



**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. 20/13

Date to Members: 17/05/13

Member's Deadline: 23/05/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

To refer an application(s) members are asked to email MemberReferral@southglos.gov.uk providing details of

- Application reference and site location
- Indicate whether you have discussed the application(s) with the case officer and/or area planning manager
- Indicate whether you have discussed the application(s) with ward member(s) if the site is outside of your ward
- The reason(s) for the referral

The following types of applications may be determined by this Circulated Schedule procedure:

All applications and related submissions not determined either by the Development Control Committees or under delegated powers including:

- a) Any application submitted by or on behalf of the Council.
- b) Any application requiring either new or a modification to an existing planning agreement, provided that the application is not required to be determined by Committee.
- c) Any footpath diversion required to implement an approved scheme.
- d) Applications, except those where approval is deemed to be granted upon the expiry of a defined period, where a representation contrary to the Officers recommendation are received.
- e) Applications for Certificates of Appropriate Alternative Development where a representation contrary to the Officer's recommendation is received.
- f) Applications for Certificates of Lawful Use of Development

GUIDANCE FOR 'REFERRING' APPLICATIONS

Members are entitled to refer any application for consideration by the relevant DC Committee or Sites Inspection Committee, before a decision has been made. However as call-ins will delay the decision on an application and in the interests of improving the effectiveness and efficiency of the Development Control service, this option should only be exercised after careful consideration. Members are therefore asked to take account of the following advice:

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

Dates and Deadlines for Circulated Schedule
May Bank Holiday Period 2013

Schedule Number	Date to Members 9am on	Members Deadline 4.30pm on
18/13	Friday 03 May 2013	Friday 10 May 2013
21/13	Friday 24 May 2013	Friday 31 May 2013

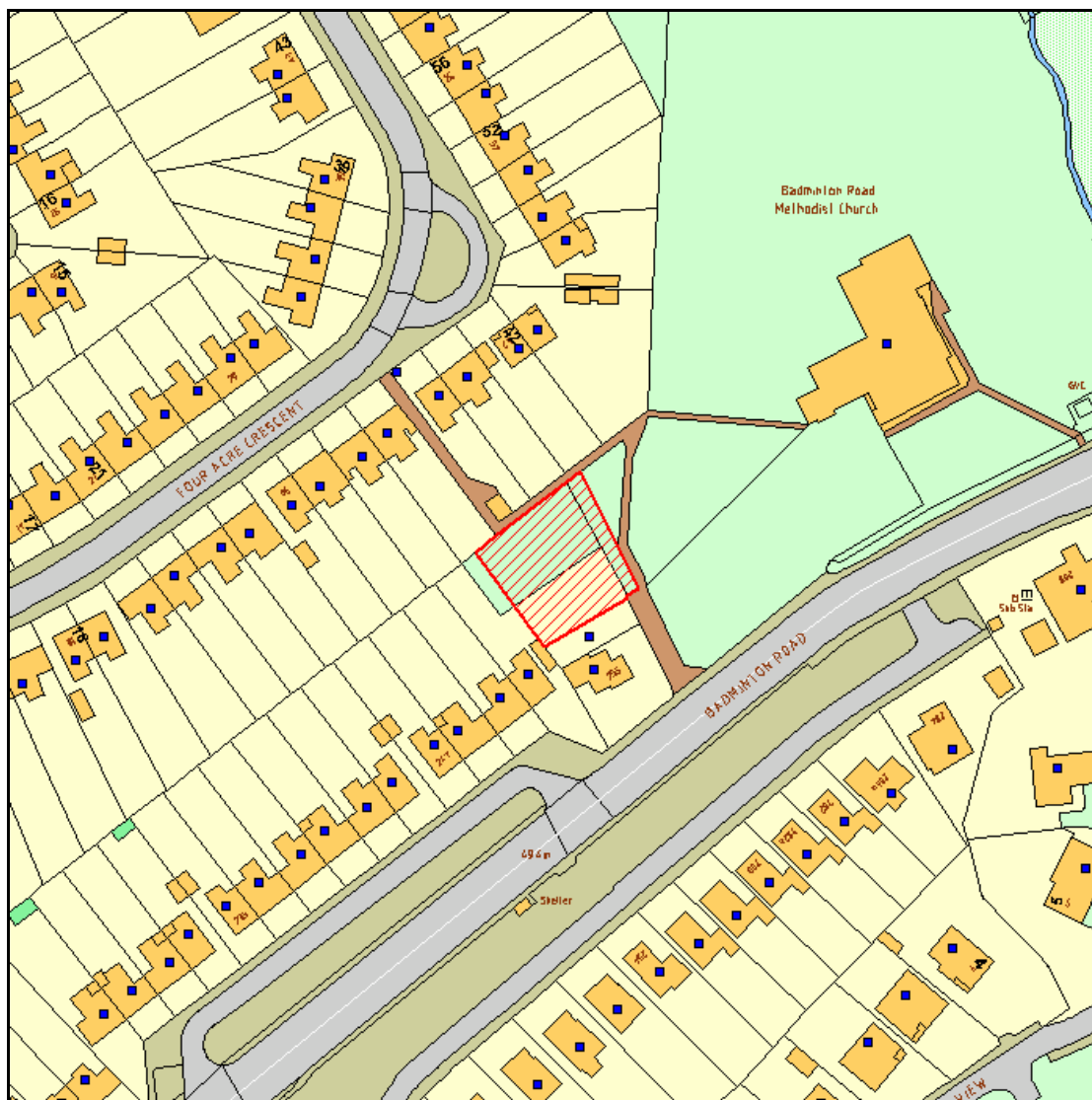
Above are details of the schedules that will be affected by date changes due to the two Bank Holidays during May 2013
All other deadline dates remain as usual.

CIRCULATED SCHEDULE – 17 MAY 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK12/1841/F	Approve with Conditions	253 Badminton Road Downend Bristol South Gloucestershire BS16 6NR	Emersons	Downend And Bromley Heath Parish Council
2	PK13/1065/F	Approve with Conditions	Ingle Cottage Oxleaze Farm Road Inglestone Common Badminton South Gloucestershire	Cotswold Edge	Hawkesbury Parish Council
3	PK13/1081/CLP	Approve with Conditions	Dean Cottage Wapley Road Codrington Bristol South Gloucestershire BS37 6RY	Westerleigh	Dodington Parish Council
4	PT12/2483/F	Approve with Conditions	Garage Court Off Longney Place Patchway Bristol South Gloucestershire BS34 5LQ	Patchway	Patchway Town Council
5	PT12/3227/CLE	Approve with Conditions	111 Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
6	PT13/0053/F	Approve with Conditions	Land At Bury Hill Bury Hill Moorend Bristol South Gloucestershire BS16 1SS	Winterbourne	Winterbourne Parish Council
7	PT13/1103/F	Approve with Conditions	17 Dean Avenue Thornbury Bristol South Gloucestershire	Thornbury North	Thornbury Town Council
8	PT13/1129/F	Approve with Conditions	Former Esso Service Station Gloucester Road Rudgeway Bristol South Gloucestershire	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PK12/1841/F	Applicant:	Mrs J Windsor
Site:	253 Badminton Road Downend Bristol South Gloucestershire BS16 6NR	Date Reg:	19th June 2012
Proposal:	Erection of 1 no. detached dwelling with access, parking and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365603 177882	Ward:	Emersons Green
Application Category:	Minor	Target Date:	14th August 2012



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PK12/1841/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of one letter from a neighbouring resident raising concerns and observations.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of a detached bungalow on the land to the rear of 253 and 255 Badminton Road, Downend.
- 1.2 The application site is an existing garden area of No. 253 Badminton Road and is situated to the rear of the rear garden associated with No. 255 Badminton Road. To the north east of the site is a vacant site that has been used in the past as a builders yard. The site is located within a residential area of Downend.
- 1.3 The application has been referred to the Circulated Schedule in August 2012 and officers recommended to approve the scheme subject to a number of planning conditions and the applicant first voluntarily entering into an agreement under section 278 of Highway Acts to secure the contribution of £2000 towards the provision of a designated path for pedestrians along the access lane, demarking it with an appropriate coloured surface. The said agreement however has not been completed and the applicant submitted a revised proposal before the six months of the resolution.
- 1.4 The revised proposal shows the design of the proposed dwelling is very similar to the previous scheme. The differences of the revised proposal are: i. the new dwelling would be one metre longer in length, i.e. it would measure 7 metres by 12 metres (the previous scheme measured 7 metres by 11 metres), ii. The new dwelling would be closer to the north western (side boundary), i.e. it would be approximately 2.4 metres from the said boundary (the previous scheme was approximately 4 metres from the boundary). The height of the new dwelling remains unchanged.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
H2	Proposals for Residential Development within the Existing Urban Area
H4	Development within Existing Residential Curtilages.
L1	Landscape Protection and Enhancement
T8	Parking Standards
T12	Transportation Development Control
L17 & L18	The Water Environment
EP1	Environmental Protection

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

CS1	High Quality Design
CS5	Location of Development
CS16	Housing Density
CS17	Housing Diversity

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2989/F Erection of 1 no. dwelling with parking and associated works
Application withdrawn
- 3.2 PK12/0408/F Erection of 1 no. dwelling with parking and associated works
Application withdrawn

The neighbouring site which utilises the same access has been subject to several applications in the past. The planning history of the neighbouring plot is considered relevant and as such the applications are detailed below.

- 3.3 PK05/1898/F Erection of 1no. detached dwelling and detached garage with parking access and associated works.
Refused 19th August 2005
- 3.4 PK07/2368/F Erection of single storey rear extension to form additional living accommodation.
Approved September 2007
- 3.5 PK07/0933/F Erection of 1no. detached dwelling with associated works.
Approved subject to section 278 agreement which was never fulfilled.
- 3.6 PK11/0074/F Erection of 1no. detached dwelling and associated works (resubmission of PK07/0933/F)
Refused April 2011
Appeal dismissed July 2011
- 3.7 PK11/2672/F Erection of 1no. detached dwelling and associated works (resubmission of PK11/0074/F)
Refused October 2011
Appeal in dismissed 15th March 2012

4. **CONSULTATION RESPONSES**

Consultations have been carried out on the revised proposal.

4.1 **Downend and Bromley Heath Parish Council**

No objection now that the application fulfils the requirements laid down by South Gloucestershire Highways Department and that the public right of way is clearly demonstrated using a different colour tarmac.

No objection to the revised proposal.

Mangotsfield Rural Parish Council

No objection to the revised proposal.

4.2 **Sustainable Transport**

No objections to the revised proposal subject to conditions and a legal agreement for securing a financial contribution of £2000 towards the provision of a designated path for pedestrians along the access lane.

4.4 **Environmental Protection**

No objections but recommends outlining standard working hours.

No comments on revised proposal.

4.5 **Drainage Officer**

No objections subject to the attachment of conditions

No comments on revised proposal.

4.6 **Ecology Officer**

Whilst no comments have been received with regard to the current proposal, the previous application, which occupied the same site was assessed and no objections were raised.

No comments on revised proposal.

4.7 **Local Residents**

One letter has been received from a local resident stating the following:

- Preference is not for backland development in such close proximity to adjoining homes.
- If all the appropriate considerations have been addressed such as height, scale and access for pedestrians and during construction then this is noted
- Opportunity to aid community safety, as such request conditions or a voluntary agreement to remove conifer trees that adjoin the footpath during development.
- The existing stretch of the footpath should be marginally widened to improve light, safety and allow wheelchair and pushchair access.

No response was received on the revised proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Since the proposal was recommended for approval in August 2012, there are no changes to Policies H2 and H4 of the South Gloucestershire Local Plan.

Policies H2 and H4 of the South Gloucestershire Local Plan is supportive in principle of proposed new dwellings within the existing residential curtilages, providing that the design is acceptable, highway safety would not be compromised, adequate parking and amenity space is provided and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Plan (Adopted) 2006 identifies the site as lying within the urban area. Policy H2 allows for new residential development providing that the following criteria are complied with:-

5.2 **(a) Development would not have unacceptable environmental or transportation effects; and would not significantly prejudice residential amenity.**

Transportation Issues

The site has been subject to a number of planning history in the past, including a decision by South Gloucestershire Council in 2007 to grant consent to planning application PK07/0933/F for a single dwelling subject to a section 278 legal agreement of the Highways Act 1980. Also of relevance is the fact that a number of conditions were attached to the recommendation for PK07/0933/F, including one which related to provision of a footway along the access lane. The s278 agreement was never completed and as such this permission was not issued.

The vehicular access leading to the application site is via a small section of adopted highway, approximately 4 metres wide, which links the application site to Badminton Road. The access lane also links Badminton Road to Four Acre Crescent via an adopted footpath. This is part of route to school. The lane is not currently used by vehicular traffic and the pedestrians enjoy using the entire width of the lane (unhindered). The proposed new dwelling would clearly result in vehicular traffic using the lane and hence there would be more movements by different modes of travelling at this location. In order to manage this, it is considered necessary to create an identifiable route along this access and designate it for pedestrians. The applicant has confirmed willingness to provide a footway as part of the current proposal. Given the fact that the existing lane is relatively narrow, in order to retain a suitable route for all users, it is considered appropriate that the footway and vehicular access are demarcated with the use of different coloured materials and markings. In this respect, the applicant has agreed to make a financial contribution towards this and the Highway Officer confirms that the Council's contractor would carry out the final works in relation to the pedestrian path.

The revised plan attached to the application includes two parking spaces on site and this complies with the adopted Council parking standards. There is

also sufficient off-street manoeuvring space on site to ensure that vehicles can access and egress the site in forward gear in safety.

In view of all the above mentioned, therefore there is no highway objection to the proposal subject to the following conditions and the legal agreement for securing financial contribution of £2000 towards the provision of a designated path for pedestrian along the access lane.

Regarding the details of the legal agreement, the applicant agrees to make such contribution prior to the commencement of the development providing that any unspent contribution will be refunded, The Highway Officer has no objection to the principle of the proposed arrangement as this can be adapted in the legal agreement.

Residential Amenity

The proposed dwelling is located to the rear of No. 255 within the existing garden of No. 253 Badminton Road. The revised proposal shows the new dwelling would be one metre longer than the previous scheme and it would be closer to the boundary of No. 253 Badminton Road, and the height of the new dwelling remains unchanged.

