



**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. 21/13**

**Date to Members: 24/05/13**

**Member's Deadline: 31/05/13 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail you 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**

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 4.30pm on</b>
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 21/13 – 24 MAY 2013

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK13/0524/F	Approve with Conditions	Captains Farm Hall End Lane Wickwar Wotton Under Edge South Gloucestershire GL12 8PD	Ladden Brook	Wickwar Parish Council
2	PK13/1160/CLP	Approve with Conditions	26 Hayward Road Staple Hill Bristol South Gloucestershire	Staple Hill	None
3	PT12/3513/RVC	Approve with Conditions	Sundayhill Lane Falfield Wooton Under Edge South Gloucestershire GL12 8BX GL13	Severn	Rockhampton Parish Council
4	PT12/3724/F	Approve with Conditions	H M Prison Leyhill Tortworth Road Tortworth South Gloucestershire GL12 8BT	Charfield	Cromhall Parish Council
5	PT13/0404/O	Approve with Conditions	Kennels Cedar Lodge Charlton Common Bentry Bristol South Gloucestershire BS10 6LB	Patchway	Almondsbury Parish Council
6	PT13/0719/MW	Approve with Conditions	Sevenside Energy Recovery Centre Severn Road Hallen Bristol South Gloucestershire	Almondsbury	Almondsbury Parish Council
7	PT13/0769/F	Refusal	The Meal House Myrtle Farm Oldbury Naite Oldbury On Severn Bristol South Gloucestershire BS35 1RU	Severn	Oldbury-on-Severn Parish Council
8	PT13/1110/F	Approve with Conditions	57C High Street Winterbourne Bristol South Gloucestershire BS36 1RA	Winterbourne	Winterbourne Parish Council
9	PT13/1181/F	Approve with Conditions	Land Adjoining Lavinia 46 Footes Lane Frampton Cotterell Bristol South Gloucestershire	Frampton Cotterell	Frampton Cotterell Parish Council
10	PT13/1273/CLP	Approve with Conditions	8 Beach Avenue Severn Beach Bristol South Gloucestershire BS35 4PB	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
11	PT13/1379/F	Approve with Conditions	9 Bourne Close Winterbourne Bristol South Gloucestershire BS36 1PJ	Winterbourne	Winterbourne Parish Council

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PK13/0524/F	<b>Applicant:</b>	Mr And Mrs Martin Perry
<b>Site:</b>	Captains Farm Hall End Lane Wickwar Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	6th March 2013
<b>Proposal:</b>	Erection of agricultural building, 2 metre high gates and boundary fence. Construction of hardstanding for use in connection with the agricultural building (Retrospective)	<b>Parish:</b>	Wickwar Parish Council
<b>Map Ref:</b>	370822 186903	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th April 2013



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 100023410, 2008. **N.T.S.** **PK13/0524/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning consent for the erection of an agricultural building and associated 2m high gates, boundary fence and hard-standing at Captains Farm, Hall End Lane, Wickwar. All of the works have been completed and in this respect the application is retrospective. The site lies in open countryside but is not in the Green Belt.
- 1.2 The agricultural building is located at the end of a driveway in the south-western corner of the agricultural unit. The farm house and cottages lie to the west and south-west and are accessed via a long track off Hall End Lane. A railway line lies immediately to the north-west of the site. Within the residential curtilage of the Farm House lies a recently constructed residential annexe.
- 1.3 The 2m high metal gates and associated stone piers have been erected at the end of a track and area of hard-standing (off the main access) which leads to the agricultural building. The 2m high close boarded fence runs from the new gates, along the north-western boundary of the site with the main access track.
- 1.4 It is acknowledged that the agricultural building has been the subject of unauthorised uses and that the Council's Enforcement Officer has this matter in hand. Notwithstanding these uses, the application must be determined on its individual merits and if approved, any subsequent unauthorised uses would be open to enforcement action. It should however be noted that the applicant's agent has confirmed in writing that the building is to be used for the storage of a tractor and agricultural implements.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework (NPPF) March 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) 6th January 2006

D1	-	Design
L1	-	Landscape Protection and Enhancement
L17 & L18	-	The Water Environment
EP1	-	Environmental Pollution
EP2	-	Flood Risk and Development
T12	-	Transportation
E9	-	Agricultural Development

- 2.3 South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 - High Quality Design  
CS34 - Rural Areas
- 2.4 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (SPD) – Adopted August 2007

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

- 3.1 PK07/3414/F - Erection of rear conservatory (Retrospective)  
Approved 9 Jan. 2008
- 3.2 PK08/2934/F - Erection of two-storey side extension to form additional living accommodation.  
Approved 17 Dec. 2008
- 3.3 PK11/1013/PNA - Prior Notification of the intention to erect an agricultural building for the storage of hay and agricultural machinery.  
No objection 27<sup>th</sup> April 2011

#### Enforcement

- 3.4 COM/12/0813/OD - Erection of bungalow with hard-standing for 20 cars enclosed by 6ft fencing with pillars. This hidden by 15ft bund. Further hard-standing in another field with businesses in operation. Further bunds appearing and boundary to property have moved.  
Status – Pending Consideration

### **4. CONSULTATION RESPONSES**

- 4.1 Wickwar Parish Council  
Wickwar Parish Council objects to this application on the grounds that building of the agricultural building, hard-standing and track leading to the barn is not where the original application was intended. It also appears that boundaries have been moved to accommodate the new barn and other buildings.

It has also been brought to the attention of the Council that this is not for agricultural use and the farm is not used for farming purposes but for other business use.

- 4.2 Highway Drainage  
No objection subject to a SUDS Drainage Scheme.

- 4.3 Sustainable Transport  
On the basis that the proposed building will form an agricultural use as proposed and that it will be intrinsically linked to the agricultural use at Captains Farm, Transportation Development Control raises no objection. Within this recommendation is the consideration of the location of the gates and large vehicle turning areas, which both appear to be adequate.

## **Other Representations**

- 4.4 Local Residents/ Land Owners  
No responses

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

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

- 5.3 Policy E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the erection of agricultural buildings subject to the following criteria:

- A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available; and
- B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard; and
- C. Development would not have unacceptable environmental effects; and
- D. The proposal would not prejudice the amenities of people residing in the area.

- 5.4 Also of relevance is Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the Core Strategy which seek to secure good designs in new development. Local Plan Policy L1 seeks to conserve and enhance the quality and amenity of the landscape.

### 5.5 The Agricultural Building

The building has a utilitarian appearance, fairly typical of agricultural buildings in the countryside. The building is of a modest size having a floor area of only 42sq.m., with eaves at 3.35m and the ridge height of the low pitched roof set at 4.1m. The building is clad in profiled sheeting which it is understood have recently been painted green to assist the buildings incorporation into the landscape.



- 5.6 The building has been erected on agricultural land outside of the residential curtilage of the Farm House and associated annexe. A larger agricultural building, to be located in the field between the main access and railway line, was granted under the Prior Notification Process but this building has not yet been erected; when it is erected it is intended that it will be used for hay storage. The applicant's agent has confirmed this in writing and has also stated that the NFU have advised the applicant to keep tractors etc. in a separate building to the hay, hence the need for the second building.
- 5.7 Whilst the main track is shared, The Agricultural Building has a separate access off the track off the main track, with its own manoeuvring area on the hard-standing areas.
- 5.8 Although located adjacent to the residential elements of the farm complex, this arrangement is commonplace in farmsteads. Provided that the building is used for the purposes intended, officers do not consider that there would be any significant adverse environmental impact or adverse impact on residential amenity. On balance therefore the criteria listed under Policy E9 are considered to be satisfied.
- 5.9 Gates, Fence and Hard-Standing  
The gates and associated piers have been erected at the entrance to the access and hard-standing areas associated with the agricultural building. The gates are somewhat domestic and urban in appearance but there are similar examples to be found within rural locations. The location of the site is relatively isolated and to some extent the gates are partially screened from view by the existing fence and an earth bund. Viewed from a distance against the backdrop of the adjacent residential dwellings, the gates are considered acceptable in design and landscape terms.
- 5.10 The 2m high close board fence serves mainly the existing dwelling and provides screening from the adjacent railway line. In total the fence is 54m long with 16m of that length bounding the hard-standing area that has been created on the agricultural land, behind the new gates. Officers consider that the fence forms a tidy enough boundary treatment that serves its purpose well and creates an adequate sense of enclosure of the site when viewed from the railway track. Given its location, scale, design and orientation, the fence is not so prominent or unsightly in the rural landscape as to justify refusal of planning permission.
- 5.11 The areas of hard-standing provide the new access track to the agricultural building and manoeuvring areas for the tractor and agricultural machinery to be stored therein. The submitted Design and Access Statement also states that the access will assist with vehicle access for the emptying of the existing dwellings' septic tank, which is shown on the plans located within the residential curtilage between the agricultural building and the Farm House.
- 5.12 The new track and hard-standing areas are bounded to the south-west by the edge of the residential curtilage, which used to be delineated by a hedgerow. Since the construction of the residential annexe, this hedgerow has been removed and it is proposed to replace it with a line of planters.

The Parish Council have raised concerns that the area of residential curtilage has, since the removal of the hedgerow, been encroached upon however, a study of the Council's archive of aerial photographs does not support this. The applicant's agent has stated in writing that the track does not encroach into the residential curtilage and it is noted that the application does not propose any change of use of land.

- 5.13 Officers are more concerned however that since the removal of the boundary hedge and introduction of the hard-standing areas, that domestic cars have been parking there and more recently skips have been stored on the hard-standing. Notwithstanding any unauthorised use, this creates an unsightly edge to the site, which neither preserves nor enhances the visual quality or character of the landscape and the proposed planters would do little to resolve this situation. In order to mitigate for the development, officers are proposing a condition to ensure the re-instatement of the boundary hedgerow and a further condition to prevent the use of the hard-standing for parking of domestic vehicles or storage of skips, containers, van bodies or the like.
- 5.14 In response to officer queries about the car parking arrangements for the residential annexe; the applicant's agent has now submitted a plan showing two proposed car parking spaces to the side of the annexe, accessed off the main track. The installation of these parking spaces will negate the need to park on the agricultural access and hard-standing.
- 5.15 Environmental Issues  
The site is not prone to flooding. Surface water drainage is to existing soakaways. As a retrospective application the development has already been carried out. The proposal therefore accords with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

## **6. CONCLUSION**

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

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

1. The building in terms of scale and design would be in keeping with its surroundings in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
2. Consideration has been given to the impact of the proposal on the character and amenity of the surrounding area, and found to be in accordance with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. Consideration has been given to the highway implications of the proposal which accords with Policy T12, T8 and E9 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  4. Consideration has been given to the impact of the scheme on residential amenity and found to be in accordance with Policy E9 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  5. The drainage and environmental implications of the proposal have been considered and found to accord with Policies L17 & L18, EP1 and EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 6.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

1. Notwithstanding the details shown on the plans hereby approved, the hedgerow on the boundary between the residential curtilage and the track/hard-standing hereby approved shall be re-instated in full. The details of the hedgerow including proposed planting; shall be submitted to and approved in writing by the Council within 30 days of the date of this permission. The hedgerow planting shall be carried out in accordance with the agreed details in the next available planting season. Within a 5 year period from the date of the planting, any plant/tree, or any plant/tree planted in replacement of it, that is removed, uprooted or destroyed and dies or becomes in the opinion of the LPA seriously damaged, diseased or defective; another plant/tree of the same species and size as that originally planted shall be planted at the same place unless the LPA gives written consent to any variation.

### Reason

To preserve and enhance the character and amenity of the site in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. Within 30 days of the date of this consent, the two domestic car parking spaces, to serve the existing residential annexe (as shown on the approved Block Plan No. 0570/3A), shall be implemented and thereafter retained for that purpose.

Reason

To ensure an adequate provision of off-street car parking space is provided within the existing residential curtilage in the interests of preserving the rural character of the area in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The agricultural access track and hardstanding areas hereby approved shall not be used for parking other than for the parking of agricultural vehicles and implements; furthermore there shall be no outside storage of goods or materials on the access track and hard-standing areas hereby approved

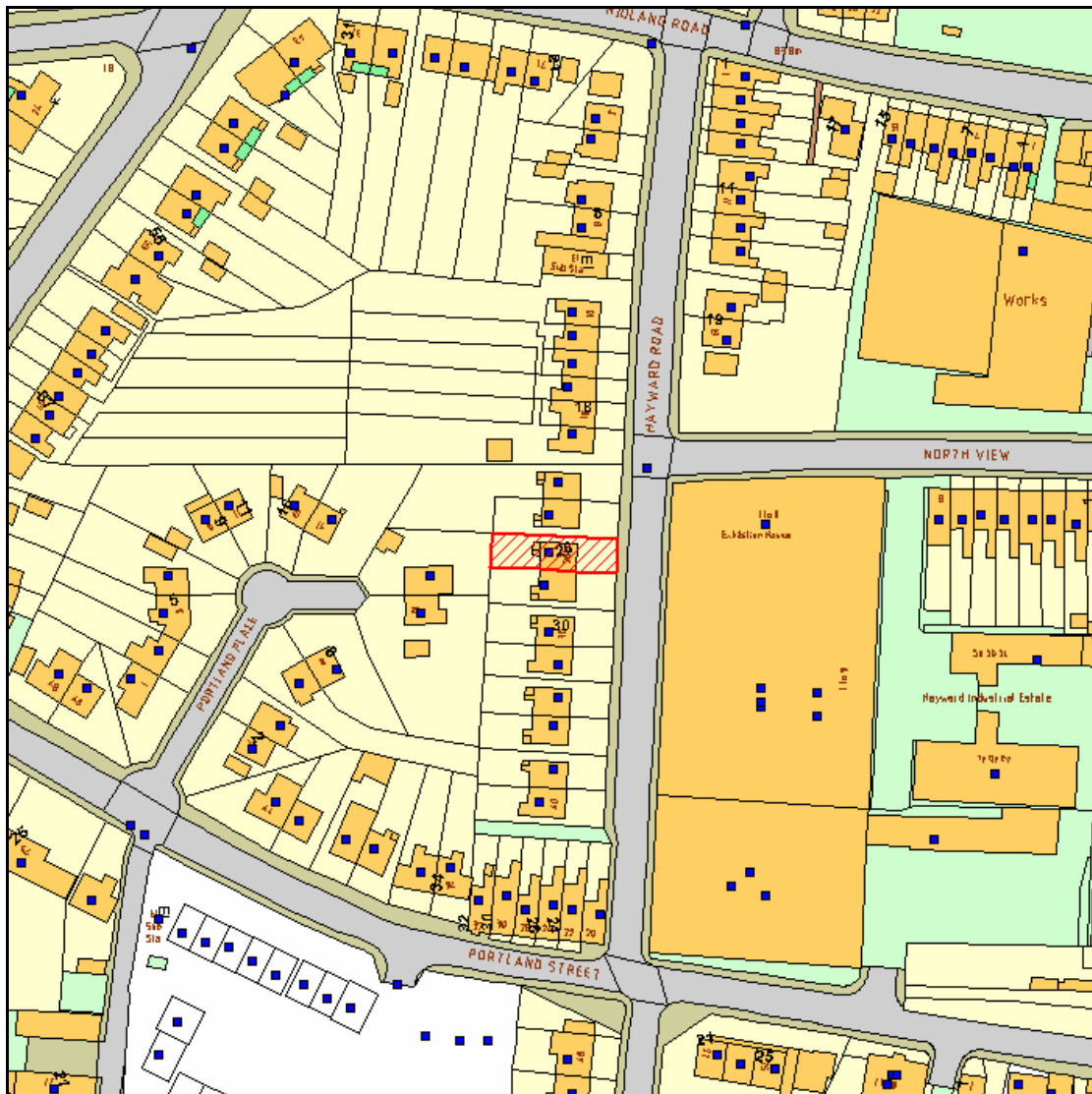
Reason

In the interests of preserving the rural character of the area in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

# ITEM 2

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b> PK13/1160/CLP	<b>Applicant:</b> Ms Debra Kelly
<b>Site:</b> 26 Hayward Road Staple Hill Bristol South Gloucestershire BS16 4NY	<b>Date Reg:</b> 18th April 2013
<b>Proposal:</b> Application for certificate of lawfulness for the proposed erection of a single storey rear extension to form additional living accommodation.	<b>Parish:</b> None
<b>Map Ref:</b> 364676 175508	<b>Ward:</b> Staple Hill
<b>Application Category:</b> Minor	<b>Target Date:</b> 10th June 2013



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100023410, 2008. **N.T.S.** **PK13/1160/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of a single-storey rear extension to enlarge an original outdoor storage facility.
- 1.3 Having reviewed the planning history for this property, the Council's records do not indicate that permitted development rights have been removed or restricted. It is therefore considered the property's permitted development rights are intact and exercisable.

### **2. POLICY CONTEXT**

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

The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008

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

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Parish Council  
No parish council in effect in this area of the district.
- 4.2 Highway Drainage  
No objection

## Other Representations

### 4.3 Local Residents

No comments received.

### 4.4 Wessex Water

Proposal includes building near a public sewer. Request that the applicant contacts them for further advice.

## 5. SUMMARY OF EVIDENCE SUBMITTED

5.1 The following documentation has been submitted to the Council on 12th February 2013 in support of this application, and on which the application shall be determined:

- Cohere Associates, 'Location Plan and Block Plan', drawing no. 26HR.APR13.LP.BP.1 dated April 2013
- Cohere Associates, 'Existing Site Plan and Elevations', drawing no. 26HR.MAR13.E.1 dated March 2013
- Cohere Associates, 'Proposed Site / Floor Plan and Elevations', drawing no. 26HR.APR13.P.1 dated April 2013

## 6. ANALYSIS OF PROPOSAL

6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.

6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development can be lawfully implemented.

6.3 The property appears to be in its original form with no obvious extensions. This and other properties in this area have a small lean-to structure for outdoor storage attached to the rear of the main house. The proposal for which this Certificate is being sought is to extend this lean-to to the rear, and divide it to form an outdoor utility room and separate garden store. The roof of the lean-to structure will be altered to cater for the extension.

6.4 The proposed development consists of a rear extension. This development would fall under the criteria of both **Schedule 2, Part 1, Class A** and **Class B** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse, and enlargement of a house consisting of an alteration to its roof).

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

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

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

The submitted drawing 26HR.MAR13.LP.BP.1 includes a block plan. This shows the result of the proposed development would not exceed 50% of the curtilage being covered by buildings.

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

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

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

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

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

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

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

The rear wall of the original building is considered to be the rear (western) wall of the existing store. The submitted drawing 26HR.APR13.E.1 shows the existing outdoor store to extend beyond the main part of the house by 1.4m.



Drawing 26HR.APR13.P.1 shows the new utility room / store will extend beyond the existing rear elevation of the store by 2.5m, resulting in a 1.1m extension over the original house. The ridge of the proposed extension would sit no higher than the existing height to ridge and is therefore in accordance with this criterion.

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

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

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

Drawing 26HR.APR13.P.1 shows the proposed extension will be within 2 metres of the boundary with the adjacent house. The eaves height of the extension has been measured to be 2.1 metres. As this is below 3 metres, the proposed development is in accordance with this criterion.

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

The extension to the store does not extend beyond any side elevations and is therefore in compliance with this criterion.

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

The submitted drawings 26HR.APR13.E.1 and 26HR.APR13.P.1 show the roof of the existing store will be altered. As such it is considered to be an alteration to the roof to the existing dwellinghouse and, as such, is not permitted under Class A. These alterations will result in an enlargement of the house above that provided by the extension itself, and will be tested against criteria set out in Class B.

