Lawfulness to retain the mobile home which has been in place for over ten years.

No evidence has been put forward to demonstrate that the mobile home has been located on the site for a period in excess of ten years and that it has changed the use of the land over that period. In the absence of such proof, the mobile home would be treated as unlawful and unauthorised. Therefore minimal weight is given to this.

- As the letters of support show, the business provides a useful facility for local residents and provides local employment.

Little weight is given to the usefulness of the facility, as it is likely that it could be located outside the Green Belt; or as part of an appropriate development within the Green Belt and still prove as useful. The local employment that it provides is considered to be more significant (although it is not supported by policy E6 as explained above). Notwithstanding the general support for rural employment in the NPPF this is not at the expense of Green Belt policy. Paragraph 87 states that development which is harmful to the Green Belt should not be approved except in very special circumstances. Paragraph 88 states that substantial weight should be given to the harm caused to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Therefore the economic benefits that this proposal does have is not considered to amount to very special circumstances that override the harm to the green belt. Indeed the adopted SPD on green belt indicates that very special circumstances should be “unique” and indicates they are not common but are very rare. This would not be true of the benefits arising from rural economic development.

- Planning policy guidance strongly encourages economic growth and this business is well located close to Thornbury and surrounding villages, well located from A38 and if this application were to be refused the business could have to close.

The sustainability of this location is examined at 5.3 below. It is concluded that the site, on balance, is a sustainable one, but this is not considered to outweigh the harm that the inappropriate use causes to the Green Belt. This harm is considered to be substantial.

Taken together, the harm to the Green Belt identified above is not considered to be outweighed by the very special circumstances that have been advanced. Recognising that the proposal to retain the building and the proposed change of use of it for dog care purposes is contrary to policy, these parts of the proposal as well as the retention of the access drive require further analysis, as follows:

## 5.2 Openness of the Green Belt

Although the retention of the building, represents inappropriate development in the Green Belt, the fact that it ‘replaces’ an approved stable block, which was not erected, has some bearing on this proposal, albeit only in terms of impact on the openness of the Green Belt. This is tempered by the fact that the stable was not inappropriate in the Green Belt, but the dog day care use is, as previously explained. The proposal, it should be noted, is not for the conversion of an existing building. The location of the building now applied for in comparison with the previously approved stables has also changed, as have the dimensions. The approved stable block would have been further north and behind the line of the agricultural buildings off site to the west. The location of the new building is in front of this building line, thereby gaining in prominence when viewed from the Street. The building that has been erected is taller, but not significantly so, despite its second storey.

Furthermore the proposal would include establishing the curtilage of the building, defined in part by the red line of this application and a loop road. The appropriate test of a change of use in the Green Belt, according to policy GB1 is whether it would have a materially greater impact than the authorised use on the openness of the Green Belt. In this regard, the supporting information makes clear that the outside use of the site is limited to letting the dogs exercise. This in itself, being occasional and incidental to the use applied for, is not considered to have any adverse impact on the openness of the Green Belt. In regard to the encroachment into the countryside of the loop road, it is noted that from short-distance public view the existing garage screens the site to a large extent from the road at the front. Nevertheless, the activity associated with the coming and goings of the proposed facility would change the character of this part of the green belt.

This application is therefore recommended for refusal as it represents inappropriate development within the Green Belt, falling outside the categories of allowable development in paragraph 80 of the NPPF. The proposal harms the purposes of including land within the Green Belt, specifically the aim of safeguarding the countryside from encroachment, contrary to the NPPF and policy GB1 of the adopted Local Plan.

### 5.3 Access

Policy T12 is of particular relevance to this aspect of the proposal, since it involves the creation of a new access to serve the site. The design of the proposed access and turning arrangements are considered acceptable to serve the proposed development. The proposal is similar to a children's nursery in terms of operation, but the dwell times for drop off and pick up are shorter, the site has operated for a number of years with no known transportation issues. Sustainable Transportation has requested, if planning permission were to be recommended for approval, that a ceiling of 80 dogs is set in order to ensure that the capacity of access arrangements is not exceeded. Further conditions governing the hours of drop-off and pick-up times and preventing staff parking within the turning area are considered to be adequate to overcome highway safety concerns.

