



**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. 17/13**

**Date to Members: 26/04/13**

**Member's Deadline: 02/05/13 (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 your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

# CIRCULATED SCHEDULE – 26 APRIL 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0359/CLE	Approve	Beckside Cottage Old Manor Farm Manor Road Wick South Gloucestershire BS30 5RG	Boyd Valley	Wick And Abson Parish Council
2	PK13/0365/R3F	Deemed Consent	River Avon Towpath Poplar Wood To Hanham Hanham South Gloucestershire	Hanham	Hanham Abbots Parish Council
3	PK13/0855/F	Approve with Conditions	45 Cock Road Kingswood South Gloucestershire BS15 9SQ	Woodstock	None
4	PT12/3437/R3F	Approve with Conditions	Land At Hollywood Lane Cribbs Causeway Bristol South Gloucestershire	Patchway	Almondsbury Parish Council
5	PT12/3700/F	Approve with Conditions	38 Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Winterbourne	Winterbourne Parish Council
6	PT12/3709/F	Approve with Conditions	38 Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Winterbourne	Winterbourne Parish Council
7	PT12/3853/F	Approve with Conditions	Cedar Lodge Charlton Common Brentry South Gloucestershire BS10 6LB	Patchway	Almondsbury Parish Council
8	PT13/0633/F	Approve with Conditions	19 Southlands Tytherington Wotton Under Edge South Gloucestershire GL12 8QF	Ladden Brook	Tytherington Parish Council
9	PT13/0816/R3F	Deemed Consent	St Michaels Primary School Ratcliffe Drive Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
10	PT13/0882/F	Approve with Conditions	7 Greenwood Drive Alveston Bristol South Gloucestershire	Thornbury South And	Alveston Parish Council
11	PT13/0899/F	Approve with Conditions	5 Longcross Bristol Road Cromhall Wotton Under Edge South Gloucestershire GL12 8AP	Charfield	Cromhall Parish Council

## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PK13/0359/CLE	<b>Applicant:</b>	Mr Simon Hayhurst
<b>Site:</b>	Beckside Cottage Old Manor Farm Manor Road Wick Bristol	<b>Date Reg:</b>	14th February 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for an existing access and gate.	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370332 172374	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	8th April 2013

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**PK13/0359/CLE**

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

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

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

### **1. THE PROPOSAL**

- 1.1 The application has been submitted under Section 191 (1) of the Town and Country Planning Act 1990 for a Certificate of Lawfulness for existing operational development.
- 1.2 The application relates to a gated access into a field at Old Manor Farm, off Manor Road, Wick.
- 1.3 The applicant seeks a Certificate of Lawfulness to confirm the continued use of the gate and access; this is a 4 year test.

### **2. POLICY CONTEXT**

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

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

- 3.1 None

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

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

- 4.1 A letter (dated 27 March 2013) from Simon Hayhurst (the applicant) of Beck Side, Old Manor Farm, Manor Road, Wick BS30 5RG  
The content of the letter is summarised as follows:
  - Mr Hargreaves replaced the original wooden gate with a post and rail fence.

- The gravelled parking area to the front was not laid until Autumn 2011.
- There is not a driveway to Boydwick Farm Cottage. Mr Hargreaves constructed a gravelled parking area beneath which he installed his new septic tanks.
- It is likely that the ownership of the land in front of the gate is unregistered.
- We have not heard of any accidents at the location, which has previously served as a passing place.
- A gate and gateway were present at this location on 8<sup>th</sup> Sept 1980 when I moved into Old Manor Farm.
- For some years Mr Hargreaves rented the field to which the gate gives access.
- At some point the gate was removed to replace another gate into the field and which Mr Hargreaves' mowing contractors used for easier access.
- Mr Hargreaves then put up some horizontal fencing posts leaving the original gate posts and hinges in situ.
- In August 2011 Mr Hargreaves installed a new cess pit under the land in front of the gateway.
- Mr Hargreaves does not own the land in front of the gateway.

4.2 A site plan (received 4<sup>th</sup> April 2013) and three photographs (taken 4<sup>th</sup> April 2013) showing the existing gate and access.

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

5.1 A letter dated 12 March 2013 from Mr S Hargreaves of Boydwick Farm Cottage, Barrow Hill, Wick BS30 5RH, the contents of which is summarised as follows:

- My wife and I have lived at Boydwick Farm Cottage since 1982.
- The gravel driveway is our parking area.
- Mr Hayhurst replaced the fence posts with a new gate in 2011.
- There is no right of way to the gate.

5.2 A letter from Clarke Willmott Solicitors dated 13 March 2013 sent on behalf of Mr Stanley Hargreaves:

- Mr Hargreaves rented the field between 1983 and 2011.
- The existing gate was erected in Autumn 2011.
- Sometime between 1980 and 1983 the original gate was removed and replaced with post and rail fencing (shown in undated photographs). The post and rail fencing was still in place in 2011.
- The gatepost, is made of wood not stone as suggested by Mr Hayhurst.
- Since 1976 the occupiers of Boydwick Farm Cottage have parked their vehicles beside the property and in front of where the new gate has been erected.

## 6. **OTHER CONSULTATIONS**

6.1 Local Councillor  
No response

6.2 Local Residents

1no. response was received from Mrs Tina Holbrook of Boydwick Cottage, Barrow Hill, Wick who made the following observations:

- This previously fenced but recently gated 'gateway' has never, as we are aware, been used as such in all the 34 years that we have lived here.
- There are already two entrance gateways to this field. One, a five bar field gate accessed from Oldbury Lane and the other, a locked and solid wood gate, accessed from Manor Road.
- This driveway is positioned on a completely blind bend.

6.3 Wick and Abson Parish Council

No objection

6.4 Sustainable Transport

No comment

7. **ASSESSMENT**

7.1 The issues, which are relevant to the determination of an application for a Certificate of Lawfulness for operational development, are whether or not, the development described has been in situ for a continuous period exceeding 4 years and whether or not it is in contravention of any Enforcement Notice, which is in force.

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

7.3 The relevant test of the submitted evidence

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

#### 7.4 Hierarchy of Evidence

The evidence submitted comprises a letter and three photographs. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

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

7.5 As noted above the only evidence to support the case is in the form of a letter and some photographs. The only evidence against comprises letters from two neighbours. It should be noted however that much of the 'evidence' both for and against relates to issues of land ownership and rights of way, which are civil matters not controlled by the planning process.

#### 7.6 Examination of evidence

Normally, the only issue, which would need to be resolved in the determination of this application, is whether or not the gate and access indicated on the red edged application site plan has been continuously in place for a 4 year period prior to 4<sup>th</sup> Feb. 2013 i.e. the date of receipt of the application; therefore the relevant period is 4<sup>th</sup> Feb. 2009 to 4<sup>th</sup> Feb. 2013.

7.7 The grant of a Certificate of Lawfulness would establish that an unauthorised operational development is lawful and therefore immune from enforcement action. In this case however the works are **not** considered to be unauthorised.

7.8 Barrow Hill is an unclassified (C4R) road and as such the formation of an access to an agricultural field is, by virtue of Schedule 2 Part 2 Class B para. B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), permitted development.

7.9 The five-bar gate that has been erected within the access is 1.1m high but is set back from the highway such that it is not adjacent to it. By virtue of Schedule 2 Part 2 Class A para. A of The Town and Country Planning (General Permitted Development) Order 1995 (as amended), the gate is also permitted development.



- 7.10 Since the gate and access are minor operations that are lawful, a certificate for the use sought need not be issued. However, because the development is lawful the applicant is entitled to a Lawful Development Certificate, notwithstanding that it may be in different terms from those for which, the applicant has applied for.
- 7.11 Whilst the certificate will be formal confirmation that the access and gate do not require planning permission it does not confirm in any way the ownership of the land or confer any rights of access over it.

## **8.0. CONCLUSION**

- 8.1 The gate and access, the subject of this application is a lawful minor operation by virtue of Schedule 2 Part 2 Class A and B of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) and as such a Lawful Development Certificate should be issued.

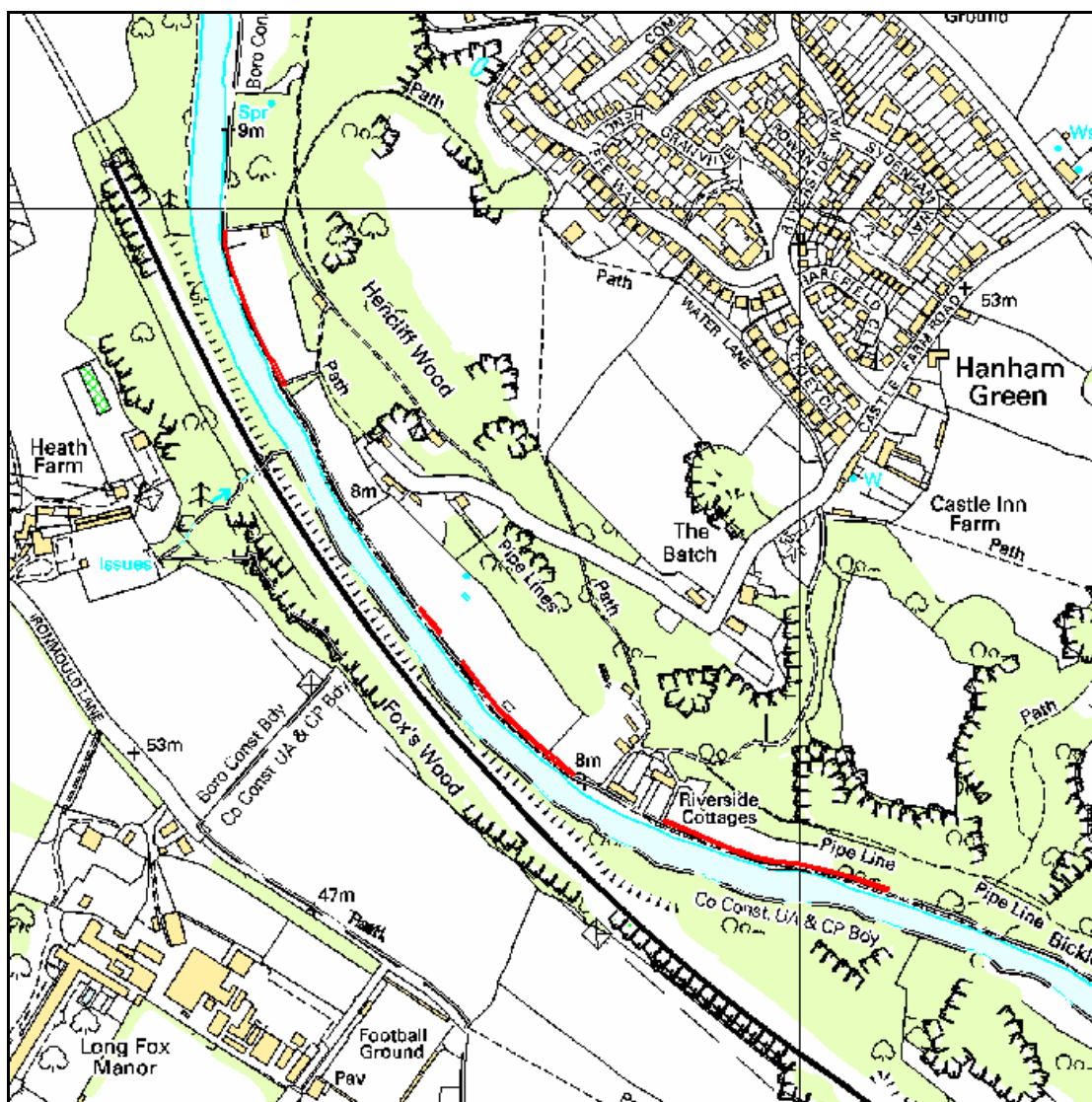
## **9. RECOMMENDATION**

- 9.1 That a Lawful Development Certificate be GRANTED for the creation of an access and erection of a field gate.

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

## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

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



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PK13/0365/R3F

## **INTRODUCTION**

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

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

Members should note that this application recently appeared on the Circulated Schedule (dated 12<sup>th</sup> April). The Environment Agency subsequently indicated that they required an amendment to Condition 2 in order to fully address Flood Risk matters. The Condition has now been revised to accord with the requirements of the Environment Agency.