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

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

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

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

(b) any upper-floor windows located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -

i) obscure-glazed, and

ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Submitted plan 26HR.APR13.P.1 indicates that roof, windows and door materials used will match those in the existing dwelling. As the proposed extension is of single storey A.3(b) and A.3(c) are not relevant. It is therefore concluded that these conditions of Part 1 Class A have been met.

- 6.6 The single storey rear extension does not fully comply with Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, as the proposal includes amendments to the roof of the dwellinghouse.

The proposed development includes an alteration to the roof of the house in the form of an enlarged roof to form the new utility room / store. This aspect of the development would fall under the criteria of **Schedule 2, Part 1, Class B** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (enlargement of a house consisting of an addition or alteration to its roof.) This allows for enlargement of the roof of a dwellinghouse providing the development meets the following criteria:

- 6.7 B.1 Development is not permitted by Class B if:-

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

Submitted plan 26HR.APR13.E.1 and 26HR.APR13.P.1 show that the remodelled roof will not exceed the height of the highest part of the existing roof.

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

The extension is on the rear elevation and does not front a highway.

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

The proposed works include the replacement of the existing pitched roof on the lean-to structure to facilitate the extension. The officer has calculated the volume of the existing roof structure to be 2.3 cubic metres and the enlarged roof structure to be 3.8 cubic metres. The additional volume is therefore 1.3 cubic metres. The property is semi-detached and therefore may extend up to 40 cubic metres as permitted development. The proposed development is well inside the permitted tolerance and is in compliance with this criterion.

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

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

The proposal does not provide for a veranda, balcony or raised platform, and is thus considered to be permitted development. The site is not on Article 1(5) land therefore this criterion is not applicable.

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

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

Submitted plans 26HR.APR13.P.1 states that the materials proposed for the roof, windows, fascias and rainwater goods will match those of the existing dwelling. The proposed development is therefore considered to be in compliance with this condition.

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

As the proposal is for a replacement roof rather than an enlargement this condition is not applicable.

- (c) *any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -*
- i. obscure-glazed, and*
  - ii. non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.*

There are no proposed windows on the side elevations of the proposed extension therefore this criterion is not applicable.

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

## **7. CONCLUSION**

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.
- 7.2 The single-storey rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the above-mentioned Order, and the replacement roof of the rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class B of the above-mentioned Order.
- 7.3 The proposed development is considered permitted development and an application for planning consent is not required.

## **8. RECOMMENDATION**

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

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

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

# ITEM 3

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT12/3513/RVC	<b>Applicant:</b>	Knightstone Housing Association
<b>Site:</b>	Sundayshill Lane Falfield Wotton Under Edge South Gloucestershire GL12 8BX	<b>Date Reg:</b>	24th October 2012
<b>Proposal:</b>	Variation of condition 2 attached to planning permission PT10/2883/F to read, No development to commence until the highway works to form 5no. parking bays permitted by PT12/3310/R3F have been substantially completed.	<b>Parish:</b>	Rockhampton Parish Council
<b>Map Ref:</b>	366335 193554	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th December 2012



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

Objections have been received to this proposal which are not in accordance with the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks to vary condition 2 of planning permission ref. no. PT10/2883/F, which approved permission for the erection two semi-detached dwellings with associated works. Condition 2 reads:

No development shall commence until the highway works to form 5no. parking bays, tarmac spur road and stone access track on land in front of 1-14 Orchard View, Falfield, (approved under PT10/2962/F) have been substantially completed.

The reason for this condition states:

To ensure that satisfactory parking provision is delivered to offset the loss of the existing garages and to accord to policies H2, T8 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.

The variation proposed to this condition would read:

No development to commence until the highway works to form 5 no. parking bays permitted by PT10/3310/F have been substantially completed

- 1.2 Planning permission PT12/3310/F approved a variation to PT10/2962/F in that the access track previously approved would not now return into Sundayshill Lane. However, it would still provide access for the properties along Orchard View from Sundayshill Lane and provide the 5 parking spaces to offset the loss of the garage court to the two semi-detached dwellings permitted under PT10/2883/F.
- 1.3 Since this application has been submitted, works have been implemented in respect of the scheme approved under PT12/3310/F and at the time of writing these works are on the verge of completion. Works to implement planning permission PK10/2883/F have not commenced.

### **2. POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8 Parking standards

T12 Highway Safety

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

No applicable policies

2.3 Supplementary Planning Guidance

Parking standards (adopted 2013)

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

- 3.1 PT10/2883/F Erection of 2 semi-detached dwellings Approved 2011
- 3.2 PT10/2962/F Creation of parking area Approved 2011
- 3.3 PT12/3310/F Amended design of parking area Approved 2013

### **4. CONSULTATION RESPONSES**

#### **4.1 Falfield Parish Council**

Objects to the variation of condition 2. The works to provide the spur and parking need to be complete prior to the erection of the two dwellings, due to the lack of appropriate parking. Having all this development at the same time would lead to noise issues.

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

##### **Archaeology**

No comments

##### **Transportation**

The proposed variation of consent relates to the condition 2 attached to planning application PT10/2883/F. The original condition was for five parking bays to be provided which were approved under PT10/2962/F). The same number of parking bays are proposed as part of this application. On that basis, there is no transportation objection to this proposal.

### **Other Representations**

#### **4.3 Local Residents**

7 letters of objection have been received, from three local households, citing the following concerns:

- \* this proposal does not make allowance for the displacement of 5 vehicles from the parking court to be demolished as well as parking for Orchard View residents and also used by car-sharing commuters while the parking in front of Orchard View is being created
- \* The permission for the two dwellings was approved on the basis that parking would be provided (and operational) for both the new development and Orchard View
- \* there are concealed entrances along Orchard View
- \* the term 'substantially complete' is too vague to be enforceable
- \* highway safety issues caused by increased on street parking
- \* the retention of the original condition protects residents interests

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

#### **5.1 Principle of Development**

The proposal is to vary the condition to allow development on the dwellings to proceed from a point where the access track and 5 parking spaces are substantially complete. The original condition would have bound a different access and parking arrangement, which was revised in 2011, hence the need to amend the condition. However, work began promptly on the recently approved amended scheme for the access road. Both it and the 5 parking

spaces have now been constructed and therefore it is considered more appropriate to remove the condition, rather than amend it to the wording proposed. This recognises that the intent behind the condition was the phasing of the development, i.e. to ensure the provision of alternative parking facilities closer to the dwellings they would serve, prior to the completion and occupation of the two new dwellings. As the consultation replies indicate, the issue is one of delivery of the mitigating parking provisions within an appropriate timescale to ensure continuation of parking provision. It is considered that the appropriate mitigating parking measures have now been provided.

5.2 The access and parking arrangements now having been provided, it is considered that the planning permission for the two dwellings can be amended to remove all 4 conditions that have been either already specifically cleared (nos. 3 and 5 on 15 January 2013 and condition 4 on 11 March 2013) or in effect complied with (condition 2, the subject of this application) and to that end, it is considered that work can start subject to the three year commencement. The other conditions, for approved drainage details, the approved tree protection details and the approved ecological method statement having been cleared. It is not considered necessary or appropriate to impose a condition to ensure that the access and parking area are retained as this would be out of the applicant's control.

### 5.3 Other Issues

The consultation process raised a number of issues which have not been addressed in the above analysis. The Parish has raised the issue of noise problems arising from both the parking provision and the new houses being constructed at the same time. With the parking provision complete, it is considered that this would not be possible. With regard to concealed entrances from Orchard View, if this is an issue it would be unaffected by this proposal and this application would not be the appropriate way to deal with it, as these affect private land, outside the site and scope of the application.

## 6. CONCLUSION

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

6.2 This proposal would allow the development to commence on the two dwellings, with the relevant conditions already having been cleared and the access track and compensatory parking spaces provided. The proposal would accord with policies H2, D1, L9, EP1, L17, L18, T8 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 the conditions on the planning permission that have been complied with are removed and planning permission is re-issued, subject to a condition requiring that a start to the development is made within three years of the date of the decision and a further condition requiring compliance with the approved drainage, tree protection and ecological method statement.

**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 development shall be implemented in accordance with the previously submitted details to discharge conditions 3, 4 and 5 of planning permission ref. no. PT10/2883/F.

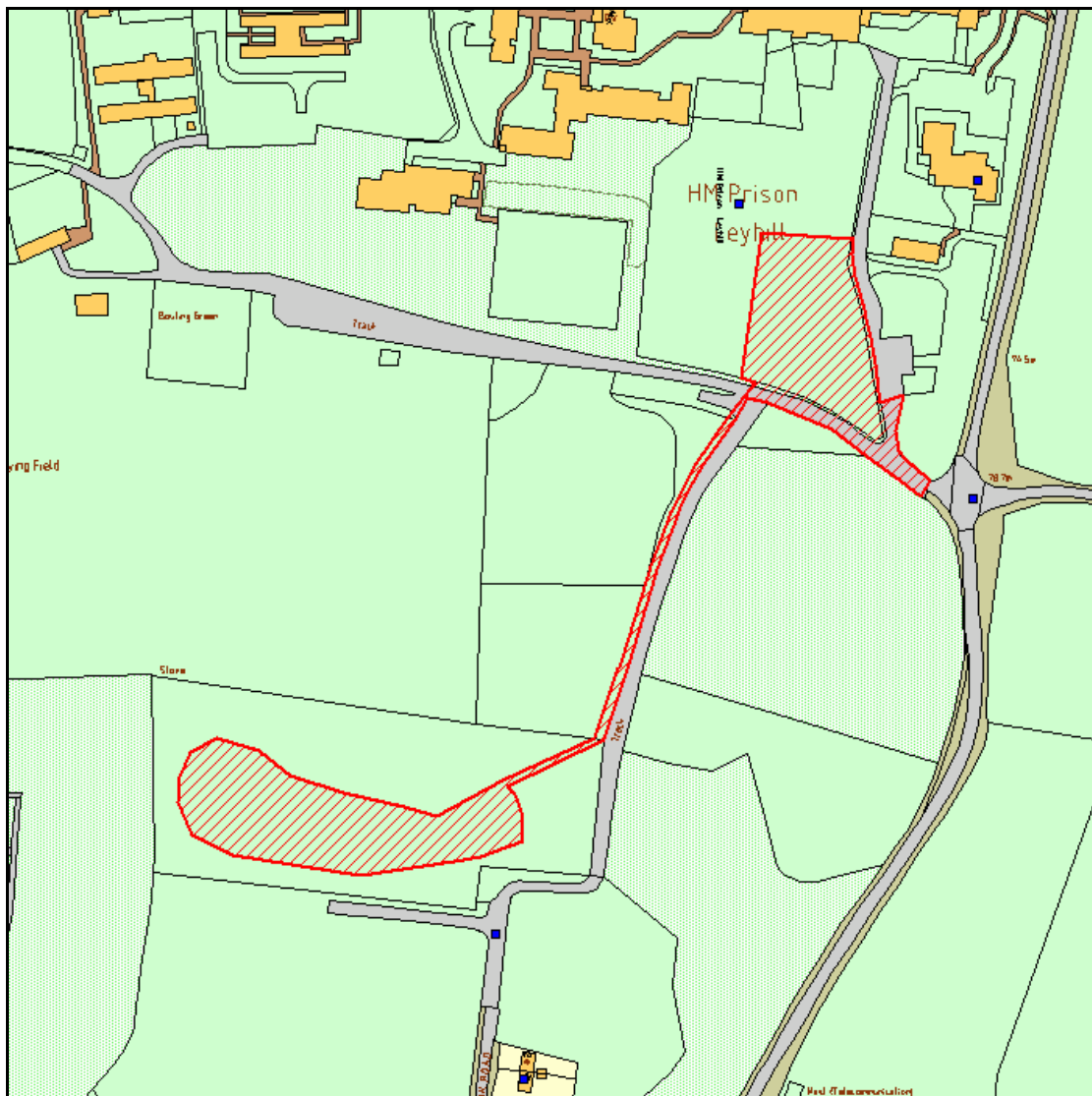
Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy D1, L8, H2, EP1, L17, L18 of the South Gloucestershire Local Plan (Adopted) January 2006

# ITEM 4

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT12/3724/F	<b>Applicant:</b>	Ministry Of Justice
<b>Site:</b>	H M Prison Leyhill Tortworth Road Tortworth South Gloucestershire GL12 8BT	<b>Date Reg:</b>	20th November 2012
<b>Proposal:</b>	Erection of Energy Centre and Ash Store with associated works	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369766 192141	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	15th January 2013



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

This application has been referred to the Circulated Schedule in view of the comments received from local residents, the two Parish Councils and the Avon Garden Trust.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for erection of energy centre to serve Leyhill Prison. The application would also facilitate the formation of an earth bund on a separate parcel of land. This would be formed of the excavated material from the development of the energy centre.
- 1.2 The application relates to Leyhill Prison. Leyhill Prison stands within the open countryside beyond any settlement boundary. Significantly, the site is encompassed by land that is designated as a registered historic garden on its north, west and southern sides. The site of the proposed energy centre is however outside of this designation although the earth bund, that would be formed on land that comprises part of an adjoining field, falls within this designation.
- 1.3 Amended plans form part of this application. These allow removal of the thermal store, the realignment of various stretches of fencing in an attempt to make it appear more discreet and the reshaping of the earth bund in an attempt to make it appear more organic.
- 1.4 An Air Quality Assessment also now supports the application further to concerns that were raised by the Councils Environmental Protection Officer and also those of local residents and the Parish Council.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
National Planning Policy Framework Technical Guidance (2012)
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Design in New Development  
L1: Landscape Protection and Enhancement  
L4: Forest of Avon  
L6: Sites of International Conservation Nature Interest  
L8: Sites of Regional and Local Nature Conservation Interest  
L9: Species Protection  
L10: Historic Parks and Gardens and Battlefields  
L13: Listed Buildings  
L17: The Water Environment  
EP1: Environmental Pollution  
EP4: Noise Sensitive Development

EP5: Renewable Energy Installations  
T12: Transportation Development Control Policy for New Development

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

CS1: High Quality Design and Responding to Climate Change

CS3: Renewable and Low Carbon Energy Generation

CS5: Location of Development

CS9: Managing the Environment and Heritage

CS34: Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 N3963: Erection of new boiler house and laundry. No Objection: 30 January 1978
- 3.2 N4292: Proposed packing shed and machinery and general purpose store. No Objection: 15 May 1978
- 3.3 N4292/1: Erection of buildings to provide accommodation for reception and discharge, visits, works services, education, sports hall, hospital chapel and vegetable preparation/ bacon store; provision of accommodation for farms and gardens. No Objection: 26 January 1981
- 3.4 N6458: Erection of living units 1 and 2 and officers mess and club. No Objection: 25 July 1980
- 3.5 P88/3301: Erection of vegetable store. Appraised: 26 January 1989
- 3.6 P94/2493: Use of horticultural buildings for retail sales of home grown produce. No Decision Recorded
- 3.7 P99/2496: Erection of facilities building. No Objection: 2 December 1999
- 3.8 PT02/1435/C84: Erection of prisoner living accommodation in two, 2- storey units to provide 80 additional places. No Objection: 15 May 2002
- 3.9 PT03/2129/C84: Erection of single storey extension to existing library (B Unit). No Objection: 14 August 2003
- 3.10 PT04/0961/C84: Erection of new office administration block. No Objection: 13 April 2004
- 3.11 PT06/0149/C84: Stationing of portacabin, erection of one double polytunnel, eight single polytunnels and one glasshouse for market garden use. No Objection: 9 February 2006

- 3.12 PT07/1509/F: Installation of 1.8 metre roof mounted satellite dish. Withdrawn: 6 July 2009
- 3.13 PT07/2840/F: Installation of 1.8 metre diameter satellite dish (resubmission of PT07/1509/F). Permitted: 29 October 2007
- 3.14 PT12/0059/F: Erection of portacabin. Permitted Development

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

In response to the first plans received:

##### **4.1 Cromhall Parish Council**

No objection but 'serious concerns' are raised:

- o Highway safety – concerns regarding routing of motorway traffic;
- o Concern over new entrance design (opposite Woodend Lane);
- o Confirmation regarding appearance of transmitter boxes required;
- o Vehicle movements should be restricted to between 10am and 2pm due to rush hour and school traffic;
- o Conditions required preventing vehicles from going through Cromhall and Bibstone due to weight limit and vehicle size;
- o Encourage a dedicated lane for turning right off the B4509 down to the Tortworth School to ease congestion- can this be investigated?
- o Request warning signage of turning HGV's/ traffic calming;
- o Boundary treatments are unsympathetic with surrounding landscape;
- o Drainage concerns expressed;
- o The delivery area should be designed more sympathetically.

##### **4.2 Tortworth Parish Council**

Neither supports nor objects but make the following comments:

- o The site is within Cromhall Parish but will affect Tortworth Parish;
- o There are a number of inaccuracies in the planning statement relating to the Parish meeting;
- o Chimneys will be visible from Leyhill –can height be reduced?
- o Might be alternatives to reduce height/ conceal accumulation tank;
- o Concerns about smell;
- o Vehicle movements should be strictly limited (to between 10am- 2pm);
- o Ongoing concerns about the junction at Tortworth School (was subject to a S106 agreement with the Four Pillars Hotel Group but works were never completed and the works are still required);
- o The B4509 has a history of serious accidents.

Further to the second set of plans received:

4.3 Cromhall Parish Council

Not all previous concerns have been addressed and the Parish Council therefore currently objects to the application:

- o Design of building is sympathetic- even more so now that the large funnels have been removed;
- o Highway issues have not been addressed- there is no suggestion of limiting times and night time movements would be dangerous, there also appears to be a contradiction concerning the tracking details;
- o Road speed limit is 40mph and lorries turning would endanger road safety- safety measures (i.e. road calming) do not appear forthcoming;
- o Concerns remain regarding boundary treatments- particularly at the site entrance where the plans do not show the whole site;
- o The large extent of hard surfacing and drainage issues has not been addressed.
- o The redesigned bund is better but residents are concerned that this could lead to the collapse of the underground drainage system that is believed to pass under the bund;
- o The Statement of Community Involvement advises that on going discussions will take place with the Parish Council- this has not been the case;
- o Officers' have not answered all of the previous questioned previously raised.

4.4 Tortworth Parish Council

- o Surprised that Highways DC has made no particular recommendation;
- o Highway concerns reiterated (recent accident at school junction cited);
- o Correspondence states that Council do wish to comment further on building design and detail but no further comments provided;
- o Highways DC should reconsider need for road improvements.