The proposed dwelling would be located perpendicular to the rear gardens of the neighbouring properties located on Fouracre Crescent. No windows are proposed on first floor side elevations (gable ends of the new dwelling), furthermore given that the proposed dwelling would be located approximately 3 metres away from the rear boundary of the application site and there is a path between the rear boundary of No's 36 and 38 Fouracre Crescent, in combination with the fact that these properties benefit from long rear gardens. It is not considered that the proposed dwelling would have any impact upon the residential amenities of the adjacent properties along Fouracre Crescent.

The proposed dwelling would be approximately 15 metres and over 9 metres from the rear elevation of No. 255 and No. 253 Badminton Road respectively, in combination with the orientation of the proposed dwelling, there are no issues of overbearing. Similarly, it is not considered that the dwelling would result in any loss of outlook.

Whilst three first floor roof lights are proposed on the rear elevation, these would serve an en suite, a landing and a cupboard, as such there are no habitable room windows on this elevation. The first floor front elevation windows would overlook the proposed driveway, front garden area, the vacant former builders yard and to a lesser extent the grounds of the Methodist church. As such it is not considered that the proposal would result in any overlooking or loss of privacy and given the orientation of the proposed dwelling there are no concerns regarding inter-visibility. Furthermore whilst it is accepted that the application site would be overlooked to some degree by the existing surrounding dwellings, it is not considered that this is unusual or unacceptable, given that the site is located within an urban area.

It is accepted that the garden is not overly large however the level of garden provided is considered adequate to allow for sitting outside and the outdoor

drying of clothes. The garden is therefore considered to be a sufficient size to accommodate all the needs of the dwelling. Overall the impact on residential amenity is subsequently deemed acceptable.

5.3 (b) The maximum density compatible with the sites location, its accessibility and surroundings is achieved.

Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location. Policy CS16 of the emerging Core Strategy indicates that densities of new development will vary according to accessibility and character but ultimately the Council aims to ensure proposals make the most efficient use of land. The proposal would clearly meet the requirements of the adopted Local plan and emerging Core Strategy, as it is considered that the proposal makes the most efficient use of the land, the site is situated within a highly sustainable location within the urban area and close to local services and public transport routes. Officers are satisfied that having regard to the sites constraints, the pattern and scale of existing development, access and impact on residential amenity, no more than one additional dwelling as proposed could be accommodated on the site. As such the proposed density is considered to be acceptable in this instance.

5.4 (c) The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

The new dwelling would be surrounded by residential gardens and a church and would be subjected to no greater levels of noise, dust, pollutants etc than the existing dwellings in the vicinity.

5.5 (d) Provision for education, leisure, recreation etc. in the vicinity is adequate to meet the needs arising from the proposal.

The proposal is only for 1 dwelling and therefore would not have a significant impact on the area in terms of service provision.

5.6 Design / Visual Amenity

The detailed design of the revised proposal remains unchanged.

Whilst the application is for a bungalow, it is considered that the appearance of the resultant building would be well proportioned and would not be significantly out of keeping with the scale of the surrounding dwellings. This is especially the case given that the dwelling will be viewed against a variety of building designs, although the predominant property type is standard rendered semi-detached properties and the adjacent chapel is relatively modern construction finished with buff brick. The application states that the proposed dwelling would have double roman roof tiles and its walls will be a mix of brick and render. Conditions could be attached to any consent granted to ensure that details of the finishing materials are submitted to the Council and agreed in writing prior to the commencement of development.

Whilst the proposal would be visible from Badminton Road the dwelling would be significantly set back away from the highway and would not be prominent in the street scene. Given the simple design and modest dimensions, in combination with the variety of building designs in the vicinity, it is considered

that the proposal would not be harmful to the character and appearance of the street scene.

5.7 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for, an informative is recommended to control the hours of work during the construction phase. There are therefore no objections on environmental grounds. In terms of drainage the Councils Drainage Engineer has raised no objection to the proposal. A condition is recommended to secure the submission of a full drainage scheme for approval before development could commence. The site is also located on the edge of the former Bristol coal fields, whilst it is unlikely that any potential hazards arising from coal mining will be encountered, a standard informative would be attached to any recommendation, outlining the potential hazards and the action that should be taken if a hazard is encountered.

5.8 Ecology

The site consists of the residential curtilage of an existing property and is not covered by any statutory or non-statutory nature conservation designations. Whilst the proposal does not include any supporting ecological information, given that the site predominantly comprises of a well managed domestic garden of low conservation value, there are no objections to the proposal on ecological grounds.

5.9 Other Issues

From the previous application, it is accepted that there is some dispute over the right of access. This however is a legal issue and must be remedied outside of the planning system. The issue of land ownership and covenants is not for discussion as part of the planning application. However, for the avoidance of doubt, should the application be recommended for approval informatives would be attached to the decision notice to ensure that the applicant / agent is aware that planning permission does not grant rights to carry out works on land outside of the control of the applicant and that consent must be sought from the owner of the land.

The request from a local resident that the conifer trees along the footpath to the rear of the application site are removed and that the footpath should be widened have been noted. The trees are not protected by Tree Preservation Orders and would not be worthy of such protection, as such the trees can be removed if necessary without the need for prior consent. The removal or retention of these trees is however entirely at the owners discretion, and it is not considered reasonable or appropriate to condition that this work is carried out. Furthermore given the scale of the proposal, it is also not considered reasonable to request that the footpath to the north west of the site is widened as part of the proposed works.

5.10 Contributions and Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out

that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations required to ensure works to the public highway are consistent with the CIL Regulations (Regulation 122).

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
 - a) The scheme demonstrates an adequate standard of design, layout and density appropriate for, and informed by, its location. The application therefore satisfies the requirements of Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted)
 - b) Impact on levels of residential amenity for both the existing neighbouring dwellings and for the future residents has been assessed and is deemed to be acceptable. The application therefore complies with the requirements of Policies D1, H4 and H2 of the South Gloucestershire Local Plan (Adopted).
 - c) The proposed access to the site is considered safe and parking provision complies policy T8. The application therefore complies with the requirements of Policies D1, T8, T12 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 278 of the Highways Act to secure the following:
 - i. The contribution of £2000 towards the provision of a designated path for pedestrians along the access lane, demarking it with an appropriate coloured surface.

Reason:

i To mitigate against the impact of the development on pedestrians resulting from the increased traffic movements along the access lane, in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- 7.2 Should the agreement not be completed within 6 months of the date of the resolution, that delegated authority be given to the Director of the Environment and Community Services to refuse the application.

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).

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

Reason

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

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

Reason

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

4. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

5. The building shall not be occupied until the two proposed vehicular accesses into the site have been constructed in accordance with the approved revised block plan. The vehicular accesses into the site shall be retained thereafter.

Reason

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

6. The building shall not be occupied until the demarcation of the access lane has been carried out in accordance with the demarcation plan received 27 March 2013.

Reason

To mitigate against the impact of the development on pedestrians resulting from the increased traffic movements along the access lane, in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PK13/1065/F	Applicant:	Mr G Robson
Site:	Ingle Cottage Oxleaze Farm Road Inglestone Common Badminton South Gloucestershire	Date Reg:	8th April 2013
Proposal:	Erection of single storey front and rear extension to form additional living accommodation.	Parish:	Hawkesbury Parish Council
Map Ref:	375925 188466	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	29th May 2013



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PK13/1065/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule due to the comments received from members of the public and the Parish Council regarding drainage.

1. THE PROPOSAL

- 1.1 This application seeks consent for a single storey front extension, to create a new central entrance to the dwelling and a single rear extension to create a rear elevation that improves the relationship between the previous extension and the main dwelling.
- 1.2 The site is a cottage on Inglestone Common. A previous single storey side extension is located to the northwest of the cottage. The cottage faces onto the common and has an extensive rear garden.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape Protection and Enhancement

L7 Sites of National Nature Conservation Interest

L17 The Water Environment

L18 The Water Environment

EP1 Environmental Pollution

T12 Transportation

H4 Development within Existing Residential Curtilages

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

CS1 High Quality Design

CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK08/1590/F Approved with Conditions 22/07/2008
Erection of detached garage/garden store
- 3.2 P92/2526 Approval of Full Planning 15/02/1993
Erection of two-storey side extension to provide porch, hall and dining room with bedroom and bathroom above
- 3.3 P90/2056 Approval of Full Planning 01/08/1990

Erection of single storey front extension to form hallway and study

- 3.4 P84/2167 Approval of Full Planning 26/09/1984
Erection of single storey side extension to form enlarged kitchen, dining room, bedroom and bathroom
- 3.5 P84/1410 Approval of Full Planning 09/05/1984
Erection of extension to cottage to provide enlarged kitchen, bathroom, dining room/library, and bedroom

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
No objection: to the planning application, ask that the drainage meets required building control standard.
- 4.2 Ecology
No objection subject to condition/ informative
- 4.3 Drainage
No objection

Other Representations

- 4.4 Local Residents
One comment received from an adjacent neighbour who was concern about the drainage. The existing septic tank has to be emptied twice a year but overflows. This results in puddles of effluent and unpleasant smells. The effluent soaks into the drainage ditches that enter local streams and flow further down and onto the common, which is grazed by cattle.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks consent for a single storey front extension and a single storey rear extension at a cottage on Inglestone Common.
- 5.2 Principle of Development
Development within existing residential curtilages is managed through policy H4 of the Local Plan. This policy is supportive to the principle of extensions and alterations, however the acceptability of the proposal relies on an assessment of design, amenity and transport.
- 5.3 Design
The existing cottage and side extension are stone built with a pitched, tiled, roof. The front entrance is located to the east end of the property in a small lean-to porch. At the rear, the side extension is linked into the main dwelling through a linking corridor with large patio doors.
- 5.4 The proposed extension will create a more recognisable front entrance in the centre of the building. This will be located in the existing gap between the original cottage and side extension.

The new entrance will be predominantly glazed to the front and side. A cat slide roof will link the new entrance into the existing roof. Whilst the front extension projects a fair way from the existing elevation, it does not project beyond the front wall of the original cottage. As a result, it remains subservient to the cottage and forms part of the existing single storey extension.

- 5.5 At the rear, an extension is proposed to increase the width of the linking section between the cottage and existing extension. At present, there is a recessed section along the rear elevation where the main dwelling and extension link. The proposal is to in fill this recessed section to create a continuous rear elevation and improve the relationship between the extension and main house. This will be achieved by altering the cat slide roof at the rear to make it dual pitched.

- 5.6 Overall the proposed extension meets an acceptable standard of design as the materials used will match the existing property, the extension is proportionate to the existing property in scale, massing, and appearance, and an efficient use of space has been achieved. The proposal respects the character and appearance of the existing property and the surrounding area and will not have an adverse impact on the landscape.

5.7 Amenity

The proposed development consists of single storey front and rear extensions. The cottage is set in extensive grounds and the proposed development will not prejudice the retention of private amenity space. Being of single storey, the extensions will not prejudice the amenity of nearby occupiers as it does not impinge on privacy and it is not overbearing.

- 5.8 The proposal has not prejudicial impact on residential amenity.

5.9 Transport

Sufficient space is provided within the curtilage of the property for the parking and manoeuvring of motor vehicles. This development does not propose to increase the number of bedrooms and therefore is not considered to materially increase the parking requirements of the dwelling. There is no impact on highway safety or parking provision as a result of the proposed development.

5.10 Drainage

Comments have been received from the adjacent neighbour regarding the disposal of foul waste. The Parish Council reiterated these comments.

- 5.11 The proposed development has been assessed by the Council's drainage team; who raise no objection to the development. It is stated that the septic tank overflows resulting in effluent run off. The management, maintenance, and servicing of a septic tank are not considered directly relevant to this planning proposal. The proposed development will make little material difference to the amount of foul waste being directed to the existing septic tank. Moreover, Building Regulations would cover this issue. The pre existing issues regarding the maintenance of the septic tank would be more appropriately addressed by civil law between the landowners.

5.12 Ecology

The site itself is not covered by any statutory or non-statutory ecological designation; however, it is adjacent to a Site of Special Scientific Interest.

- 5.13 On these grounds there is no ecological objection to the development, however a condition should be attached to ensure that there is no impact on the adjacent SSSI as a result of the building works and development.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed erection of a single storey front extension and a single storey rear extension has been assessed against policy D1, L1, L7, T12 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The proposed development is in keeping with the overall design, character, appearance, scale, massing, and proportions of the existing building. There would be no adverse impact on residential amenity or the landscape setting as a result of this development. The development will not impact on transportation. It is therefore considered that the development accords with the above mentioned policies.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that permission be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

3. All materials associated with the development must be stored within the curtilage of the property and at no time may any materials be stored on the common. All deliveries to the site and any associated parking and turning must be undertaken within the curtilage of the property and at no time may vehicles park, unload, or turn on the common.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the preventing damage to the adjacent common land which forms part of the Lower Woods Site of Special Scientific Interest, and to accord with Policy L7 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PK13/1081/CLP	Applicant:	Mr Victor Selwood
Site:	Dean Cottage Wapley Road Codrington South Gloucestershire	Date Reg:	8th April 2013
Proposal:	Erection of single storey rear extension to form additional living accommodation.	Parish:	Dodington Parish Council
Map Ref:	372699 178892	Ward:	Westerleigh
Application	Minor	Target	29th May 2013
Category:		Date:	



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PK13/1081/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at Dean Cottage, Codrington would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, The decision is based on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0517/F - Erection of single storey rear extension to form additional living accommodation. Erection of detached garage/workshop. **Withdrawn 31st March 2006**
- 3.2 P98/2223 - Erection of detached double garage (removal of existing garage). **Refused 20th October 1998**

4. CONSULTATION RESPONSES

- 4.1 Dodington Parish Council
No comment received
- 4.2 Highway Drainage
No comment
- 4.3 Conservation Officer
This application, however, is looking to establish whether the proposed extension is PD. I defer to your assessment in this regard.
- 4.4 Landscape Officer
No comments

Other Representations

- 4.5 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

- 5.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO 2008.

- 5.3 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 allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

A1 Development is not permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**

The height of the eaves of the proposal does not exceed the horizontal line from the eaves of the existing dwellinghouse. As such the proposal meets this criterion.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) fronts a highway, and**
- (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

- (e) The enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The host dwelling is a detached property. The dwellinghouse has an existing single storey rear lean-to element. There is no evidence to suggest when this was built. Therefore on the balance of probability this element is considered original. The proposed extension would be single storey, would extend a maximum of 3.3 metres in depth, and would have a maximum height of 3.9 metres. The proposal therefore meets this criterion.