### **1. THE PROPOSAL**

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

passes immediately south of Bickley Woods, and the Hanham Mills woodland, which is covered by a Woodland TPO. Towards the end of this section of the towpath, approaching the Lock & Weir public house, the site falls within the Hanham Abbots Conservation Area. Maintenance of the path will be the joint responsibility of Bristol and South Gloucestershire with most of the path being on Bristol owned land.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

Policy 4 Promoting Sustainable Transport

Policy 9 Protecting Green Belt Land

Policy 10 Meeting the Challenge of Climate Change

Policy 11 Conserving and Enhancing the Natural Environment

Policy 12 Conserving and Enhancing the Historic Environment

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

CS1 - High quality designs

CS7 - Strategic Transport Infrastructure

### **2.4 Development Plans**

South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L17 & L18 - The Water Environment

L8 - Sites of Regional and Local Nature Conservation Interest

L9 - Species Protection

EP2 Flood Risk

GB1 - Green Belt

T6 - Cycle Routes and Pedestrian Routes

T12 - Transportation Development Control Policy for New Development.

LC12 - Recreational Routes.

### **2.5 Supplementary Planning Guidance**

The South Gloucestershire Landscape Character Assessment (adopted) Aug

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

Trees on Development Sites Adopted Nov. 2005.

Development in the Green Belt (SPD) June 2007.

## **3. RELEVANT PLANNING HISTORY**

### **3.1 No relevant planning history**

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

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

#### 4.10 Environment Agency

The Environment Agency has withdrawn an objection to the proposal following the receipt of a revised Flood Risk Assessment (FRA). Subject to conditions to ensure that all works are carried out in accordance with the submitted flood risk assessment.

### **Other Representations**

#### 4.10 Local Residents

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

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

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

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

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

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

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

This is considered in detail below.

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

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

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

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

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

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

Conditions will also be attached to the decision notice to secure appropriate signage to advise users of the path of safety issues and to secure details of appropriate measures to prevent unauthorised use of the track by motorised vehicles. It will be important that any agreed details are visually acceptable as well as effective.

Subject to these conditions the proposed development is considered acceptable.

### 5.3 Landscape/Tree Issues

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

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

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

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

### 5.4 Transportation Issues

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

### 5.5 Ecology

In terms of landscape designation the majority of the site is not covered by any statutory or non-statutory nature conservation designations. The towpath itself is situated between the River Avon Site of Nature Conservation Interest and the Avon Valley Woodlands Local Nature Reserve part of which is also designated as a SNCI.

The proposal will involve the removal of some areas of hedgerow however these do not fall within the category of "important" under the Hedgerow



Regulations 1997 or species rich under the UK/South Gloucestershire Biodiversity Action Plan and will be replaced by a scheme of landscape planting.

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

#### 5.6 Impact upon Residential Amenity

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

#### 5.7 Flood Risk

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

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

#### 5.8 Archaeology

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

#### 5.9 Other Issues

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

## **6. CONCLUSION**

- 6.1 The proposal conforms to South Gloucestershire Policy of protecting and improving recreational routes, to meet a growing demand for walking, cycling and horseback riding, as well as encouraging walking and cycling, for both journeys to school and work. The proposal is therefore in accord with Policy LC12 of the South Gloucestershire Council Local Plan (Adopted)
- 6.2 The proposed development will ensure that the landscape and the ecology of the route is preserved. Where hedgerows or trees are removed, replacements are secured. The proposal is therefore in accord with Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted)
- 6.3 The proposed development will not adversely affect the water environment through an increase in flood risk by reason of the design of the path surface. As such the proposal is acceptable in terms of Policy EP2 of the South Gloucestershire Local Plan (Adopted)
- 6.4 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.5 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
  
Reason  
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
- 2. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) revised 17 April 2013

and technical drawing received 18 April 2013. The path should be constructed in accordance with the proposed path levels shown on River Avon Towpath Outline Existing Levels sheet 1 to 4 (drawing numbers T302 135 001 – 004) (River Avon Towpath Reconstruction: Conham to Keynsham Map 1 to 4) dated 02 April 2013. Where the path is set back from its existing alignment it should be constructed no higher than existing ground level and there should be no raising of existing ground levels when restoring the river bank.

Reasons:

1. To reduce the risk of flooding from increased flood levels and loss of flood plain storage.
2. To prevent flooding by ensuring the satisfactory disposal of surface water from the surrounding land.
3. Prior to development commencing a working methodology for the re-routing of the towpath to minimise the impact on the adjoining semi-natural habitat and to include overseeing by a suitably qualified and experienced ecologist shall be drawn up and agreed in writing with the Council in writing. All works are to be carried out in accordance with the agreed methodology.

Reason:

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

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

Reason:

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

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

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

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

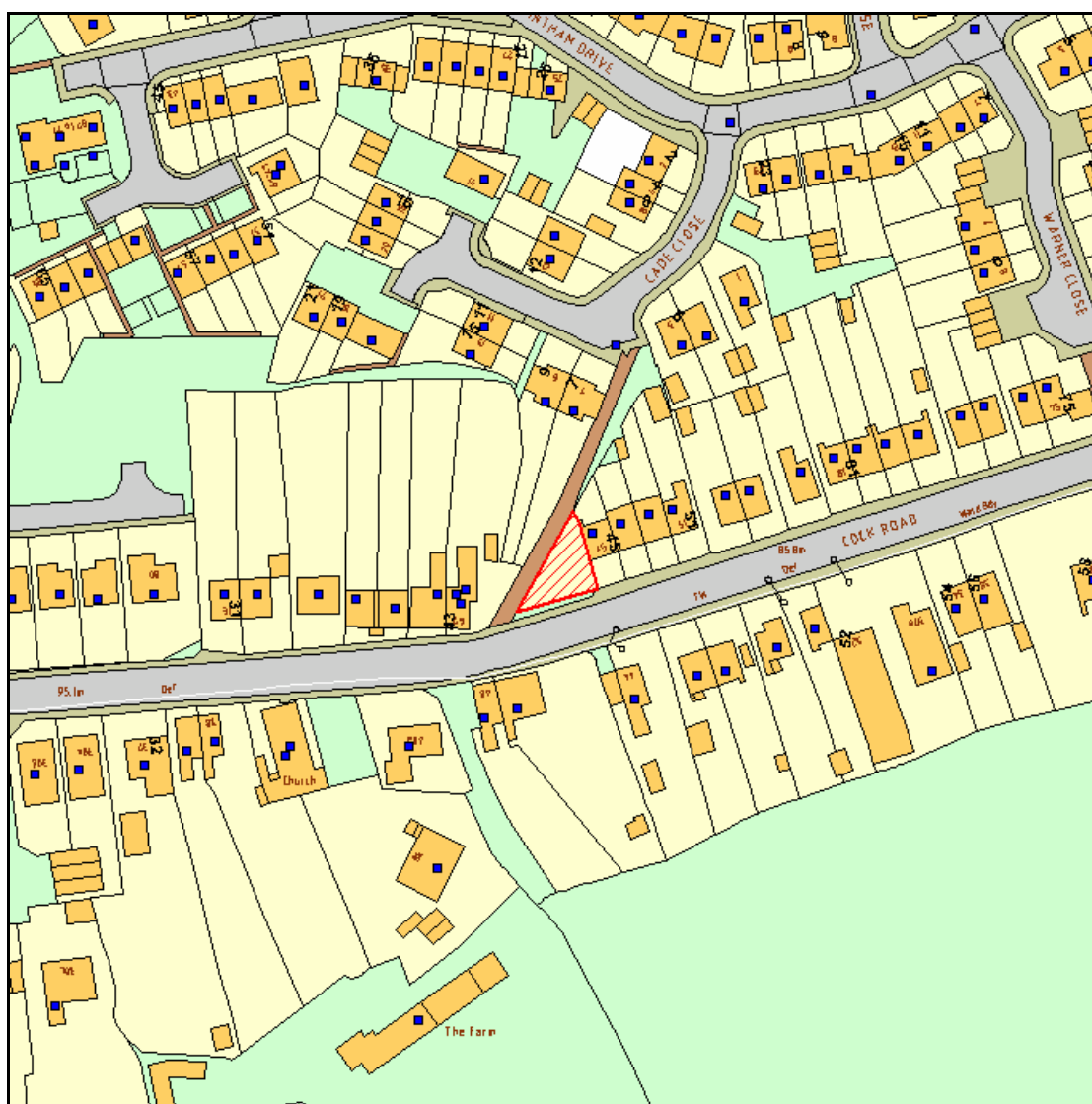
Reason: To ensure the utility and amenity of the recreational route and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted)

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

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

**CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013**

<b>App No.:</b>	PK13/0855/F	<b>Applicant:</b>	Mr A White
<b>Site:</b>	45 Cock Road Kingswood South Gloucestershire BS15 9SQ	<b>Date Reg:</b>	27th March 2013
<b>Proposal:</b>	Erection of 1no. attached dwelling with access and associated works. (Amendment to previously approved scheme PK11/3933/F).	<b>Parish:</b>	None
<b>Map Ref:</b>	365681 172815	<b>Ward:</b>	Woodstock
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th May 2013



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100023410, 2008.

**N.T.S.**

**PK13/0855/F**

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

The application has been referred to the Circulated Schedule following the receipt of a letter of objection from a local resident, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to an end of terrace dwelling house, located on the northern side of Cock Road, Kingswood. Triangular shaped gardens lie to the rear and side of the property, the latter being the larger of the two. Hard-standing for two vehicles lies to the front of the house and is accessed directly from Cock Road over a footpath via a dropped kerb. The site is flanked to the west by a hard-surfaced public right of way (PROW), more than 3 metres wide at this point, that gives pedestrian access from Cock Road to a housing estate to the rear. The location is generally residential in character. The land slopes down from west to east and south to north.
- 1.2 Planning permission PK11/3933/F was granted to erect a two-storey extension to the side of the dwelling to create a separate 2-bedroom dwelling house with accommodation in the roof space. It was also proposed to create new access and parking arrangements.
- 1.3 The application followed the refusal of a similar scheme PK11/0653/F that included a vehicular access from the west across the PROW. The subsequent proposal (PK11/3933/F) sought to overcome the previous refusal reasons by utilising an access from the front of the site and introducing a turning area into the scheme. The application was supported by the following documents:
  - Coal Mining Risk Assessment
  - Transport Statement
  - Design and Access Statement
- 1.4 Having gained planning permission for PK11/3933/F the applicant now seeks an amendment to the approved scheme to include, a small single-storey hipped roof extension to the rear and the insertion of an additional window at ground floor level, also to the rear elevation; a study would also be introduced at ground floor level by inserting a wall in part of the under-croft area.

### **2. POLICY CONTEXT**

#### National Guidance

The National Planning Policy Framework (NPPF) March 2012

#### 2.2 Development Plans

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

CS1 High Quality Design

CS1 - High Quality Design

CS5 - Location of Development

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

South Gloucestershire Local Plan (Adopted) January 2006

- D1 - Design
- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements.
- L17 & L18 - The Water Environment
- EP1 - Environmental Pollution
- EP2 - Flood Risk and Development
- EP7 - Unstable Land
- T7 - Cycle Parking
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- H2 - Proposals for Residential Development, Including Residential Institutions and Special Needs Accommodation, and Applications to Renew Permissions for Residential development, within the Existing Urban Area and Defined Settlement Boundaries.
- H4 - Development within Residential Curtilages
- H6 - Affordable Housing
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
- LC2 - Provision of Education Facilities (Site Allocations and Developer Contributions).

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Approved 23<sup>rd</sup> August 2007.

**3. RELEVANT PLANNING HISTORY**

- 3.1 PK06/2976/F - Alterations to roofline and erection of two-storey side extension to facilitate 2 no. flats with parking and associated works.  
Refused by the Council December – 2006 for the following reason:

*“The proposal would lead to an increased use of two substandard accesses at the property by reason of inadequate visibility with the public highway, thereby increasing hazards faced by highway users to the detriment of all highway users and contrary to policy T12 of the adopted South Gloucestershire Local Plan”.*

Appeal Ref: APP/P0119/A/07/2035613 dismissed 13 December 2007 – the Inspector upheld the reason for refusal but prior to the hearing the Council withdrew its objection to the continued use of the existing access.