4.5 Other Consultees

Wessex Water: no issues

Highways DC: condition requested

Environment Agency: falls outside consultation parameters

Historic Building Officer: condition requested

Ecology Officer: no objection subject to conditions

Tree Officer: no objections

Climate Change Projects Manager: supportive comments received

4.6 English Heritage: (in response to the original plans)

Application should not be determined until following points are addressed:

- o Insufficient mitigation has been offered to offset harm caused;
- o No objection to energy centre at Tortworth in principle but require convincing that size and location is appropriate;

- o There is no appraisal of alternative sites;
  - o Paragraphs 128 & 129 of the NPPF are referenced;
  - o Historically the site lies adjacent to the main entrance drive into the estate of sufficient status to warrant its own lodge (Leyhill Lodge);
  - o Development was characterised by open parkland with a scattering of parkland trees;
  - o The bund falls within the registered landscape- the need for the bund identifies the potential visual harm from the proposed development;
  - o The need for an engineered solution as shown is questioned- informal parkland planting might provide a better form of mitigation.
- 4.7 English Heritage: (in response to the original plans)
- o The earth bund has been remodelled and appears less engineered with the block planting replaced by informal parkland trees- *'We hope that this change is a more appropriate form of intervention and will help to recreate some sense of former parkland'*;
  - o Reflectivity and the desirability of harmonising with the existing palette of materials would be relevant factors when addressing the external appearance of the energy centre;
  - o Boundary treatments and the associated 'amenity' landscape scheme offer an improvement- English Heritage defers to the Local Authority in considering whether this might be further improved;
  - o The application should now be determined in accordance with national and local policy and with specialist Conservation Officer advice.
- 4.8 Avon Garden Trust:  
Objection due to harm caused on the significance of the Grade II\* registered landscape of Tortworth Court:
- o Energy centre would be on land adjacent to the registered landscape of Tortworth Court but site is within the setting area of the registered park and fronts the important drive into the Tortworth estate;
  - o Paragraphs 127& 128 of the NPPF highlighted;
  - o Site was characterised by open parkland with a scattering of parkland trees;
  - o Significant harm would be caused to open and un-built pastureland appearance and character and the proposed tree planting would not ameliorate industrial appearance of the proposal;
  - o Support view of English Heritage;
  - o No appraisal of alternative sites has been submitted;
  - o The Trust supports the view of English Heritage in respect of linear man made bund (the appearance of which would be accentuated by the proposed planting) to be inappropriate within this setting.

### **Other Representations**

- 4.9 Summary of Local Residents Comments:  
Five letters of objection expressing the following concerns:

- o Application documents state estate residents would have moderate interest in landscape change; residents have not been consulted;
- o Residents were not aware of the Parish Council meeting;
- o Most estate residents were not informed- seen to be underhand;
- o All the above is evidence of 'contemptuous way' residents are treated;
- o Construction of the bund from waste material will be liable to sewer collapse- the main water and sewer supply runs through this field- has it been surveyed? Large vehicles may also cause sewer collapse;
- o Why is there a need for such a large water storage unit?
- o Proposal will cost £5m to construct at the tax payers expense and will only see a return in 25 years time- will it still be viable then?
- o A backup gas boiler is needed and electricity needed to run both- what happens in a power cut? (What power will be used?)
- o Concerns expressed about bringing boiler on the Cromhall/ Tortworth road;
- o Tortworth Road is already in a bad state of repair- will it be repaired and resurfaced to cope with the additional traffic?
- o Where/ how will the 25 tones of waste ashes be stored/ distributed?
- o How stable will the ash be-will it be blown in the wind?
- o How much noise will the proposal make- this is a quiet rural area?
- o What emissions will the boiler produce?
- o Are there any risks to human health/ wildlife?
- o Has solar power been considered? It is more viable and would see a return in 10 –12 years.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The National Planning Policy Framework is supportive of proposals that help to meet the challenges of climate change advising that *'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development'*. (para 93)

### 5.2 Policy CS3 of the emerging Core Strategy document cites that proposals for the generation of energy from low carbon sources will be supported provided that it would not cause significant demonstrable harm to residential amenity, individually or cumulatively. In assessing proposals, significant weight will be given to:

- o The wider environmental benefits associated with increased production of energy from renewable sources;
- o Proposals that enjoy significant community support and generate an income for community infrastructure purposes by selling heat or electricity to the National Grid;



- o The time limited, and non-permanent nature of some types of installations; and
- o The need for secure and reliable energy generation capacity, job creation opportunities and local economic benefits.

Renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local landscape value unless they do not individually or cumulatively compromise the objectives of the designations especially with regard to landscape character, visual impact and residential amenity.

5.3 Similarly, planning policy EP5 of the adopted local plan advises that proposals for renewable energy installations will be permitted provided that it would not have an unacceptable environmental or transportation effect and would not prejudice residential amenity.

5.4 The Proposal

The application seeks full planning permission for the erection of a new energy centre and the formation of an earth bund with soil excavated from the energy centre. The new energy centre would replace the existing heating system that is considered to be outdated and inefficient. In so doing, the proposal would allow removal of the two chimneystacks that are sited at the centre of the Leyhill complex and which protrude skywards rendering them visually prominent from the surrounding landscape.

5.5 The energy centre would comprise a biomass boiler housed within a new building that, the Design and Access Statement describes as a 'simple agricultural style building'. It is advised that the biomass boiler is an environmentally efficient method of providing heat by burning locally sourced woodchips, which comprise a renewable resource as fuel. The proposal would assist in Leyhill becoming a 'low emission' prison in the UK.

5.6 The new energy centre would be sited on land adjoining the existing car park close to the Tortworth Road. The site currently comprises managed grassland and this appears to have been the case since at least 1999. However, the Councils aerial photograph of 1991 shows a very different scene with two large buildings sited to the south of this field, these stood parallel with one another and the southern site boundary and stretched the full width of this field. The north part of the field meanwhile is shown to accommodate a vehicular access track and large gravelled area that runs through from the Tortworth Road entrance to the prison through to the western field boundary.

5.7 The Design and Access Statement advises that the site as shown is considered to be most suitable because:

- o It can be readily accessed from Tortworth Road;
- o There is sufficient space to accommodate vehicular movements;
- o The site gradient will assist delivery vehicles;
- o Delivery vehicles would not have to enter the main prison complex that would present a security risk;
- o The entrance onto Tortworth Road includes good visibility spays;

- o It would not necessitate use of the main entrance to the prison and would be readily identifiable to delivery drivers.
- 5.8 The height of the building is understood to be governed by the mechanical plant that is required inside to operate and service the biomass and two gas boilers. However, in addition to landscaping that is proposed to help mitigate the visual impact of the proposal, the floor level of the building would cut into the 1 in 18 sloping site to further offset the visual impact of the proposal.
- 5.9 The ash produced by the biomass boiler would be used as fertiliser at the Leyhill site; the Design and Access Statement advises that ‘we would not expect any to be disposed off-site as ‘waste’’. It is further advised that *‘It is essential that fuel for the biomass is required to be delivered from local sources as this prevents the carbon expended in delivering the fuel offsetting the environmental benefits of the biomass the carbon footprint’*.
- 5.10 The Design and Access Statement provides no details in respect of the earth bund. However, this would be formed to the south of the energy centre within an adjoining field. It has been extensively remodelled as part of this application in attempt to make it appear more organic and to steer away from the engineered approach of the bund as was submitted.
- 5.11 Renewable Energy Input  
The UK Government has set a target to generate 15% of UK energy needs from renewable sources by 2020. To meet this target it is envisaged that 31% of the UK’s electricity generation will need to come from renewable sources by 2020. The latest (provisional) figures for renewable energy generation show that renewables accounted for 11.3% of the electricity market in 2012.
- 5.12 The South Gloucestershire Climate Change Strategy (April 2013) includes a target of 7.5% of South Gloucestershire’s total energy requirement to be met by renewable energy installations in South Gloucestershire by 2020. Existing renewable energy installations in South Gloucestershire generate about 24,000MWh energy per year; enough to supply 0.35% of South Gloucestershire’s projected total energy requirement in 2020. Renewable energy installations consented but not yet installed will generate a further 3.06% of our 2020 energy requirement, giving a total of 3.41% installed capacity when fully deployed.
- 5.13 The applicant has stated that the estimated annual energy output of the proposed biomass boiler will be 6,200 MWh/year. This would increase the installed and consented capacity to 0.44% and 3.5% of our total energy requirement. Therefore, by reducing reliance on fossil fuel-derived energy, the biomass boiler installation would be expected to reduce Carbon Dioxide emissions by approximately 1,000 tonnes *per annum*, helping progress the local commitment to reduce carbon emissions to play the Councils part in preventing dangerous climate change. In order to effect the greatest reduction of Carbon Dioxide the biomass fuel for the boiler should be sourced locally. This would reduce the carbon footprint of the distribution of the fuel, and would reduce the local energy spend leaving the area.

5.14 Impact on Heritage Assets

- The application site lies within an area of land that historically formed part of the extensive parkland setting of Tortworth Court, the park being a grade II\* Registered Park and Garden. Historically, this area was open parkland that was once crossed by one of the many approaches to the Court, this one starting from Leyhill Lodge (now demolished) on the Tortworth Road.
- 5.15 With the development of the prison in the 20<sup>th</sup> century, the character of this part of the parkland was significantly altered. As noted above, as recently as the early 1990s, the site of the proposed energy centre was occupied by one of the many buildings that comprised the prison complex, this being removed by the late 1990s and the land returned to pasture. The landscape in the prison area has, consequently, suffered and this is reflected in the boundary of the registered park and garden omitting the entire prison site. Since then, the prison has gradually pushed south with the erection of the large polytunnels that sit alongside the sports fields and pitches. However, these structures and pitches are within the registered area and the encroachment of modern, large structures, wire fencing and other clutter has degraded the quality of the open landscape at this point.
- 5.16 The application is supported by a Heritage Statement that provides a brief assessment of the significance of the various heritage assets within the vicinity of the application site and concludes that the significance of the registered park is 'considerable' as opposed to 'exceptional'; this being due to the harmful impact of the prison. The Heritage Statement fails to describe the present condition and appearance of the part of the park affected by the proposal, and contribution that this area makes to the significance of the heritage asset.
- 5.17 Notwithstanding the above, it is noted that the landscape quality of this area has been substantially degraded by the ongoing development of the prison complex. As such, whilst the application site now comprises open pasture, it is set against the backdrop of modern utilitarian buildings set amongst trees, and with single-storey buildings and an expansive area of car parking in the foreground. The aforementioned polytunnels are also an intrusive feature within this part of the landscape.
- 5.18 The energy centre building would be a two-storey structure set down into the ground to make use of the natural falling levels. Whilst it is a larger than the surrounding prison buildings, comments from the Councils Conservation Officer highlight that it should not necessarily appear unduly imposing or dominating in the wider context of the site. Revisions have resulted in the removal of the tall thermal store and the removal of one of the flues. Further, the fencing would now be pushed back from the edge of the access road and into the new planting belt that is proposed to filter views and screen the building. This should reduce the perceived 'hard' edge to the site and the prominence of the fencing.
- 5.19 Notwithstanding the above, there is a new 1.8m palisade fence proposed to the south of the main entrance road that appears to be replacing a hedge that is described in the Landscape and Visual Appraisal as helping to reduce the effects on the setting of the historic parkland. This hedge does provide

- screening of the prison site out to the 'parkland' to the south and should be retained or reinstated after the erection of the fencing. This could form the basis of a suitably worded condition in the event that permission is granted.
- 5.20 Removal of the two existing chimneys associated with the existing boiler room would be advantageous to the Registered Park and Garden and therefore weighs in favour of the proposal. It is noted that these are very prominent structures seen from within the park and garden and also from the setting of the grade II\* listed Tortworth Court. As such, the Councils Conservation Officer considers that their removal would be a substantial, positive benefit to the significance of these heritage assets. It is considered that the removal of these chimneys should form the basis of a suitably worded condition in the event that permission is granted.
- 5.21 With regards to the proposed bund, this would comprise of spoil taken from the excavation. The bund would be formed within an adjoining field to the south of the prison that is a relatively open, flat area of the parkland and as such, the original engineered bund would have been an obvious, manmade feature within the registered park and garden. Accordingly, the revised design that has been submitted which shows a gentler gradient to the bund and a simple curved layout would better integrate into the landscape and thus should avoid being viewed as an obvious engineered feature in the landscape.
- 5.22 For the above reasons, there is no objection to the proposal having regard to its impact on the surrounding heritage assets. In this regard, it is noted that the energy centre would be located within an area that has been substantially altered over time, and an area that, whilst visible from the public realm, makes little contribution to the wider significance, setting, or appreciation of the historic parkland or the listed Court. Conditions are also recommended in respect of the proposed cladding materials and governing the height of the gas governor to ensure that it does not project above the height of the adjoining wall.
- 5.23 Design/ Visual Amenity & Landscape Impact  
The scale of the building is to a large extent determined by its use as outlined by the Design and Access Statement. Therefore, as noted, the proposal results in a two-storey (approx 8m to the ridge line) building that on plan is no larger than the nearby officers club and mess, although it is substantially higher. Concern has been raised in respect of the proposed materials comprising red brick under-build (to match the nearby prison buildings) and metal cladding to walls (colour to be determined) despite the intention of the proposal to appear as an agricultural timber clad building. The Councils Urban Design Officer has therefore raised an objection to the proposal on the basis that the scheme does not demonstrate sufficient quality that would be expected in this more sensitive location and thus the consequent planning policy tests. Therefore, it is advised that further consideration should be given to the architectural appearance of the proposed energy centre.
- 5.24 In response, as noted the size of the plant inside governs the building but the proposed materials are not considered to be acceptable with rustic/ agricultural appearance required. This has been discussed with the agent who is happy to

- accept a condition in respect of the materials in the event that permission is granted. This approach is considered to be acceptable.
- 5.25 The security fencing has been set back from the eastern boundary and would be partially screened by the proposed planting. This offers an improvement to the previous fencing arrangements although the lengths of fencing to the entrance would be quite visible and discordant with the parkland setting. Officers have sought to amend this fencing arrangement further but to a large part, the positioning and amount of fencing is governed by the security required at the site. However, palisade fencing is proposed but it is understood that an alternative design of fencing might still provide the necessary security arrangements and thus in the event that permission is granted, it is recommended that the design of the fencing form the basis of an appropriately worded planning condition. The agent has agreed to this suggested condition. This condition might also address the position of the fencing around the entrance in an attempt to further improve the arrangement proposed.
- 5.26 As noted, the existing hedge along the south boundary should either be retained and enhanced or replaced with appropriate native planting. Again, in the event that permission is granted, this could form the basis of a suitably worded condition.
- 5.27 With regards to the earth bund, comments from the Councils Landscape Officer advise that with a maximum height of 1m and with it spread over a width of between 27m – 42m, the bund should grade into the surrounding landscape and therefore have a negligible visual impact. Further, the proposed meadow grass and parkland tree planting would enhance the landscape character of the area and be in keeping with the parkland setting.
- 5.28 Air Quality  
In response to concerns raised by the Councils Environmental Protection Officer, an Air Quality Assessment has been subsequently submitted to support the application. This considers the relevant pollutants and the impacts on local air quality during the operational phase of the proposal.
- 5.29 The Councils Environmental Protection Officer advises of a number of considered shortcomings in the report but confirms that these are not sufficient to question the conclusions contained within the report. Moreover, it is advised that report is robust in that a number of worst case assumptions are used in the prediction of the pollutant concentrations including the plant operating continuously and assuming that all emissions of particulate matter are in the PM<sub>10</sub> size range.
- 5.30 The report concludes that the predicted concentrations of nitrogen dioxide and particulate matter are well below the relevant objectives at all of the sensitive receptors included in the assessment. The highest predicted concentration of nitrogen dioxide at the maximum point of impact is however, within 10% of the annual mean nitrogen dioxide objective, although there is no relevant exposure at this location.

- 5.31 For the above reasons, the Councils Environmental Protection Officer advises that there is no basis to object to the proposal having regard to issues of air quality. Accordingly, there is no associated objection to the application.
- 5.32 Highway Safety  
Comments from the Councils Highway Officer cite that the energy facility would not generate traffic in its own right, other than for fuel delivery and maintenance. Therefore, the development is not considered to represent a capacity implication for either the local or wider network.
- 5.33 With regards to sustainability, the development serves an existing judicial facility and taking further consideration of the limited traffic generation, the development is not considered to present any material sustainability concerns; any concerns that are raised, might be offset with the improved energy efficiency provided by the proposal.
- 5.34 Concerning site access and design, the applicant has provided details of a tracking analysis that indicates the suitability of the proposed access that is present but unused. However, the tracking analysis provided within the Design and Access Statement suggests a wide sweep to enter the facility and this might conflict with vehicles exiting Woodend Lane. Notwithstanding this, it is considered that the analysis may have been carried out incorrectly and that the approach speed has dictated the wide sweep in reality might not be realised. On this basis, the proposed access arrangements are considered to be acceptable.
- 5.35 Notwithstanding all of the above, there is some concern with regards to the potential redistribution of general staff traffic if the southern access is opened to all traffic. A condition is requested (in the event that permission is granted) to prevent the operation of the southern access to any traffic other than that proposed. This is because additional traffic at this access might conflict with the operation of this proposal and impact upon the safe and convenient use of adjoining highways. Subject to this condition, the Councils Highways Officer has raised no highway objection to the proposal.
- 5.36 Residential Amenity  
The energy centre would be remote from all surrounding residential properties thus it is not considered that any reasonable/ sustainable objection could be raised on residential amenity grounds. This is having regard also to the results of the air quality assessment that helps to address some of the concerns that have been raised.
- 5.37 The earth bund would be sited closer to the cluster of properties south of Leyhill Prison but having regard to the nature of this part of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused.
- 5.38 With regard concerns raised regarding the publicity of this application, the position of the application site dictates at a significant distance (in excess of 100m) from most nearby properties dictates that a more limited number of consultations were undertaken. A site notice was however erected close to the

entrance of the prison on the Tortworth Road whilst the application was also advertised in the local paper. The Councils Technical Support Team Leader has confirmed that consultations have been undertaken in accordance with the required procedures.

5.39 Ecology

Comments from the Councils Ecologist advise that the site predominantly forms semi-improved species-poor grassland with scattered occasional ruderals and weeds. Fencing rather than hedges borders the fields and the road between the two parts of the site comprises an existing non-metalled track. Overall the site is considered to be of low value for nature conservation. Notwithstanding this, Harris's Wood Site of Nature Conservation Interest (SNCI) adjoins the field where the bund would be located but with a 15m buffer between; it is considered that this would remain unaffected by the proposal.

5.40 Having regard to the possible presence of bats, it is noted that the two trees within the energy centre site lacked features for use by bats whilst both fields offered little for foraging or commuting bats, lacking good quality or diverse habitat and features such as hedges for use as flight lines. No signs of the presence of badgers were recorded whilst the lack of hedges and grazed nature of the grassland within the application site means it is unlikely to support any reptile population.

5.41 The nearest pond is some 400m away from the application site; this and a lack of suitable terrestrial habitat means it is unlikely to support any amphibian population.

5.42 There were also no records of hedgehog near the application site. The submitted survey considered that no impacts on hedgehog should arise provided the adjacent bramble scrub and Harris's Wood SNCI were protected during the creation of the bund. This would best be incorporated into an ecological and landscape management plan for the new species-rich grassland and shrub/ tree planting to be created after forming the bund and which would in turn provide new habitat for a variety of local wildlife including hedgehogs. It is considered that this could form the basis of a suitably worded condition in the event that permission is granted.

5.43 In view of the above, there is no ecological based objection to the proposal subject to the aforementioned condition and an informative in respect of nesting/ breeding birds.

5.44 Archaeology

There are no recorded significant archaeological structures or deposits in the immediate area of the application site although there is a general background of Prehistoric and Roman archaeology in this area. On this basis, comments from the Councils Historic Records Officer suggest that normally an archaeological evaluation might be required. However, given the scale of the work an archaeological watching brief condition is considered to be appropriate in this case. It is considered that this should form the basis of an appropriately worded condition in the event that planning permission is granted.