- (f) The enlarged part of the dwellinghouse would have more than one storey:**

The proposal is single storey.

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

The proposal would be located within two metres of a boundary but have a height to eaves of less than 3 metres and therefore meets this criterion.

- (h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**

- (i) exceed 4 metres in height**
- (ii) have more than one storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal would extend off the rear elevation of the dwelling only.

- (i) It would consist of or include—**

- (i) The construction or provision of a veranda, balcony or raised platform,**
- (ii) The installation, alteration or replacement of a microwave antenna,**

- (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**
- The proposal does not include any of the above and consequently meets this criterion.

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

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**
The site is not located within article 1(5) land and as such the proposal meets this criterion.

Conditions

A3 Development is permitted by Class A subject to the following conditions:

- (a) **The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**
The proposal would be finished in materials to match those of the existing dwellinghouse.
- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**
 - (i) **obscure-glazed, and**
 - (ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and**
The proposal does not include the installation of any upper floor windows.
- (c) **Where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**
The proposal is single storey.

7. RECOMMENDATION

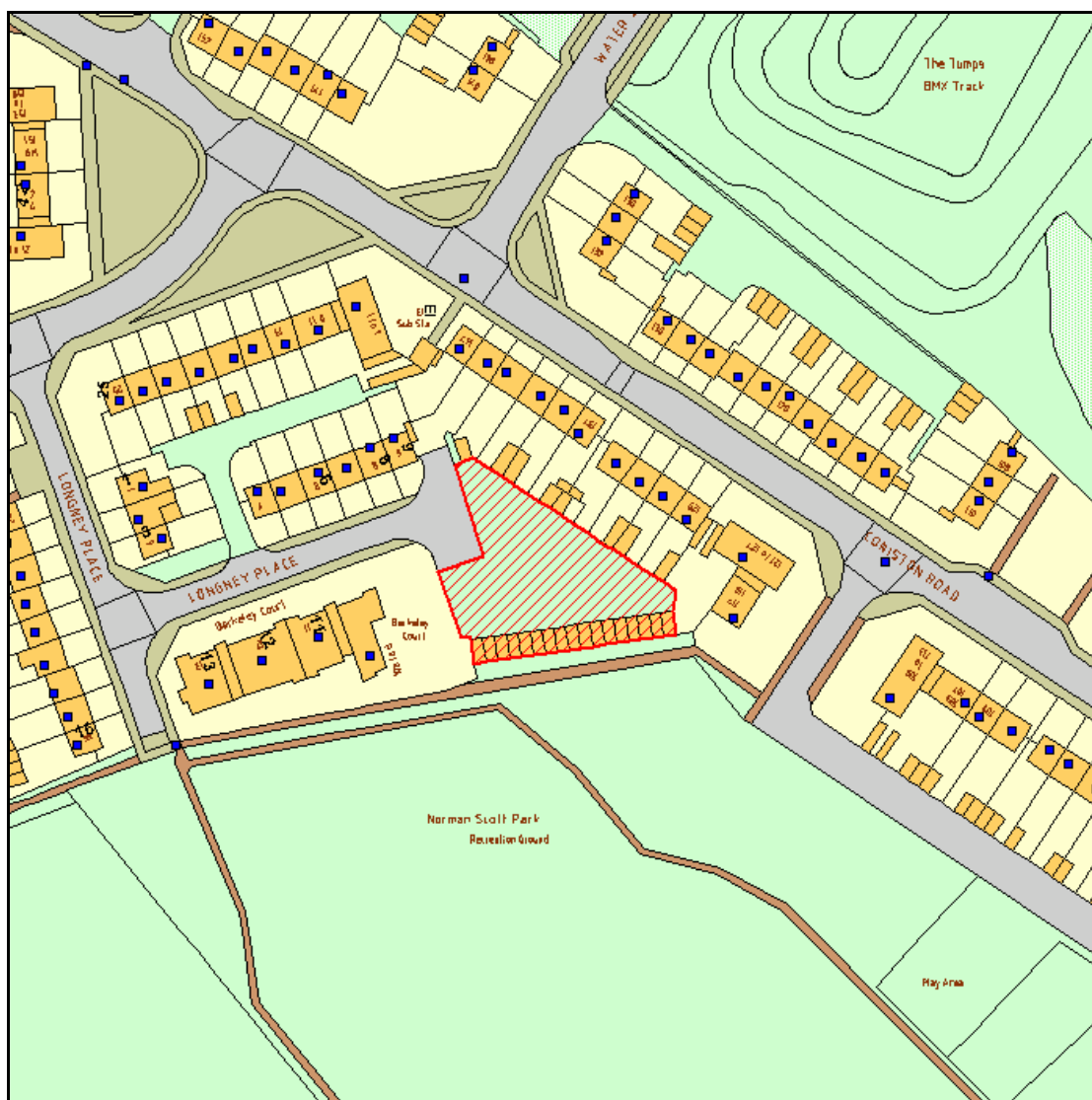
- 7.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PT12/2483/F	Applicant:	Solon South West Housing Association Ltd
Site:	Garage Court Off Longney Place Patchway Bristol South Gloucestershire BS34 5LQ	Date Reg:	7th August 2012
Proposal:	Demolition of existing garages. Erection of 2 no. semi detached dwellings and 4 no flats with associated works.	Parish:	Patchway Town Council
Map Ref:	359991 182097	Ward:	Patchway
Application Category:	Minor	Target Date:	28th September 2012



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PT12/2483/F

REASON FOR REFERRAL TO THE CIRCULATED SCHEDULE

This application was considered at the October 2012 Development Control Planning Committee with a resolution to grant planning permission subject to the completion of a S106 Agreement within 6 months of this meeting. The applicant has been unable to complete this agreement within this time frame thus this application has been referred back to the Circulated Schedule to allow an extension of time for the signing of this agreement.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of one pair of two-storey semi-detached dwellings and four flats accommodated within a further two-storey building.
- 1.2 The application relates to an existing garage site at the eastern end of Longney Place cul-de-sac, Patchway. The site measures some 0.12 Ha and the application would necessitate removal of the existing garages along the southern site boundary.
- 1.3 The applicant comprises Solon Housing Association and all units would comprise affordable housing that would provide a mix of house type to address the identified needs as set out in the Strategic Housing Market report 2009.
- 1.4 The original Committee report in respect of this application is appended to the end of this update report.

2. UPDATE

- 2.1 The resolution to grant permission was subject to completion of a Section 106 Agreement to secure the provision of £10,989 for one primary school place. This agreement was to be completed within 6 months or alternatively the application was to be refused/ returned to the Circulated Schedule for further consideration.
- 2.2 The applicant has entered into discussions with the Council in an attempt to complete this S106 Agreement. However, the applicant has been unable to complete this agreement pending resolution of private access rights across the site. It is understood that these have now been resolved and the applicant will very soon be in a position to sign the S106 Agreement.
- 2.3 There is no objection to a short extension of time to allow the completion of this agreement time in view of the recent resolution to grant planning permission in respect of this application.

3. CONCLUSION

- 3.1 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.

- 3.2 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.
- 3.3 The recommendation to GRANT permission is for the following reasons:
1. The design, scale and massing of the proposals would be in keeping with the character and appearance of the area and would accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.
 2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.
 3. The proposal would be acceptable in highway safety terms and would not conflict with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

4. RECOMMENDATION

- 4.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 3 months to secure the following:
- i. The provision of £10,898 for one primary school place.
- 4.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 4.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

REASON FOR REPORTING TO DEVELOPMENT CONTROL COMMITTEE

Cllr Eve Orpen has referred this application to the Development Control West Committee; primarily to allow residents to better understand the application and to allow their views to be heard by the Planning Committee.

1. **THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of one pair of two-storey semi-detached dwellings and four flats accommodated within a further two-storey building.
- 1.2 The application relates to an existing garage site at the eastern end of Longney Place cul-de-sac, Patchway. The site measures some 0.12 Ha and the application would necessitate removal of the existing garages along the southern site boundary.
- 1.3 The applicant comprises Solon Housing Association and all units would comprise affordable housing that would provide a mix of house type to address the identified needs as set out in the Strategic Housing Market report 2009.
- 1.4 Prior to the submission of this application, some pre-application works took place that was initiated by the Councils Affordable Housing team. As such, the Councils Affordable Housing Officer advises that residents have been kept informed of Solon's proposals with the same people consulted as in respect of the first application. A public event was held on December 19th where plans of the scheme were displayed and on the same day, letters were sent relating to the parked trailer/ caravan in the middle of site and also advising residents who back onto the garage site of their access rights. In this regard, it is advised that the proposal does not impact on existing rights currently enjoyed by those residents of Coniston Road that back onto the site i.e. the ability to pass and re-pass in order to gain access to the rear of their properties and garages.

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: Proposals for Residential Development

H6: Affordable Housing

T7: Cycle Parking

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

L18: The Water Environment

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

CS1: High Quality Design

CS16: Housing Density

CS17: Housing Diversity

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

3. **RELEVANT PLANNING HISTORY**

- 3.1 PT07/3316/F: Erection of three-storey block of 9 flats and associated works; alterations to existing access. Refused: 5 March 2008

4. **CONSULTATION RESPONSES**

- 4.1 Patchway Town Council
No comments received

- 4.2 Other Consultees
Wessex Water: Bristol Water controlled area (statutory comments)
Technical Services (Drainage): no objection in principle
Tree Officer: as per previous application
Landscape Officer: requests changes to appearance of access road
Affordable Housing Officer: supports application
Highways DC: no objection
Historic Building Officer: no comments
Environmental Services: no objection in principle
Children and Young People: £10,898 required for additional primary place in view of projected deficit of places in the local area (development of 4 flats and 2 houses with two bedrooms would generate 1 additional primary pupil according to the pupil number calculator dictating contribution level).

Other Representations

- 4.3 Local Residents
Seven letters of objection received expressing the following concerns:

Highway Safety

- There is a waiting list for the garages;
- Parking has only been provided for the new residents;
- Existing residents park behind their garages and unload their vehicles here- this would now become an access road;
- The width of the access road is not known, if narrow it would be almost impossible to reverse a car from an existing garage;
- Existing residents would have to find alternative parking (there are yellow lines at the front of dwellings);
- New parking is only provided for residents who lose garages;
- The existing forecourt is safe both for children and car parking;
- Residents will use the 3 visitor car parking spaces causing friction;
- Bins are collected from the rear of properties;
- There are no paths around the access road;
- One resident writes as a blue badge holder who needs to park near his property;
- Existing parking/ access problems will be exacerbated.

Further Issues

- The two-storey building would result in a loss of light;
- The two-storey building would result in lost privacy due to overlooking;
- New residents will gain the park view enjoyed by existing residents;
- The proposed building would be out of keeping and an eyesore;
- What form of shadow analysis is planned?
- This area is in constant use;
- The application was lodged when many are away on holiday;
- The loss of privacy will devalue dwellings.
- Neighbours have not been properly informed about the proposals;
- No site notice has been posted;
- Why with 2000 homes' being built at Filton airfield is there a need to shoehorn 6 more in here?

- 4.4 It should be noted that a site notice was erected on a nearby lamppost at this end of Longley Place.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and seeks to promote opportunities for economic development speaking of the need to *'boost significantly the supply of housing'* and to *'deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities'*. On this basis, the associated merits of the proposal would weigh in the favour of this current application.

- 5.2 Planning policy H2 of the adopted local plan is permissive of proposals for residential development subject to considerations of design, residential amenity and highway safety.

5.3 Site History

There is one previous application that relates to this site; this sought permission for a three-storey flatted development that would have formed one single building and which would have accommodated 9 flats. The plans were revised reducing the size of the building that would originally have included a 4-storey element and accommodated 11 flats. The application was refused for the following reason:

'The proposal by virtue of height and proximity would have an overbearing and unacceptable impact upon the living conditions of neighbouring properties contrary to policy D1 and H2 of the South Gloucestershire Local Plan (Adopted) 2006.'

- 5.4 This application was subsequently dismissed at appeal at which time the Inspector described the area stating *'The application site is a primarily residential area comprising mainly 2-storey houses, with some bungalows and some flats, including 3-storey flats in Longley Place adjoining... No issue is taken with the contemporary style of the proposal in this area that has no particularly strong architectural style'*.

- 5.5 On the issue of overlooking/ loss of privacy, the Inspector commented:

'Taking firstly, the issue of privacy, there would be 1st and 2nd floor bedroom and kitchen windows in flats 6 and 9 facing towards existing 2- storey houses fronting onto Coniston Road. The distances between facing windows would at closest be little over 20 metres, and although they would not be directly facing each other, I do consider the angle of view to be sufficiently oblique to prevent mutual overlooking. When account is also taken of the fact that some of these windows would be at 2nd floor, and in effect looking down into rear 1st floor windows of the houses in Coniston Road, I am satisfied that this matter in itself is of sufficient harm to warrant refusal of permission...'

It is considered that these comments demonstrate that a building higher than two-stories is very unlikely to be acceptable on the application site.

- 5.6 The likely unacceptability of a three-storey building on this site is further demonstrated in comments relating to its overbearing nature: *'...I see no problem with a taller element of the building further into the site and relating to the adjoining 3-storey building. However, this 3-storey element at a distance of little more than 20 metres from the main habitable rooms in the nearest houses, would in my view be intrusive and overbearing...'* The Inspector also upheld concern with regards to the impact on sunlight to the neighbouring dwellings as a result of this three-storey development.

- 5.7 Notwithstanding the above, and perhaps more significantly in view of the current proposal, on the matter of car parking and access, it was noted;

'At present houses fronting onto Coniston Road require access across part of the appeal site to reach their garages, which face onto the site. The proposed layout maintains an access road along this side of the site, which narrows to a width of 6 metres at the end, but is mainly between 7 and 8 metres wide. Although some residents consider this to be insufficient, I do not consider this to be so, and saw that the garages to the rear of other houses further along Coniston Road appear to function with a similar width of access.'

...I appreciate concerns about displacement of existing car parking, but understand that the appellant has sought to ensure that existing garage lessees have been offered alternative accommodation in the locality, and would not find this matter in itself to be a reason why the proposal should be rejected.'