The consultation process brought to light the issue of a staff member being deployed to ensure that the drop-offs and pick-ups of pets are policed. This would be a management issue for the site and would not appropriately be controlled through a planning condition.

The National Planning Policy Framework requires that development should be sustainable. It is acknowledged that this type of operation is unusual, but it is recognised that the site has been operating for a number of years with 60 dogs in day care, rather than 80 proposed as part of this application. Although the site is located in Alveston, it is separated from the main built form of Alveston by the A38, which serves as the main commuter route to Gloucester and Bristol for Thornbury, Alveston and the other outlying villages along the River Severn corridor. Whilst the catchment area for an operation such as this is probably wider than a children's nursery, it is noted that there are a relatively large number of residential properties in Thornbury and the surrounding villages and that they all utilise the A38, in either direction, as their prime commuting route.

As such, the customers of this business are likely to be travelling past the site and on that basis the site's location causes shared trips, rather than specific ones and the business is considered to be sustainable in terms of trip generation.

#### 5.4 Impact of the proposal on the Listed Building

This application relates to a site adjacent to a grade II listed building. Barnstable is the former threshing barn to Street Farm, which dates from the seventeenth century. The barn was converted to a separate residence around ten years ago. To the east of the barn is a further traditional stone building. There are also a number of new structures within the curtilage of Barnstable, including a detached stone garage. Alongside this is a mobile home and a modern agricultural building which have a harmful impact on the setting of the listed buildings, and both of these are shown as removed on the proposed site plan.

A detached stable building has previously been approved in this general area of the site, albeit further to the north, as explained above. The building which has been built differs from the lapsed scheme in several ways. The approved building was a stone built building, with narrower gables and steeper roof pitch. It was also blank to the rear elevation where the current proposal includes a number of windows and doors. No accommodation was provided at first floor on the approved scheme whilst this version has, served by two gable windows and an external staircase. The structure as built is therefore considered to be less sensitive to its context than that which has permission. The roof of this building has been clad in reclaimed double roman tiles and the roof is considered to blend well with the other buildings on the site. The accommodation at first floor is considered to be likely to result in pressure for rooflights, which would be very harmful. A building of this size being timber clad, in the context where stone is the predominant material on the site is considered to be inappropriate. The glazed lobby doors on the front are a feature which appear overly domestic for this type of building. Whilst currently only the roof is visible from The Street, the section of screening fence is proposed to be removed for the vehicular access, which would open up the views to the building.

The development has a harmful impact on the setting of the listed buildings and the character of the street scene, and is therefore recommended for refusal on that basis.

#### 5.5 Impact on the Landscape

In terms of landscape impact, once again it is considered to be appropriate to assess this proposal against the lapsed 2007 permission. To recap, that application was for the erection of a stone stable building with access through the existing yard area. The stable block replaced a silage clamp which was 4m high, so was considered an improvement visually. The dog kennel building now erected, is located south of the previously consented stable block, within the consented site boundary, but constructed of timber cladding, rather than stone and with a ridge height of approx. 5.5m. The new proposed access pushes development some 10m to the east, beyond the consented site development boundary and closer to the public footpath. The removal of the mobile home is

considered to be a benefit in landscape terms. No mitigation of the proposal's impact in landscaping is proposed as part of this application.

A public right of way runs through a section of elevated land to the immediate east of the site, accessed from the road via a stone stile. There are open views of the site from this stile and footpath. The site is also visible from the open Green Belt to the north and east. The south eastern portion of the site comprises play structures and tipped building material, providing a detracting feature within the wider landscape to the east. The footpath along the eastern boundary of the site affords open views of the site and surrounding fields and the proposed removal of the existing block work wall dividing the site, to create the new access, will open up views of the timber building, from the road.