#### 5.45 Drainage

Drainage concerns have been raised; particularly related to the possible impact of the earth bund on any pipes below. In response, the Councils Drainage plans do not show any pipes in the position of the bund. The Councils Drainage Engineer has however suggested that possible protection measures that might be required could form the basis of an appropriately worded condition in the event that planning 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 planning permission is for the following reasons:
1. Subject to conditions, the design and siting of the proposed energy centre is considered to be acceptable and would accord with Planning Policies D1 (Achieving Good Quality Design in New Development) and EP5 (Renewable Energy Installations) of the South Gloucestershire Local Plan (Adopted) January 2006.
  2. Subject to conditions, the proposed energy centre and earth bund are considered to be acceptable having regard to their impact on the surrounding heritage assets. The proposal is therefore considered to be acceptable having regard to Planning Policies L10 (Historic Parks and Gardens and Battlefields) and L13 (Listed Buildings) of the South Gloucestershire Local Plan (Adopted) January 2006.
  3. The proposed energy centre would assist in the goals set by national and local renewable energy targets and would accord with Planning Policy EP5 (Renewable Energy Installations) of the South Gloucestershire Local Plan (Adopted) January 2006.
  4. The proposed energy centre would not cause any significant adverse impact in residential amenity and would accord with Planning Policy EP5 (Renewable Energy Installations) and EP1 (Environmental Pollution) of the South Gloucestershire Local Plan (Adopted) January 2006.
  5. The proposal is considered to be acceptable having regard to issues of highway safety and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.



## 7. RECOMMENDATION

7.1 Planning Permission is **GRANTED** subject to the following conditions:

**Contact Officer: Peter 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. Notwithstanding the submitted details, prior to the commencement of development, samples of the roofing and external facing materials proposed to be used for the proposed energy centre shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In order to ensure a satisfactory standard of design that respects its more rural setting and the character and appearance of this sensitive site that is boarded by the parkland setting of Tortworth Court which is a Grade II-star Registered Park and Garden all to accord with Planning Policies D1, L1, EP5, L10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, full details of the height of the proposed gas governor shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the gas governor shall not exceed the height of the adjoining stone boundary all.

Reason

In order to ensure a sensitive standard of design and to accord with Planning Policy D1 of The South Gloucestershire Local Plan (Adopted) January 2006.

4. The two chimneys serving the existing boiler house shall be permanently removed within 6 months of the first operation of the energy centre hereby approved. These chimneys shall firstly be identified on a plan submitted to and agreed in writing by the Local Planning Authority.

Reason

To enhance the setting of the application site and the adjoining Tortworth Court and Registered Park and Garden, all to accord with Planning Policies D1, L10 and L13 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Notwithstanding the submitted details, 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. For the avoidance of doubt, these details shall include the retention of the hedge along the southern site boundary and should seek to avoid the introduction of pallisade fencing. Development shall be carried out in accordance with the agreed details.

Reason

In the interests of visual amenity and to ensure a sensitive form of design, all to accord with Planning Policies D1, L1 and EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, an ecological and landscape management shall be submitted to and approved in writing by the Local Planning Authority. The plan should include details of the semi-natural habitat to be created on the bund (species-rich grassland, native species-rich hedge) and details of how semi-natural habitat adjacent to it (bramble, Harris Wood SNCI) will be protected during the construction phase.

Reason

In the interest of species protection and to accord with Planning Policies L8 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

In order to safeguard the character and appearance of this rural area and to accord with Planning Policies D1, L1 and EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

9. Leyhill Prisons Southern access as served from Tortworth Lane and presented on drawing number LYD-099-A-100--A-P5 shall not provide access to staff and visitor

parking areas and these areas shall remain restricted from this access in perpetuity unless emergency procedures dictate.

Reason

To ensure that the proposed access facility accommodates the intended traffic use and does not result in a redistribution of prison traffic that may conflict with the operation of the development hereby proposed and impact upon the safe and convenient use of adjoining highways; all to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. Prior to the commencement of development, a full construction management plan shall be submitted to include routing of vehicles, timing of deliveries, parking of contractors vehicles, wheel wash facilities and times of deliveries. Thereafter, development shall accord with these submitted details.

Reason

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

11. 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. Details submitted in respect of this condition shall include any necessary protection measures required to existing pipes routed under the proposed earth bund.

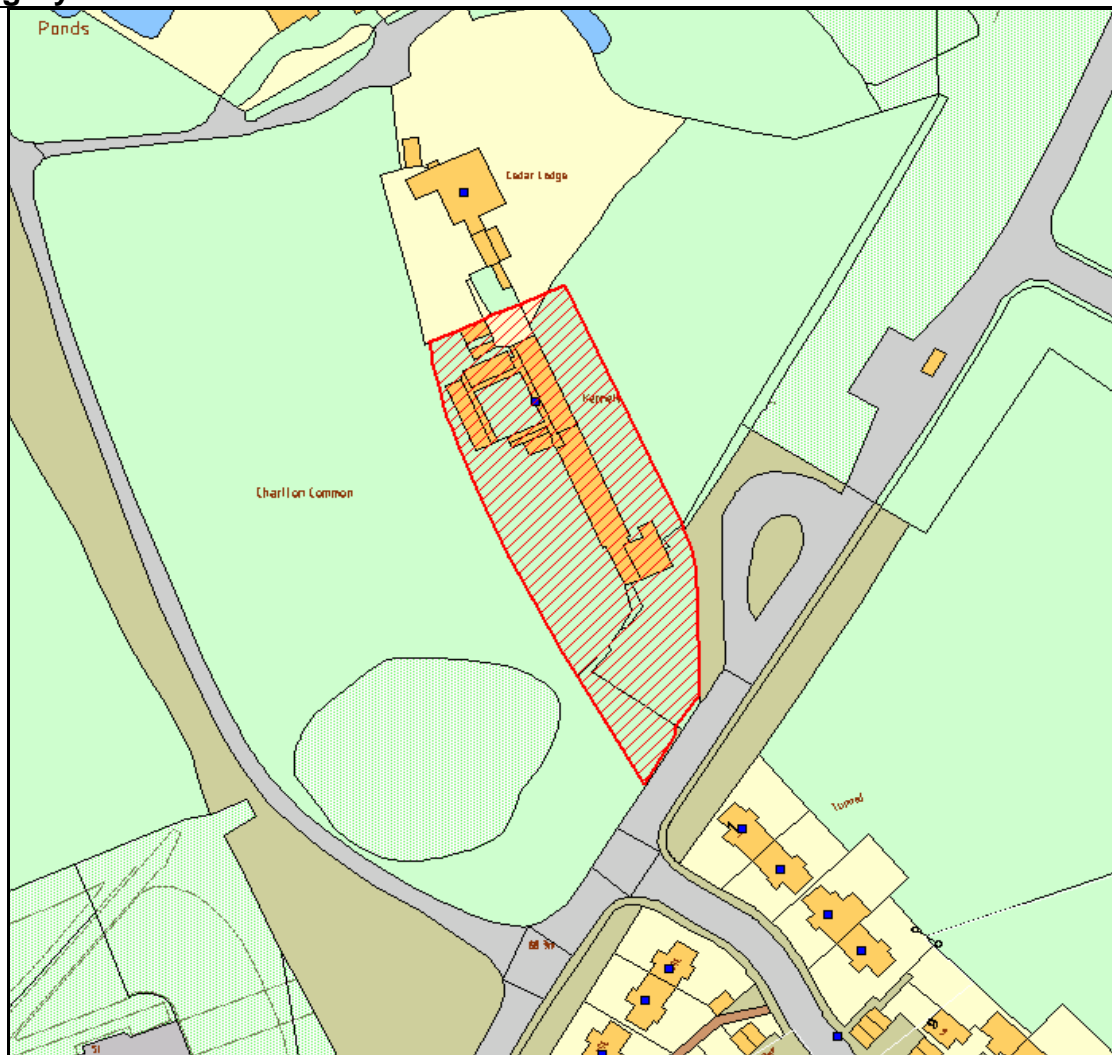
Reason

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.

# ITEM 5

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT13/0404/O	<b>Applicant:</b>	Mr Tim and Ann Wood
<b>Site:</b>	Kennels Cedar Lodge Charlton Common Brentry South Gloucestershire	<b>Date Reg:</b>	11th February 2013
<b>Proposal:</b>	Erection of 13 no. dwellings (Outline) with access to be determined. All other matters reserved (Resubmission of PT11/1805/O).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358779 179941	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Major	<b>Target Date:</b>	9th May 2013



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100023410, 2008. **N.T.S.** **PT13/0404/O**

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

The application appears on the Circulated Schedule due to the requirement of a legal agreement to secure appropriate funding.

### **1. THE PROPOSAL**

- 1.1 The site consists of 0.32 hectares of land consisting of a dog boarding kennels. Part of the site is also used for the storage of caravans. The site is associated with Cedar Lodge which lies to the north of the application site and other than a strip of garden of 8 metres in depth, is excluded from the development site. Access to the site is directly from Carlton Road.
- 1.2 The application details the proposed development of 13 dwellings. The planning application is submitted in outline. All matters are reserved except for access. The applicant has submitted a Design and Access Statement, supported by indicative plans which are intended to indicate the broad parameters of the development and ultimately inform any further applications to consider the matters reserved at this stage. However, at this stage, the design and layout of the proposed development cannot formerly be considered.
- 1.3 The application site is situated within the urban area as defined in the adopted Local Plan.
- 1.4 This application is a re-submission of PT11/1805/O which was refused and subsequently dismissed at appeal.

The original refusal reasons were:

1. *The outline application is not supported by an agreed section 106 legal agreement which would secure a financial contribution in respect of the provision of transport to the nearest primary and secondary school that would offset the impact of the proposed development in that respect. The proposed development is therefore contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

2. *The outline application is not supported by an agreed section 106 legal agreement which would secure a financial contribution in respect of the off site provision of improvements to existing public open space that would offset the impact of the proposed development in that respect. The proposed development is therefore contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

3. *The outline application is not supported by an agreed section 106 legal agreement which would secure a financial contribution in respect of the off site provision of improved library services that would offset the impact of the proposed development in that respect. The proposed development is therefore contrary to Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006.*

4. *The proposed development would not provide adequate turning facilities such that would allow large service vehicles to turn within the site and access*

*and egress the site in a forward gear. It is likely that large service vehicles would be forced to reverse the full length of the proposed access road and as such would have a detrimental impact upon highway safety. The proposed access is therefore unacceptable and would result in a detrimental impact upon highway safety and is contrary to Policy D1 and Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.*

- 1.5 With reference to the resulting appeal, in his concluding statement the Inspector stated:

*'...the amount of the financial contribution sought for school transport is not justified and no financial contributions for public open space or improvement to library services are warranted. However, in the absence of a planning obligation to provide for a shortfall in school places, the proposed development is in unacceptable conflict with Policy LC2 of the adopted SGLP, which is itself essentially consistent with the National Planning Policy Framework. The appeal accordingly fails.'*

- 1.6 Both in this submitted application and following discussions resulting from Officer comments, the applicant has made changes to the design of the scheme regarding the parking and manoeuvrability of vehicles on site. The Inspector's decision stated that a shortfall of school places in the area warranted a financial contribution and this has been agreed with the applicant. In addition the applicant has agreed to the affordable housing provision arising from the site. Details of the affordable housing and the financial contributions for school places will be secured by a s.106 agreement.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

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

D1 Achieving Good Quality Design in new Development

L1 Landscape Protection and Enhancement

L9 Species Protection

EP1 Environmental Pollution

EP4 Noise Sensitive Development

H2 Proposals for Residential Development in the Existing Urban Areas and Settlement Boundaries

H4 Development within Existing Residential Curtilages

H6 Affordable Housing

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

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

LC2 Provision for Education Facilities (Site Allocations and Developer Contributions)

- LC8 Open Space and Children's Play in Conjunction with New Residential Development.
- L18 Sustainable Drainage Methods

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

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Environmental Resources and Built Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS23 Community Infrastructure and Cultural Activity
- CS24 Open Space Standards
- CS26 Cribbs/Patchway New Neighbourhood

2.3 Supplementary Planning Guidance

- The South Gloucestershire Design Checklist SPD (adopted)
- Cribbs/Patchway New Neighbourhood Development Framework SPD (draft November 2012)
- Residential Parking Standards SPD (to be adopted along with the Core Strategy) 2013
- The South Gloucestershire SPD: Affordable Housing (Adopted) 2008

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT11/1805/O Erection of 13no. dwellings (Outline) with access to be determined. All other matters reserved.  
Refused 14th August 2012
- Appeal dismissed 22<sup>nd</sup> January 2013

The refusal reasons and appeal summary are detailed in section 1.4.

**4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No comment

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

Highways Engineers  
No objection following updated details

Community Services  
No comment

Department of Children and Young People  
Contribution required

Housing Enabling Team  
Allocation required

Environmental Protection  
No objection subject to an informative

Urban Design Officer  
No objection following updated parking scheme

Landscape Officer  
No objection in principle

Ecologist  
No objection subject to an informative

Highway Drainage  
No objection in principle subject to a condition and informatives

Wessex Water  
No objection in principle subject to an informative

### **Other Representations**

4.3 Local Residents  
None received

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The applicant has specified that all matters except access are reserved for future consideration. Accordingly, the principle of the development is to be considered in this application. Policy H2 is the most relevant policy. This is discussed in more detail below.

In addition, the South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination was



scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

Furthermore, Policy CS26: Cribbs/Patchway New Neighbourhood of the emerging South Gloucestershire Core Strategy is also scheduled for parallel examination. This policy therefore also carries considerable weight in the determination of applications. In this instance, the development is relatively modest in scale and would provide 13 dwellings. Access to the development would be from Charlton Common. Given its location it is not anticipated that the development would have any material impact upon the delivery of strategic infrastructure such as open space, access points or road network. Similarly the infrastructure requirements associated with the provision of 13 dwellings are not of a scale to undermine delivery of Policy CS26 of the South Gloucestershire Core Strategy – Post Submission Changes (December 2011) in the event that the Core Strategy is adopted; should they not be forthcoming.

## 5.2 Design and Layout Considerations

Matters regarding scale, layout, appearance and landscaping are reserved for future consideration. However, it is necessary for any outline submission to demonstrate that the proposal has been properly considered having regard to the relevant policies, site constraints and opportunities. A proposal should therefore, include details relating to the amount (scale); the approximate location of buildings (i.e. indicative layout) and fix principles with regards to architectural appearance and landscaping. The details submitted should demonstrate how the applicant has considered the proposal and understand what is feasible for the site in its context. The only supporting information submitted by the applicant is indicative layout, floor and site section plans. The application includes a Design and Access Statement (D&A) and indicative layout. The application also includes indicative designs in respect of the proposed dwellings. In this instance, the D&A provides two designs (house type A and B) and sets out the principle differences between the options. Both designs are of a contemporary style and have a modern appearance. The indicative layout shows a development of semi-detached dwellings with the exception of a single detached dwelling. The design principles would apply successfully to a detached dwelling.

- 5.3 Given the rectangular shape and north-south orientation of the site, the simple juxtaposition of the access road along the eastern boundary and fronting of dwellings onto it, is a logical response. No information is specifically provided to set appearance principles other than the streetscene and Option A diagram. The near context is characterised by '1980-90's' development of brick and render and as such is not defined by any strong historic vernacular. As such, the apparent indication of gable fronted dwellings (to ensure south facing roof pitches), narrow fronts with vertical emphasis expressed through large vertically orientated windows, a projecting porch with flat roof and minimal detailing, giving a 'contemporary' appearance is not inappropriate, however with the full

application these details will be specified and remove any potential for ambiguity. The dwelling forms with pitched roofs facing south to allow for fixing of solar technology, if not now, then in the future, is welcome. The energy statement appears to aspire to high sustainability standards but like much of the rest of the document is a little ambiguous.

It is considered that the general juxtaposition of dwellings and access road, apparent scale and appearance of dwellings and landscaping is acceptable. Initially, the Urban Design Officer raised concern as to the amount of parking and the practicality of the turning head proposed. Similar concern was also raised by the Highway Engineer and this is addressed in more detail below.

#### 5.4 Landscape

The site consists of a linear area of land approx. 0.32 ha in total, currently Cedar Lodge Kennels. The site contains a number of low buildings, comprising the kennel blocks and reception building; there is little existing vegetation on the site, but the site backs onto Charlton Common, which contains dense mature vegetation around the perimeter. The Common has suffered from lack of maintenance during recent years, resulting in scrub/Bramble encroachment covering the majority of the area. As part of the CPNN development it is intended that the Common will be included within the overall ecological management plan for the whole area, and will be actively managed to provide a good useable informal space for the nearby residents.

The proposed scheme needs to be judged against policy L1 and D1 of the Adopted Local Plan; in terms of D1 Landscape Officers consider it unfortunate that the proposed layout turns its back on the Common, the boundary being closeboard fencing to provide private rear garden space. It would be preferable to 'hand' the layout, providing the access road alongside the edge of the Common and allowing a secure rear garden boundary along the eastern side of the site. Once the management work to the Common to remove the scrub and Bramble has been completed, the Common will be much more open and there would be open views across the Common from these properties, if they fronted on to it. It is appreciated that this would be a fundamental design change, but it is considered that the proposed layout should take advantage of the setting overlooking Charlton Common.

- 5.5 In conclusion there is no 'in principle' landscape objection to the development of this site. It is noted, however, that the landscape officer suggests that under a full application the layout should be revised to achieve an arrangement that takes full advantage of the setting of the site overlooking Charlton Common. Notwithstanding this suggestion the layout is not an intrinsic element of this current application and does not undermine the principle of development and access under consideration here. All other matters would be discussed at a later stage should a full application be submitted in the future.

#### 5.6 Assessment under Policy H2

Planning policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006 allows for the principle of the development proposed subject to considerations regarding the following criteria being met:

**A. Development would not have unacceptable environmental or transportation effects and would not significantly prejudice residential amenity.**

5.7 Environmental Effects

The application site consists of an area currently used for kennels and storing of caravans. The site is not covered by any statutory or non-statutory nature conservation designations. The Council's Ecological Officer has assessed the proposal and states no objection subject to standard informatives attached to the decision notice.

5.8 Transportation

In this instance, the application seeks to secure 'access' with all other matters reserved. The site is proposed to be access directly from Charlton Road and would utilise the existing access to the site. Access to Cedar Lodge would become a continuation of the proposed access road serving the proposed development.

It is considered that the access onto Charlton Road is acceptable in its own right, and is capable of serving the proposed development and the existing dwelling at Cedar Lodge. It is also considered that the proposed access serving Cedar Lodge would also be acceptable. Initially, Highways Engineer raised specific concern in relation to the size and functional practicality of the proposed turning facility. This was specifically in relation to large vehicles such as refuse collection lorries being able to turn. Without this functionality such vehicles (which have restricted visibility) would be forced to reverse along the full length of the access road which contains a bend. This was considered to have a detrimental impact on highway safety. Changes to the original scheme have addressed these issues and created a new turning head which would allow a larger vehicle to turn here. This is now considered acceptable.

5.9 Residential Amenity

Although all matters are reserved indicative plans have been submitted showing the likely layout of the site, as well as the scale and appearance of the dwelling.

The context of this site is such that the proposed development would take place in relative isolation. The relationship with nearby dwellings is such that the development would not result in any material impact in respect of overlooking or overbearing impact. As set out above, the application seeks to secure the access, with all other matters reserved. In this instance it is considered that the characteristics of the site is such that there would be sufficient room for the proposed amount of dwellings whilst providing sufficient private amenity space; and without compromising the residential amenity of the occupants of the development.

**B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved**

- 5.10 Minimum density targets have been removed through the introduction of the National Planning Policy Framework (NPPF). However, the NPPF does

promote good standards of design that responds to local character, and sustainable development. Accordingly, it is considered that development should make the most efficient use of land that is compatible with the site and the character of the surrounding area.