- 3.2 PK08/1844/F - Erection of two-storey side extension to provide additional living accommodation.  
Approved 7 Aug 2008 but not implemented.

- 3.3 PK11/2419/EXT - Erection of two-storey side extension to provide additional living accommodation. (Consent to extend time limit implementation for PK08/1844/F).  
Approved 16 Sept. 2011
- 3.4 PK11/0653/F - Erection of 1no. attached dwelling with access and associated works.  
Refused 20 May 2011 for the following reason:  
*The proposal would lead to an increase in vehicular use of a PROW. At its junction with Cock Road, the existing PROW has inadequate visibility with the public highway and it is considered that its increased use by additional vehicles would increase hazards faced by highway users to the detriment of all highway users and contrary to Policy T12, H2(A) and H4(C) of the South Gloucestershire Local Plan (Adopted) Jan 2006.*
- 3.5 PK11/3933/F - Erection of 1no. attached dwelling with access and associated works. (Resubmission of PK11/0653/F)  
Approved 1<sup>st</sup> March 2012

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

- 4.1 Parish/Town Council  
Not a parished area.

The Coal Authority

The site falls within the defined Coal Mining Development Referral Area. An appropriate informative should be added to any consent.

The Open Spaces Society  
No response

Natural England  
No adverse comment

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

PROW  
No objection subject to standard informatives.

Sustainable Transport  
Subject to conditions to secure the off-street parking and turning areas in accordance with submitted plans and removal of BT Cabinet, there are no highway objections

Highway Drainage  
The drainage condition (6) was discharged for the previous application. No objection.

Ecology  
No objection.



## **Other Representations**

### **4.3 Local Residents**

1no. letter has been received from the occupier of 7 Cade Close; the concerns raised by the objector are summarised as follows:

- Loss of privacy due to overlooking.
- Loss of light.

## **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 The acceptance in principle of the development has already been established with the grant of PK11/3933/F. All that needs to be considered is whether or not the small addition and extra ground floor window would now justify refusal of the application.

5.4 The proposal falls to be determined under Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, which permits the residential development proposed, subject to the following criteria:

- A. Development would not have unacceptable environmental or transportation effects, and would not significantly prejudice residential amenity; and
- B. The maximum density compatible with the site, its location, its accessibility and its surroundings is achieved. The expectation is that all developments will achieve a minimum density of 30 dwellings per hectare and that higher densities will be achieved where local circumstances permit. Not least, in and around existing town centres and locations well served by public transport, where densities of upwards of 50 dwellings per hectare should be achieved.
- C. The site is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and

- D. Provision for education, leisure, recreation and other community facilities, within the vicinity, is adequate to meet the needs arising from the proposals.
- 5.5 It should be noted however that there is now no nationally prescribed figure for housing density.
- 5.6 Also of relevance is Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, which permits new dwellings within residential curtilages subject to criteria discussed below. Policy D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy both seek to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Density  
Policy H2 seeks to ensure that sites are developed to a maximum density compatible with their location and like the NPPF seeks to avoid development, which makes an inefficient use of land.
- 5.8 The proposal is considered to make efficient use of the land in what is a sustainable location. More than one dwelling could not realistically be accommodated on the plot and in this respect the proposal accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site. In reaching this conclusion officers have taken account of the Inspector's Decision for PK06/2976/F and the subsequent approvals of PK08/1844/F and PK11/3933/F all of which were for similar scale developments.
- 5.9 Scale and Design  
The overall proposed extension would be quite large but the roof ridge would, in part, be set well down in relation to that of the existing house and the eaves set at the same level as those existing when viewed from the front. The building's foot-print would have a maximum width of 6.6m and maximum depth of 7.3m. There would be an enclosed turning area at ground floor level; above which would be a kitchen and living room; with two bedrooms, a bathroom, w.c. and two bedrooms in the roof space.
- 5.10 The amendment now proposed merely in-fills the recess at the north-western corner of the previously approved building. This addition has a generally triangular shaped foot-print with a maximum width of 2.4m and would not protrude beyond the previously approved rear or side elevations. The eaves level of this additional element would be set at 2.2m and the hipped roof above has a very low angle of pitch, which significantly reduces the massing of the extension. The proposed addition is therefore considered to have very little impact on the overall scale of the building and would be easily incorporated within the scheme with the minimum of visual impact. The proposed additional window would be identical in size and appearance to the already approved windows above and to the side. The additional small extension would provide a w.c. and the additional window would serve an additional ground floor study created by the insertion of an additional wall in part of the previously approved turning area within the under-croft.

- 5.11 The materials to be used would be render to match the existing house and Double Roman tiles to match the existing roof. Officers are satisfied that given what was previously allowed in PK08/1844/F and PK11/3933/F, the scale and design are acceptable in this setting.
- 5.12 The NPPF takes account of loss of open garden space and the impact of so-called 'garden grabbing' on the character of areas. The proposed dwelling would however be viewed in the context of the existing buildings, which include a variety of scale and design. The proposal would accord with the established building line on Cock Road. In terms of its contribution to the street scene, the existing garden forming the application site, has very limited amenity value, being entirely enclosed by high hedgerows and fences. On balance therefore the proposed scale and design are acceptable.
- 5.13 Transportation Issues  
A similar scheme PK06/2976/F for 2 flats on this site was refused at appeal in December 2007. The concerns with that application related to the lack of visibility splay from the site access. In making his judgement, the Inspector considered the visibility distances against the guidance in the Manual for Streets document. The subsequent application PK11/0653/F proposed a similar access and parking arrangement as PK06/2976/F but sought to overcome the previous objections. The applicant submitted that since the appeal was determined there had been material changes in that a) the publication of Manual for Streets 2 and b) an independent speed survey had been carried out at the proposed junction with Cock Road.
- 5.14 Officers considered that the submitted speed data to be limited but the figures showed that the 85%ile speed value to be 31.2mph with a mean figure of 26.6mph. Some speeds of 38mph were noted amongst the data.
- 5.15 It is generally accepted that visibility splays are based on the 85%ile speed figure. By reference to table 7.1 in Manual for Streets (1), the sight stopping distance for 31mph is 45m, adjusted for vehicle bonnet length. This is the same visibility distance, which was quoted by the Inspector in the previous appeal decision.
- 5.16 In his submitted Transport Statement the applicant's agent quoted a number of paragraphs from Manual for Streets 2 and referred to paragraph 10.5.9 as the key point; this paragraph stated that:

*"The Y distance should be based on the recommended SSD values. However, based on the research referred to above, unless there is local evidence to the contrary, a reduction in visibility below recommended levels will not necessarily lead to a significant problem"*

Officers are of the view that there is local evidence and concerns in the area. There are issues in close proximity to this site and these, issues are summarised as follows:

- Cock Road is a busy through road and there is an on-street parking issue at this location. This point was identified by the Inspector in the previous appeal.

- The vehicular speeds taken by the applicant remain largely the same as those presented by the Council during the earlier appeal. On the basis of the applicants own speed readings, the required visibility distance is 45m. With the earlier decision, the Inspector determined the available visibility from the site access to be 35m and considered this to be below the desirable distance.
- Since the previous appeal decision, there have been two accidents east of the site access:
  - a) In 2010 – there was an accident (nose to tail) approximately 47m east of the access.
  - b) In 2008 – there was an accident (loss of control) approximately 100m east of access.

Officers also noted that in PK11/0653/F the proposal would have led to vehicles crossing the existing PROW although it was acknowledged that that matter was not raised as a point of concern by the Inspector who expressed a view that the impact of this could be minimised by an appropriate planning condition.

- 5.17 Having regard to all of the above therefore, officers are satisfied that the Inspector's decision and his reasons for refusing the earlier application were made on a sound basis and that the new document 'Manual for Streets' part 2 does not override that decision.
- 5.18 The previous proposal PK11/3933/F overcame the earlier refusal reasons by re-locating the access to the front of the site to create a shared access and introducing a turning area and parking for 4no. cars to serve both the existing and proposed dwellings. The revised access and parking arrangements were designed in consultation with the Council's Highway Officer. In the current amended scheme a section of the under-croft has been taken up by the new study but this still leaves adequate room for turning. A swept path analysis diagram has been submitted to demonstrate that vehicles could access and leave the site in forward gear. The required visibility envelope of 2m x approx. 43m is still achievable to either side subject to the removal of a redundant BT equipment cabinet; this would again be secured by condition. Officers are still satisfied that the scheme accords with the Policies T8, T12, H2(A) and H4(C) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.19 Impact on Residential Amenity  
 Being to the side of the existing house and next to the PROW, the proposed development would not have an overbearing impact on neighbouring property. There would only be a landing window in the proposed side elevation and there would be no significant loss of privacy from overlooking of neighbouring property to the front or rear. The proposed addition takes up a small triangular area of garden that was not really big enough to be usable for much. Adequate amounts of private garden space would still be retained to serve the existing and proposed dwellings, but given the small size of the amenity space, officers consider it necessary to impose a condition to remove permitted development rights from the new house.
- 5.20 Concern has been raised by a local resident about loss of light and privacy but the amendment proposed to the previously approved scheme relates only to a

very small single-storey extension and ground floor window, so the impact on neighbouring property would be no greater than the previously approved scheme.

- 5.21 Having regard to all of the above, officers are satisfied that no significant harm to residential amenity would result from the scheme, which accords with Policies H4 and H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Landscape Issues

There is no vegetation of note within the actual application site itself. The proposal is therefore in accordance with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

- 5.23 Given that the site is within an existing garden, an assessment of the proposal in relation to Policy L5 has been made. The site is small and has very limited amenity value in terms of the visual amenity and character of the street scene and locality in general; no objection on these grounds was raised by the Inspector for the earlier appeal. For these reasons an objection on the grounds of loss of open space or loss of garden land is not in this case justified.

5.24 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. There are therefore no objections on environmental grounds. In terms of drainage the Council's Drainage Engineer raises no objection to the proposal. A condition attached to the previous approval secured the submission of a full drainage scheme to include SUDS, for approval before development could commence and those details have already been approved. A coal mining risk assessment has been carried out to the satisfaction of the Coal Authority. The proposal therefore accords with Policies L17, L18, EP1, EP2 and EP7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.25 Affordable Housing

The proposal is for 1no. dwelling only, which is below the Council's threshold (15) for affordable housing provision.

5.26 Education Service

The proposal is for 1no. dwelling only, which is below the Council's threshold (5) for contributions to the Education Service.

5.27 Community Services

The proposal is for 1no. dwelling only, which is below the Council's threshold (10) for contributions to Community Services.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in

accordance with the policies of the Development Plan, unless material considerations indicate otherwise.

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. 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) 6 Jan 2006.
2. The proposal would not prejudice the amenities of neighbouring property, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
3. An acceptable level of off-street parking would be provided in accordance with Policies H2, H4 and T8 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
4. Adequate amenity space would be provided to serve the development, in accordance with Policy H2 and H4 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
5. The design of the scheme would be in accordance with Policy D1 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006 and Policy CS1 of the South Gloucestershire Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
6. There would be no adverse landscape implications to result from the scheme, in accordance with Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) 6 Jan 2006.
7. 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 below.

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

## **CONDITIONS**

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

Reason

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

2. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (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 and G) other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory retention of amenity space for future occupiers and to protect the appearance of the development in the interests of visual amenity and the character of the area, and to accord with Policies D1/H2/H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The building shall not be occupied until the associated car parking areas and turning areas have been provided in full accordance with the details shown on the approved Proposed Site Plan drg. No. WHI/354/PL/01/13/002/A. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

Reason

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

4. Prior to the first occupation of the dwelling hereby approved, the easternmost BT Equipment Cabinet located to the front of the site as shown on the approved Proposed Site Plan Drg. No. WHI/354/PL/01/13/002/A, shall be permanently removed and a visibility splay of 2.0m x 43m to the left hand side of the approved access (left hand side being as you exit the site) and 2 x 42.5m to the right hand side shall be provided and thereafter maintained at all times.