5.8 The Proposal

This application adopts a markedly different approach to the previous submission and seeks planning permission for the erection of one pair of semi-detached dwellings and four flats to be accommodated within a two-storey building. The proposals would be provided by Solon Housing Association whom is a member of the Housing Delivery panel that has been set up to provide affordable housing across the West of England.

- 5.9 The Design and Access Statement advises that *'Following the difficulties experienced with height and scale of previous schemes on the site initial*

concept proposals focused on two-storey options only. Sketch proposals were prepared on a much more modest and domestic scale with a presumption that two-storeys should be the optimum in height. South Gloucestershire Council has identified a need for a mix of smaller houses and one and two bedroom flats. The opportunity to incorporate a mobility unit has also been identified where few exist in the locality.'

- 5.10 The semi-detached properties would be sited adjacent to the four-storey Berkeley Court and would provide an open plan living/ dining area at the rear with a kitchen and WC at the front. Upstairs, accommodation would comprise two bedrooms and bathroom. These dwellings would measure 8.5m in depth, 5.5m in width with a ridge height of 7.7m. They would not be handed but the drawings show a slightly different palette of materials to each unit. These dwellings would benefit from car parking to the front, separate rear gardens and facing northwards, would align with the flank boundary of Berkeley Court thus continuing the parallel building lines of buildings either side of Longney Place.
- 5.11 The four flats would be arranged in two blocks adjoined by a flat roofed link building; this would help provide the appearance of two detached dwellings. Concerning that block closest to the proposed semi-detached dwellings, this would align with its front building line but extend a little over 3m further back; its ridge height would however only slightly exceed that of the semi-detached dwellings by virtue of shallower roof pitch to the rear roof slope.
- 5.12 The triangular shaped plot dictates that the second block of two flats (units 5 and 6) would be stepped back some 7m projecting some 2.9m beyond the rear wall of plots 3 and 4 (the other two flats). The proportions of this building would be slightly wider but with a lower ridge height than both aforementioned buildings to further reduce the bulk and massing of this building. The orientation of this flatted development would replicate that of the semi-detached dwellings and thus would face the rear of those dwellings fronting Coniston Road at an oblique angle.
- 5.13 With regards to the pallet of materials proposed, the Design and Access Statement advises *'No strong architectural form or character is evident in the locality, which is largely dominated by two-storey dwellings surrounding the site, with the exception of Berkeley Court. It is felt that the new development was of sufficient size for it to define its own character'*. As such, the proposals are shown to adopt a contemporary appearance that is intended to *'sit comfortably within its more traditional surroundings'*.
- 5.14 Access into the development would form a continuation of this existing cul-de-sac with the access road running in front of the proposals and to the rear of those properties fronting Coniston Road. This new access would therefore serve both the current proposal and existing garaging (but restrict parking to the rear of these existing garages).
- 5.15 Analysis: Design/ Visual Amenity
The design approach adopted is considered to be acceptable given that it provides a series of two-storey buildings that would appear akin to two semi-detached and two detached dwellings. As such, it is considered that the

- proposals would appear in keeping with their surroundings that is predominately characterised by two-storey residential development (with the exception of the flatted Berkeley Court). However, the unconventional roof shape to the flats is perhaps unfortunate although it is acknowledged that this helps to keep the ridge level down.
- 5.16 There is also no objection to the more contemporary appearance shown with no strong architectural style within the immediate area (as noted at the time of the previous application). Nevertheless, in the event that planning permission is granted, it would be necessary to condition the proposed materials with landscaping/ boundary treatment conditions also added. In this regard, it is noted that the architect is happy to plant fruit trees within the rear gardens as suggested by the Councils Landscape Officer (to help blend the proposals with the area of open space behind).
- 5.17 The Landscape Officer has also suggested that further consideration be given to whether pedestrian access should be provided to the public footpath and park to the rear of the site. In response, the architect has advised that whilst this would improve permeability, it would not be acceptable having regard to the requirements of the Secured by Design accreditation. Attention has also been drawn to the pedestrian link already provided at the far end of Longley Place. It is not considered that planning permission could be withheld in the absence of a new link.
- 5.18 Residential Amenity
The proposals would stand alongside the four-storey Berkeley Court that fronts Longley Place (i.e. orientated in the same direction as the current proposals) and which is inset from the boundary (with the exception of a small single-storey outbuilding on the boundary). It is noted that although it is the side elevation of these flats that faces the application site, there are four overlooking windows at third and fourth floor levels (two on each level). Notwithstanding this, given the height/ massing of the proposals, the separation distance involved and with no side facing windows shown (facing these flats), it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.19 Properties opposite in the main comprise two-storey terraced dwellings fronting Coniston Road; it is the rear of these dwellings that face the site. In considering the impact on these properties, the separation distance decreases in front of the flats given the triangular shaped application site. Nonetheless, the shortest distance between buildings (corner of plots 5 & 6 measured to rear of dwelling diagonally opposite) is 20m whilst given the orientation of these dwellings and the proposals, views between the new and existing properties would be at an oblique angle only. For these reasons, and with the reduced height of the development overcoming concerns raised in respect of the previous submission, it is not considered that permission could be reasonably withheld on this basis.
- 5.20 Similarly, it is not considered that the scheme would have any significant adverse impact on residential amenity in respect of the facing dwelling(s) fronting Longley Place when considering issues of overlooking. This is

because the exiting and proposed buildings would stand either side of the road with some 28m between.

- 5.21 It is acknowledged that perhaps the biggest concern relates to parking and access issues. In part, these are addressed below but with the access arrangements similar to those shown as part of the previous scheme, given the Inspector's conclusions (see paragraph 5.7), it is not considered that permission could be withheld solely on this basis.
- 5.22 Concerning the relationship between the proposed dwellings/ flats, the two dwellings would be provided with their own separate south facing rear garden areas with views into these areas (from either property) at an oblique angle; this is not uncommon within a residential area. The flatted development would extend some 3m beyond the rear building line of the dwellings, which in this south facing position, is considered acceptable.
- 5.23 The flatted accommodation would benefit from a communal garden area necessitating careful consideration of boundary treatments to safeguard the residential amenities of ground floor occupants. Whilst this space is more limited, given the proximity of open space behind, this arrangement is considered to be acceptable.
- 5.24 Affordable Housing
This application falls below the affordable housing threshold as set out in policy H6 but nevertheless relates to the redevelopment of a Council owned garage site for 100% affordable housing. It is understood that Council approval is in place to dispose of this land for affordable housing.
- 5.25 Accordingly, all units would meet the development standards set out in the Affordable Housing Supplementary Planning Document, i.e. would be built to Level 3 of the Code for Sustainable Homes, Lifetime Homes standard and Secured by Design. In addition the two-bedroom ground floor flat would be fully accessible by a wheelchair user.
- 5.26 For the above reasons, the Councils Affordable Housing Officer writes in support of this application given that it would deliver much needed affordable housing that is a priority for the Council. Nevertheless, it is not considered necessary to add a planning condition restricting the use of these units (in planning terms) given that the location of the application site within the built up area dictates that the principle of proposals for any residential development on this site would be acceptable.
- 5.27 Education Contribution
The Councils Early Years and Schools Planning Officer has advised that at primary level there is a projected deficit of primary school places in the local area. To this extent, the proposed development of four flats and two houses would generate one additional primary pupil necessitating a contribution of £10,898. The request for this contribution (and amount) is considered to be acceptable given that it is directly applicable and proportionate in kind to the scheme. The architect accepts this requests thus in the event that permission

is granted; this would need to form the basis of a S106 agreement. (There is a projected surplus of secondary school places.)

5.28 Highway Safety

The Councils Highways Officers advises that the proposed parking and access arrangements are considered appropriate for the scale and type of development thus no transportation objection has been raised.

5.29 Notwithstanding the above, third party comments received and those from the Councils Landscape Officer express concern in respect of the access road and the lack of any possible delineation between both pedestrian and vehicular movements. To this extent, the Landscape Officer advises that the large area of 'access road' has a poor visual amenity and lacks definition. It is also not clear how this area would be surfaced. It is suggested that it is redesigned along the lines of a 'home zone', with further tree planting, traffic calming and delineation of pedestrian and possibly parking areas/ drop off area outside the garages.

5.30 The architect advises that the applicant has agreed to investigate the options of a 'home zone' style access road (although warns that this might add significantly to the cost). In the absence of any amended plans at this stage, it is suggested that this alteration might form the basis of an appropriately worded condition in the event that permission is granted.

6. CONCLUSION

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

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

6.3 The recommendation to GRANT permission is for the following reasons:

4. The design, scale and massing of the proposals would be in keeping with the character and appearance of the area and would accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and L1 (Landscape Protection and Enhancement) of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy H2 (Proposals for Residential Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The proposal would be acceptable in highway safety terms and would not conflict with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under section 106 of the Town and Country Planning Act 1990 (as amended) within 6 months to secure the following:
 - ii. The provision of £10,898 for one primary school place.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then the application be refused or returned to the Circulated Schedule for further consideration on this basis.

Contact Officer: Peter Burridge
Tel. No. 01454 865262

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west (side) elevations of the flatted development (plots 3, 4, 5 _ 6) hereby approved.

Reason

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

6. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

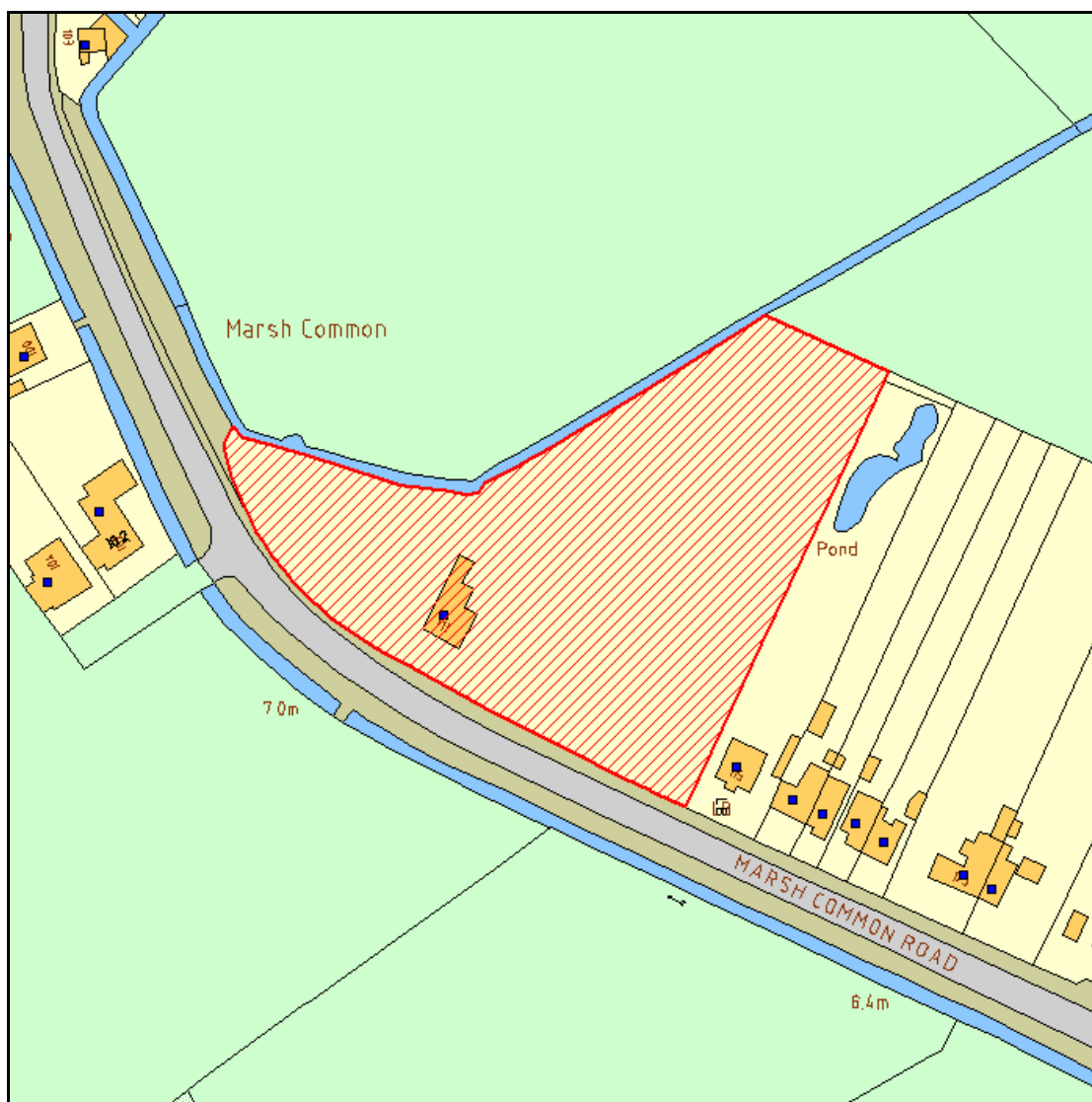
7. Notwithstanding the plans hereby approved, prior to the commencement of development, an amended plan in respect of the access road introducing a 'home zone' style of development (with demarcation between vehicular and pedestrian areas and additional hard/ soft landscaping) shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter accord with these approved details.

Reason

In the interest of visual amenity and highway safety, all to accord with Planning Policies D1, H2, L1 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PT12/3227/CLE	Applicant:	Mr T Whittingham
Site:	111 Marsh Common Road Pilning Bristol South Gloucestershire BS35 4JU	Date Reg:	
Proposal:	Application for Certificate of Lawfulness for existing alterations and extensions to property and garage, not in accordance with planning permission PT06/2521/F dated 6th October 2006.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	356288 183521	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	23rd November 2012



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PT12/3227/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is submitted to the Circulated Schedule in line with the delegation arrangements as it relates to a certificate of lawfulness.