- 5.11 The site is constrained by its shape and siting, accordingly, a higher density than that proposed is unacceptable.

**C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination**

- 5.12 The site is located within an established residential area and is surrounded by existing properties. Given that the site appears to have historically formed the garden of no.1 Oldlands Avenue, it is considered that the proposal will not bring about any significant issues in terms of pollution or contamination.

**D. Provision for education, leisure, recreation and other community facilities within the vicinity is adequate to meet the needs arising from the development**

- 5.13 As discussed above the site would attract education contributions to be secured through a s.106 agreement. This is detailed in the below section.

5.14 Children's and Young People

Policy LC2 (and the emerging Policy CS23) indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, (to accord with the tests set out in the NPPF (2012) and the Community Infrastructure Levy Regulations (2010)), to meet these needs via an appropriate agreement.

- 5.15 Having regard to this policy, the Department for Children and Young People have indicated that according to the pupil number calculator four additional primary pupils and two additional secondary pupils would be generated by this development. There is projected surplus capacity at the nearest secondary school to the proposed development. For this reason the Council would not currently request an education contribution for additional secondary school places. However, a contribution towards creation of four additional primary school places of  $4 \times \text{£}12,829 = \text{£}51,316$  at Quarter 4 2011 prices would be required.

- 5.16 This advice is valid for a period of three months from the date that it is issued by the Department for Children and Young People. Should the mix of dwelling change, or should the development not proceed in the near future, the contribution would need to be reassessed. Additionally, the final amount of contribution should be calculated using DfE cost calculators current at the time of signing a Section 106 agreement, increased in accordance with any increases in the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

The financial contribution has been agreed and on this basis Officers have no objection to the proposal subject to the satisfactory completion of a s.106 agreement.

5.17 Community Services

Policy LC8 of the South Gloucestershire Local Plan (Adopted January 2006) considers provision towards open space and Children's Play Space in relation to new residential development. The Policy indicates that where local provision is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision to meet these needs. In addition Policy LC1 indicates that where local provision for leisure, recreation and other community facilities is inadequate to meet the projected needs arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to secure provision in scale and kind, to meet these needs. This may include contributions towards the enhancement of existing provision within the vicinity where on-site provision is not possible.

In this case there is no contribution requirement

5.18 Affordable Housing

Policy H6 of the adopted Local Plan requires Officers to seek an element of subsidised affordable housing to meet local need on all housing development of 15 or more dwellings or 0.5 ha on sites within the urban area and development boundaries. However, the emerging Core Strategy has been advocated by the Council containing a new affordable housing policy with a reduced threshold of 10 dwellings or 0.33 ha in urban areas and a requirement for 35% affordable housing. Having received the Inspector's main modifications to Policy CS18 i.e September 2012, Policy CS18 is considered to meet all 3 tests of para 216 of the NPPF. It is therefore considered that given the weight of the Core Strategy, its advanced stage and with adoption expected this year, more weight should be given to the Core Strategy as a material consideration rather than to the SGLP and consequently, the Council seeks affordable housing provision in line with Policy CS 18 of the Core Strategy (subject to economic viability).

- 5.19 Based on this scheme of 13 units, a total of **4** affordable units will be required. A tenure split of 80% social rent and 20% intermediate housing is identified in the West of England Strategic Housing Market Assessment (SHMA) 2009. Of those 13 units, 3 of those shall be social rented and 1 shared ownership.

The Council in accordance with policy seeks a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below:

Under the heading "Form" paragraph 2.2.1 of the submitted Planning Statement reference is made to the provision of 13 x 3 bed houses. As part of any reserved matters application the Council will seek a range of affordable unit types based on the findings of the SHMA 2009, set out below:

Enabling would seek a mix of 2 & 3 bed homes in this instance.

## Social Rent

Percentage	Type	Min Size m2
23%	1 bed flats	46
7%	2 bed flats	67
38%	2 bed houses	75
22%	3 bed houses	85
10%	4 bed houses	106

## Intermediate

Percentage	Type	Min Size m2
44%	1 bed flats	46
17%	2 bed flats	67
19%	2 bed houses	75
19%	3 bed houses	85
1%	4 bed houses	106

The Council will seek 5% of the affordable housing to meet the wheelchair accommodation standards as set out at Appendix 4 of the Council's Affordable Housing Supplementary Planning Document.

*Based on 4 affordable units the Council will not be seeking any wheelchair units.*

- 5.20 This is an outline application with means of access to be determined, and all matters reserved and therefore Housing Enabling is unable to comment on the specific details of the scheme e.g location of units, as the layout is not fixed and could change. It is therefore, recommended that prior to the submission of a reserved matters application, pre-application discussions are entered into with the Housing Enabling Team to ensure the affordable housing units meet the requirements as this will clearly influence the schemes layout, unit types etc.

The developer has committed to delivery of the above affordable housing provision and financial contribution in accordance with Policy H6 of the adopted Local Plan and Policy CS13 of the Emerging Core Strategy and this would accord with advice contained in The NPPF (2012) and the Community Infrastructure Levy Regulations (2010).

### 5.21 Planning Obligations

The NPPF (2012) and the Community Infrastructure Levy Regulations (2010) set out the limitations of the use of Planning Obligations (CIL).

The regulations (122) provide 3 statutory tests to be applied to planning obligations and sets out that a planning obligation must be:

- 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

5.22 It is considered that planning obligations required to meet the needs of the residents of the new development and to off-set the additional burden upon existing services in respect of:

- a) shortage of spaces in schools
- b) affordable housing provision

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 application site is located within the settlement boundary where the principle of new residential development is considered to be acceptable. The proposal would therefore accord with Planning Policies H2 (Proposals for New Residential Development) and H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

b. A new dwellings could be accommodated without any significant adverse in residential amenity. The proposal would therefore accord with Planning Policies H2 (Proposals for New Residential Development) and H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

c. The proposal would be acceptable having regard to issues of highway safety and would therefore accord with Planning Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

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 Planning, Transportation and the Strategic Environment to grant 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) to secure the following:

- a) 4 dwellings shall be identified and reserved and set aside as Affordable Housing. There shall be a tenure split of 80% social rent and 20% intermediate housing - of those 13 units, 3 of those shall be social rented and

1 shared ownership; all to accord with the standards for Affordable Housing as set out in the Affordable Housing SPD (adopted) 2008. Reason – To accord with Policy CS18 of the emerging Core Strategy South Gloucestershire Local Plan (Adopted) 2006.

- b) The payment of £51,316 as a contribution towards the cost of providing four additional primary pupil places. Reason – To accord with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 2006.

7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.

7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the



date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Applications for the approval of the reserved matters shall be in accordance with the principles and parameters described and illustrated in the submitted Design and Access Statement (dated 5 February 2013) and with the approved drawings (Block Plan) unless otherwise agreed in writing by the Local Planning Authority. A statement shall be submitted with each reserved matters application that demonstrates that the application proposals comply with the Design and Access Statement

Reason

To ensure that the scale parameters of the reserved matters application accord to those approved at outline stage to accord with Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

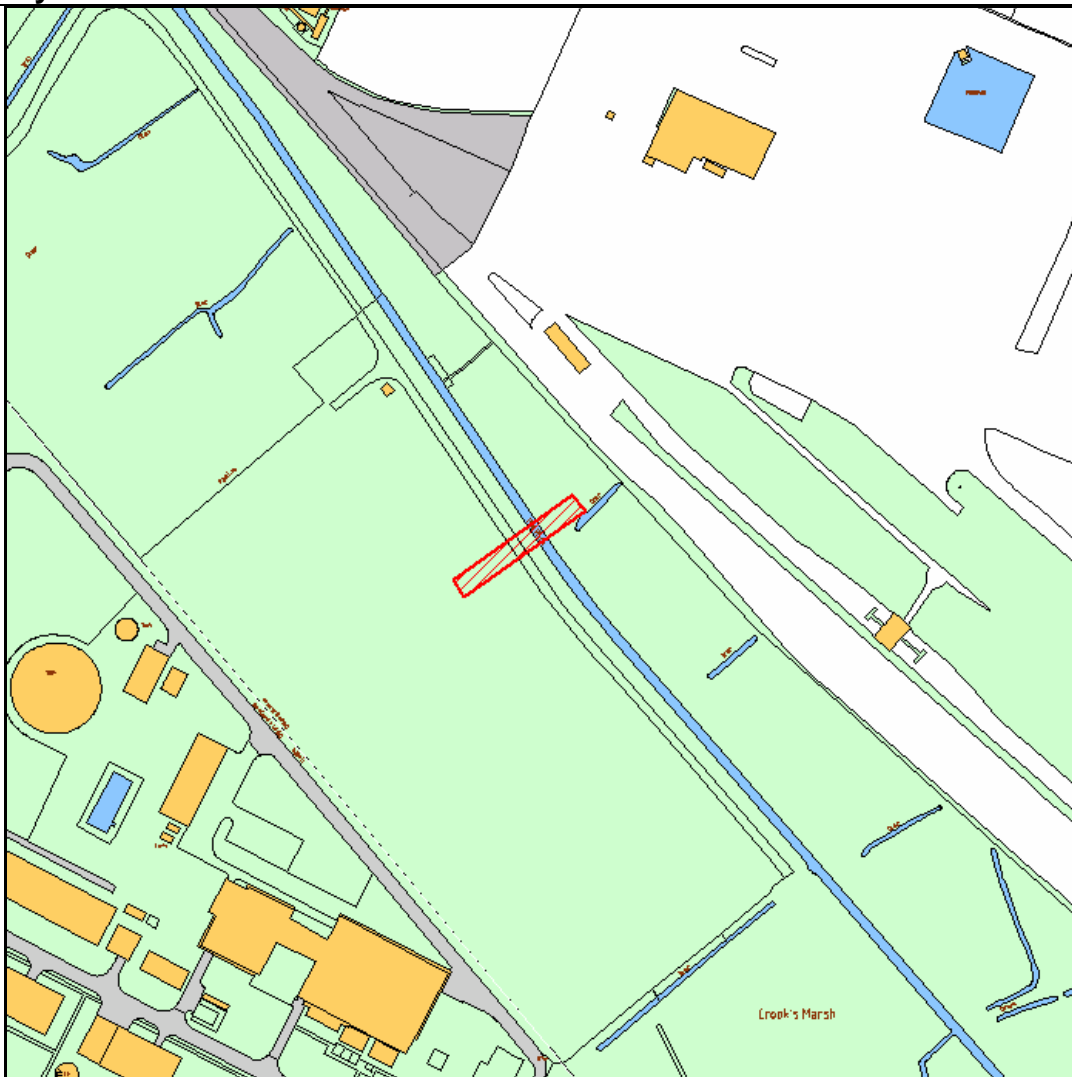
7. Prior to commencement of development, the full design and construction details for the proposed vehicular access onto the public highway shall be submitted to and agreed in writing with the Local Planning Authority. The access shall thereafter be completed in all respects in accordance with the approved plans prior to the first occupation of the development.

Reason:

To ensure satisfactory vehicular access is provided to avoid propagation of on-street parking to the detriment of highway safety and to ensure that the use of the Village Green is not impaired for its prime purpose all to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013**

<b>App No.:</b>	PT13/0719/MW	<b>Applicant:</b>	Mr G Phillips SITA UK Limited
<b>Site:</b>	Sevenside Energy Recovery Centre Severn Road Hallen South Glos.	<b>Date Reg:</b>	6th March 2013
<b>Proposal:</b>	Erection and operation of a Conveyor to transfer bottom ash for recycling from the Sevenside Energy Recovery Centre to the adjoining Sevenside Energy Recovery Centre Bottom Ash Recycling facility.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	354771 181326	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	31st May 2013



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100023410, 2008. **N.T.S.** **PT13/0719/MW**

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

This application appears on the Circulated Schedule as a result of a consultation response received, contrary to officer recommendation

### **1. THE PROPOSAL**

- 1.1 This application seeks permission for the construction of a conveyor. The application is made within the context of a previous planning permissions that have been granted at the site. The first was for the change of use of land for the construction of an Energy Recovery Centre (ERC) for the thermal treatment of non hazardous waste and ancillary development including new road and roundabout on A403 and new railhead and erection of site office and visitor centre with associated works. The application was approved on appeal in July 2011. The second was for a bottom ash recycling facility to deal with the ash arisings from the Energy Recovery Centre and is located immediately adjacent to it. The conveyor the subject of this application is to serve the approved Energy Recovery Centre and the bottom ash recycling facility by providing a permanent covered link between the two for the transportation of bottom ash for recycling.
- 1.2 The energy recovery centre itself covers an area of 10.2 hectares. The site the subject of this application is located within an area between the energy recovery centre and the bottom ash facility, across the rhine. The area as a whole is covered by the former ICI consents as covered by policy designations E1 and E2 of the South Gloucestershire Local Plan (Adopted) January 2006. The site is also allocated in principle as a suitable location for residual waste treatment use in Policy 5 the West of England Joint Waste Core Strategy (Adopted) March 2011. The site is currently accessed directly off the A403 Severn Road. However under the terms of the permission referred to above a roundabout is to be constructed with the spine road coming off the roundabout and along the south-west boundary of the site and providing access into the site as a whole. Existing railtrack bounds the site to the north-eastern length of the site. The Severn Estuary (SPA, SAC, RAMSAR) is located approximately 300 metres to the north and west of the site across the A403 and across Chittingen Warth.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
PPS10 – Planning for Sustainable Waste Management
- 2.2 Development Plans  
West of England Joint Waste Core Strategy (Adopted) March 2011  
Policy 5 – Residual Waste Treatment Facilities  
Policy 11 – Planning Designations  
Policy 12 – General Considerations

South Gloucestershire Local Plan (Adopted) January 2006

E2 – Severnside

E4 – Safeguarded Employment Areas

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

CS1 – High Quality Design

CS35 -Severnside

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

- 3.1 PT09/5982/FMW - Change of use of land for the construction of an Energy Recovery Centre for the thermal treatment of non hazardous waste and ancillary development including new road and roundabout on A403 and new railhead. Erection of site office and visitor centre with associated works. Approved on appeal 18<sup>th</sup> July 2011.
- 3.2 PT12/1207/MW – Re-alignment of part of the Spine Road Access which will serve the Energy Recovery Centre approved under reference PT09/5982/MW. Approved 19<sup>th</sup> April 2012.
- 3.3 PT12/1303/MW - Construction of bottom ash recycling facility, to include processing building, storage areas and bays, access road and associated infrastructure and development of the existing railhead, to serve the Energy Recovery Centre (approved under reference PT09/5982/FMW). Approved 28<sup>th</sup> September 2012.
- 3.4 PT12/2567/MW – Variation of condition 2 of planning permission reference APP/PO009/A/10/2140199 (Local Planning Authority reference PT09/5982/FMW) to revise the approved plans listed as part of the permitted Energy Recovery Centre. Approved 25<sup>th</sup> January 2013.
- 3.5 PT13/0744/NMA – Non-material amendment to PT12/1303/MW to change position and arrangements of raw ash storage bays. Approved 27<sup>th</sup> March 2013.

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
We request further information; what exactly is being disposed off? We object on the grounds of noise and disturbance. Also require information and assurance as the process is not fully encapsulated and any failure to damp the ash sufficiently could result in the release of hazardous materials. There must be no possibility of ash escaping.

*NB – A further response to the Parish was sent, explaining the existing permissions and the relationship between the two sites as well as the fact that the conveyor would be enclosed. No further response has been received and the objection therefore remains.*

#### 4.2 Other Consultees

##### Transportation

There is no transportation objection to the proposal

##### Landscape

No objections

##### The Environment Agency

No objection subject to conditions addressing potential contamination.

##### Environmental Protection

No objection

##### Lower Severn Drainage Board

No comments received

##### Trading Standards and Licensing

Operators need to be aware of the weight restrictions at Hallen, for vehicles associated with the site.

##### Environmental Protection

No adverse comments

##### Ecology

The conveyor measures c.52m in length and 4m in width. It originates at a height of 6m above ground level rising to a height of 10m and will thus not have any impact on the integrity of the watercourse below it.

The conveyor sits within a box structure to prevent ash being spilt or blown off the conveyor during transportation and will not therefore have any impact on the nearby Severn Estuary SPA/Ramsar through dust/ aerial discharge.

There are no ecological constraints to granting planning permission.

#### **Other Representations**

#### 4.3 Local Residents

No comments received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The principle for the construction of, and use of the site as an energy from waste plant was approved and established by the decision, made on appeal, pursuant to planning reference PT09/5982/FMW, in July 2011. Subsequent permission for a new bottom ash recycling facility to recycle the ash that would be produced from the energy to waste process as well as a new railhead and three crossing points over the red rhine was also granted, under reference PT12/1303/MW, on 28<sup>th</sup> September 2012.

5.2 The principle of waste use is therefore already established. The conveyor proposed would allow the bottom ash to be transferred from the Energy Recovery Centre (ERC) to the recycling area. It is considered that the principle of such a facility taking into account the site and its association with and proximity to existing ERC plant would, in principle be acceptable, subject to detailed development control considerations. Current waste policy seeks to drive waste up the waste hierarchy and essentially divert waste from landfill. The conveyor would aid the effective transportation of the bottom ash from the energy recovery centre to the adjacent bottom ash recycling facility in a more efficient and sustainable manner avoiding continued vehicle movements between the two areas. The conveyor would be electrically driven, by power generated by the ERC, replacing the need for ongoing diesel powered vehicle movements. The National Planning Policy Framework, indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits. It is considered that these proposals would positively contribute to those interests, subject to detailed development control consideration.

### 5.3 Landscape

The proposed conveyor would be a relatively minor addition to the sites development with little visual impact particularly in context with the approved site and the surroundings of the operational facility. There are no landscape objections to the proposals.

### 5.4 Transportation

The proposals would not represent an increase in vehicle movements or overall capacity of the site, moreover they would reduce the need for internal vehicle movement. There are no transportation objections to the proposals.

### 5.5 Ecology

The conveyor measures 52m in length and 4m in width. It originates at a height of 6m above ground level rising to a height of 10m and will thus not have any impact on the integrity of the watercourse below it. The conveyor sits within a box structure to prevent ash being spilt or blown off the conveyor during transportation and will not therefore have any impact on the nearby Severn Estuary SPA/Ramsar through dust or aerial discharge.

## 5.6 Environmental Protection

As stated elsewhere the conveyor will be an enclosed facility, preventing the escape of dust. It is not considered that, given the sites location coupled with the nature of the development already approved to which it will serve as well as the location of the conveyor within the site, that it would give rise to significant or additional issues of noise or disturbance. The addition of the conveyor, if granted planning permission, would thereafter require the waste permit for the site to be varied, the potential environmental impact of the conveyor will be carefully assessed as part of the variation determination. Conditions, as recommended by the Environment Agency, can be incorporated on any consent to address any potential issues of contamination.

## 5.7 Local Amenity

Given the location of the site, the nature of these additional proposals and the context of the existing permission for an ERC, it is not considered that the proposals would give rise to additional or material amenity impacts upon the locality.

## 5.8 Drainage/Flood Risk

It is not considered that the proposals would have any impact upon the drainage capabilities of the existing approved site. Furthermore the enclosed nature of the conveyor proposed would not give rise to any issues connected to the rhine below. The developer must also seek land drainage consent for any drainage works within the Lower Severn Internal Drainage Board area.