Reason

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

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

Reason

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

6. Development shall be carried out in accordance with the drainage details approved 13th Sept 2012 (see PK11/3933/F) and before the development is first occupied.

Reason

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

7. Notwithstanding the information on the plans hereby approved; prior to the first occupation of the dwelling hereby approved, access to the triangular area of amenity space located to the rear shall be provided.

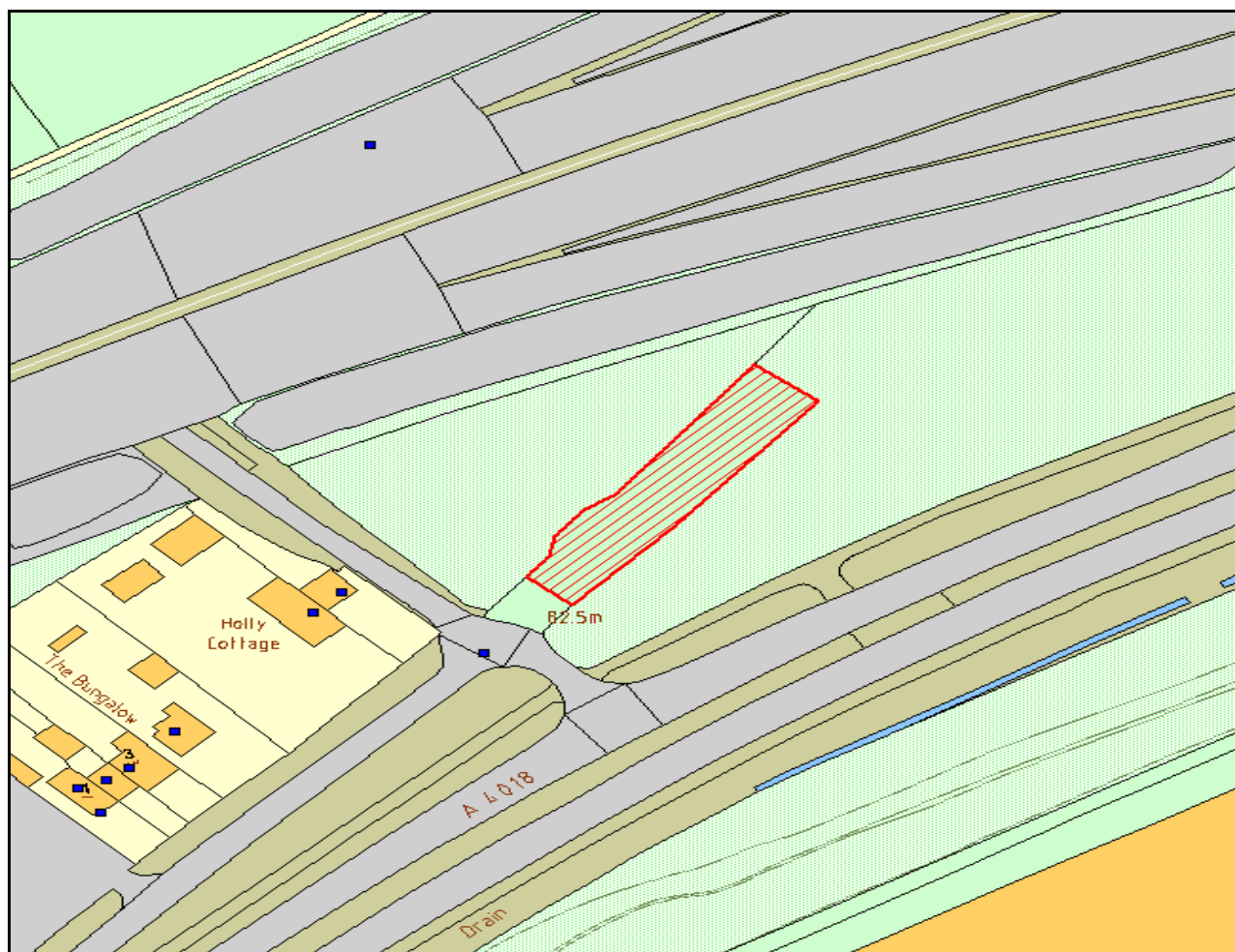
Reason

In the interests of the amenity of future occupiers and to accord with Policy H4 (D) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.



## CIRCULATED SCHEDULE NO.17/13 – 26 April 2013

<b>App No.:</b>	PT12/3437/R3F	<b>Applicant:</b>	South Gloucestershire Council South Gloucestershire Council
<b>Site:</b>	Land At Hollywood Lane Cribbs Causeway Bristol South Gloucestershire	<b>Date Reg:</b>	29th October 2012
<b>Proposal:</b>	Erection of 1no. mower shed, 1no. welfare unit , 2 no. storage containers and 1 no. sprayer shed with associated storage bays and car parking areas.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357407 180904	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th December 2012



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PT12/3437/R3F

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

The application is circulated as the application is a council application.

### **1. THE PROPOSAL**

- 1.1 This site is located at the fenced and gated compound of the abandoned road spur alongside the A4018 at Cribbs Causeway. Access from the site is onto Hollywood Lane and the site backs onto the M5 Motorway. The site is located in the Urban area of Cribbs Causeway. The site is bounded by trees and bushes on three sides.
- 1.2 This is an application for the erection of a 106sqm mower shed and a 24 sqm welfare unit, 2 no. storage containers and 1 no. sprayer shed with associated green waste storage bays and car parking areas.
- 1.3 The application is retrospective as the work is carried out as part of the council's wider Accommodation Strategy, the council is undertaking to relocate operations from the depot site at Almondsbury to it's Broad Lane depot. As part of this work, some streetcare vehicles from Almondsbury need to relocate to an alternative location. The application advises that it is important that these vehicles are located close to the areas they serve, and the abandoned spur of Hollywood lane was identified as a favoured location. As a result the storage containers, parking and mower shed are already in situ.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
E3 Criteria for assessing Employment development within the Urban area/  
Settlement Areas.  
GB1 Development within the Green Belt  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector  
Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt SPD adopted May 2007  
South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council - No objection

4.2 Other Consultees [including internal consultees of the Council]

Archeology Officer

The application area lies just outside the boundary of the area one covered by Hollywood park before it was severed by the motorway, it would appear unlikely that significant archaeological structures or deposits survive in this area therefore in this case I have no Historic Environment comments on these proposals.

Transportation Officer

No objection

4.3 Local Residents

None

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. The NPPF seeks to be proactive in relation to development. The new buildings would facilitate a sustainable location close the areas served by the streetcare team. As such there is a presumption in favour of development which stands to be tested further in relation to the policies of the local plan and further input on specific uses from the NPPF.

Policy E3 supports employment development within urban areas provided the proposal would not have unacceptable environmental effects, adequate provision is made for servicing and delivery, the proposal should not prejudice residential amenity or the character of an area and that the maximum density compatible with the area is achieved.

5.2 Impact on character of the area

The site is very close to the A4018 (Cribbs Causeway) and forms part of the urban area and abuts the Green Belt. The length of the site is screened from the A4018 by trees and bushes and a wooded area exists to the north and eastern edge of the site. As such only the front access gates and a few metres behind these would be generally visible. These gates are set well back from Hollywood Lane and the A4018 and the buildings and containers proposed are set further back again, behind the tree screen. The largest structure is however the mower shed which is also closest to the access. This has been erected in dark green plastisol coated metal such that it blends into the surrounding woodland. The other brighter coloured containers and stores are located well back within the site and would not have an adverse impact on the visual amenity outside of the compound or affect the visual amenity of greenbelt. Given the nature of the site close to the main road this would not affect the visual amenity or character of the area.

5.3 Environmental effects and Residential amenity

The nearest residential property is located some 20m from the access to the site. The buildings are allocated well within the site entrance and as such the mass of the buildings will have no impact on the neighbours. The buildings and structures are a storage facility essentially for machinery and tools to be used outside of the site. It is anticipated that up to twenty people will work from the site and it is the arrival and departure of these members of staff, together with the related activities on site which would be likely to disturb neighbours rather than the presence of the buildings/ structures. These comings and goings will increase the activity at the site, however given the close proximity of the site to the A4018, which is already a busy road, this is unlikely to have a detrimental effect on neighbours. Only six mowers and one tractor mower would be located at the site, these will generally leave the site in the morning at 7.30am, carry out their work, and return later, generally by 4.30pm. However, in the summer months when there is more landscape maintenance to carry out, the mowers would be returned by 8pm. There would also be some Saturday working and it is agreed by the applicant that 8am until 1pm is reasonable for a Saturday. In this location the times of machinery being started up and leaving the site are not considered to cause material harm to the local inhabitants at the levels proposed. The times of use of working at the site and the numbers of mowers can be controlled by conditions and an appropriate condition is recommended below.

5.4 Is the site at its maximum capacity

It is difficult to establish what the maximum capacity is for a use such as this, however the layout appears to make good use of the space available whilst still facilitating turning spaces within the site. More dense usage and more mowers might limit turning and access ability within the site which would have a detrimental effect of the highway network. As such the amount of development proposed for the site is considered to be at a sensible level.

5.5 Transportation

The access to the site already exists and there is space off the road to stop a vehicle if the gates are closed on arrival. Parking for six vehicles is facilitated in bays inside the compound on the A4018 side of the compound. There is also adequate space within the site to turn vehicles accessing the storage and welfare unit facilities. As such there is no objection to the proposal in transportation terms.

5.6 Noise during set up

It is understood via Cllr Pomfret that there was noise of chainsaws during the setting up of the mower shed. This was a short term issue related to some overhanging branches in the vicinity of the mower shed and it is not anticipated that such works continue at the site.

**6. CONCLUSION**

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

- 1 The proposal has been designed to be discrete in relation the surrounding area such that it would not have a detrimental impact on visual amenity – Policies E3 (Criteria for assessing Employment development) and D1 South Gloucestershire Local Plan (adopted) January 2006; South Gloucestershire Design Checklist SPD.
  - 2 The proposals, with appropriate operational constraints as set out in conditions, will not harm the amenities of neighbouring properties by reason noise and disturbance – Policies E3 and D1 South Gloucestershire Local Plan (adopted) January 2006.
  - 3 The site is located at an appropriate location, with good access to the wider road network, from which to carry out essential Council services and this can be achieved without detriment to neighbouring properties E3 (Criteria for assessing Employment development) South Gloucestershire Local Plan (adopted) January 2006
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the following conditions.

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

### **CONDITIONS**

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

Reason

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

2. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times 07.30 to 20.00 Monday to Friday and 08.00 to 13.00 on Saturdays nor at any time on Sunday or Bank Holidays.