1. DESCRIPTION OF DEVELOPMENT AND BACKGROUND

- 1.1 The application is made on behalf of Mr T Whittingham the owner of the site, and is for a Certificate of Lawfulness for existing building works. The site comprises one dwelling with ancillary building, both of which are the subject of this application for a Certificate of Lawfulness. The applicant claims that the building works were substantially completed more than four years before the date of this application. Specifically a date of 31/8/2007 is given for when the building works were substantially completed.
- 1.2 This is not an application for planning permission where the planning merits of the case are to be considered against the development plan policies, but an application for a Certificate of Lawfulness. The test is to assess whether on the balance of probability the garage building erected at the site and the extensions to the original house were substantially complete over four years ago. The Certificate, if granted, would effectively make the development immune from enforcement action. However in this instance there is a planning consent for an agricultural building, namely reference PT06/2521/F dated 6 October 2006. It is the view of the Local Planning Authority that the development falls within this consent and as such would be authorised by a specific conditional planning consent whether or not the '4 years' of existence had been proven. Notably this consent had a planning condition removing Part 1, Class E householder permitted development rights from the site: those pertaining to the provision of any buildings or enclosure, swimming pool or other pool incidental to the dwelling or for alterations to such buildings, or for the provision of a container for domestic heating purposes. This was attached in light of the enhancement achieved at the site in terms of visual amenity and openness to the Green Belt.
- 1.3 It is the applicants case that the as built development is materially different from the plans granted permission under consent PT06/2521/F. They advise that the following changes were made.
 - Regarding the garage: The height of the garage workshop has been increased by 1.2m and incorporates additional residential accommodation to form an independent annex.
 - Regarding the house extension: The height of the existing dwelling was increased by 1 metres and incorporated changes to the roof.
 - The width of the extension incorporating the kitchen/dining room and the bedroom above was increased from 4.4m to 4.9m.
 - The overall length of the extension has increased from 9.7m to 9.9m.

The application is submitted under the provisions of Section 171 on the grounds that the building works carried out do not accord with and are materially different from the approved plans.

- 1.4 The evidence submitted by the applicant and any counter evidence considered is analysed in this report.

2 SITE AND LOCATION

- 2.1 The site set out in the application is a large garden to the north side of Marsh Common Road. It is located east of the main farm house and south of Marshacre Lane. The building footprint is shown to be 16.8 by 27.5m, a total area measuring 462 square metres.

3 RELEVANT PLANNING HISTORY

- 3.1 PT06/2521/F Partial demolition of existing dwelling to facilitate two storey and single storey extension to form additional living accommodation, including conservatory. Complete demolition of outbuildings to facilitate erection of detached garage and workshop. Approved 06.10.2006
- 3.2 PT04/3709/F Relocation of existing boundary fence and alterations to vehicular access. (Resubmission of PT04/1807/F dated 29 June 2004).
- 3.3 PT04/3582/F Partial demolition of existing dwelling to facilitate two storey and single storey extension to form kitchen, breakfast room, living room and conservatory with 2 no. bedrooms, 3 no. bathrooms and balcony over. Complete demolition of outbuildings to facilitate erection of detached garage with workshop. Refused 17.12.2004
- 3.4 PT04/1807/F Retention of boundary fence and new vehicular access. Refused 29.06.2004

4 POLICY CONTEXT

- 4.1 The Town and Country Planning (Development Management Procedure) (England) Order 2010 as amended
Circular 10/97 'Enforcing Planning Control: Legislative provisions and Procedural Requirements'.

5 ANALYSIS OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 5.1 Evidence that has been submitted in support of the application:
- 5.2 Letter from South Gloucestershire Buildings Control Surveyor dated 13 February 2008. Letter indicates that the Two storey rear and side extension appears to be near to completion but certain details such as structural calculation and details of the solid fuel intended to be used had not been provided for the purposes of Building Control. Moreover full drawings of the loft conversion within the original house needed to be provided.

- 5.3 The same South Gloucestershire Building Control Surveyor dated 13 February 2008 letter also states that the garage workshop now appears to be a garage/dwelling and that the Building Regulations team had been trying to get a building regulation application, of the 'as built' scheme from the owner since May 2007.
- 5.4 Letter from Planning Enforcement Team dated 05 September 2007. The letter refers specifically to the garage/workshop being built being larger than is shown on the approved plan.

6 **ANALYSIS OF COUNTER EVIDENCE**

- 6.1 The Councils own aerial photo taken 2008 shows the house extension and garage building finished externally and therefore offers no counter evidence. No counter evidence has been submitted or found to show that these works took place within the last four years. As such an assessment of case law needs to be undertaken.
- 6.2 In assessing this certificate consideration needs to be given to whether
- The garage and extension to the house were constructed as or is not materially different to that granted planning permission, and
 - has the planning permission been implemented.
- 6.3 The garage and the house extension are clearly development which would have required planning consent under either the Town and Country Planning Act 1990 given the height of the structures involved. An application for planning permission for a very similar building was applied for and granted only months before the subject building and extension was erected. This was referenced PT06/2521/F.
- 6.4 A) Is the building constructed materially different to that granted planning permission?

In determining whether a development is materially different to that permitted under the planning application consideration needs to be given to the Court of Appeal decision of **Handoll and Suddick v Warner Goodman and Streat (A firm) and Others (1995)**. In Handoll it was held that if a development does not comply in a material respect, or to a material extent, with the permission granted, a planning condition restricting the use (in that case an occupancy condition) attached to that permission cannot apply to the unauthorised development. In light of this ruling it needs to be established at 111 Marsh Common Road whether the garage building and house extension differs in a material respect to the building that was granted planning consent.

- 6.5 The garage building erected was intended to be the subject of the planning consent because it is on the same part of the site with a footprint essentially in accordance with the garage permitted under PT06/2521/F. It differs in respect of its height (raised above the consented scheme by 1.2m) and the ancillary use it has been put to with additional rooms in the roof. The agent states that the garage workshop incorporates an independent annex.

- 6.6 The extension takes the footprint and general form of the extension planned and permitted under application PT06/2521/F but during the works it is evident that the roof of the whole house was removed and raised by creating a steeper pitch from the eaves level. The raising of the roof of the original house was not sought in the planning application consented. The extensions proposed, whilst being similar to that approved were all raised, seemingly proportionally to the new ridge height. It appears to be the case that rather than considering the more modest alteration to the form of the house extensions, that this application needs to consider the whole development which actually occurred to the house which was 'raising of the roof and extensions' and is a materially different description of development to that which was permitted under application PT06/2521/F.
- 6.7 Whether the differences are material is a matter of fact and degree. The raising of the roof of the garage to such an extent (1.2m) that the roof space could be used as ancillary accommodation is a material change. The raising of the ridge of the original house by a metre, changes the form of the roof and would also have required planning permission and is materially different to the permitted scheme. As such it is concluded that both forms of development are materially different to the development granted under planning permission PT06/2521/F.
- 6.8 B) Implementation of the planning application
In addition to the material changes to both the garage and the house it is clear that the pre-commencement condition requiring a Waste Management Audit regarding the removal of the waste from the demolished buildings and/or the excavations process was never sought to be discharged. No details were ever submitted to the Council and as such condition 4 was not discharged. This adds weight to the applicants case that the works carried out were not the works consented by the planning application PT06/2521/F.

The position on this in law is summarised in the case of **Leisure Great Britain plc v Isle of Wight Council (2000)** and set out below. The starting point is where works have been undertaken in breach of an operative planning condition, they cannot be works of 'material development' for the purpose of commencing the development. In this case the condition did refer to operative actions needed to be taken during the demolition of the buildings and during the initial digging out of the site for the new works. There are exemptions identified in case law whereby pre-commencement conditions had not been formally discharged, but nevertheless the development was considered to have commenced lawfully. In **Whitley & Sons v SoS for Wales (1992)** it was held that if the condition requires an approval before a particular date and the developer applies before that date only to receive approval after that date such that no enforcement action could be taken, work done in accordance with the scheme ultimately approved can amount to a start to the development. In **Agrecrest Ltd v Gwynedd County Council [1998]** it was held that where the LPA have agreed development could commence without full compliance with the relevant conditions. In **R v Flintshire County Council Ex p. Somerfield Stores Ltd [1998]** it was held that where the condition had in substance been complied with but the formalities, including the written notice of approval had

not been completed before the works started on the site been submitted to the Council the development may nevertheless be lawful.

Accordingly there is some flexibility in relation to the timing of the discharge of some pre-commencement conditions especially if the Local Planning Authority was generally satisfied with the works carried out and would not consider it expedient to take enforcement action. However in this case the condition needed to have been carried out before the erection of the buildings, before waste was sent to landfill and to now agree and implement the condition is unrealistic.

7 EVALUATION.

7.1 Legal implications

The current application was submitted on 28 September 2012 and the grounds upon which the certificate is sought is that the buildings works are materially different to the consented works and that that they were erected over four years before the date of the application. The purpose of this application is to test whether the evidence submitted supports this on the balance of probability.

7.2 Hierarchy of evidence

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

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

The building works are considered to be materially different to the original consented works. It is concluded with reference to the difference in the scale and description of the buildingworks undertaken, the lack of application to discharge the condition and the period of time since the buildings works were substantially completed, that on the balance of probability, the building works are immune from enforcement action and are lawful.

8. CONCLUSION

It is considered that on the balance of probability the garage/workshop/ancillary annex and the works to raise the roof of the house and extend the house are immune from enforcement action and therefore lawful development under Section 191

9. RECOMMENDATION

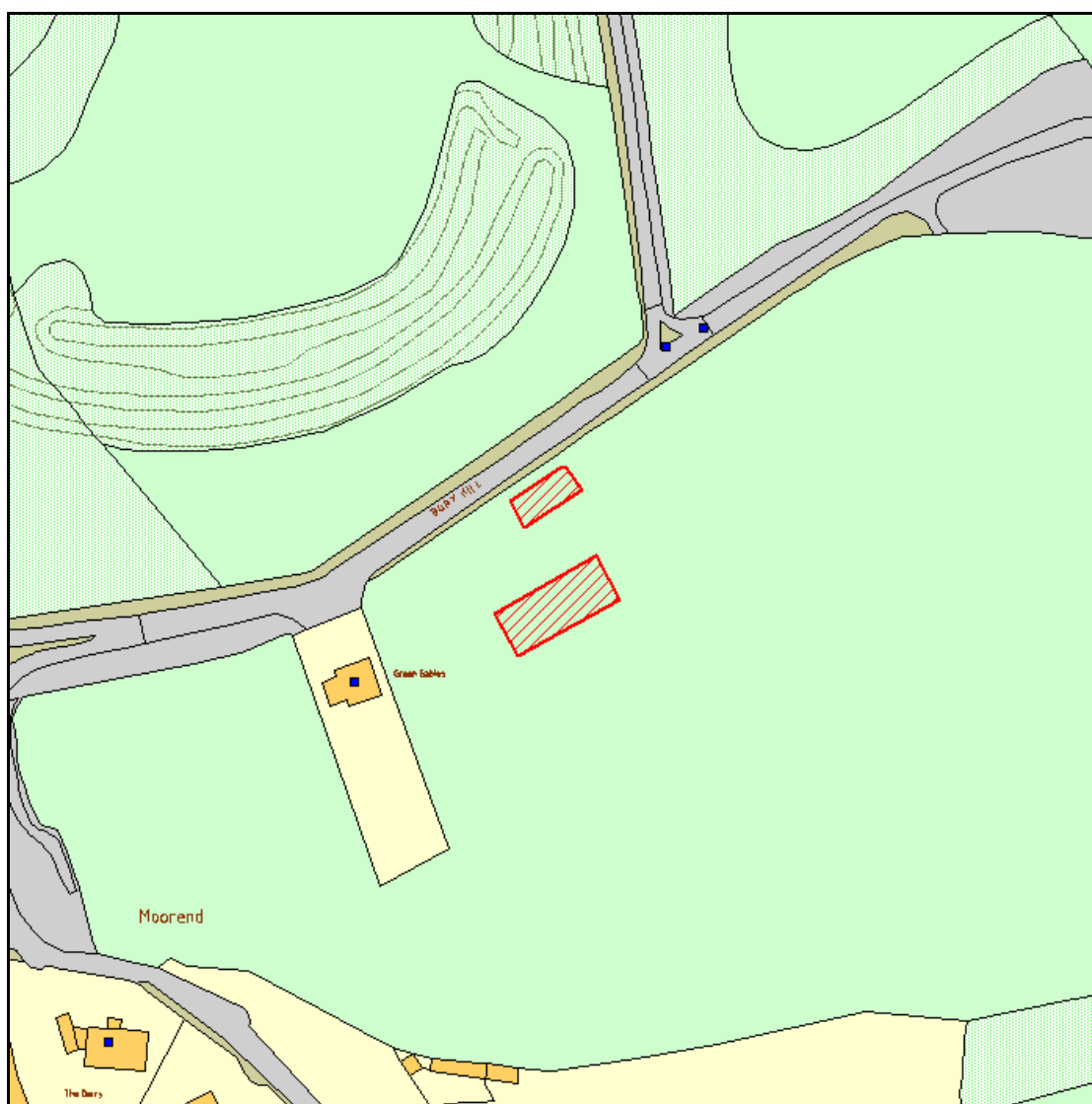
- 9.1 Certificate of lawfulness of existing use to be **GRANTED** for the following reason: -

On the balance of probabilities, the evidence demonstrates that the garage/workshop/ancillary annex and the works to raise the roof of the house and erect side and rear extensions were carried out and were substantially complete more than four years prior to the date of the application.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PT13/0053/F	Applicant:	Mrs R Piggott
Site:	Land at Bury Hill Bury Hill Moorend Bristol South Gloucestershire	Date Reg:	7th February 2013
Proposal:	Construction of horse riding arena with associated 1.4m high (max) boundary fence and erection of stable block and tack room.	Parish:	Winterbourne Parish Council
Map Ref:	365107 178991	Ward:	Winterbourne
Application Category:	Minor	Target Date:	2nd April 2013



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PT13/0053/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as an objection has been received from a member of the public contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a horse riding area with associated 1.3 metre high (max) boundary fence and the erection of a stable block and tack room. The stable building is already in-situ, therefore, the application is partly retrospective.
- 1.2 The application site comprises a rectangular field approximately 8643 square metres of equestrian land located on the southern side of Bury Hill. The site is located within the open Green Belt outside of any defined settlement boundary. An existing access off Bury Hill in the northwestern corner of the site will serve the proposal.
- 1.3 Planning permission was granted under application PT11/2994/F for the change of use of the land to equestrian, the erection of a stable building and the formation of a new access off Bury Hill. The proposal effectively subdivides the field to allow for a separate equestrian use.
- 1.4 Neighbouring occupiers and the Parish Council have been re-consulted on revised plans while the application is on the Circulated Schedule. If any new issues are raised during the re-consultation period the application will be re-circulated to Members.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving a Good Standard of Design in New Development
GB1 Development in the Green Belt
E10 Horse Related Development
T12 Transportation Development Control Policy for New Development
L1 Landscape Protection and Enhancement
L9 Species Protection
L17 & L18 The Water Environment
EP1 Environmental Pollution