## 6. CONCLUSION

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

6.2 The principle for the use and development of the site for the purposes that the conveyor is intended to serve i.e. the energy recovery centre and the bottom ash recycling facility, is already established through planning permission references PT09/5982/FMW and PT12/1303/MW. Indeed the site is allocated as a potential site for residual waste management in the West Of England Joint Waste Core Strategy (Policy 5). In addition to this the principle of utilisation of the railhead and the requirement for the recycling of bottom ash, resultant from the ERC process is also established in the existing consent. The conveyor would act as an enclosed link between the two immediately adjacent sites enabling convenient transfer of ash arising from the energy recovery centre to the ash recycling facility, whilst avoiding the requirement for continued HGV movements between the two sites. On this basis and in the context of the existing site, the development of the energy recovery centre and the addition of the bottom ash facility, it would not give rise to any additional transportation, ecology, environmental or amenity issues. It is considered that the proposals are acceptable and in accordance with Policies 5, 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the West of England Joint Waste Core Strategy (Adopted) March 2011, set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is granted subject to the conditions recommended.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

## **CONDITIONS**

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

Reason

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

2. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason

To protect controlled waters and to accord with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

3. The conveyor hereby permitted shall be fully enclosed.

Reason

To prevent any ash and dust emissions and to protect the local environment, in accordance with Policies 11 and 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.



# ITEM 7

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT13/0769/F	<b>Applicant:</b>	Mr O Sorrell
<b>Site:</b>	The Meal House Myrtle Farm Oldbury Naite Oldbury On Severn Bristol	<b>Date Reg:</b>	9th April 2013
<b>Proposal:</b>	Conversion of residential annexe and stable to 1no. separate dwelling with associated works. (Part retrospective).	<b>Parish:</b>	Oldbury-on-Severn Parish Council
<b>Map Ref:</b>	361759 193170	<b>Ward:</b>	Severn
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd June 2013



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100023410, 2008. **N.T.S.** **PT13/0769/F**

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

This application appears on the Circulated Schedule because letters of support have been received from members of the public contrary to the officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the conversion of an existing residential annexe and stable to form 1no. separate dwelling with associated works.
- 1.2 The application site comprises a two storey detached former agricultural barn that has been converted to provide residential accommodation ancillary to the main farmhouse. The building comprises a stone construction with a solid appearance due to limited number of openings; clay pantiles for the roof and timber casement windows. Poor quality block work agricultural storage sheds are adjoined to the eastern side elevation of the building and these are proposed to be removed. In addition, a dilapidated stable adjoined to the western elevation of the building is to be converted to provide residential accommodation. Very dilapidated corrugated lean-to sheds are attached to the rear elevation of the building and will be removed in the proposal.
- 1.3 The building is located within the yard of Mrytle Farm House on the western side of Oldbury Naite within the open countryside outside of any defined settlement boundary. The site is accessed via a private gravel driveway, which doglegs to the southwest and across the farmyard of farmhouse.

### **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  
EP2 Flood Risk and Development  
H3 Residential Development in the Countryside  
H10 Conversion and Re-Use of Rural Buildings for Residential Purposes  
T12 Transportation Development Control Policy for New Development  
L1 Landscape Protection and Enhancement  
L9 Species Protection  
L13 Listed Buildings  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
CS13 Non Safeguarded Economic Development Sites  
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)  
Residential Parking Standards SPD

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

- 3.1 PT12/2192/F, conversion of residential annexe and stable to 1no. separate dwelling with associated works (part retrospective), withdrawn.

### **4. CONSULTATION RESPONSES**

- 4.1 Oldbury on Severn Parish Council  
No comments received
- 4.2 Environment Agency  
Objection; the Flood Risk Assessment (FRA is inadequate as it fails to cover details on the finished floor levels contrary to the requirements of the National Planning Policy Framework (NPPF).
- 4.3 Drainage Officer  
No objection
- 4.4 Environmental Protection  
No objection
- 4.5 Ecology Officer  
Insufficient information at present to determine the application
- 4.6 Conservation Officer  
No objection
- 4.7 Landscape Officer  
No objection subject to a condition regarding boundary treatments
- 4.8 Building Control Surveyor  
No objection
- 4.9 Transportation DC Officer  
No objection

### **Other Representations**

- 4.3 Local Residents  
Eleven letters of support have been received from neighbouring occupiers. The following is a summary of the reasons given for supporting the application:
- The young people involved are both from local families;
  - Affordable housing is needed in the village;
  - The young people are involved in the local community;

- Young blood is needed in the area;
- Flooding issues are irrelevant;
- The property has been lived in since 1989;
- The proposed building is in keeping with other properties in the area.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of the Development

The site is located within Flood Zone 3, which according, to the National Planning Policy Framework (NPPF) is any area with a high probability of flooding. The NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at high risk. Accordingly, Local Planning Authorities should apply a sequential risk based approach to the location of development to avoid where possible flood risk to people and property. The overall strategic aim is to locate new development into areas with the lowest probability of flooding (Flood Zone 1) before considering areas with a higher risk. This is called the Sequential Test. The NPPF states that applications for changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. In this instance, the application building is currently used for residential accommodation. The applicant has clarified that there will be no extension to the footprint of the building. Accordingly, it is considered that the building could function as a separate residential unit without any operational development being carried out. Although the proposal involves a small amount of operational development to remove the existing dilapidated buildings to the side and rear of the building; making good of the rear walls of the stables and inserting a window in the existing stable door, significant weight is given to the fact that the main building could be converted to a separate residential unit without any operational development-taking place; therefore, it is not considered expedient to apply the sequential test in this instance.

5.2 The applicants are still required to submit a Flood Risk Assessment to acceptably demonstrate that occupiers will be safe from the flood risks identified. The Environment Agency are a statutory consultee, therefore, their comments hold considerable weight when considering the risks from flooding. The Environment Agency has objected to the proposal because the Flood Risk Assessment (FRA) is inadequate and contrary to the requirements of the National Planning Policy Framework (NPPF). In particular, although the FRA submitted covers issues such as flood resilience and early evacuation plans such as registering with Flood Line, the FRA fails to cover details on finished floor levels. The applicant has not submitted additional information to overcome the Environment Agency objection. Accordingly, the proposal is contrary to advice contained in the NPPF, and policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006.

5.3 The overall aim of policy is to locate new residential development within existing urban areas where it will be closer to existing services and facilities to reduce a reliance on private car use in the interests of sustainability. Accordingly, policy H3 does not allow for new residential development in the open countryside outside of defined settlement boundaries. The NPPF accords with this advice and states that Local Planning Authorities should avoid new

isolated homes in the countryside unless there are special circumstances such as where the development would re-use redundant or disused buildings and lead to an enhancement in the immediate setting. Policy H10 of the South Gloucestershire Local Plan (adopted) January 2006 also allows for the conversion of existing rural buildings to provide residential accommodation. The proposal is a historic former agricultural barn, which comprises a traditional appearance and stone construction. The removal of dilapidated corrugated metal sheds will lead to an enhancement of the immediate setting. Accordingly, it is considered that the principle of the development is supported by policy.

- 5.4 The main issues to consider are whether all reasonable attempts have been made to secure a suitable business re-use (policy H10 of the Local Plan and CS13 of the Core Strategy); whether the buildings are structurally sound and capable of conversion without major or complete reconstruction (policy H10 of the Local Plan); whether the buildings are in-keeping with its surroundings in terms of design and character (policies D1 and H10 of the Local Plan); whether any extensions, alterations or the creation of a residential curtilage will have a harmful effect on the character of the area and surrounding landscape (policies D1 and H10 of the Local Plan); whether the building is well related to other groups of buildings (policies L1 and T12 of the Local Plan); the effect on the residential amenity of neighbouring occupiers (policy H10 of the Local Plan); the environmental effects (policies L1 and L9 of the Local Plan); and the transportation effects (policy T12 of the Local Plan); the impact on the setting of the listed building Vine Farm (policy L13 of the Local Plan).

5.5 Business Use Considerations

Policy H10 of the Local Plan requires that all reasonable attempts have been made to secure a suitable business re-use. This advice is generally reflected by policy CS13 of the Core Strategy, which seeks to retain non-safeguarded employment sites. The Core Strategy states that proposals for the residential re-use of buildings will need to be accompanied by a statement clearly demonstrating that a market appraisal has been undertaken to assess alternative economic development uses. The applicant has submitted a Business Viability Report prepared by VoycePullin dated 19<sup>th</sup> April 2013, which investigates the viability and suitability of the building for commercial uses. The report highlights the following issues with converting the application building for business re-use: there is already ample office space in well placed rural areas close to major transport links and in established urban areas; given the small size of the building and the high costs of conversion, it is unlikely that any lenders would be prepared to fund a project with the potential returns currently achievable from office space; the property has limited parking associated with it and shares an access with the farm and farm yard, which would need to be kept clear for the benefit of the adjacent property and its uses. In addition, a commercial use would generate significantly more vehicular traffic and therefore, have a greater effect on local highway conditions; there is virtually no demand commercially for a “craft type” or “cottage industry” use which would be another potential business use for the rural building; a holiday accommodation use is only feasible where the property is located within a well defined tourist area. The South Gloucestershire area cannot be described as a prime “destination area” and there is already ample existing tourist accommodation to meet demand.

- 5.6 Given the above, and taking into account the current economic climate, it is considered that a business re-use for the building is unlikely to be viable. A residential re-use is therefore, acceptable and is not in conflict with the aims of policy H10 of the Local Plan and CS13 of the Core Strategy.
- 5.7 Is the Building Capable of Conversion?  
No structural survey has been submitted with the application. However, the building appears to be of solid and permanent stone construction and weight is given to the fact that it already functions as ancillary residential accommodation. The applicant states that only minimal alterations are required to the external envelope of the building in terms of additional fenestration. The materials, design and massing of the building will remain unchanged. The Council's Building Control Officer has inspected the building and concurs that it can be converted without major or complete reconstruction. Accordingly, there are no objections on this basis in the context of policy H10 of the Local Plan.
- 5.8 Appearance/Form Considerations and the Impact on the Character of the Area  
The application building is a former barn, which is clearly historic; it is shown on historic maps dating from 1880 –1891. It comprises simple traditional proportions, with a stepped form down to the stables. The appearance of the materials with natural stone and brick detailing for the walls and tiled roof are considered to be acceptably in-keeping with the character of the area. The only changes to the external appearance of the building is the replacement of a stable door with a dual casement window with timber cladding below and the insertion of a dual casement window in the western end elevation. Both alterations utilise existing openings and will not therefore, involve significant alteration to the external envelope of the building. Other alterations including the removal of the dilapidated corrugated metal sheds will have a positive affect on the appearance of the building and the character of the area. A condition is recommended that these structures be removed, and the walls of the building made good within 3 months of the date of the decision if permission is granted.
- 5.9 The application building is well integrated within an existing complex of buildings and mature vegetation and a relatively small area of domestic curtilage is proposed, which is primarily occupied by the dilapidated sheds to be removed. Accordingly, subject to appropriate boundary treatments, which can be conditioned if permission is granted, the proposed domestic use will not have a significant adverse affect on the character and openness of the landscape.
- 5.10 Is the Building Well Related to Other Groups of Buildings?  
The building is located within close proximity the main farmhouse Meal House and a number of other ancillary farm buildings located within the farmyard. Accordingly, it is not considered that the building will appear isolated in the landscape. Whilst the proposal results in a new residential dwelling in a relatively unsustainable location, weight is given to the fact that there are special circumstances in this instance as the proposal involves the sympathetic re-use of an existing building, which represents an element of sustainable development. Accordingly, on balance, it is considered that the proposal is not

adversely isolated and is not contrary to the aims of policy H10 of the Local Plan.

5.11 Residential Amenity

There is a separation distance of approximately 10 metres between the application building and Meal House. In addition, the orientation of the buildings is such that no significant adverse inter-visibility issues will be introduced. The front elevation of the application building faces across the front garden of Meal House at a distance of approximately 6 metres. However, given that the front garden is the less intimate area of private amenity space compared to a rear garden, it is considered that this relationship is acceptable and will not adversely affect the residential amenity of neighbouring occupiers. A distance of approximately 24 metres separates the application building from the neighbouring Vine Farm House to the southwest. This distance is considered to be sufficient to ensure that the residential amenity of occupiers will not be significantly adversely affected. All other neighbouring occupiers are located at a sufficient distance from the site to ensure that the occupiers will not be significantly adversely affected.

5.12 Although small, the internal configuration of the rooms and the provision of private amenity space is such that it is not considered that the proposal could not provide an acceptable standard of amenity for future occupiers.

5.13 Environmental Issues

Ecology

The Councils Ecological Officer considers that farm outbuildings, particularly those in a rural environment or abutting semi-natural habitat, offer roosting opportunities and nest sites for a range of species of bats and birds.

5.14 All species of bats are protected under the Wildlife & Countryside Act 1981 (as amended) and Countryside & Rights of Way Act 2000, as well as by European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), which is transposed into British law by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'). As a European Protected Species (EPS), a licence under Regulation 53/56 of the Habitat Regulations is required for development to be lawful.

5.15 A recent judicial review (2009, Woolley v East Cheshire BC) directed that, to fully engage with the Habitats Directive/Habitat Regulations, planning applications should be subject to the same 'tests' under Article 16/Regulation 53/56 as European Protected Species licences. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

5.16 On this basis the application needs to include a survey of the stables for use by bats (and nesting birds) or demonstrate that development will not adversely effect bats. If present, a mitigation strategy will be required to be drawn up and agreed with the Council prior to form the basis of a licence application under Regulation 53/56. Accordingly, there is insufficient information to adequately

assess the application and the potential adverse impact on ecology will form a second refusal reason.

5.17 **Trees**

No trees that make a significant contribution to the character of the area will be affected by the development proposed.

5.18 **Listed Building Impacts**

The application site lies to the northeast of the listed Vine Farm and relates to a former agricultural building associated with the unlisted Myrtle Farm. The 1970s OS map shows the building being in the ownership of Myrtle Farm prior to the listing of Vine Farm and there is therefore, no possibility of the building being considered cartilage listed. It does, however, fall within the setting of the listed building, and any development should have regard to the desirability of preserving the setting of the said building. In this instance, the building is an existing structure and the conversion is a sympathetic one, maintaining the simple character and appearance of the building. The creation of the garden will remove the tin sheds, which improve the general appearance of the site, and there will be no harm to the setting or significance of the listed Vine Farm.

5.19 **Transportation**

Two parking spaces are proposed to the side of the building and an existing access off Oldbury Naite is to be utilised. Weight is given to the fact that the Highway Authority has not objected to the proposed development and the access; parking and turning facilities proposed are considered to be acceptable.

5.20 **Further Matters**

It is noted that support has been received from members of the public, and the applicants are clearly held in high regard in the local community. However, the ecology and flood risk issues must be given significant weight, and it is not considered that the benefits that the proposal will bring to the community highlighted by responses are sufficient to outweigh the issues.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 Planning permission is REFUSED for the following reasons.



**Contact Officer: Jonathan Ryan**  
**Tel. No. 01454 863538**

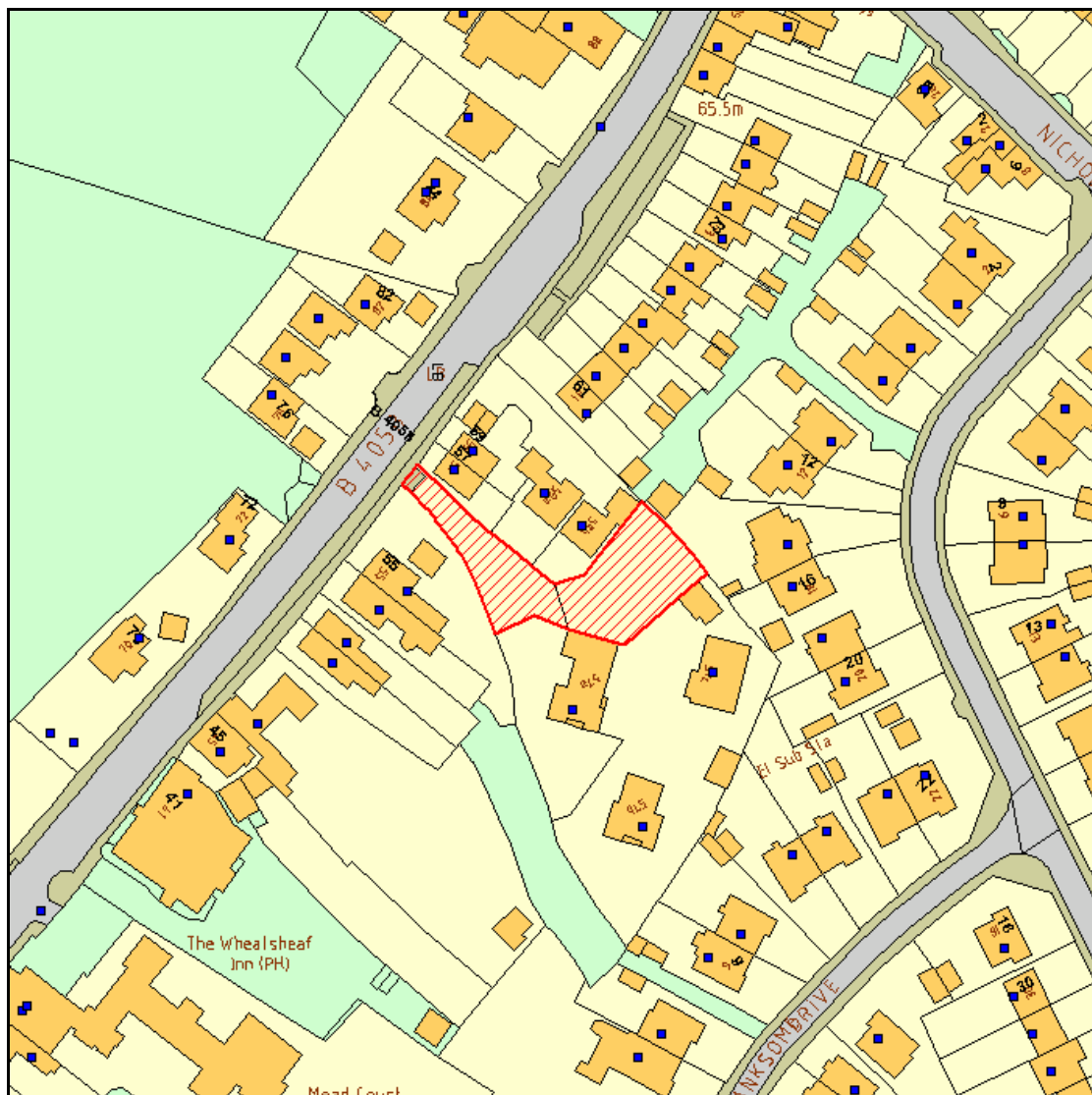
### **REASONS FOR REFUSAL**

1. The Flood Risk Assessment (FRA) submitted inadequately demonstrates that the development proposed will be safe from the risks of flooding given the location of the site in Flood Zone 3. The proposal is therefore, contrary to Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS9 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012., and guidance contained in the National Planning Policy Framework.
2. Insufficient information has been submitted to adequately assess whether the development proposed will have an adverse effect on bats and nesting birds, which are protected species. The proposal does not demonstrate that it will not have unacceptable ecological impacts and is therefore, contrary to policy L9 of the South Gloucestershire Local Plan (adopted) January 2006.