In landscape terms the construction of the dog kennel building would have been more appropriate in stone, as the consented stable block construction, rather than timber. In some circumstances it may be possible to deal with the issue of materials through the use of a condition. However, in this case, since it would involve what would be close to a rebuild of the walls, using stone instead of timber, it is considered that a condition would not be sufficient to protect the setting of the Listed Building. The actual height of the building has increased by approx. 0.2 metres, increasing the impact of the building within the Green Belt only marginally; this equates to 0.5m higher than the original silage clamp on the site demolished to facilitate development. The intended enlargement of the site to the east to accommodate the new access loop road, is considered to be contrary to policy L1 of the adopted Local Plan due to the encroachment into the countryside and is recommended for refusal on this basis.

## 5.6 Other Issues

The consultation process raised a number of other issues, addressed as follows: The assertion that using the fields for dogs will prevent future development is not considered to be correct as there are no policies to protect such a use, other than the existing Green Belt protection of the locality. The appearance of the permanent buildings being better than the temporary ones is not a valid concern as no temporary buildings would be removed under this proposal. The mobile home which is being offered to be removed does not benefit from planning permission and if it has changed the use of the land it would have had to have done so for more than ten years to be immune from enforcement action. The length of time it has been there has not been established, but the business does not appear to have been operated in excess of ten years and therefore there is no reason to assume that it would be lawful in any event. The applicant would also need to prove the established scale of the business in order for this factor to be given weight. As it is, for the reasons given no weight is attached to the removal of the mobile home in the determination of this application.

The site as a viable business offering jobs is a material consideration and has already been examined above as an advanced very special circumstance. However, job creation/retention could be replicated elsewhere in the Green Belt and is therefore not unique to this site. As a material consideration it is not considered to be adequate to outweigh the policy in this case, despite the qualified support offered by paragraphs 19 and 28 of the NPPF. It has also



been raised that the facility is vital for working dog owners and that if this facility did not exist, people may have to give up their jobs to care for their dogs or give them to other families or leave them at home. This may be the case but such a service could equally be carried on outside the Green Belt or in it, using a converted building serving the same catchment area and therefore this factor would not necessarily be site specific and is given minimal weight. The fact that the business has supported local events such as Thornbury carnival is considered to be irrelevant to this proposal.

Finally, tying the use to the current owners as was suggested. This should only be a last resort and in this instance would not be a sufficient material consideration to overcome the refusal reasons advanced above.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is refused for the following reasons:

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **REASONS FOR REFUSAL**

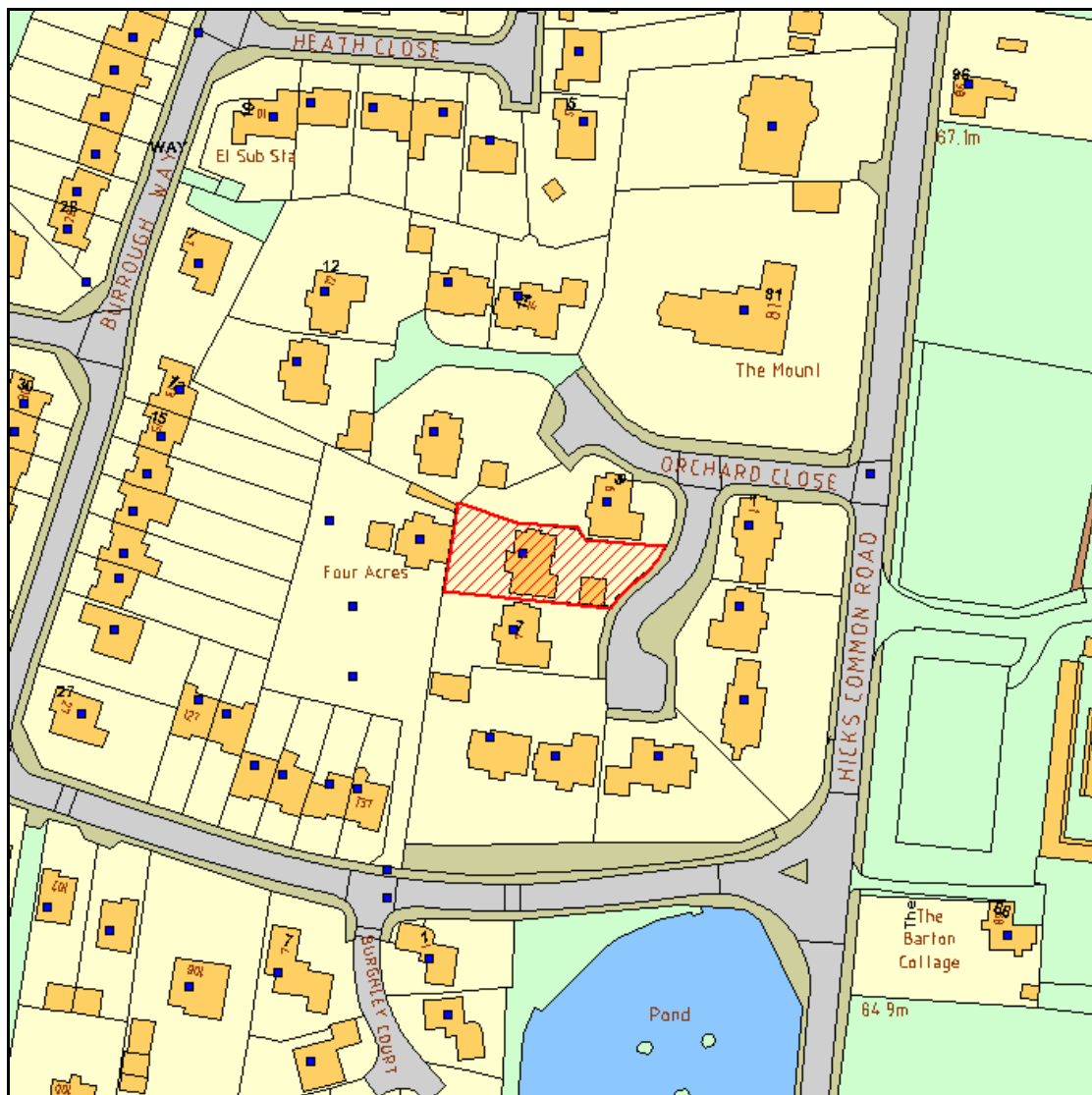
- 1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt as it represents encroachment into the countryside. The applicant has not demonstrated that very special circumstances apply, such that the normal presumption against inappropriate development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of the NPPF and Policy GB1 of the adopted South Gloucestershire Local Plan and the Supplementary Planning Guidance 'Development in the Green Belt'.
- 2. The proposed development has an adverse impact on the setting of grade II Listed Buildings at Street Farm and Barnstable (curtilage listed). The proposed development, by virtue of the design and materials of the building and the opening up of views from The Street via the creation of the new access, would have a harmful impact on the

character of the streetscene and the setting of the listed buildings. The proposed development is therefore contrary to national guidance set out at the National Planning Policy Framework and accompanying Planning Practice Guide and policy L13 of the Adopted South Gloucestershire Local Plan.

3. The development includes the encroachment into the countryside to form a loop road off the access to the detriment of the character of the landscape, contrary to policies L1, E6 and GB1 of the adopted South Gloucestershire Local Plan.