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/2994/F, change of use of land from agricultural to mixed use of agriculture and land for the keeping of horses. Erection of stable block with access and associated works, approval, 20/12/11.
- 3.2 PT11/2995/F, change of use of land from agricultural to mixed use of agricultural and land for the keeping of horses. Erection of stable block with associated works, approval, 20/12/11. This application relates to a separate parcel of land to the east that abuts the application site.
- 3.2 PT12/3592/F, erection of stable block, 21/12/12. This application relates to a separate parcel of land directly east of the application site.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 Ecological Officer
No objection subject to a condition relating to an ecological and landscape planting plan.
- 4.3 Tree Officer
No objection
- 4.4 Landscape Officer
No objections
- 4.5 Transportation DC Officer
No objection
- 4.6 British Horse Society
No comments received
- 4.7 Local Residents
One letter of objection has been received from a neighbouring occupier. The following is a summary of the objections received.
- Development has already been granted for stabling adjacent to the site and the proposal will lead to further stabling and associated paraphernalia that will have a cumulative detrimental affect on the character of the area;
 - The proposal will have a detrimental affect on the visual amenity of the area as well as the current view enjoyed by neighbouring occupiers;
 - The proposed ménage will result in less land being available for the grazing of horses;

- The sloped gradient of the land is such that substantial earthworks will be required to level the site and this may adversely affect the drainage of the site and adversely affect the neighbouring property;
- The proposed access track is unnecessary/inappropriate;
- If permission is granted conditions should be applied to restrict commercial usage and the number of horses that can be kept on the land;
- That the access approved under application PT12/359/F should be used exclusively and no new access way or track formed;
- There should be no permanent or overnight storage of horseboxes or vehicles at the site;
- That a drainage scheme be submitted and properly designed to prevent damage to neighbouring property;
- That any buildings granted planning permission should be adequately screened from the road and adjacent buildings;
- That no flood lighting or lighting over and above that referred to in the application be allowed.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

A change of use of the land to equestrian was granted planning permission under application PT11/2994/F. Officers are satisfied that the permission has been implemented. Accordingly, the main issue is to consider whether the proposed stable block and horse-riding arena are appropriate development in the Green Belt.

5.2 The National Planning Policy Framework (NPPF) attaches a great importance to Green Belts and highlights their fundamental purpose of keeping land permanently open. However, the NPPF also states that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation. Accordingly, the NPPF states that the construction of new buildings is inappropriate in the Green Belt with the exception of the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

5.3 This advice is generally reflected in policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006 which only allows for the construction of new buildings for essential facilities for outdoor sport and recreation and other uses which preserve the openness of the Green Belt.

- 5.4 The building in-situ comprises stables for 2no. horses. The applicant has clarified that this is intended to be extended to provide a small tack room/fodder storage area and this is reflected on the plans submitted. The stable building proposed is sufficiently small in scale to fall within the definition of an essential facility for equestrian use. The proposed riding arena will require earthworks to construct, however, the NPPF states that engineering works are appropriate development in the Green Belt provided that they preserve the openness of the Green Belt. Although the riding arena will require earthworks and the construction of retaining walls, these are considered to be relatively minor in scale and will not have a significant adverse affect on the openness of the Green Belt. Accordingly, the principle of the development is acceptable by virtue of policy GB1 of the South Gloucestershire Local Plan (adopted) January 2006.
- 5.5 Policies GB1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006 allow for the principle of the development proposed. The main issues to consider are appearance/form of the proposal and the impact on the character of the area (policies D1, L1 and E10 of the Local Plan; the environmental effects (policies L9 and E10 of the Local Plan); the residential amenity impacts (policy E10 of the Local Plan); and horse welfare (policy E10 of the Local Plan). There are no suitable underused buildings that are suitable for conversion.
- 5.6 Appearance/Form and Impact on Character of the Area
The proposed stable building measures approximately 10.8 metres in width, 3.6 metres in length and 3.6 metres at the apex at ridge height. The building comprises tanalised shiplap cladding, with a black corrugated onduline roof. The building comprises a simple pitched roof form with a projecting front canopy and a solid appearance; with three pedestrian doors and three small windows in the front. This is considered to be the correct approach given the rural context.
- 5.7 The stable building is located in the northeastern corner of the field approximately 50 metres from the vehicular access, which is in the northwestern corner. Accordingly, a long access track is proposed through the field adjacent to the northern boundary. It is normally preferable for the stable buildings to be located close to the access to reduce the need for a long access track cutting through the field; however, in this instance, if the stable building were moved closer to the access there would likely be an unacceptable impact on neighbouring occupiers. Given that the stable building proposed is located adjacent to existing built form, and the access track is tucked tight to the northern boundary, it is not considered that there will be a significant adverse affect on the visual amenity of the landscape. The design and access statement specifies that the access track will be formed by two strips of natural stone 60 cm in width; the applicant has submitted a revised block plan to reflect this. It is considered that this is a simple and traditional approach, which will not appear adversely out of keeping with the rural context.
- 5.8 The proposed riding/turnout arena measures approximately 20 metres in length and 40 metres in width. The site slopes gently to the south and east, therefore, earthworks will be required to level the ground. However, the applicant has

indicated that the earthworks required will be relatively small in scale and excavated earth will be reused to re-grade the land rather than being removed from the site. The applicant has proposed low wooden retaining walls around the sides of the arena and the re-grading of land around the edge of the arena to ensure that it acceptably merges in with the natural slope of the field. Weight is given to the fact that the Council's Landscape Officer has raised no objections to the proposed development, and it is considered that there will not be a significant adverse affect on the character of the landscape.

- 5.9 Officers consider that the erection of the turnout and riding arena will not have a significant adverse impact on the character of the wider landscape due to topography and existing vegetation in the area. It will however, be prominent from views from Bury Hill and occupiers of the neighbouring property adjacent to the field. Accordingly, to preserve the visual amenity of the area, a robust planting scheme of native trees and shrubs is required. The landscape plan submitted shows a mixed native hedge along the northern, eastern and part of the western boundary. The plan demonstrates that the hedge will comprise a mix of 25% Hawthorn, 25% Blackthorn, 10% Hazel, 10% Field Maple, 10% Dogwood, 10% Spindle, 10% Wayfaring. The applicant specifies that all plants will be protected from horses by mains powered electric rope and the use of spiral whip and tree guards. The proposed planting is considered to be acceptable, and if permission is granted, a condition is recommended to ensure that it is implemented. Accordingly, it is not considered that the proposal will have a significant adverse affect on the character or visual amenity of the area.
- 5.10 Concerns have been raised with regards to the cumulative affect of the equestrian use proposed especially as there are already two separate equestrian uses on land immediately to the east of the application site. Whilst it is noted that these changes of use applications have altered the character of the immediate area somewhat, it is important to achieve a balance in terms of providing opportunities for outdoor sport and recreation in the countryside and protecting the visual amenity of the area to accord with guidance contained in the National Planning Policy Framework. In the current application, and previous applications, robust planting schemes were submitted to mitigate against the development to help screen views of built form and to improve the visual amenity of the area. Provided that the development is carried out in accordance with the planting scheme submitted, it is not considered that there will be a significantly adversely harmful impact on the character and visual amenity of the area. The Council's Enforcement Team will be requested to investigate whether the planting schemes accepted in previously approved applications for equestrian use have been implemented.
- 5.11 Residential Amenity
The main impact of the proposal is on the occupiers of the property Green Gables, which is located directly to the west of the application site. Accordingly, careful consideration is required with regards to the impacts on occupiers.
- 5.12 The block plan submitted demonstrates that the stables and muckheap will be no closer than approximately 30 metres from the neighbouring boundary. This is considered to be a reasonable distance to ensure that neighbouring occupiers are not significantly adversely affected through noise or smells. The

proposed turnout/riding arena is approximately 22 metres from the neighbouring boundary at the closest point. As shown on the block plan submitted. Although the arena will allow for more intensive use of the site for exercising horses, given that the stables proposed are for 2no. horses, and provided that conditions are applied to ensure that the site is only used for private use and for no business purposes, it is not considered that there will be a significant adverse affect on the residential amenity of neighbouring occupiers through noise or disturbance. The applicant has proposed the planting of a number of Cherry trees on the western side of the riding arena, along with random whips at 1 metre intervals consisting of a mix of 50% Hawthorn, 25% Hazel and 25% Field Maple. It is considered that the planting will help to mitigate against any visual and noise impacts of the arena on neighbouring occupiers. If permission is granted, conditions are recommended to restrict floodlighting in the interests of the amenity of neighbouring occupiers and to control hours of construction for the arena. Whilst the concerns of the neighbouring occupiers are noted, it is not considered that the proposal will have a significant adverse affect on the residential amenity of neighbouring occupiers through loss of privacy or natural light, or through noise or disturbance.

5.13 Transportation

Subject to a condition to ensure that the riding arena and stable block can only be used for private use, it is not considered that there will be a significant increase in vehicular traffic to the detriment of local highway conditions and the access proposed is adequate to serve the proposal. Weight is given to the fact that no objections have been raised by the Council's Transportation Officer. An objection has been received on the basis that the proposal should utilise the access that was formed under application PT11/2994/F. However, the Local Planning Authority cannot insist on the use of this access, and can only consider the plans that are submitted on their own merits. The comments of the Highway Authority hold significant weight when considering transportation impacts and accordingly, the access is considered to be appropriate to serve the site for private use.

5.14 Environmental Issues

It is not considered that any trees that make a significant contribution to the character of the area will be adversely affected by the development proposed.

- 5.15 The application site forms part of a large intensive agricultural field (improved grassland) of low conservation value. The field already has permission for a change of use from agricultural land to mixed use including the keeping of horses.

- 5.16 Paragraph 118 of the National Planning Policy Framework states that:-
'Opportunities to incorporate biodiversity in and around developments should be encouraged'.

- 5.17 The South Gloucestershire Biodiversity Action Plan (BAP) lists a range of species and habitats for which the Council will require developers to take measures to safeguard and enhance within planning applications (where appropriate).

5.18 This application can directly contribute towards the BAP by planting new species-rich hedges of mixed native shrub species. The revised block plan submitted shows that several new lengths of hedge will be planted, and includes details of the component native species and the percentage mix. The block plan indicates that the new hedges will consist of seven species. Accordingly, the proposed hedges can be considered to be species-rich and will make a positive contribution on the ecology of the site.

5.19 Horse Welfare

The area of the field is approximately 2 acres. Therefore, notwithstanding the riding arena, it is considered that there is adequate land available for the grazing and exercising of two horses. The size and design of the stables generally accords with British Horse Society guidelines and will provide an adequate degree of comfort to horses.

5.20 Drainage

If planning permission is granted a condition is recommended in relation to the riding arena to ensure that full drainage details are submitted to ensure adequate disposal of surface water.

6. CONCLUSION

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

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

The principle of the development is acceptable by virtue of policies GB1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal is considered to be acceptably in-keeping with the character of the surrounding built form; a robust planting scheme has been submitted, which will help to screen views of the proposed development from the surrounding area. Accordingly, it is concluded that on balance, there will not be a significant adverse affect on the character or visual amenity of the surrounding area and landscape. The proposal therefore, accords with policies D1, L1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The concerns of neighbouring occupiers are noted, however, it is concluded that the proposal will not have a significant adverse residential amenity impact through loss of natural light, privacy, noise or disruption. The proposal therefore, accords with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal will not bring about any significant adverse transportation issues and accords with policies T12 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal acceptably takes into consideration the welfare of horses and accords with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006.

The proposal involves the planting of species rich hedges, which will have a positive affect on the ecology of the site. The proposal therefore, accords with policies L9 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

1. Prior to the construction of the riding arena hereby approved 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, L8 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The development shall be carried out in accordance with the approved block plan received by the Council on 8th May 2013 within the next planting season. (For the avoidance of doubt the planting season is between November and March).

Reason

In the interests of the character and visual amenity of the area and to accord with policies D1, L1, L9 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

3. There shall be no floodlighting at the site.

Reason

In the interests of the residential amenity of neighbouring occupiers and the visual amenity of the area and to accord with policies E10 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

4. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday 07:30 -18:00

Saturday 08:00 - 13:00

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

In the interests of the residential amenity of neighbouring occupiers and to accord with policy E10 of the South Gloucestershire Local Plan (adopted) January 2006.

5. The number of horses kept on the site edged in red shall not exceed 2.

Reason

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

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

Reason

In the interests of the visual amenity of the area, the residential amenity of neighbouring occupiers and highway safety and to accord with policies D1, L1, E10 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

7. No fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land other than those shown in the submitted plans.

Reason

To protect the character and appearance of the area and to accord with policies L1 and E10 of the South Gloucestershire Local Plan (adopted) January 2006.