# ITEM 8

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT13/1110/F	<b>Applicant:</b>	Mr And Mrs A Phillips
<b>Site:</b>	57C High Street Winterbourne Bristol South Gloucestershire BS36 1RA	<b>Date Reg:</b>	10th April 2013
<b>Proposal:</b>	Erection of 1no. detached bungalow and detached single garage with access and associated works.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365131 180975	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	3rd June 2013



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100023410, 2008. **N.T.S.** **PT13/1110/F**

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

This application appears on the Circulated Schedule following two objections local residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of 1no. detached bungalow and detached single garage with access and associated works. The application site is situated within the residential curtilage of No. 57C High Street Winterbourne. The site is accessed from High Street via a shared driveway serving the existing dwellings associated with this site.
- 1.2 During the course of the application Officers suggested changes to improve the overall design of the scheme. These were only taken up in part by the applicant and as the changes were minimal and did not alter the principle of the development, the plans were not sent out for re-consultation.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

NPPF National Planning Policy Framework March 2012

#### 2.2 Development Plans

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

D1 Achieving Good Design in New Development

H2 Proposals for Residential Development

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

T8 Parking Standards

T12 Transport Development Control

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

CS1 High Quality Design

CS17 Housing Diversity

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted 2013)

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

- 3.1 N1006           Erection of two detached dwellings – outline  
Refused           12.6.75
- 3.2 N1006/1        Erection of two detached bungalows and new access.  
Outline  
Approved         22.7.76

- 3.3 N1006/1AP Erection of two detached bungalows and garages and new access  
Approved 17.3.77
- 3.4 PT06/0829/F Erection of a detached dwelling and detached garage  
Opposite 57a High Street Winterbourne BRISTOL South Gloucestershire BS3  
Approved 25.5.06

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

- 4.1 Winterbourne Parish/Town Council  
No objection

4.2 Other Consultees

Highway Drainage

No objection subject to an informative and conditions attached to the decision notice

Environmental Protection

No objection subject to an informative attached to the decision notice

#### **Other Representations**

4.3 Local Residents

Two letter of objection have been received from local residents, summarised as:

- existing confusion regarding number of properties and another will add to the problem
- concern regarding building noise and lorries etc
- an existing conifer and a Beech hedge have not been identified on the plans
- overlooking from window in north east elevation

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

5.1 Principle of Development

The application stands to be assessed against the above listed policies. The site is within the established settlement area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policies in the local plan (H2, H4 and D1) require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore they should respond to local character and history and reflect the identity of local surroundings and materials.

- 5.2 The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination is scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.
- 5.3 Policy H2 of the South Gloucestershire Local Plan states residential development will be permitted within existing urban areas and defined settlement boundaries provided that it does not prejudice residential amenity, the maximum density is compatible with the site, the site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and the provision for education, leisure, recreation and other community facilities is adequate to meet the needs arising from the proposal. Policy H4 of the South Gloucestershire Local Plan is supportive in principle for the erection of infill dwellings within existing curtilages, providing the design in acceptable and that there is not unacceptable impact on residential and visual amenity. Policy D1 requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration and Policy T8 advises on minimum parking standards.

It is considered the proposal accords with the principle of development.

5.4 Design and Visual Amenity

The application site is part of a small development of 3no single storey dwellinghouses. The properties are situated in a backland position off the High Street in Winterbourne. Access into this cul-de-sac is via a gravel drive. The proposed single storey dwellinghouse would be within the existing curtilage of No. 57C High Street. It would follow the building line created by a small row of neighbouring properties to the northwest at 59A and 59B High Street. These properties have their rear elevation facing the driveway of the application site and furthermore, are separated from it by a two metre high fence.

The proposed two bed single storey dwellinghouse would have its principle elevation to the east adjacent to the proposed single storey garage. Officers requested changes to better reflect the design of nearby properties and to help create an active frontage when entering the site. Alterations were resisted save for the introduction of two dormer windows to the front (southwest).

These are considered to be a token gesture to reflect the design of close neighbours rather than an attempt to improve the overall design. Nevertheless, Officers consider that the proposal as it stands would not represent a sufficiently poor design to refuse the application.

Openings would be positioned the four elevations with among others full-length bi-fold doors opening to the southwest, a bay window and others serving the living room, study and one bedroom to the southeast, windows serving the kitchen and second bedroom to the northwest and a small window serving an en-suite in the northeast elevation. A condition would ensure that this would be of obscure glazing.

The proposed single garage would be positioned adjacent to an existing double garage serving No. 57C. It would have a pitched roof, an entry door for vehicles in its south east elevation and a door and window in its northwest elevation.

It is considered that the overall scale, design and massing of the proposed dwellinghouse and garage are acceptable and appropriate to the character of the site and area in general. Good quality materials would be used in its construction. As such the proposal accords with Policy D1.

#### 5.5 Residential Amenity

The proposed dwellinghouse would be located within a small cul-de-sac with neighbours at No. 57A to the south of the site. This single storey house is positioned side-on to the application site, approximately 11 metres away and separated from it by the shared driveway. Windows in this existing elevation are of obscure glazing serving, it is assumed, bathrooms.

To the northwest, neighbours at No. 59B High Street have no openings in this opposing elevation and a 2 metre high fence marks the boundary between them and the application site.

To the northeast the application site would be approximately 2 metres from the boundary wall separating the site from the outbuilding/garage of neighbours at No. 14 Friary Grange Park. The boundary comprises a dry stone wall and a small span of Beech hedging. It is acknowledged that this small area of Beech hedging comprising three separate bushes, was omitted from the application form. This hedge is approximately 2 metres in length and is trimmed to a height of approximately 2 metres. It is the intention of the applicant to retain this feature which will aid in separating the two sites. The dwellinghouse of No. 14 is positioned further to the east and would be approximately 14 metres from the rear of the proposed garage and approximately 18 metres from the proposed dwelling. No openings are proposed in the rear elevation of the garage. Given the oblique angle, the single storey nature of the proposal and the existing dry stone wall, the impact on the residential amenity of neighbours to the northwest is considered to be acceptable given the suburban nature of the location. Closest neighbours to the southeast are at No. 57C High Street. This is a large chalet style bungalow, facing down the entrance driveway. This property is angled slightly away from the proposed bungalow and would be approximately 17 metres from its principle elevation.

Consideration has been given to the residential amenity of neighbours and sufficient amenity space would be available to serve the property. Given the above, the proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.6 Sustainable Transport

The new parking standards require 1no. parking space per 2no. bed dwelling. Plans submitted indicate that there would be sufficient space for the parking of 2no. vehicles: in the garage and on the driveway. As such the proposal accords with policy.

5.7 Affordable Housing/Education/Community Service

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

5.8 Noise, dust, smell and pollution

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

5.9 Drainage

Drainage engineers have assessed the proposal and state that appropriate permeable paving/tarmac and adequate provision for water run-off is required for the development. A condition regarding SUDS details will be attached to the decision notice. In addition they have stated that the site is within the former Bristol coalfields and therefore a mining report should be provided for assessment. This will be covered by a condition.

5.10 Other Matters

Numbering of housing:

This is not a planning matter and therefore cannot be dealt with under the remit of this report.

Trees and Hedging:

A conifer tree is situated in the centre of the proposed plot. It was an old Christmas tree and has since died. There are no issues regarding the removal of this specimen.

## 6. CONCLUSION

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

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

- (a) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- (c) An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 and highway safety is unaffected in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.
- (d) Adequate amenity space would be provided to serve the development in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- (e) The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

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

## **7. RECOMMENDATION**

7.1 That the application be **APPROVED** subject to the conditions attached to the decision notice.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## **CONDITIONS**

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

Reason

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

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

Reason

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



3. As the site is within the former Bristol coalfields and there is a risk of flooding from mining drainage levels, prior to the commencement of the development a mining report should be provided to the Local Planning Authority for assessment. No mine shaft or adit must be filled or grouted in such a manner that underground mining drainage levels or culverts are likely to become blocked or sealed in order to avoid flooding or water emergence.

Reason

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

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.  
A detailed development layout showing surface water and SUDS proposals is required as part of this submission. All works shall be implemented in accordance with the approved details.

Reason

To comply with South Gloucestershire Local Plan (Adopted) January 2006 Policies L17 and L18 and the National Planning Policy Framework 2012

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

Reason

To comply with the fact that a previous application removed the permitted development rights to the other properties within this small cul-de-sac and to safeguard the amenities of the area and to accord with policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The hours of working on site during the period of construction shall be restricted to 08:00 until 18:00 Monday to Friday and 08:00 until 13:00 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

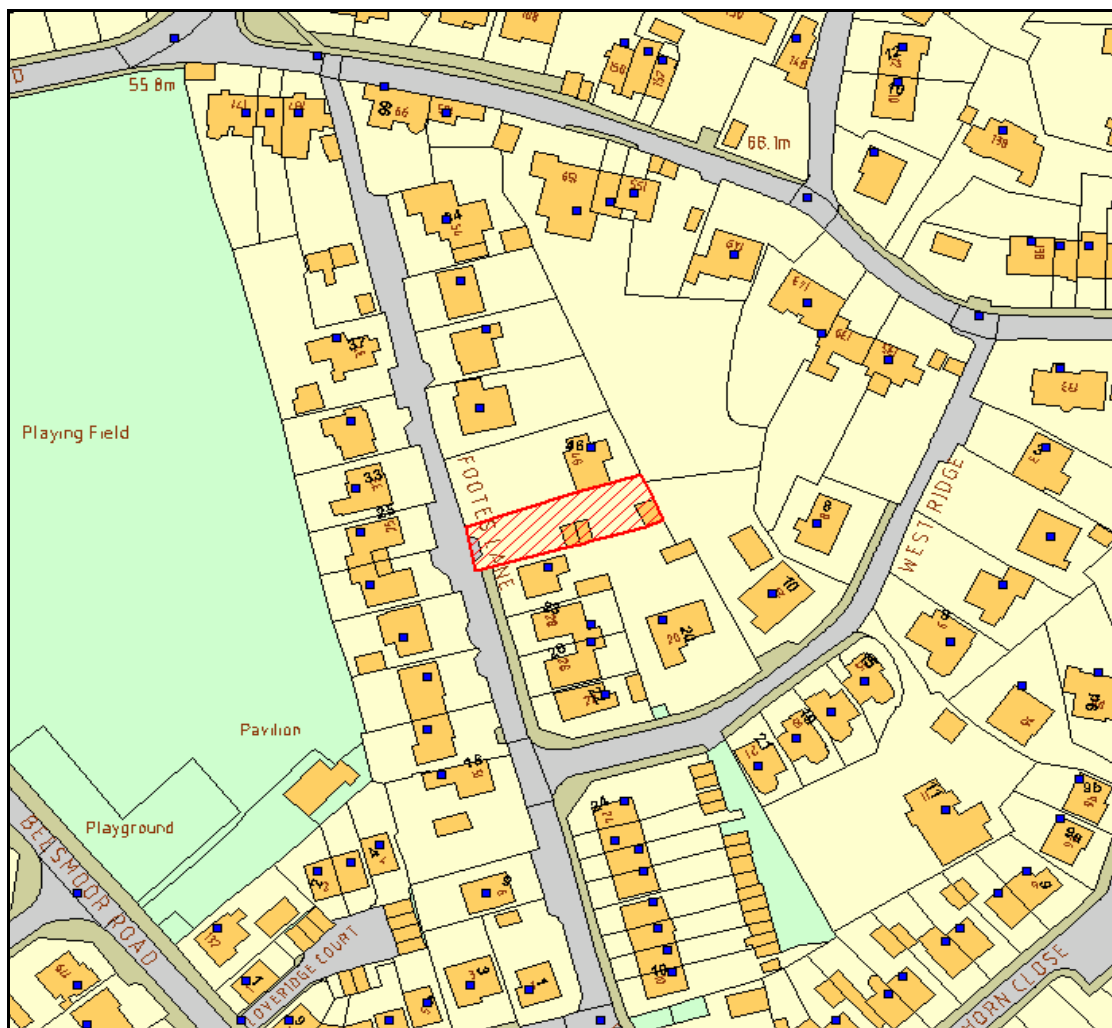
Reason

To minimise disturbance to occupiers of nearby buildings, and to accord with Policy H2, H4 and EP4 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 9

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT13/1181/F	<b>Applicant:</b>	Mr Nicholas Mainstone
<b>Site:</b>	Land Adjoining Lavinia 46 Footes Lane Frampton Cotterell Bristol South Gloucestershire	<b>Date Reg:</b>	15th April 2013
<b>Proposal:</b>	Demolition of existing garage to facilitate the erection of 1No. detached dwelling with associated works. (Resubmission of PT12/2017/F)	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366977 181282	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	5th June 2013



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100023410, 2008.

**N.T.S.**

**PT13/1181/F**

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

This application has been referred to the Circulated Schedule in view of the letters of objection that have been received.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the demolition of an existing garage to facilitate the erection of 1 detached dwelling.
- 1.2 The application site comprises land associated with an existing two-storey detached dwelling set to the back of its residential curtilage situated to the east of Footes Lane within the defined settlement boundary of Frampton Cotterell.
- 1.3 The existing dwelling benefits from an uncharacteristically large residential curtilage. The existing access to the southwest of the application site would remain to serve the proposed dwelling and a new access is proposed to the west of the application site to serve the existing dwelling.
- 1.4 The application forms a resubmission of PT12/2017/F that was withdrawn on August 9<sup>th</sup> last year.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
National Planning Policy Framework Technical Guidance (2012)
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design in New Development  
H2: Proposals for Residential Development  
H4: Residential Development within Existing Residential Curtilages  
L1: Landscape Protection and Enhancement  
T8: Parking Standards  
T12: Transportation in New Development
- 2.3 Emerging Policy  
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
- 2.4 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist (adopted)  
Frampton Cotterell and Coalpit Heath Village Design Statement

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

- 3.1 P86/1887: Erection of detached dwelling house and garage; construction of vehicular and pedestrian access (Outline). Permitted: 09 June 1986
- 3.2 P88/3182: Erection of detached dwelling house and garage; construction of vehicular and pedestrian access. Permitted: 14 December 1988.
- 3.3 P91/1993: Erection of single storey rear extension to provide utility room and first floor extension to provide bedroom. Permitted: 31 July 1991
- 3.4 P99/2586: Replace flat roofs of garage and shed with pitched roof. Permitted: 05 December 1999.
- 3.5 PT10/0408/F: Erection of single storey and first floor rear extensions to provide additional living accommodation; erection of canopy on front elevation. Permitted: 22 April 2010.
- 3.6 PT12/2017/F: Demolition of existing garage to facilitate erection of 1 no detached dwelling with associated works. Withdrawn: 9 August 2012

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

- 4.1 Frampton Cotterell Parish Council  
*'The Council objects on the grounds that the site is being over developed; it would cause more traffic through a narrow section of Footes Lane. Council reiterates its previous decision.'*
- 4.2 Other Consultees  
Tree Officer: Tree Protection Plan required  
Highways DC: no objection subject to conditions  
Drainage Engineer: no objection in principle  
Environmental Protection: no objection in principle

#### **Other Representations**

- 4.3 Summary of Local Residents Comments  
Six letters received (5 writers) expressing the following concerns:  
  
Design/ Visual Amenity:
  - o Constitutes garden grabbing and is inappropriate development;
  - o Existing front garden *'is a particularly fine and unique frontage'* that adds to *'great amenity to the rural look of Footes Lane'*;
  - o Contrary to PPS3;
  - o Is disproportionately large and too high;
  - o Will exacerbate existing high density in semi-rural location;
  - o Inappropriate materials proposed;
  - o Contrary to Village Design Statement;
  - o Proposal would be dominated by a heavy roof structure;
  - o The front 1.8m high fencing proposed would be out of keeping and could block drivers sight lines.

Residential Amenity:

- Will result in light pollution (car headlights) to adjoining properties;
- Construction/ delivery vehicles and works will cause disturbance;
- It would adversely impact on neighbouring residential amenity;
- The elevated position of the property would intrude on neighbours.

Highway Safety:

- Lane resurfaced in 2012- construction vehicles might cause damage;
- Proposal will result in increased traffic generation;
- Will impact health and safety of small children playing in lane;
- Vehicles using the new drive will be forced to use the pull in space of the nos. 35 & 33 opposite;
- It is understood that a further application is to be made for a garage;
- The new proposed footpath doesn't go anywhere and is unsightly;
- Properties should share a drive;
- The drive is proposed for the narrowest part of the lane which slows cars down- plans to widen it are not wanted;
- A wider road would encourage more car parking;
- Limited turning space available thus causing problems for neighbour's;
- There is not enough parking available;
- Will exacerbate existing car parking problems.

Miscellaneous:

- Footes Lane was named after Foote family who lived in Vine cottage opposite. Vine Cottage was lost but other cottages in the Lane remain and should be respected by retention of rural setting.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

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

5.2 Planning policies H2 and H4 are permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety. Therefore, the principle of residential development is considered acceptable.

5.3 In this instance, outline planning permission was granted for a detached dwelling with a garage in 1986 (ref. P86/1887) and approval of reserved matters in conjunction with this outline planning permission was granted in 1988

(ref. P88/3182). These applications show a new dwelling with a garage in the same location as now proposed. Nevertheless, planning policy will have changed since this time although the planning issues would remain similar.

5.4 Design/ Visual Amenity

Footes Lane contains a range of property styles and types dictating no prescribed design approach for the proposed new dwelling. The existing host dwelling has a hipped roof and has been extended several times thus eroding the original cottage character of the property. It is set within a large residential curtilage but sits to the rear of the plot behind the now established building line of the more modern dwellings either side.

5.5 The proposal would comprise a two-storey dwelling that would stand slightly forward of the existing dwelling and with the front wall of the build aligning with the rear elevation of the neighbouring property to the south. The build would incorporate a south facing catslide roof with a gable to the front. The roof would be fully hipped but a small area of flat roof would be necessary to ensure that the ridge would align with that of the two units either side.

5.6 The overall design approach is considered to be acceptable and whilst concerns have been raised in respect of the proposed materials, it is considered that these could form the basis of a suitably worded condition in the event that planning permission is granted.

5.7 Concerning the positioning of the proposal, it is understood that the Magnolia tree within the front garden (see below) prevents the siting of the dwelling alongside 30 Footes Lane whilst this would also be likely to have a greater impact on no. 46. Therefore, given that the positioning of the dwelling would allow the retention of this tree and area of open space and given that it would help 'bridge' the gap between these two existing properties, there is no objection to the position of the dwelling as shown.

5.8 Landscaping/ Boundary Treatments

There is a mature Magnolia tree that is covered by a Tree Preservation Order in the front garden of the property. It is a significant tree offering high visual amenity to the area and considered worthy of its protected status. The tree is indicated as retained on the site plan and within the Design and Access Statement. Comments from the Councils Tree Officer advise that from the plans it would appear possible to retain the tree as the only construction close by would have been the access driveway and turning head that are existing. However, protective fencing would need to be erected to ensure there is no encroachment by vehicles or the storage of materials in the Root Protection Area of the tree during the development. Further, to ensure the safe retention of the protected tree a Tree Protection Plan in accordance with BS5837:2012 is also required. It is considered that these details could form the basis of a suitably worded condition in the event that planning permission is granted.

5.9 Concerns have been raised regarding the proposed boundary fencing that as submitted, would include a 1.8m high close-boarded fence running through the front garden. For the avoidance of doubt, this arrangement is not considered to be acceptable and the proposed boundary treatments would need to form the

basis of a suitably worded condition in the event that planning permission is granted.