Reason

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

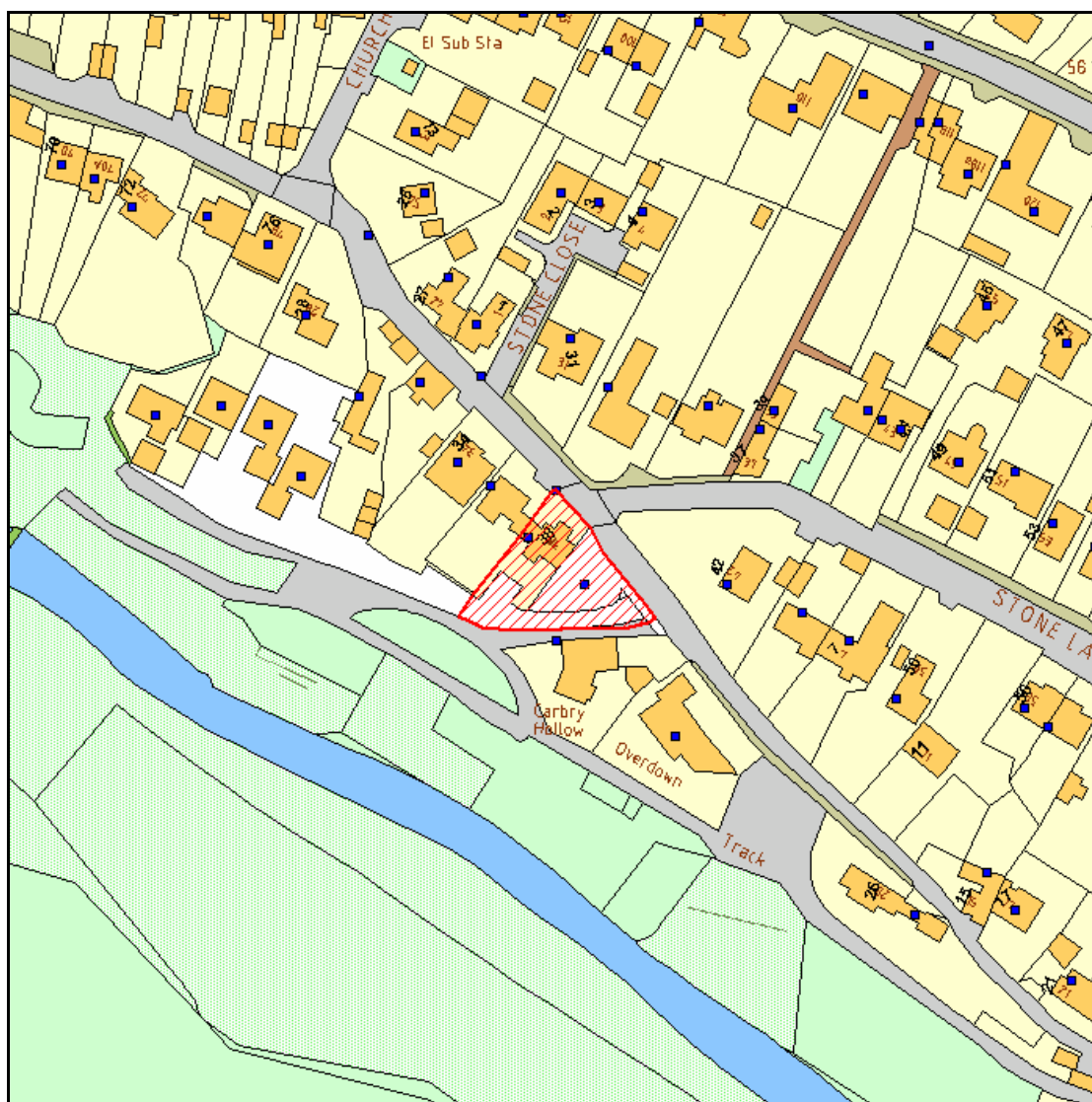
3. No more than six mowers and one tractor mower shall be located at the site at any one time.

Reason

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

## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PT12/3700/F	<b>Applicant:</b>	Heaton Homes LtdHeaton Homes Ltd
<b>Site:</b>	38 Stone Lane Winterbourne Down Bristol South Gloucestershire BS36 1DQ	<b>Date Reg:</b>	12th November 2012
<b>Proposal:</b>	Demolition of existing dwelling to facilitate the erection of 2no. detached dwellings with access and associated works (Resubmission of PT12/1881/F).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365425 179505	<b>Ward:</b>	Winterbourne
<b>Application</b>	Minor	<b>Target</b>	2nd January 2013
<b>Category:</b>		<b>Date:</b>	



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## **INTRODUCTION**

This application appears on the Circulated Schedule further to the letters of objection that have been received from the Parish Council and the neighbouring residents.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks planning permission for the erection of two detached dwellings.
- 1.2 The application site falls within the Winterbourne settlement boundary to the west side of Stone Lane at the entrance to The Dingle.
- 1.3 The application forms a resubmission of PT12/1881/F that was refused for the following reasons:

*The proposal represents a cramped form of development and as a result provides inadequate amenity space for future occupiers contrary to Policy H2 of South Gloucestershire Local Plan (Adopted January 2006).*

*The proposal by reason of its bulk, height, massing, materials and general design would have an adverse impact upon the street scene and wider locality contrary to Policy D1 of the South Gloucestershire Local Plan (Adopted January 2006).*

This application has recently been allowed on appeal.

- 1.4 Amended plans form part of this application amending the design of one of the dwellings to better address the previous refusal reasons (sought and agreed prior to the determination of the aforementioned appeal).

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
Technical Guidance to the National Planning Policy Framework (2012)

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design

H2: Proposals for Residential Development

H4: Development Within Existing Residential Curtilages

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

- 2.3 Emerging Development Plan



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

CS1: High Quality Design

CS5: Location of Development

CS15: Distribution of Housing

CS16: Housing Density

CS17: Housing Diversity

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Winterbourne Down Village Design Statement (Adopted)

**3. RELEVANT PLANNING HISTORY**

- 3.1 N3264: Erection of front porch and of side extension to existing garage. Permitted: 13 January 1977
- 3.2 P94/2235: Erection of front porch & WC extension. Permitted: 2 October 1994
- 3.3 P97/1397: Erection of rear conservatory. Permitted: 12 May 1997
- 3.4 PT06/2804/F: Demolition of 2 dwellings to facilitate the erection of 5 detached and 2 semi-detached dwellings to include associated parking and access. (Re-Submission of PT06/2804/F). Refused: 2 November 2006
- 3.5 PT12/1881/F: Demolition of existing dwelling to facilitate the erection of 2 detached dwellings with access and associated works. Refused: 18 July 2012. Appeal Allowed: 10 April 2013
- 3.6 PT12/2864/F: Construction of 2.5m high retaining walls and hardstanding to facilitate two parking spaces to the rear of the property (Retrospective). Permitted: 9 October 2012
- 3.7 PT12/3396/F: Demolition of existing dwelling. Erection of 1 detached dwelling with new access and associated works. Permitted: 20 November 2012
- 3.8 PT12/3709/F: Erection of 2.5 metre high wall to form garage with terrace over. Decision Pending
- 3.9 PT13/0096/PND: Prior notification of the intention to demolish an existing dwelling. No objection: 7 February 2013

**4. CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council

Objection: 'Members feel this is over development of the site and require a site visit.'

4.2 Other Consultees

Historic Building Officer: no comments

Highways DC: no objection

PROW Officer: likely to affect nearest PROW  
Technical Services (Drainage): no objection in principle  
Urban Design Officer: no objection subject to condition  
Environmental Services: no objection in principle

## **Other Representations**

### **4.3 Local Residents**

Three letters received expressing the following concerns: (initial plans)

- The applicant has no legal right of access to the parking proposed;
- Without this parking (via bury view drive), it does not meet planning requirements on parking;
- As a minimum, the following condition is required - 'No occupation of the development shall take place until the parking spaces on the plan have been provided and the spaces shall be retained for the use of the occupiers of the development at all times thereafter';
- It is an over development of the site (footprints remain the same);
- There is insufficient parking and existing problems will be exacerbated (with vehicles parked around the Stone Lane/ The Dingle junction) and with the proposed spaces unlikely to be used;
- Disturbance is/ will be caused during construction;
- Some of the previous objections have been addressed;
- Proposal more representative of urban than rural environment;
- The angled side extension is too close to the access road and should be removed to provide a more open feel;
- The reduction in ridge line and stepped roof has reduced its impact;
- A single dwelling would be more appropriate (PT12/3396/F) and would improve the site appearance which has been an eyesore for 5 years;
- Garages should be provided at the front;
- Double yellow lines should be introduced at this junction.

Four letters received in response to the amended plans:

- Is still an over development of the site;
- Parking is still inadequate/ restricts access;
- People in The Dingle use the widened area to park;
- Delivery/ construction hours should be limited;
- If permitted, construction works should be monitored;
- Proposals more in keeping with the adjacent properties in Stone Lane and also are more sympathetic in terms of their design and massing;
- Parking in garages should be enforced;
- Construction works will result in severe disruption;
- Access issues are unresolved.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that

*'Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'. These considerations should be attributed significant weight in the assessment of this application. However, a word of caution is offered by paragraph 53 of the National Planning Policy Framework which advises: 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'.*

- 5.2 In this instance, it is noted that planning permission now exists for two replacement dwellings in this position therefore providing an alternative scheme. It is however noted that planning policies H2 and H4 are relevant to this proposal with these policies permissive of proposals for residential development within the settlement boundaries subject to considerations related to design, residential amenity and highway safety.

5.3 Site History

This application forms a resubmission of PT12/1881/F that was refused for those reasons outlined. It was submitted prior to the subsequent grant of planning permission on appeal and therefore sought to address these refusal reasons in the following ways (as advised by the Design and Access Statement):

- Reduction in the size of Grove House in terms of height and footprint;
- Increase in the garden area serving Grove House;
- Amendments to materials.

It is also noted that planning permission PT12/3396/F granted planning permission for a replacement dwelling at 38 Stone Lane.

5.4 Design / Visual Amenity

The application site previously comprised of two detached dwellings albeit with the former Grove House previously demolished and with 38 Stone Lane removed during the lifetime of this application. It is noted that these properties along this short stretch of Stone Lane would originally have been of similar design albeit with subsequent rebuilds and extensions. Properties within the wider locality are a mix of size and design. Notably, there is a significant change in levels across the site with land falling from front to rear.

- 5.5 The replacement dwelling to plot 38 would be in approximately the same position as the former dwelling fronting Stone Lane. This would form a split-level four-bedroom property with one of the bedrooms at ground level. The property would occupy a rectangular footprint measuring some 8.1m in width and 8m in depth albeit with a 'two-storey' rear extension that would project 3.7m into the rear garden area. This amended application shows a ridge height of 7.8m (when viewed from the front).

- 5.7 As initially submitted, the proposed Grove House would be stepped back and would occupy an irregular shaped footprint by virtue of its corner position. It was considered that the property could be viewed as forming a series of three distinct elements; a central rectangular 'block' comprising dining/ living accommodation with two bedrooms above with this flanked by a subservient two-storey addition to the west side comprising a covered area and recessed

garage with two bedrooms above. This part of the building would have been recessed from the front building line and project 3.4m into the rear garden area. To the east, an irregular shaped addition projecting into the far corner of the site was shown with this providing a downstairs kitchen and WC and with a bedroom above.

- 5.8 In response, it was considered that the reduction in ridge height offered a significant improvement and weighed in favour of the application helping address the previous second refusal reason. However, the overall design approach was noted to remain broadly similar and with the exception of the amended ridgeline, the size, scale and massing of the dwellings was considered to appear overly comparable with the disjointed appearance of the replacement Grove House highlighting the cramped overdeveloped appearance that would result with the flanking side 'additions' eroding any sense of spaciousness that might have been retained.
- 5.9 In view of the above, amended plans have been submitted (discussed and submitted prior to the recent appeal decision) revising the design of Grove House to provide a simplified form and allowing a greater sense of spacing around the building. It is considered that this revised design sits more comfortably on the site and better reflects the design of the adjoining dwellings along this side of Stone Lane. On this basis, and with these amended plans considered to provide a material change when compared with the previously refused scheme, there is (and remains) no longer an objection to the proposal on design/ visual amenity grounds.
- 5.10 Residential Amenity  
Issues in respect of the residential amenity did not comprise a reason for refusal in respect of the previous scheme. In this instance, with the main outlook from the proposals to the front and rear (away from the one adjoining dwelling) and with the proposed no. 38 aligning with the front and rear of this neighbouring property (with the rear projection inset from the boundary), it is again not considered that any significant adverse impact in residential amenity would be caused. It is also noted that the only two ground floor side facing windows are shown facing this existing dwelling that would be obscure glazed and which could also be controlled by condition in the event that planning permission were granted.
- 5.11 The other nearest dwelling to Grove House would be Carbry Hollow that is approximately 9m away across a private drive. As before, this is considered to allow sufficient distance to ensure that there would be no significant overbearing impact whilst with the application site also to the north of this neighbouring dwelling, there would be no undue loss of light experienced by these existing occupiers. Further, the 2m high boundary treatments on the southern boundary of Grove House would also help to prevent views into this properties private amenity space.
- 5.12 With regards to the residential amenities of the future occupiers, these properties would generally overlook one another at an oblique angle only (not uncommon within a residential area) whilst it is not considered that the introduction of the rear balcony would substantiate a refusal reason because

views would be largely hidden by the flanking roof slopes and because other dwellings along this side of Stone Lane benefit from similar features (with planning permission). Further, this was also shown on the previous plans that did not attract a refusal reason.