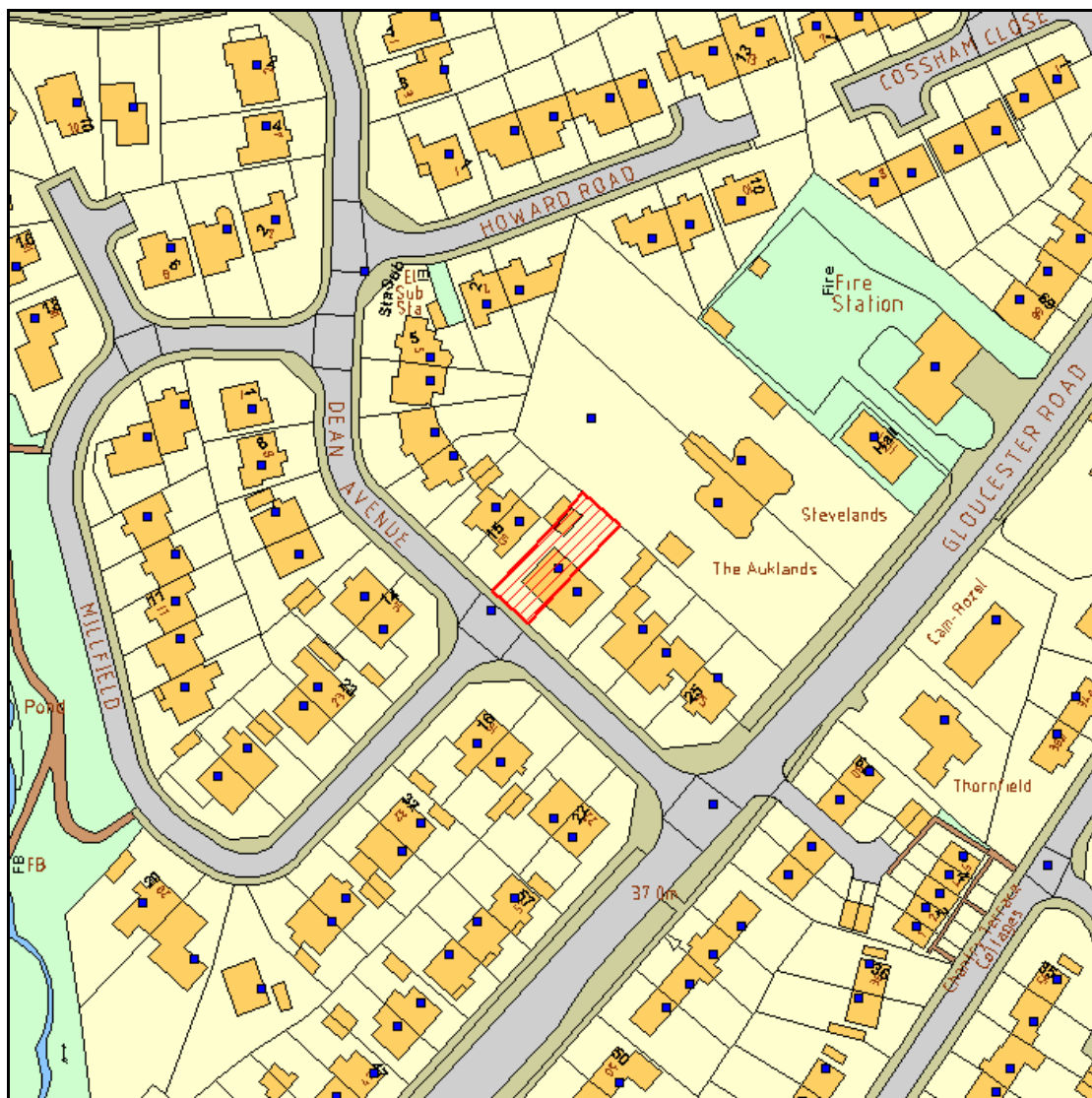
8. No more than one horse box shall be kept in the stable yard. No van bodies and portable buildings or other vehicles shall be kept on the land at any time other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area, and to accord with policy E10 and L1 of the South Gloucestershire Local Plan (adopted) January 2006.

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PT13/1103/F	Applicant:	Mr W Flack
Site:	17 Dean Avenue Thornbury Bristol South Gloucestershire BS35 1JJ	Date Reg:	9th April 2013
Proposal:	Erection of two storey and single storey rear extension to form additional living accommodation, and the erection of a single storey side and rear extension to form an attached garage.	Parish:	Thornbury Town Council
Map Ref:	364122 190751	Ward:	Thornbury North
Application Category:	Householder	Target Date:	30th May 2013



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 100023410, 2008. **N.T.S.** **PT13/1103/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a double and single storey rear extension to form additional living accommodation, and a single storey rear and side extension to form an attached garage.
- 1.2 The application relates to a semi-detached bungalow situated within an established residential area of Thornbury.
- 1.3 During the course of the application revised plans were submitted in response to concerns raised relating to the impact of the proposal on the attached neighbouring dwelling. Revised plans were received 7th May 2013. A re-consultation period of 7 days was undertaken. Further revised plans were submitted on 13th May 2013 in response to concerns raised over the boundary line between number 17 and 19 Dean Avenue. A re-consultation period was not undertaken for these plans, as there was no fundamental change in the proposal.

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
H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection
- 4.2 Office for Nuclear Regulation
No comment

4.3 Wessex Water

It appears that development proposals will affect an existing public sewer. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

4.4 Highway Drainage

No objection subject to informatives.

4.5 PROW

It does not appear that the proposal will affect the nearest recorded public right of way that runs adjacent to the front of the property.

4.6 Local Residents

Two Letters of objection were received in relation to the original (superseded) plans. The concerns are outlined as follows:

- Negative visual impact and inappropriate design.
- Overbearing design – volume, massing, height.
- Application would set a precedent for future applications.
- Loss of daylight and overshadowing – to garden and windows.
- Overpowering impact.
- Party wall and boundary issues.
- Plans do not show adjoining neighbouring property.
- Maintenance and construction issues.

4.7 Three letters of objection have been received in relation to the revised plans (received 7th May 2013). The concerns are outlined as follows:

- Revised plans positively respond to several previous concerns – overbearing impact and loss of daylight would reduce.
- There would still be overshadowing to number 19.
- Non- compliance with South Gloucestershire information requirements – insufficient information relating to boundary lines and relationship to neighbouring property.
- Party wall and boundary issue – throughout construction and afterwards.
- Foundations of buildings – boundary issues.
- Request that side elevation next to number 19 is built in fair-faced brickwork.
- Access requirements for building and maintenance.
- Drawing error – proposed elevations – alignment of guttering and fascias.
- Noise and disturbance from use of internal rooms – in particular the kitchen.
- Noise and pollution from construction.
- Affect of construction on health of owners.
- Loss of privacy to the rear garden of ‘The Aucklands’.
- Location of sewerage pipe.
- Height of garage – unsightly and imposing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single and double storey rear extension to form additional living accommodation, and a single storey rear and side extension to form an attached garage. Policy H4 of the South

Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways, and design.

5.2 Residential Amenity

The application relates to a semi-detached residential dwelling situated within an established residential area of Thornbury. The side is attached to number 19 Dean Avenue via the southeast boundary wall. A 1.8 metre fence divides the two properties. The rear of the site is adjacent to the southern boundary of 'The Aucklands'. The existing dwelling has an eaves height of 2.7 metres, and a maximum height of 6.2 metres.

5.3 The original proposal for the site incorporated a double storey and single storey rear extension located on the southeast boundary line to number 19 Dean Avenue. Officers raised concern to this proposal concluding that it would have an overbearing impact on the adjoining property, to the detriment of their residential amenity. In response revised plans were submitted on 7th May 2013. Further revised plans were submitted on 13th May 2013 in response to concerns raised over the boundary line between number 17 and 19 Dean Avenue.

5.4 The revised scheme proposes a double storey extension located centrally on the rear elevation of the dwelling with single storey elements on either side. The single storey extension would adjoin the proposed attached garage on the northwest boundary. The double storey extension has been reduced from the original submission by a depth of 0.4 metres, and the single storey extension has been reduced in depth by 1 metre. The revised design also incorporates a hipped roof to both elements, and a reduction in ridge height. The proposal therefore seeks permission for the erection of a double storey extension with a maximum height of 6.05 metres, a width of 3.8 metres, and a maximum depth from the existing roof plain of 4.3 metres. The double storey extension would extend beyond the existing rear elevation wall by 1 metre. The single storey rear extensions either side of the double storey element would have a depth of 3 metres, a combined width of 6.75 metres, and a maximum height of 3.7 metres with a hipped roof. The single storey extension would be inset from the boundary of number 19 Dean Avenue by 0.25 metres. The proposed garage to the northwest elevation of the dwelling would have a depth of 6.5 metres, a width of 3.2 metres, and a maximum height of 3.75 metres. The garage would be located adjacent to the boundary of number 15 Dean Avenue.

5.5 Overbearing Analysis

In terms of overbearing impact it is considered that the revised plans have responded to Officer concerns raised in relation to the location of the double storey extension, which was originally situated on the boundary line between the two properties. The double storey extension would be inset from the boundary by 1.5 metres and would extend beyond the rear elevation wall by only 1 metre. The revised scheme incorporates a hipped roof, which reduces some of the bulk and massing in terms of maximum ridge height forward of the rear wall elevation. It is therefore considered that the revised proposal would not have a significant overbearing impact on the rear windows and dormer of number 19 Dean Avenue to the detriment of their residential amenity. With

regard to the single storey extension the depth has been reduced to a maximum of 3 metres from the existing rear wall, and includes a hipped roof. The eaves height on the boundary line is 2.5 metres, with a maximum ridge height of 3.7 metres meeting the central double storey extension. It is considered that the single storey extension would not have an overbearing impact on the attached neighbouring dwelling.

The proposed garage, situated on the northwest boundary of the site has a maximum height of 3.75 metres. The southeast elevation of number 15 Dean Avenue does not have any habitable windows, and the proposed garage would be adjacent to the existing driveway of number 15. As such the proposal is not considered to have an overbearing impact on the residential amenity of the occupants of number 15.

5.6 Loss of light analysis

In terms of loss of light it is acknowledged that the proposal would result in some loss of light to the rear gardens of the neighbouring dwellings, however, given the orientation of the properties it is considered that this would not be detrimental to their residential amenity. The rear of the application site faces northeast and the proposal does not extend beyond the maximum ridge height of the existing dwelling. As such the proposal is unlikely to significantly affect midday sunlight. The proposal would therefore only affect sunlight to the rear garden of number 19 Dean Avenue for a limited period in the afternoon when the sun is low in the sky. In early morning some additional shadowing will occur to the side elevation of number 15 Dean Avenue, however this would not affect any habitable windows. The proposal is therefore not considered to result in a significant loss of light to the detriment of residential amenity.

5.7 Privacy

In terms of privacy the proposal does not have any windows on the side elevations and as such would not have a direct line of sight to the two neighbouring dwellings at the sides of the site. This will be secured through the use of a condition attached to the decision notice. In terms of privacy to the rear of the site the proposal would result in an additional window at first floor level. It is acknowledged that this would result in some overlooking to the rear garden of 'The Aucklands' and the amenity space associated with the new dwellings at the rear and side of 'The Aucklands' (approved under application references PT11/3802/F and PT10/0770/F), which are located approximately 12 metres from the rear elevation of the proposal. There would not, however, be a direct line of vision between habitable windows. In this context the level of overlooking to the neighbouring dwellings at the rear of the site is not considered significant and as such would not warrant a refusal.

5.8 Private Amenity

The proposal would result in the loss of some private amenity space at the rear of the site. However, the existing garage would be removed as a result of the proposal providing some additional amenity space. Whilst the loss of private amenity space is undesirable it is considered that adequate private amenity space would remain to serve the host dwelling.

5.9 Highways

The existing site has a hardstanding driveway with space for two cars, and a detached garage at the rear of the site. The application proposes to remove the existing garage and erect an attached garage at the side of the dwelling in place of part of the existing hardstanding. The site would therefore have two off street parking spaces within the curtilage of the site to serve a three-bedroom dwelling. This level of parking provision is in accordance with the Council's minimum parking standards dictated by the South Gloucestershire Residential Parking SPD (Adopted) 2013 and is therefore considered acceptable.

5.10 Design

The application site consists of a semi-detached bungalow with a tiled pitched roof constructed in a mix of buff brick and render. The existing bungalow has a high ridgeline when compared to the existing eaves height. The site is representative of the character of the locality. The proposal is for a double storey and single storey rear extension, and a single storey rear and side garage. The rear extensions are located centrally against the rear elevation, with a hipped roof constructed and in materials to match the existing dwelling. Whilst the design of the rear extensions are slightly unorthodox when compared to the character of the existing dwelling, it is acknowledged that this has occurred in order to alleviate the impact of the proposal on the neighbouring property. The rear extensions would not be highly visible in the street scene and therefore would not detract from the character or distinctiveness of the locality. The rear extensions are considered acceptable in terms of scale and proportions.

5.11 The proposed attached garage to the side and rear of the dwelling would be set back from the front elevation of the dwelling by 6.85 metres with a width of 3.1 metres and a maximum height of 4 metres. The garage would be constructed in buff brick to match the existing and would have a pitched tiled roof. It is considered that the proposed garage would remain subservient to the original dwelling and materials and design detailing have been informed by and respect the character of the site and the locality. As such the design of the proposal is considered acceptable in terms of policies D1 and H4 of the adopted Local Plan.

5.12 Other Matters

Local residents have raised a number of additional concerns during the consultation periods for the application. Matters that have not been discussed in this report are outlined as follows:

5.13 Boundary Issues

Matters relating to boundaries are not a material consideration of a planning decision and as such have not been given any weight in granting this decision. The applicant has responded to concerns relating to party walls between numbers 17 and 19 by revising the scheme (plans received 13th May 2013) to ensure that all development is within the site boundary. Similarly disputes relating to access for construction and maintenance are a civil matter and as such are not considered as part of this application. The applicant has responded to the request for brickwork facing on the side elevation of the

extension adjacent to the attached neighbouring dwelling in the revised drawings received 13th May 2013.

5.14 Noise and Disturbance

The use of internal rooms are not within the control of this planning decision and it would not be reasonable or enforceable to condition this. Matters relating to the internal layout have therefore not carried any weight in this decision. Disturbance from construction is not considered detrimental to residential amenity; however, a construction site informative will be attached to the decision notice as information for the applicant.

5.15 Sewerage and Drainage.

The proximity of a public sewer may affect the layout of the development. Refer the application Wessex Water for determination. Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC.

5.16 Information and Drawing Errors

Concern has been raised that plans submitted provide insufficient information relating to boundary lines and relationship between dwellings. Sufficient information has been submitted with the application to ensure that the Council can determine the application accurately and as such this issue does not affect the planning decision. One letter refers to a drawing error in the proposed elevations. Officers do not raise any concerns relating to the accuracy of drawings submitted and as such have not requested any additional information for this matter.

6. CONCLUSION

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

6.2 The proposal has been considered in terms of its impact on the residential amenity of neighbouring dwellings and it is considered that the proposed extensions would not have a significant impact in terms of loss of light or overbearing impact. Subject to a condition restricting the installation of windows on the side elevations of the proposal it is considered that the proposal would not result in a significant loss of mutual privacy. Adequate private amenity space would remain to serve the host dwelling. Accordingly the proposal is considered acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

6.3 The application demonstrates that adequate parking provision would be available within the curtilage of the site to serve a three-bedroom dwelling. The application is therefore in accordance with policy H4 of the adopted Local Plan,

and guidance contained within the South Gloucestershire Residential Parking SPD (Adopted) 2013.