## CIRCULATED SCHEDULE NO. 11/13 – 15 MARCH 2013

<b>App No.:</b>	PT13/0467/TRE	<b>Applicant:</b>	Mrs Hemsley
<b>Site:</b>	8 Orchard Close Winterbourne South Gloucestershire BS36 1BF	<b>Date Reg:</b>	15th February 2013
<b>Proposal:</b>	Works to fell 6no. mixed trees and reduce by 35% 1no. Silver Birch as per attached schedule/site plan covered by Tree Preservation Order TPO404 dated 12th July 1989.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365362 180468	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>		<b>Target Date:</b>	9th April 2013



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**N.T.S.**

**PT13/0467/TRE**

## **REASON FOR REPORTING TO CIRCULATED SCHEDULE**

This application is referred to the circulated schedule as an objection has been received from the Parish Council, which is contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to undertake various works to seven trees covered by an area TPO. An area TPO places blanket protection on all trees within the boundary on a certain date, regardless of whether individual trees fulfil the criteria of a TPO. The date of the TPO on this site is 12 July 1989.
- 1.2 The proposed works consist of felling six trees (silver birch, willow, maple, cherry, plum, rowan) and reducing one tree (silver birch) by 35%. The site is now a residential garden, but was once part of the grounds of the nearby The Mount.

### **2. POLICY CONTEXT**

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

### **3. RELEVANT PLANNING HISTORY**

- 3.1 PT08/2863/TRE Approve with Conditions 12/12/2008  
Works to crown clean and raise 1 no. Birch tree and remove 1 no. Acer (identified as Liquidamber orientalis), and 20% thin of 1 no. twin stemmed Sycamore.
- 3.2 PT05/2144/TRE Approve with Conditions 07/09/2005  
Works to two Sycamore trees, one Liquidamber, one Prunus and one Silver Birch.
- 3.3 PT00/2283/TRE Approve with Conditions 13/10/2000  
Works to 2 no. Sycamore Trees.
- 3.4 P96/2531/T Approved 18/11/1996  
Works to two trees.
- 3.5 P93/2533 Approved 27/04/1994  
Erection of 14no. dwellings and associated works. Construction of vehicular and pedestrian access

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Strong objection: No good reason to fell trees as they are neither diseased nor unsafe. Request visit of Tree Officer.

#### 4.2 Tree Officer

No objection: Trees do not meet the requirements of an individual TPO and are therefore not worthy of protected status. Additionally, trees may well be younger than the area TPO and therefore not covered.

### **Other Representations**

#### 4.3 Local Residents

The applicant submitted an online comment to state that the trees post-date the construction of the house and that several are planted inappropriately.

### **5. ANALYSIS OF PROPOSAL**

5.1 An area TPO was served on the site in 1989, offering protected status to every existing tree regardless of whether that individual specimen was worthy of protected status. Only trees on site at the time the TPO was served are protected by it. Therefore, any tree that is younger than 24 years would not be protected under the area TPO. Government guidance states that following an area TPO, individual specimens should be assessed, and if considered to meet the criteria, protected by specific TPOs to avoid confusion.

5.2 It is not considered that any of the trees to which works are proposed exceed 24 years in age. As a result it is considered unlikely that the area TPO covers the trees in question.

5.3 Notwithstanding the above, should the trees have existed on site when the area TPO was served then each need to be assessed to ascertain whether it fulfils the requirement of an individual TPO.

5.4 Having assessed the trees, none are considered to have a significant impact on the visual amenity of the area and as individual specimens they do not qualify for protected status.

5.5 T1 and T2 are growing adjacent to the garage and will cause structural harm if not removed; T3 has poor form and is liable to split with remedial works, T4-7 are small garden trees offering no visual amenity to the surrounding area.

5.6 Therefore there is no objection to the proposed works.

### **6. RECOMMENDATION**

6.1 It is recommended that consent for the proposed works be GRANTED.

**Contact Officer: Griffith Bunce**  
**Tel. No. 01454 863438**

### **CONDITIONS**

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

Reason

To protect the character and appearance of the area to accord with Policies H4/D1/L1/E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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