- 5.13 In respect of private amenity space for the new dwellings, the previous application was in part refused on this basis. In this instance, the size of the dwellings has been slightly reduced and thus on this basis, and given the area of amenity space behind the application site, it is considered that there can be no sustainable objection to the application on this basis.

5.14 Highway Safety

There was no transportation objection to the previous application. In this instance, comments from the Councils Highways Officer advise that the proposal shows two off street parking spaces comprising of a garage and a parking space in front for Grove House with two parking spaces to the rear of no. 38 Stone Lane. On this basis, there is no transportation objection to the proposal.

- 5.15 In respect of those concerns raised regarding access rights to the rear, it is noted that the previous Officer report advised that agent had confirmed the two new properties would retain access rights to the rear.

## 6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The recommendation to GRANT permission is for the following reasons:
1. The design, scale and massing of the proposed dwellings would be acceptable and in general keeping with the character of the area. The proposals 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 proposals are considered to be acceptable having regard to issues of 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 Policies T8 (Parking Standards) and T12 (Transportation Development Control Policy for New Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

## **7. RECOMMENDATION**

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

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

### **CONDITIONS**

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

Reason

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

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

Reason

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

3. Prior to any demolition or construction works taking place a Construction Management Plan shall be submitted to the Local Planning Authority for approval in writing. Demolition and construction shall be carried out in accordance with the approved details. For the avoidance of doubt the Construction Management Plan shall include the following:

- i) times of working;
- ii) on-site provision of staff parking, storage areas, amenity facilities;
- iii) waste removal, storage of debris;
- iv) vehicle access/waiting areas;
- v) wheel washing;
- vi) safe working radius for demolition;
- vii) phased demolition (if appropriate);
- viii) retention of unobstructed access for the public right of way and the residents of Bury View and The Dingle.

Reason

In the interests of residential amenity and highway safety, all to accord with Planning Policies H2, H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (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, L1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

To ensure satisfactory parking facilities and to accord with Planning Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Heavy plant, noisy equipment or operations and deliveries shall not take place outside of the following hours:

Monday - Friday .                      07.30 - 18.00

Saturday .                                08.00 - 13.00

(No working on Sundays or Bank Holidays)

The term 'working' shall, for the purpose of this condition, include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

8. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking

and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B and E), 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 view of the limitations imposed by the site size and in the interests of visual and residential amenity, all to accord with Planning Policies D1, H2 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. No windows other than those shown on the plans hereby approved shall be inserted at any time in the west (side) elevation of 38 Stone Lane.

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.

10. Prior to the use or occupation of no. 38 Stone Lane, and at all times thereafter, the proposed bathroom and WC windows on the west (side) elevation of the dwelling shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

11. No development shall take place until a Waste Management Audit has been submitted to the Local Planning Authority for approval in writing. The Waste Management Audit shall include details of:

- i) the volume and nature of the waste which will be generated through the demolition and/or excavation process;
- ii) the volume of that waste which will be utilised within the site in establishing preconstruction levels, landscaping features, noise attenuation mounds etc;
- iii) proposals for recycling/recovering materials of value from the waste not used in schemes identified in (ii), including, as appropriate, proposals for the production of secondary aggregates on the site using mobile screen plant;
- iv) the volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction;
- v) the probable destination of waste which needs to be removed from the site and the steps taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

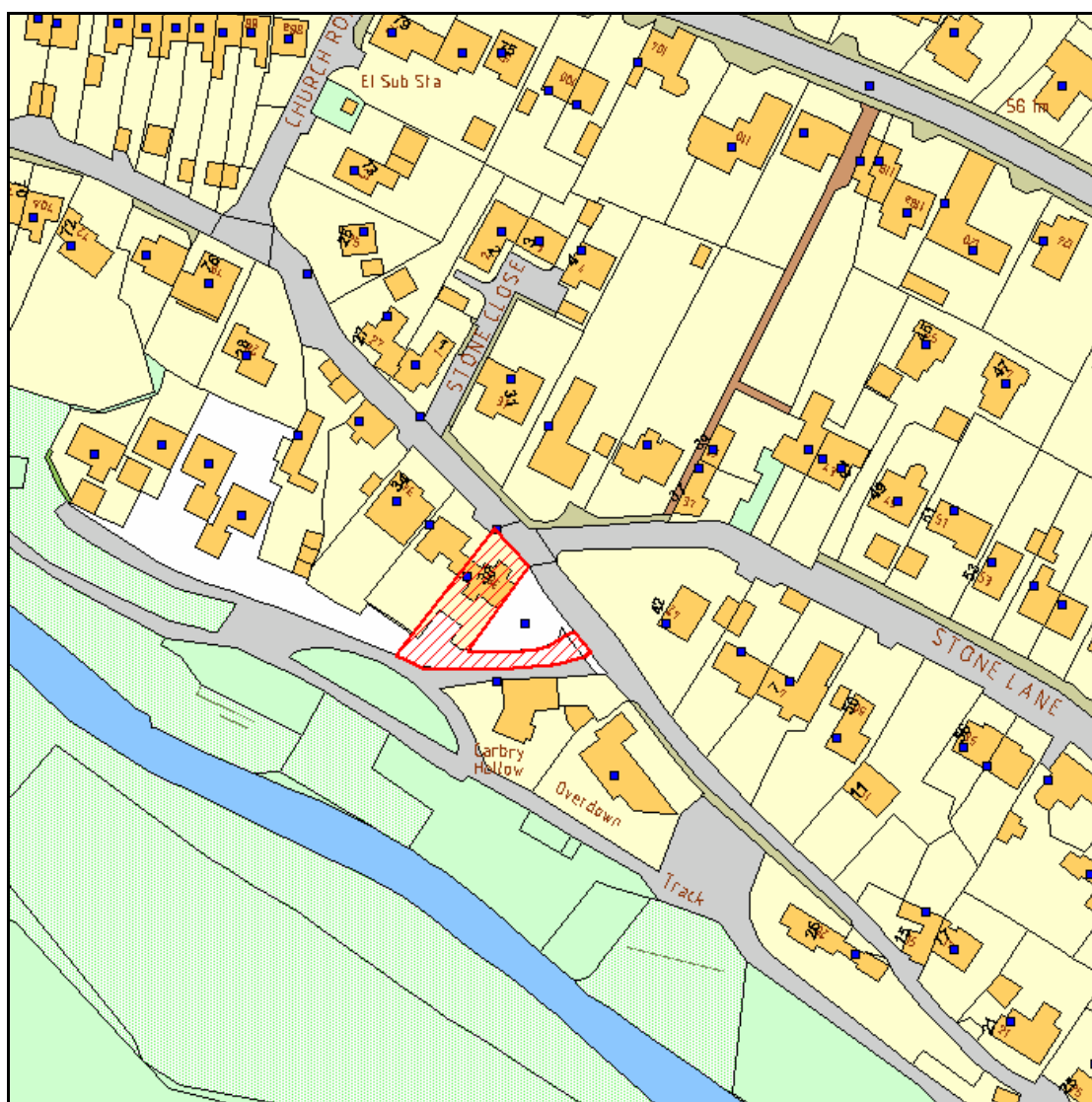
In the interests of sustainable design and to accord with Planning Policy D1 of the South Gloucestershire Local Plan (Adopted) January 2006.





## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PT12/3709/F	<b>Applicant:</b>	Heaton HomesHeaton Homes
<b>Site:</b>	38 Stone Lane Winterbourne Down Bristol South Gloucestershire BS36 1DQ	<b>Date Reg:</b>	12th November 2012
<b>Proposal:</b>	Erection of 2.5 metre high wall to form garage with terrace over	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365425 179505	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd January 2013



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PT12/3709/F

## **INTRODUCTION**

This letter has been referred to the Circulated Schedule owing to the comments from a neighbour that has been received.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a 2.5m high wall to form a covered car parking area with a terrace above.
- 1.2 The application site is located within the Winterbourne/ Winterbourne Down settlement boundary to the west wide of Stone Lane at the entrance to The Dingle.
- 1.3 The two parking bays that form the subject of this application were permitted under PT12/2864/F that was a retrospective application relating to the 'Construction of 2.5m high retaining walls and hardstanding to facilitate two parking spaces to the rear of the property'.
- 1.4 Amended plans form part of this application shortening the length of the covered area to avoid the need for a small section of forward projecting wall that would have extended forwards towards the road. This change has been introduced primarily due a highways objection to the wall.
- 1.5 Since the time that this planning application was submitted, the host dwelling has been demolished pending the construction of a replacement property.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
Technical Guidance to the National Planning Policy Framework (2012)
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
D1: Achieving Good Quality Design  
H4: Development Within Existing Residential Curtilages  
T8: Parking Standards  
T12: Transportation Development Control Policy for New Development
- 2.3 Emerging Development Plan  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1: High Quality Design  
CS5: Location of Development  
CS17: Housing Diversity
- 2.4 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007

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

- 3.1 N3264: Erection of front porch and of side extension to existing garage. Permitted: 13 January 1977
- 3.2 P94/2235: Erection of front porch & WC extension. Permitted: 2 October 1994
- 3.3 P97/1397: Erection of rear conservatory. Permitted: 12 May 1997
- 3.4 PT06/2804/F: Demolition of 2 dwellings to facilitate the erection of 5 detached and 2 semi-detached dwellings to include associated parking and access. (Re-Submission of PT06/2804/F). Refused: 2 November 2006
- 3.5 PT12/1881/F: Demolition of existing dwelling to facilitate the erection of 2 detached dwellings with access and associated works. Refused: 18 July 2012. Appeal Allowed: 10 April 2013
- 3.6 PT12/2864/F: Construction of 2.5m high retaining walls and hardstanding to facilitate two parking spaces to the rear of the property (Retrospective). Permitted: 9 October 2012
- 3.7 PT12/3396/F: Demolition of existing dwelling. Erection of 1 detached dwelling with new access and associated works. Permitted: 26 November 2012
- 3.8 PT12/3700/F: Demolition of existing dwelling to facilitate the erection of 2 detached dwellings with associated works (resubmission of PT12/1881/F). Decision Pending
- 3.9 PT13/0096/PND: Prior notification of the intention to demolish an existing dwelling. No objection: 7 February 2013

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection
- 4.2 Other Consultees  
Ecology Officer: no objection  
PROW Officer: no objection  
Highways DC: no objection to revised plans

#### **Other Representations**

- 4.3 Local Residents  
No comments received in response to original plans.
- 4.4 One letter received in response to the amended plans:

- o No objections in principle but request a condition on any approval requiring the erection of a 1.8 metre high fence or wall along the side of the car port between the terrace and the steps to avoid overlooking into neighbouring rear garden area.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Planning policy H4 is permissive of proposals for residential development within existing residential curtilages subject to considerations of design, visual amenity and highway safety.

### 5.2 Design / Visual Amenity

The application relates to the plot at 38 Stone Lane, Winterbourne, which occupies a steeply sloping site with parking at the rear, accessed via a private drive. This area of parking comprises two spaces cut into the rear garden area and enclosed by a retaining wall. This wall extends to run along the rear garden boundary fronting the private lane. Around the perimeter of the parking spaces, the wall measures some 2.5m in height.

- 5.3 In simple terms, the proposal would facilitate a slightly raised roof over this parking area to provide an enclosed double garage; the roof would provide a new terrace at this end of the rear garden.

- 5.4 The proposal is considered to be acceptable in design/ visual amenity terms with no objection raised on this basis.

### 5.5 Ecology

The site abuts the River Frome and Oldbury Court Estate Site of Nature Conservation Interest (SNCI) designated for its open flowing water and bankside vegetation, woodland and grassland interests. Planning policy L8 of the adopted local plan cites that:

*‘Development that would cause damage to local nature conservation or geological interest will not be permitted unless the importance of the development outweighs the value of the substantive interests affected.*

*Where development is to proceed, measures will be required to minimise and offset the impact of the development on the nature conservation interest’.*

- 5.6 Notwithstanding this, given that the development is confined to within the curtilage of the property and is separated by an existing private drive, it is considered unlikely that the proposal would have any impacts on the ecology of the River Frome and Oldbury Court Estate SNCI. Accordingly, there is no ecological based objection subject to an informative in respect of nesting birds.