5.10 Residential Amenity

The outlook from the proposed dwelling would be orientated from front to rear and therefore away from the directly adjoining properties. In respect of that dwelling to the south, this property benefits from a relatively short rear garden and the proposal would extend beyond the rear site boundary of this dwelling. This dictates that the proposal would stretch the full length of this adjoining garden. However, the impact of the proposal would to a large extent be offset by the catslide roof whilst given that the new dwelling would be to the north of this property, it should have no significant adverse impact on sunlight. For these reasons, it is not considered that this impact would substantiate a sustainable refusal for reason.

5.11 Some sunlight would be blocked to the front of the neighbouring dwelling to the north although given that the dwellings would near align, the impact would be lessened. The proposal would extend forward some 7m forward of this dwelling immediately to the south and in close proximity, however, on balance it is also not considered that this would substantiate any sustainable refusal reason. A condition should however be added to any planning permission that is granted to control any additional side windows that would overlook this neighbouring front garden area.

5.12 All other neighbouring dwellings are positioned further away thus it is not considered that any significant adverse impact in residential amenity would be caused. Concerning the comments received regarding vehicle headlights, this would be an intermittent issue that would be replicated within many residential areas and would not amount to a refusal reason. Similarly, it would be unreasonable to refuse planning permission given any disturbance that might be caused during building works given that this would be true of all development.

5.13 Highway Safety

Notwithstanding the concerns raised, the Councils Highways Officer has raised no objection to the proposal subject to conditions in respect of the proposed footpath pertaining to its construction, and the detailed design and connection to the existing footpath outside of 44 Footes Lane. A further condition is requested in respect of the proposed car parking.

## 6. CONCLUSION

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

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

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

1. The design of the dwelling proposed is considered to be acceptable and in keeping with the character of the vicinity. The proposal would therefore accord with Planning Policies D1 (Achieving Good Quality Design in New Development), H2 (Proposals for Residential Development) and H4 (Development within Existing Residential Curtilages) 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 Policies H2 (Proposals for Residential Development) and H4 (Development within Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.
3. The proposal is considered to be acceptable having regard to issues of highway safety and would accord with Planning Policy T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## 7. **RECOMMENDATION**

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

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

Reason

In the interests of residential amenity and to safeguard the character of the area, all to accord with Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.



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

Reason

To ensure a satisfactory standard of design and to accord with Planning Policy D1 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. 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.

6. No windows other than those shown on the plans hereby approved shall be inserted at any time in the dwelling hereby approved.

Reason

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

7. Prior to the commencement of development, details of the protective fencing to be erected around the Magnolia tree to ensure there is no encroachment by vehicles or the storage of materials in the root protection area shall be submitted to and approved in writing by the Local Planning Authority. These details shall be accompanied by a Tree Protection Plan in accordance with BS5837:2012 with development to accord with these approved details.

Reason

To ensure the safe retention of the tree and to accord with Planning Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to commencement of development works on site, full details of the new footway in front of no. 46 Footes Lane shall be submitted to and approved in writing by the Local Planning Authority. Development shall strictly accord with these approved details.

Reason

To ensure the correct specification of design and to accord with Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

10. Prior to the first occupation of the new dwelling, the proposed footpath hereby approved shall be constructed to the Councils adoptable standard and suitably connected to the existing footway facility outside no. 44 Footes Lane.

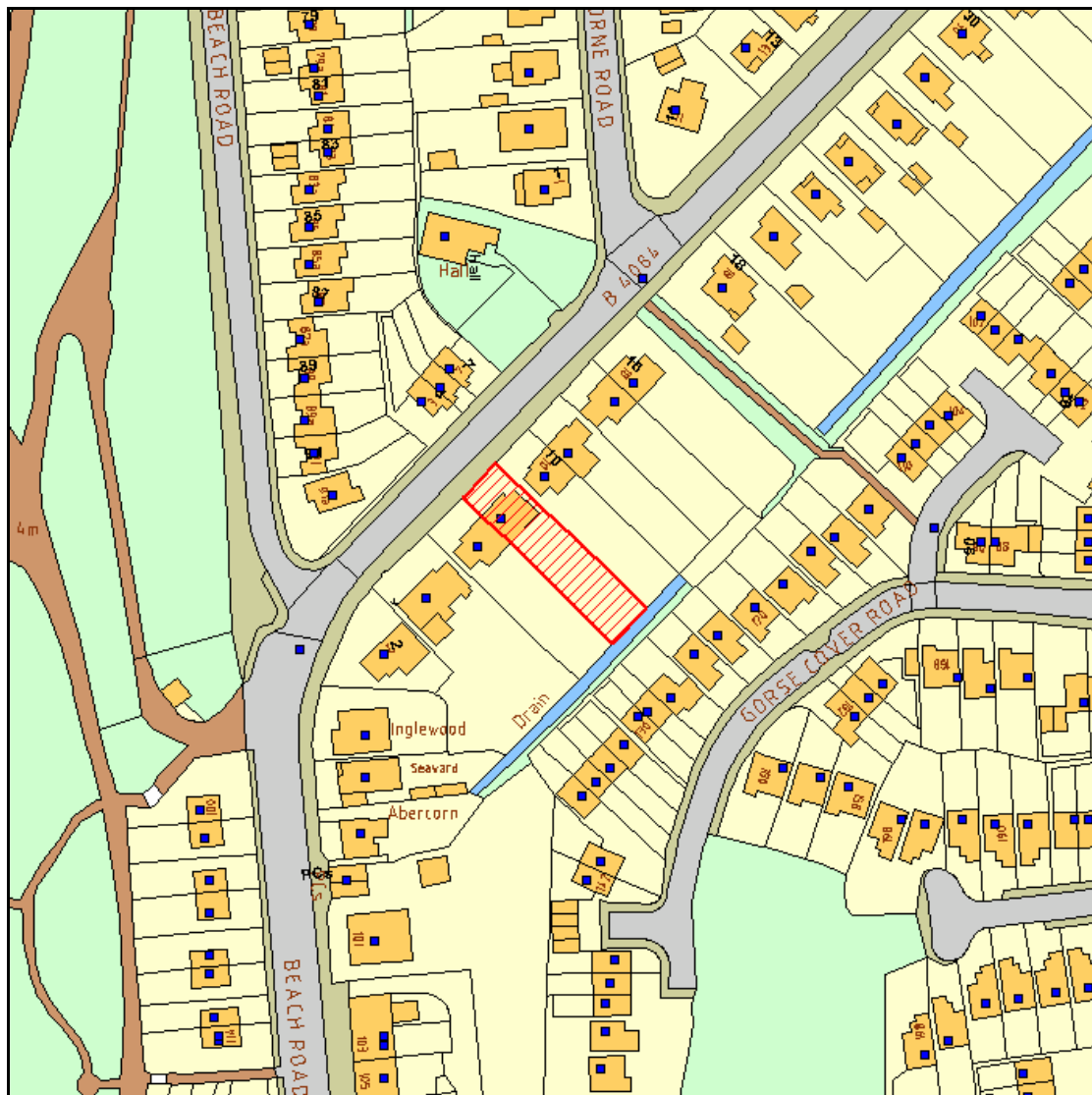
Reason

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

# ITEM 10

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT13/1273/CLP	<b>Applicant:</b>	Mrs Alison Jones
<b>Site:</b>	8 Beach Avenue Severn Beach Bristol South Gloucestershire BS35 4PB	<b>Date Reg:</b>	22nd April 2013
<b>Proposal:</b>	Application for certificate of lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	353984 185050	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th June 2013



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100023410, 2008. **N.T.S.** **PT13/1273/CLP**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) (Amendment) (No.2) Order 2008. This application establishes if it is necessary to submit a full planning application for the proposed works. Therefore, this application is not an analysis on planning merits, but an assessment of the development proposed against the above regulations.
- 1.2 The proposed development consists of construction of a single-storey rear extension to form additional living accommodation.
- 1.3 Having reviewed the planning history for this property, the Council's records do not indicate that permitted development rights have been removed or restricted. Therefore it is considered that the property's permitted development rights are intact and exercisable.

### **2. POLICY CONTEXT**

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

The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.

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

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
No objection
- 4.2 Highway Drainage  
No objection

## **Other Representations**

4.3 Local Residents  
None received

4.4 Lower Severn Drainage Board  
No response

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

5.1 The following documentation has been submitted to the Council on 17th April 2013 in support of this application, and on which the application shall be determined:

- Extract from OS Mastermap of site location
- Drawing by K.R.Arthur, 'Single Storey Rear Extension', drawing no. 2326/13, dated Feb 2013
- Email from agent dated 20th May 2013 confirming existing and proposed roof materials

## **6. ANALYSIS OF PROPOSAL**

6.1 An application for a Certificate of Lawfulness must be determined solely on an assessment of evidence submitted to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. Therefore, there is no consideration of the planning merits of the proposed scheme or policies contained within the South Gloucestershire Local Plan (Adopted) January 2006, as neither are material considerations.

6.2 The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, that on a balance of probabilities, the proposed use is lawful then a Certificate must be issued confirming the proposed development is can be lawfully implemented.

The proposed development consists of a rear extension. This development would fall under the criteria of **Schedule 2, Part 1, Class A** of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). This type of development allows for the enlargement of a dwellinghouse provided certain criteria are met. Developments that fail any of the following criteria would not be permitted:

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

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

The submitted OS Map extract includes the site plan. The net result of the proposed development would not exceed 50% of the curtilage being covered by buildings.

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

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

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

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

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

The proposed extension is located to the rear of the existing property. The proposed extension abuts the property boundary shared with 6 Beach Avenue and will not extend beyond the side elevation. The proposal will not extend beyond a wall which forms a principal or side elevation which fronts a highway.

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

The submitted drawing 2326/13 shows the extension will extend beyond the rear elevation by 3 metres which is the limit for a semi-detached house. The proposed extension would have a maximum height to ridge of 3.5 metres and is therefore in accordance with this criterion.

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

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

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

The submitted drawing 2326/13 shows the proposed extension will be within 150mm of the boundary with the adjacent house. The eaves height of the extension has been measured to be 2.8 metres. As this is below 3 metres, the proposed development is in accordance with this criterion.

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

The submitted drawing 2326/13 shows the proposed extension will not extend beyond the north-east side elevation, and is therefore in compliance with this criterion.

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

The proposal will not include any of these features, or result in an alteration to the dwelling roof.

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

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

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

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

*(c) where the enlarged part of the dwellinghouse has more than one storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse.*

The submitted drawing 2326/13 and email from the agent indicates that wall finishing, roof coverage, windows and door materials used will match those in the existing dwelling. For the extension to be considered permitted development the materials used in the extension must be of a similar appearance to the existing house. As the proposed extension is of single storey A.3(b) and A.3(c) are not relevant. It is therefore concluded that the conditions of Part 1 Class A have been met.

The single storey rear extension is therefore considered to comply with Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008, and is considered permitted development.

## **7. CONCLUSION**

- 7.1 The evidence submitted to support the proposed development has been assessed against the regulations set out in The Town and Country Planning (General Permitted Development) (Amendment) (no.2) (England) Order 2008.
- 7.2 The single-storey rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the above-mentioned Order. The proposed development is considered permitted development and an application for planning consent is not required.

## **8. RECOMMENDATION**

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

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

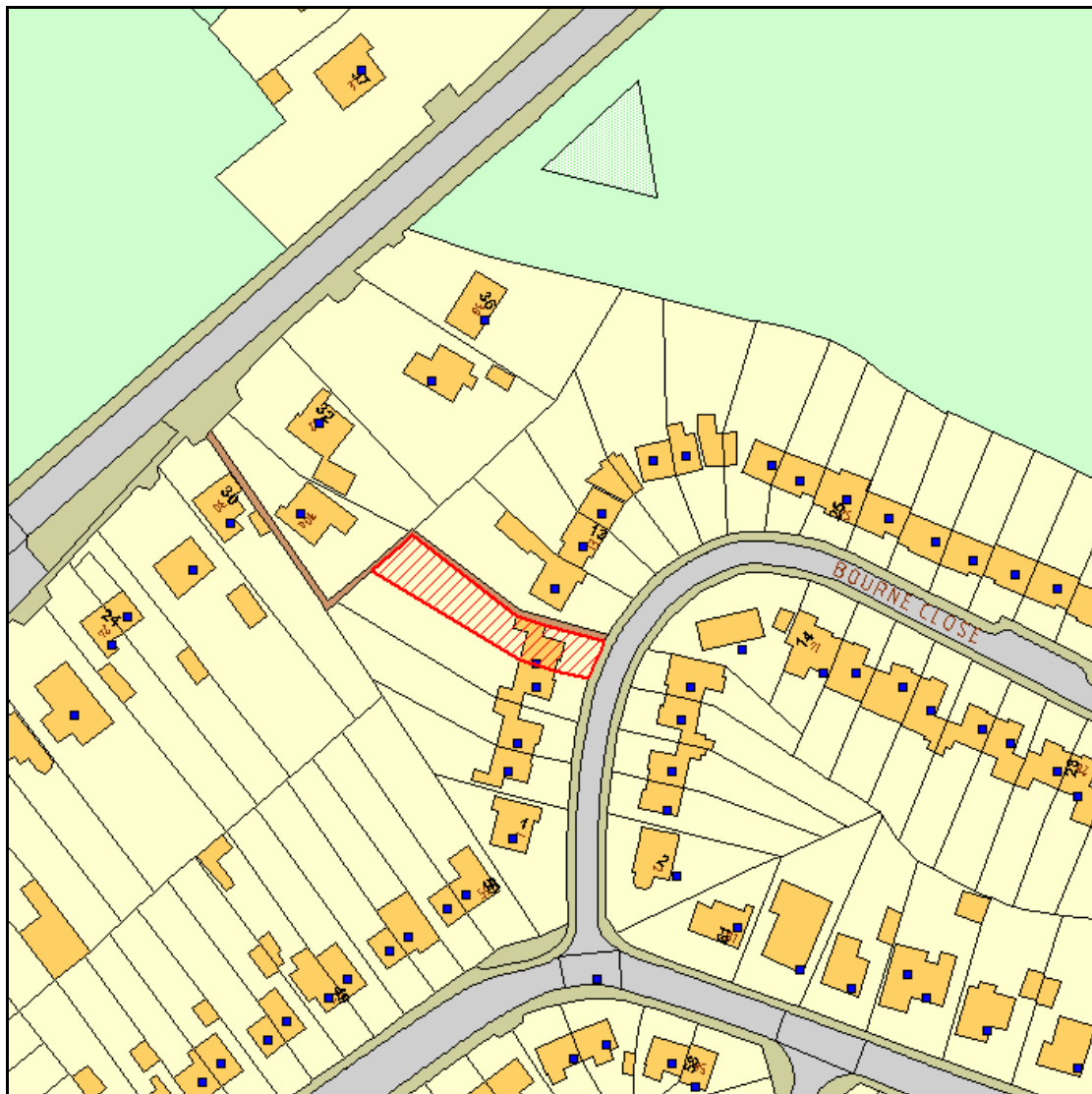
**Contact Officer: Christopher Roe**  
**Tel. No. 01454 863427**



# ITEM 11

## CIRCULATED SCHEDULE NO. 21/13 – 24 MAY 2013

<b>App No.:</b>	PT13/1379/F	<b>Applicant:</b>	Mr S Anderson
<b>Site:</b>	9 Bourne Close Winterbourne South Gloucestershire BS36 1PJ	<b>Date Reg:</b>	26th April 2013
<b>Proposal:</b>	Erection of a first floor extension over existing garage to provide additional living accommodation.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365394 181407	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th June 2013



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100023410, 2008. **N.T.S.** **PT13/1379/F**

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

The application appears on the Circulated Schedule following an objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a first floor extension over an existing garage to provide additional living accommodation. The application site relates to a two-storey semi-detached dwellinghouse situated within Winterbourne.
- 1.2 During the course of the application discussions were had with the agent and applicant in an attempt to change the design. The issues are discussed in the report below.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

NPPF National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Achieving Good Design in New Development

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

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

CS1 High Quality Design

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013

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

- 3.1 PT05/3047/F Erection of front, side and rear extensions to provide garage, lounge, extended dining room and secure store  
Refused 29.11.05
- 3.2 PT05/3585/F Demolition of existing garage to facilitate erection of single storey side and rear extension to form new garage, secure store, lounge and extended dining room – resubmission of PT05/3047/F  
Approved 25.1.06

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection:

The Council feel that the extension should be subservient to the main dwelling. The public footpath at the side of this property must be protected.

#### 4.2 Other Consultees

##### PROW

No objection

##### Highway Drainage

No comment

#### **Other Representations**

#### 4.3 Local Residents

None received

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

#### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality.

The South Gloucestershire Core Strategy Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. Following a further period of consultation on the Inspector led changes and passed back to the Inspector. The Inspector issued an interim report in September 2012 of draft modifications and a further day of Examination is scheduled for March 2013. At this stage the Core Strategy therefore remains unadopted. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

The proposal accords with the principle of development and this is discussed below in full.

## 5.2 Design and Visual Amenity

The existing dwellinghouse benefits from a large extension to the north side of the property which extends 14.5 metres from the front elevation into the rear garden, incorporating the attached single garage. A further extension extends across the rear of the property. This current proposal would create living space above the garage to make a more balanced and less 'bottom-heavy' property.

During the course of the application concerns were expressed regarding the proposed design. Officers requested that the proposal be set down and set back to make it appear subservient to the host property. It can be seen that other properties in this road have followed this principle but it is acknowledged that they are of a different style and design to the application site which sits within a small grouping of similar properties. It has consequently been explained that given the design of the existing roof with its projecting gable a set back and set down roof line could not be accommodated. In addition the small garage projection could also not be omitted as its removal would cause much internal disruption.

It is acknowledged that the proposal would result in a large property that would have achieved its maximum potential for extension. Nevertheless, the design has tried to minimise its impact by following the hipped roofs found in this small grouping and by mimicking the existing small roof over the front entrance way and is therefore deemed acceptable. Good quality materials would be used in its construction. As such the proposal is considered to accord with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.

## 5.3 Residential Amenity

The proposed first floor extension would be above an existing ground floor extension. The scheme would have a hipped roof thereby minimising the impact on the neighbours at No. 11 Bourne Close. These neighbours are separated from the application site by a footpath and have windows in both the ground and first floors in this opposing elevation. Windows are proposed in the front and rear elevations only and neighbours at No. 10 across the road are approximately 23 metres distant while those to the rear (west) are over 37 metres away.

Given the orientation of the existing dwelling and that the proposal would be above the existing garage, it is considered the neighbouring property of No. 11 Bourne Close would not experience any additional overshadowing over and above that already existing. The proposal accords with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

## 5.4 Public Right of Way

Officers do not object to the application but, as the proposed extension is right up against the adjacent footpath the applicants must ensure, if permission is granted, that there is no interference with the footpath during construction; that no building materials are stored upon it; no damage is caused to it; no barriers are put across it; that the safety of users is ensured at all times; and that no debris from the site goes onto the footpath. An informative will be attached to the decision notice.

If the development will temporarily affect the footpath the applicant must apply for a temporary closure of the route.

The proposal is therefore deemed acceptable.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been tested against the following policies of the Development Plan and, in the opinion of the Local Planning Authority is not in conflict with the following policies or adopted Supplementary Planning Guidance when read in conjunction with the planning conditions imposed.
- (a) Consideration has been given to the impact of the proposed development on the character of the surrounding area, which would in this case not be affected, in accordance with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (b) The proposal would not prejudice the amenities of neighbouring properties in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (d) Adequate amenity space would be provided to serve the development in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
  - (e) The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 2006.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

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

Reason

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