- 6.4 The design of the proposal is considered acceptable on balance and would not detract from the character and distinctiveness of the site and the locality. Materials have been informed by the existing site and, scale, proportions and massing are considered acceptable. Accordingly the proposal is considered acceptable in terms of policies D1 and H4 of the adopted Local Plan.
- 6.5 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

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

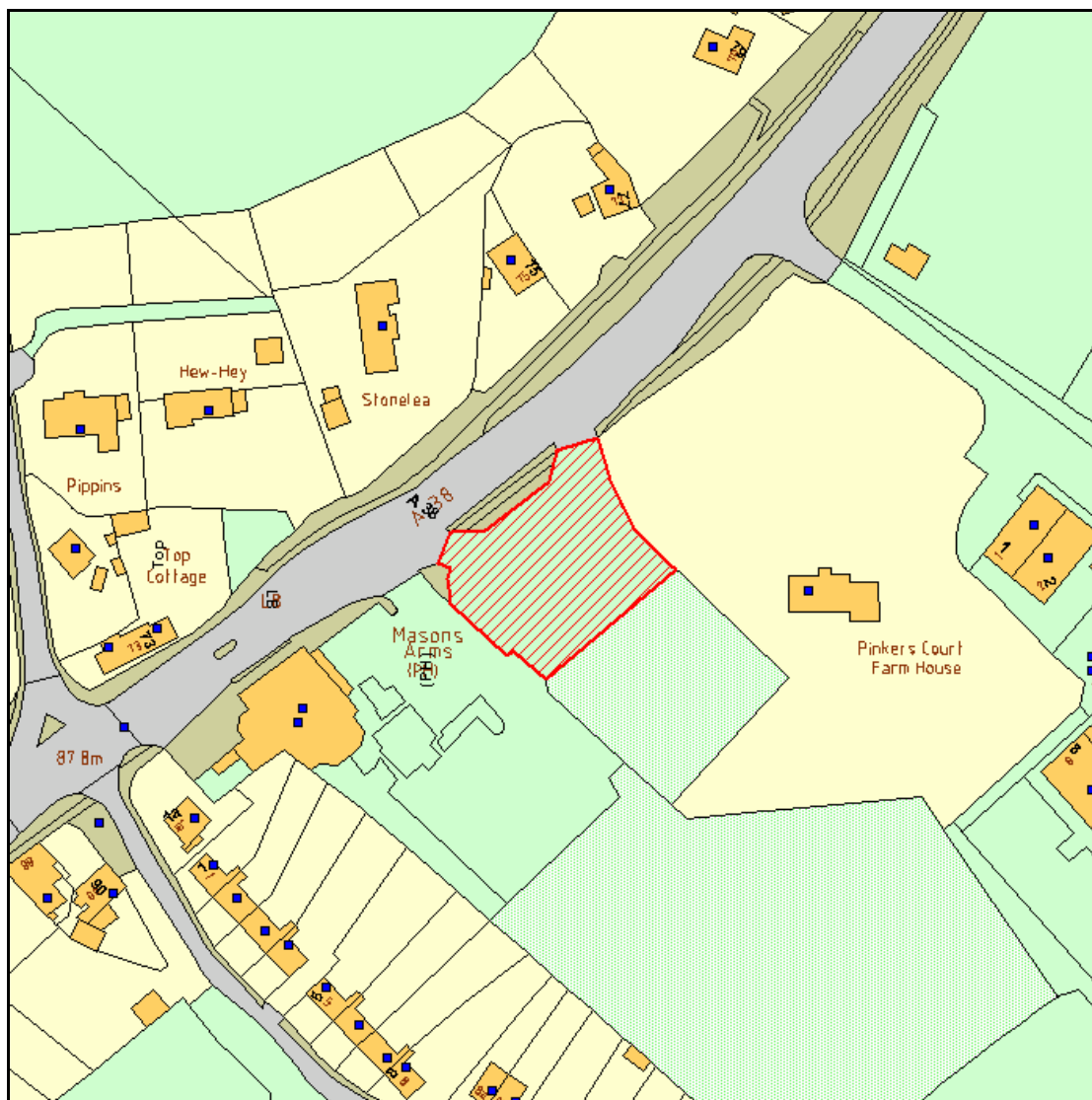
3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

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

CIRCULATED SCHEDULE NO. 20/13 – 17 MAY 2013

App No.:	PT13/1129/F	Applicant:	Bristol Hand Car Wash
Site:	Former Esso Service Station Gloucester Road Rudgeway Bristol South Gloucestershire	Date Reg:	10th April 2013
Proposal:	Change of use of former Service Station (Sui-Generis) to temporary hand car wash facility (Sui-Generis) as defined in Town and Country (Use Classes) Order 1987 (as amended).	Parish:	Alveston Parish Council
Map Ref:	362902 186963	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	3rd June 2013



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PT13/1129/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

Objections have been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of a former petrol station to a hand car wash facility for a temporary period of three years, as stated in the accompanying Design and Access Statement. No buildings remain from the garage and the forecourt has been colonised by scrub. It is bounded at present by a mixture of chain link and wooden fences. The stationing of two portacabins were originally part of the application, but have since been withdrawn from the scheme in order to retain the openness of the Green Belt.
- 1.2 The site stands to the southeastern side of the A38 in Rudgeway, in the Bristol/Bath Green Belt. It extends to 0.13 hectares, is approximately square in shape and benefits from an existing access onto and off the A38. To the north and east of the site, but off it, is a mature conifer tree screen which divides it from the farmhouse and office park. To the south of the site lies the car park for the Mason's Arms public house and then the pub itself. The proposed change of use is predicted to generate 5 full time and two part time jobs.

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
E6 Employment development in the Countryside
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
Development in the Green Belt (adopted 2006)

3. RELEVANT PLANNING HISTORY

- 3.1 P84/1338 Use of part of forecourt for car sales Approved 1984
- 3.2 PT05/2702/O Erection of offices Refused 2005 on Green Belt and highway grounds

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
Objects on the basis that temporary car wash sites are untidy and offer nothing to residents in the immediate area. The site is an eyesore which requires a substantial re-development.

4.2 Other Consultees

Transportation

No objection, since speed limit along this stretch of the A38 was reduced, the accident record has improved. Conditions are required governing exact access arrangements for the site and details of how any pressure washing equipment will operate, to avoid water ending up on the highway.

Environmental Protection

No objection

Other Representations

4.3 Local Residents/ Businesses

Two letter of objection were received, citing the following concerns:

- The application is not valid and a full application is required as the service station use has been abandoned, as established in the officer report for the previous application on this site
- The site lies outside a settlement boundary and the proposal is therefore inappropriate in the Green Belt and a case for very special circumstances needs to be made
- The statement in the Design and Access Statement that noise associated with a petrol station would be much greater than from a hand car wash is not substantiated given the use of pressure washers and vacuum cleaners being run through the weekend. A noise assessment should be required
- The impact of the proposal on traffic access and visibility coinciding with traffic turning right into one of the properties opposite creates a safety hazard
- The design and appearance of the temporary buildings would be out of keeping with the character of the area
- The proposed structures would have a greater impact on the Green Belt, given the lack of a previous use

NB the last two points of objection do not require consideration now that the buildings have been deleted from this proposal.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The site lies in the Green Belt where policy GB1 allows changes of use as long as they would not compromise the openness of the Green Belt. As noted in the introduction, no new structures are proposed as part of this application and therefore the impact of the proposal is not considered to harm the openness of the Green Belt. The NPPF, at paragraph 89 that development in the Green Belt is inappropriate except for (inter alia) the complete redevelopment of previously developed sites (brownfield land) whether redundant or in continuing use... which would not have a greater impact on the openness of the Green Belt and the purpose for including land within it than the existing development. This revised proposal, without the erection of any buildings, is considered to meet this definition of development that is not inappropriate in the Green Belt. Furthermore, given the

current use of the site, this proposed use is not considered to represent an encroachment into the Green Belt to a greater degree than at present. Therefore the proposed development is considered to be acceptable in principle, subject to overcoming the other previous refusal reason for this site which relates to highway safety. The proposal is also appropriately assessed against the provisions of policy E6 of the adopted Local Plan.

Through the consultation process an objection was raised on the grounds that the application is not valid and a full application is required as the service station use has been abandoned, as established in the officer report for the previous application on this site. Whether the previous use of the site has been abandoned is a matter of fact and degree and forms the starting point for this assessment. It is acknowledged that the use has not been ongoing for over 7 years and the removal of the pumps and buildings suggest that it is not intended to recommence. However, it is understood that the tanks under the forecourt are still in place and on that basis, the use of the site as a petrol filling station is not considered to have been abandoned, as it could be recommenced through the relatively straightforward re-introduction of pumps and a sales kiosk. In any event, a full planning application has been submitted and this report makes an assessment of the proposal. In addition to this, no intervening use has taken place on the site and the period claimed for abandonment is only 7 years. Paragraph 89 of the NPPF, mentioned at 5.1 above, makes clear that changes of use in the Green Belt can be acceptable in certain conditions whether they replace a redundant or a continuing use. In this instance it is considered that the use of the site as a petrol filling station, as a matter of fact and degree, the evidence points to the use not having been abandoned. The use of the site as a petrol filling station is therefore taken as the base position against which this proposal will be analysed.

5.2 Transportation

Whilst Sustainable Transportation originally requested a Road Safety Audit, they have since undertaken a full review of available accident data from a period that coincided with the operation of a petrol station on the application site. The findings of this accident data review show that between the 1st Jan 1990 and the 26th March 2013 there were 9 accidents in the vicinity of the site. Of these, 3 may have been associated with insufficiencies of local accesses to cater for local traffic speeds. However, since the local speed limit was reduced to 40MPH, there have been no accidents resulting from insufficiencies of access design. The speed limit was reduced during the operation of the petrol station and there have been no such incidences, save for a driver blacking out, since the 14th September 2000.

Taking into account this accident record, it is considered that, with a similar vehicular use of the site, such as a car wash facility, there would be no greater likelihood to generate more accidents than the previous petrol station, which generated none following the implementation of the new speed restrictions. In this regard, Transportation Development Control have not raised an objection to the proposals subject to the conditions shown below governing water entering the road and details of the exact operation of the vehicle flows on site. Subject to these controls it is considered that the proposal accords with policies T12 and E6 and would not lead to a highway safety hazard.

5.3 Impact on Residential Amenity

The consultation process raised the issue over noise from the site, in relation to noise generation from the previous use, as a petrol filling station, suggesting that a noise assessment should be required. It is important to take the site's context into account in this regard. The nearest residential properties are on the opposite side of the A38, a relatively busy road and a noise source in its own right by virtue of passing traffic. Next to the site is a public house, with a car park and beer garden. These factors are considered to lead to a level of background noise against which the impact of the proposed change of use would have to be judged. It is not considered proportionate to require a noise report to assess whether the occasional use of a pressure washer would lead to noise generation above background levels, let alone significantly above background. It is considered that the proposed change of use would not have a detrimental impact on existing levels of residential amenity through noise generation or any other factor. Furthermore, a condition below limits the operation of the car wash use between the hours of 0900 and 1900 on a daily basis, with shortened hours on Sundays and Bank Holidays. The proposal is considered to accord with policy E6 in this regard.

5.4 Other Issues

It should be noted that the proposal would bring with it not only an economically productive use for the site, but also would create jobs, claimed on the application form to be 5 full time and 2 part time positions. The economic benefits of this are considered to weigh in favour of permitting the proposal.

The Parish objected to the untidy nature of a car wash use. However, no details have been submitted or are required, other than by condition shown below, of the proposed change of use of the land. Should it prove untidy to an unacceptable degree, it is open to the Local Planning Authority to serve a Section 215 'tidy up' Notice. It has also been advanced that the use offers nothing to residents in the immediate area. It is considered to offer the services applied for under this change of use application. It was also mentioned that the site is an eyesore which requires a substantial re-development. This application can only be judged on its own merits, however. In that context it is acknowledged that the proposal would bring a redundant site back into use and create jobs. In addition to this, if planning permission were not to be approved, the site would remain as an 'eyesore', becoming more overgrown than it is at present.

Finally, it was raised that the site lies outside a settlement boundary and the proposal is therefore inappropriate in the Green Belt and a case for very special circumstances needs to be made. Again, paragraph 89 of the NPPF refers. The proposal would not have an adverse effect on the openness of the Green Belt and therefore is not contrary to Green Belt policy in principle, regardless of its location in the open countryside.

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 This proposal would bring a disused site back into positive economic use, creating jobs in the process. The development would have no detrimental impact on the Green Belt, residential amenity or highway safety issues and accords with policies GB1, E6 and T12 of the adopted South Gloucestershire Local Plan.

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

7. RECOMMENDATION

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

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

2. The use hereby permitted shall be discontinued and the land restored to its former condition on or before 1 June 2016 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

A temporary permission was applied for and the three year period will allow for the opportunity to discover if the use has any unforeseen impacts prior to the submission of any further application.

3. The proposed use shall not be implemented until full details of proposals to remove spray from the wash area encroaching onto the adjacent highway have been submitted to the Local Planning Authority for approval in writing. The agreed details shall be implemented in full in accordance with the approved details and thereafter retained for the duration of the approved use.

Reason: To ensure that car wash spray does not impact upon the safety of highway users and to accord with policy T12 of the adopted South Gloucestershire Local Plan.

4. Notwithstanding the submitted details, prior to commencement of development full details of an ingress and egress strategy, incorporating appropriate signage details, shall be submitted to and approved in writing by the Local Planning Authority. Prior to the use commencing, the ingress and egress shall be

allocated, marked out and signed as agreed and thereafter retained for the duration of the use.

Reason: To ensure that driver confusion is avoided in the interests of highway safety and to accord with policy T12 of the adopted South Gloucestershire Local Plan.

5. 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 4 (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 prevent later buildings being erected on site in order to preserve the openness of the Green Belt and to accord with policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The use hereby permitted shall not be open to customers outside the following times 0900 to 1900 from Mondays to Saturdays and 1000 to 1700 on Sundays and Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) January 2006.