### 5.7 Residential Amenity

The main impact of the proposal in respect of residential amenity issues would be through the provision of the new roof terrace. Given that this would be at broadly the same level as the existing garden, it is not considered that any new

issues of overlooking would be introduced thus there is no associated objection. In this regard, it is understood that prior to the formation of these two parking spaces, the garden previously extended to this position at this elevated level. Further, it should be noted that the agent has resisted a request for additional fencing as per the comments received. In this regard, given the topography of the area, it is considered that a degree of overlooking does naturally occur and thus any associated objection purely on this basis would be unlikely to prove sustainable. It is also noted that tree screening would help to mitigate any views that might be gained.

5.8 Highway Safety

The proposal would cover the existing car parking spaces whilst the plans have been amended so as not to restrict access into these spaces. On this basis, there is no transportation objection to this current proposal.

5.9 PROW

The application would affect the Frome Valley Walkway, a promoted public right of way, which occupies the full width of the original lane (thus mostly on what is now a grass verge but also partly on the private road to varying widths). As with a the previous application concerning the retention of these parking bays, the manoeuvring point in and out of the garage is where pedestrians using the public right of way would be either emerging from or turning into where the path drops away towards the river. However, comments from the Councils Public Rights of Way Officer advise that it does not seem likely at this point that they would come into conflict with vehicles so no objection has been raised. However, the applicant should be aware that the safety of users of the path must be ensured at all times during construction.

**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 enclosed garage proposed would be in keeping with the locality of the area and would accord with Planning Policies D1 (Achieving Good Quality Design in New 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 Policy H4 (Development within

Existing Residential Curtilages) of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The proposal would accommodate two parked cars and would retain satisfactory access/ exit from these two spaces. The proposal 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.

## **7. RECOMMENDATION**

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

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

### **CONDITIONS**

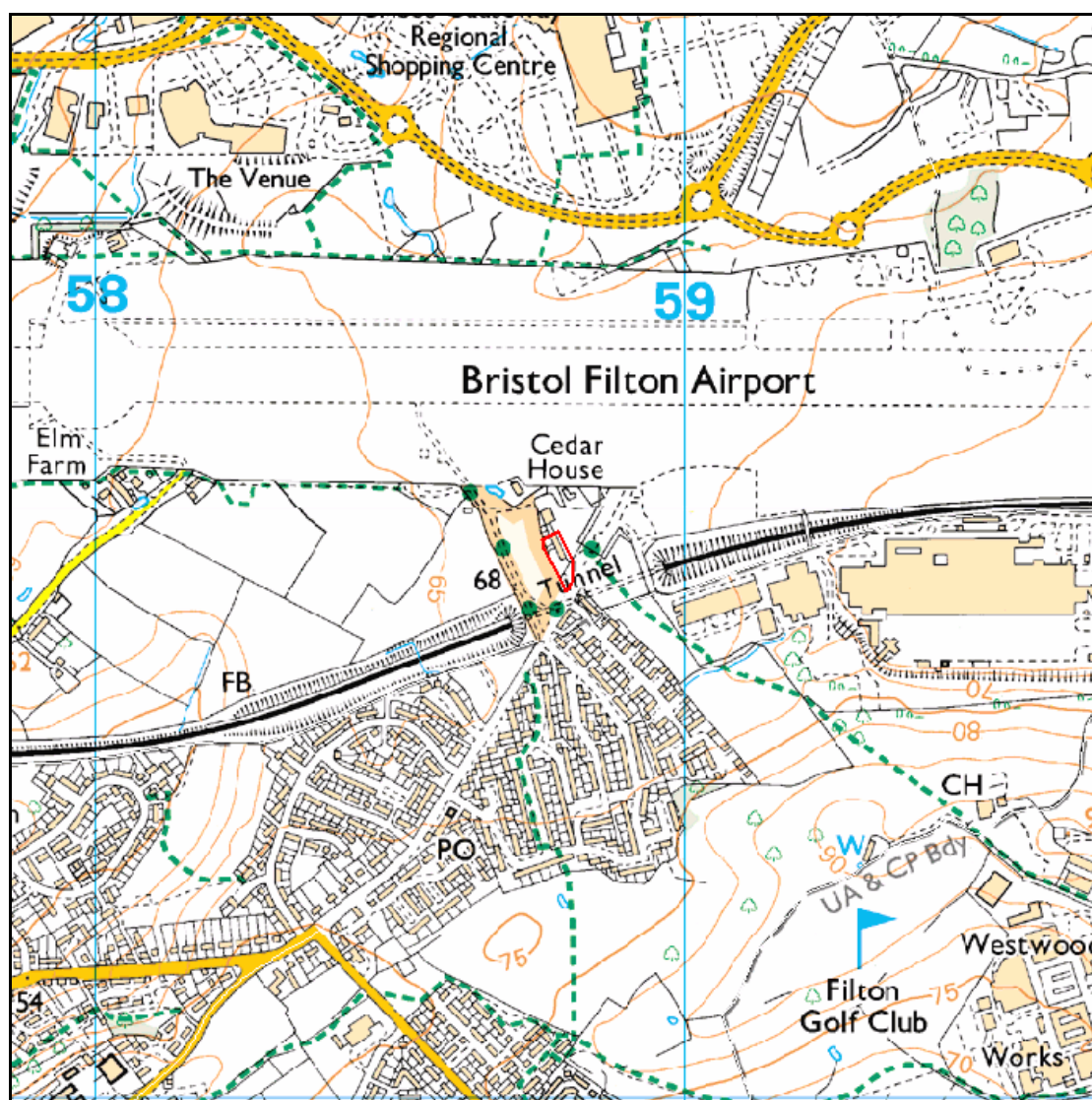
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PT12/3853/F	<b>Applicant:</b>	Mr & Mrs Wood
<b>Site:</b>	Cedar Lodge Charlton Common Brentry Bristol South Gloucestershire	<b>Date Reg:</b>	29th November 2012
<b>Proposal:</b>	Demolition of buildings to facilitate change of use of land to caravan storage (sui generis) as defined in the Town and Country Planning (Use classes) Order 1987 (as amended). Alterations to vehicular access and erection of security gates and fencing.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358764 179987	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st January 2013



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**N.T.S.**

**PT12/3853/F**



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

This application appears on the Circulated Schedule owing to those comments from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 The application seeks planning permission for the demolition of buildings (that provide an existing cattery and kennels) to facilitate the change of use of land to allow the storage of caravans.
- 1.2 The application relates to land on the west side of Charlton Road adjoining Charlton Common. The site is located within the built up area.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework (March 2012)

National Planning Policy Framework (Technical Guidance)

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

L1: Landscape Protection and Enhancement

L11: Archaeology

E3: Proposals for Assessing Proposals for Employment Development

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

CS5: Location of Development

CS26: Cribbs/ Patchway New Neighbourhood

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

South Gloucestershire Design Checklist (Adopted)

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

- 3.1 N1052: Use of land for the storage of caravans (renewal of temporary consent). Permitted: 13 February 1975
- 3.2 N1052/1: Use of land for the stationing of a residential caravan in connection with boarding kennels. Permitted: 16 June 1977
- 3.3 N1052/2: Erection of 10 dwellings; alteration of existing vehicular access (outline). Refused: 28 July 1977
- 3.4 N1052/3: Permitted: 3 November 1977

- 3.5 N1052/4: Erection of 40 cat kennels to replace 14 existing dog kennels. Permitted: 8 March 1979
- 3.6 N1052/5: Erection of two-storey side extension and single storey rear extension to dwelling house (outline); erection of double garage. Permitted: 15 November 1979
- 3.7 N1052/6a: Erection of double garage (details following outline). To be read in conjunction with planning permission Ref. No. N.1052/6. Permitted: 3 July 1980
- 3.8 N1052/7: Erection of single storey building to form animal kitchen, animal clipping parlour and a food storage area, waiting room, reception area and W.C; re-siting of existing cat kennels (in accordance with the applicants letter dated 1st November 1979). Permitted: 6 December 1979
- 3.9 N105/8: Use of land for the storage of 30 caravans (renewal of temporary consent). Permitted: 24 January 1980
- 3.10 N105/9: Erection of single detached dwelling and garage (Outline). Refused: 26 March 1981
- 3.11 N1052/11: Use of land for the storage of 30 caravans (renewal of temporary consent). Permitted: 21 June 1982
- 3.12 P88/1919: Erection of side extension at first floor level to provide additional bedroom accommodation. Permitted: 22 June 1988
- 3.13 PT11/1805/O: Erection of 13 dwellings (Outline) with access to be determined; all other matters reserved. Refused: 14 August 2012

#### Refusal Reasons:

*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.*

*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 LC8 of the South Gloucestershire Local Plan (Adopted) January 2006.*

*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 LC1 of the South Gloucestershire Local Plan (Adopted) January 2006.*

*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.*

Appeal Dismissed: 22 January 2013

- 3.14 PT13/0404/F: Erection of 13 dwellings (Outline) with access to be determined. All other matters reserved (Resubmission of PT11/1805/O). Decision Pending

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

4.1 Almondsbury Parish Council

Objection: *'This is a change to commercial use. We are concerned that historic buildings may be demolished. The proposed fence is out of keeping. Also concerns re. the proposed new development in the area.'*

4.2 Other Consultees

Highways DC: no objection

Landscape Officer: no objection subject to condition

Historic Building Officer: condition requested

#### **Other Representations**

4.3 Local Residents

No comments received

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

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development so that it is clear that sustainable development can be approved without delay. It is advised that there are three dimensions to sustainable development: economic, social and environmental.

- 5.2 Previously, in its statement for growth, the Government issued a call to action on growth with a set of proposals to help rebuild the Country's economy. Accordingly, it is the Government's top priority is to promote sustainable economic development and jobs with a clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

- 5.3 Planning policy E3 is permissive of proposals for the employment uses (it is considered that the proposal would provide limited employment opportunities) provided that (here considered relevant):

- Development would not have unacceptable environmental effects; and
- It is acceptable in highway safety terms; and
- Development would not prejudice residential amenity; and
- The character of the area would not be adversely affected.

- 5.4 Policy CS13 of the emerging Core Strategy relates to non-safeguarded economic development sites. However, in this instance, the proposal would provide a form of economic development whilst it is noted that the recent application for housing did not attract an associated refusal reason.
- 5.5 Moreover, in view of the nature of the proposal, the Councils Urban Design Officer has raised no objection to the proposal having regard to the Cribbs/ Patchway New Neighbourhood designation.
- 5.6 The Proposal  
The application seeks full planning permission for the change of use of land to facilitate caravan storage (sui generis). As part of this application, the proposal would necessitate demolition of the existing buildings that currently comprise Cedar Lodge Kennels.
- 5.7 The supporting statement advises that this use is likely to comprise a temporary use pending the redevelopment of the site for housing. To this extent, attention is drawn to planning application PT11/1805/O that sought outline planning permission for 13 houses on this site. This application has subsequently been the subject of an appeal that was very recently dismissed with a further application (PT13/0404/F) now received. Nonetheless, this application is considered on its own merits, and any decision is not reliant on the site being for housing in future.
- 5.8 The proposed use would accommodate approximately 50 caravans and would only require the erection of perimeter fencing and gates. The applicants already use part of the site for caravan storage in addition to further land owned by Airbus. Given that this land might be redeveloped as part of the Cribbs/ Patchway new development, the supporting letter cites that this proposal would allow the applicants to maintain the caravan storage business on their own land.
- 5.9 Design/ Visual Amenity  
The application would allow demolition of all existing buildings associated with the kennels with new security fencing erected along the south, east and part of the western boundary of the application site. Green pallisade fencing is proposed; it is advised that this would closely match the fencing of the nearby Airbus gates and the Charlton Road allotments. On the south side of the site, the security fencing would be set back from the road with planting shown in front.
- 5.10 The supporting statement advises that overall the character and appearance of the area would not change with part of the site already used for caravan storage. Officers are in general agreement with this with any associated refusal reason unlikely to prove sustainable. Accordingly, there is no objection to the proposal on design/ visual amenity grounds.
- 5.11 Notwithstanding the above, the Councils Landscape Officer points out that there are no details regarding the existing vegetation on site, specifically the existing hedge along the road frontage, being replaced with new planting. Therefore, in the event that planning permission is granted, a landscaping

condition is requested to provide a vegetation retention and removal plan detailing all existing vegetation to be removed and retained with a detailed 1:200 scale to provide details of replacement planting.

5.12 Residential Amenity

The site is generally remote from all neighbouring occupiers with the exception of the applicants' dwelling to the north and those dwellings on the opposite side of Charlton Road to the south. Therefore, and having regard to the nature of the proposal, it is not considered that any significant adverse impact in residential amenity would be caused. Moreover, noise associated with the existing kennels would be lost thus helping to improve residential amenity.

5.13 Highway Safety

Comments received from the Councils Highway Officer advise that due to the infrequency of movements associated with caravan storage there is no transportation objection to this proposal.

5.14 Outstanding Issues

In response to the concerns raised by the Parish Council, the proposal would allow removal of relatively modern animal shelters and a timber hut. However, the Councils Historic Records Officer has advised that although the current building is of recent origin it lies on the fringe of a medieval settlement that appears to have covered a significantly larger area as is shown by excavations in the 1980s and shown to date from the 11th to 14th centuries. Therefore, whilst the site is likely to have been subject to ground disturbance during the construction of the current buildings, it is possible that significant archaeological deposits and structures survive. Although the application appears to involve limited ground disturbance a watching brief condition would appear to be the appropriate response and should be added to any planning permission.

## 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 proposal would be acceptable having regard to its impact on the character and appearance of the locality. It would therefore accord with Planning Policies L1 (Landscape Protection and Enhancement), D1 (Achieving Good Quality Design in New Development) and E3 (Employment Development) of the South Gloucestershire Local Plan (Adopted) January 2006.

2. The proposal would not cause any significant adverse impact in residential amenity and would accord with Planning Policy E3 (Employment Development) 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. 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, L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

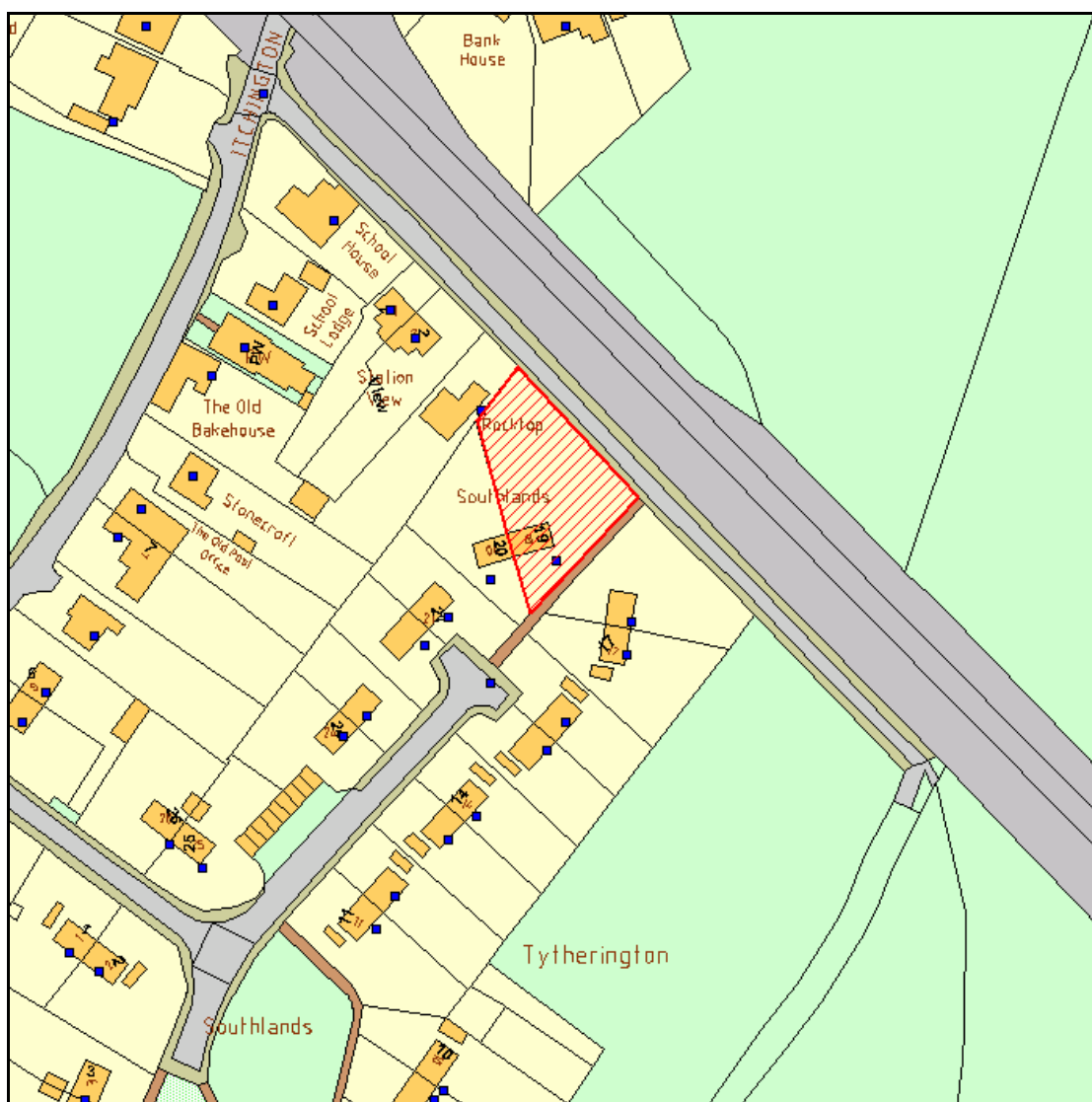
3. The developer shall appoint an archaeological contractor not less than three weeks prior to the commencement of any ground disturbance on site, and shall afford him or other archaeologist nominated by the Local Planning Authority access at all reasonable times in order to observe the excavations and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

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.

## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

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



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PT13/0633/F

## **INTRODUCTION**

This application has been referred back to the Circulated Schedule for a second week in view of the additional letters of objection that were received during the extended consultation period given the submission of amended plans.

### **1. THE PROPOSAL**

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

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

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

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (27 March 2012)  
National Planning Policy Framework Technical Guidance (2012)

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1: Achieving Good Quality Design in New Development

H2: Proposals for Residential Development

H4: Development within Existing Residential Curtilages

T8: Parking Standards

T12: Transportation Development Control Policy for New Development

L1: Landscape Protection and Enhancement

GB1: Development within the Green Belt



2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Planning for Growth (Ministerial Statement (March 2011)

Development in the Green Belt (Adopted)

3. **RELEVANT PLANNING HISTORY**

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

The refusal reasons were as follows:

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

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

On matters of highway safety:

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

On footpath character:

*'The proposed development would not much affect the current semi-rural character of PFP OTY20, but any extra conflict with traffic from the proposed*

*dwelling would reduce the enjoyment of walkers to some degree, and this factor also weighs against the appeal.'*

On matters of privacy:

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

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

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

4.1 Tytherington Parish Council

No comments received

4.2 Other Consultees

Community Spaces: no comment

Environmental Services: no objection in principle

Technical Services (Drainage): no objection in principle

Highways DC: no objection

PROW: will affect PROW

Landscape Officer: no objection

#### **Other Representations**

4.3 Summary of Local Residents Comments: (initial consultation period)

One letter received expressing the following concerns (to original plans):

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

4.4 Six letters (4 from 1 household) during the extended consultation period:

- o The proposal does now look proportional to the plot size;
- o It is not infilling- it is at right angles to the rear Southlands;

- o It will overlook 19 & 20 Southlands at the rear;
- o If approved, permitted development rights should be removed;
- o Is contrary to planning policies L1, H2 and GB1;
- o It is substantially larger than other properties;
- o Repairs should be made to the lane before any further traffic uses it;
- o It will endanger highway safety;
- o Parked vehicles along the lane will make it difficult to pass;
- o Power lines will have to be relocated;
- o The sewerage system is already at breaking point.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50). Further, it is advised that *'Policies in Local Plans should follow the approach of the presumption in favour of sustainable development so that it is clear that development which is sustainable can be approved without delay'*. These considerations should be attributed significant weight in the assessment of this application. However, a word of caution is offered by paragraph 53 of the National Planning Policy Framework which advises: *'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area'*.

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

### 5.3 Design/ Visual Amenity

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

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

- 5.5 In response, planning policy H4 states that proposals for new dwellings within residential curtilages will only be permitted where they respect the massing, scale, proportions, materials and overall design and character of the existing

property and the character of the street scene and surrounding area. In this regard, concern was raised at the time of the previous application given the position of the dwelling forward of the general building line and the disproportionate size of the proposal with respect to its footprint in relation to the size of the plot and in comparison to other nearby properties. It was considered that this would cause harm through the over development of this restricted plot in this forward position.

- 5.6 Further, it was noted that the garden is well vegetated with a mixed hedge along what would be the front boundary to the property. This hedge is predominantly ivy and contains a number of ornamental species and is maintained at approximately 1.6m. It was considered that the proposal to replace this with a new stonewall would be out of keeping with the leafy character of Station Lane. In this regard, it is noted that planning policy L1 states that new development will only be permitted where the amenity of the landscape is conserved and where possible enhanced.
- 5.7 In view of the above, the proposal as originally submitted was considered to be unacceptable. It was however noted that the introduction of a smaller dwelling (on perhaps a larger plot) might overcome these concerns and realise the benefits of a new dwelling in this location (i.e. new housing and economic opportunities).
- 5.8 In this instance, the plans originally submitted showed a slight reduction in the width of the dwelling with the property on a slightly larger plot. These changes helped to address the last refusal reason but were not considered to overcome these concerns with the objections to the scheme still outweighing the benefits of the proposal. On this basis, two further sets of amended plans have been received with those most recently submitted omitting the single-storey side and rear elements and reducing the width of the two-storey build to 10.6m (12.7m as shown by the previous application).
- 5.9 It is considered that these changes combined better address the previous refusal reason and would facilitate a more proportionately sized dwelling on a more spacious plot. On this basis, on balance, there is no objection to proposal on design/ visual amenity grounds. In this regard, it is noted that the revised plans show the retention of the front boundary hedgerow; this could form the basis of an appropriately worded condition in the event that planning permission is granted.
- 5.10 Impact on the Openness of the Green Belt  
Green Belt policy is permissive of proposals for infill development; the issue of whether a new dwelling in this position would constitute infill development was considered, as part of the previous application and ultimately, planning permission was not refused on this basis. As such, it was noted that with the application site is adjoined by residential development on either side, thus the proposal could be considered to comprise infill development in accordance with the definition within the Councils Supplementary Planning Guidance on Green Belts:

*'Infill development is development that is small in scale and which fits into an existing built up area in a defined settlement boundary, normally in-between existing buildings, in a linear formation.'*

- 5.11 In the absence of any associated objection to the previous application, and with the proposal considered to accord with this definition there is no objection to the application on this basis.

5.12 Residential Amenity

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

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

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

5.15 Highway Safety

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

junctions and any existing insufficiencies of the highway network; this is reflected in the limited accident record for the village.

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

5.17 PROW Officer

The Council's Public Rights of Way Officer has advised that the proposal would affect the nearest recorded public right of way (OTY20) that runs along the class 5 adopted highway that would provide the access to the development. As such, although there is no objection in principle to the proposal the applicant should be made aware that the right of way must not be obstructed at any time. It is recommended that an informative be attached to any planning permission that is granted.

5.18 Drainage

The Council's Drainage Engineer has raised no associated objection to the application. In the event that planning permission is granted, it is considered that a condition in respect of sustainable drainage systems should be applied.

## 6. CONCLUSION

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

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

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

## **7. RECOMMENDATION**

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

**Contact Officer: Peter Burridge**  
**Tel. No. 01454 865262**

### **CONDITIONS**

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

Reason

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

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

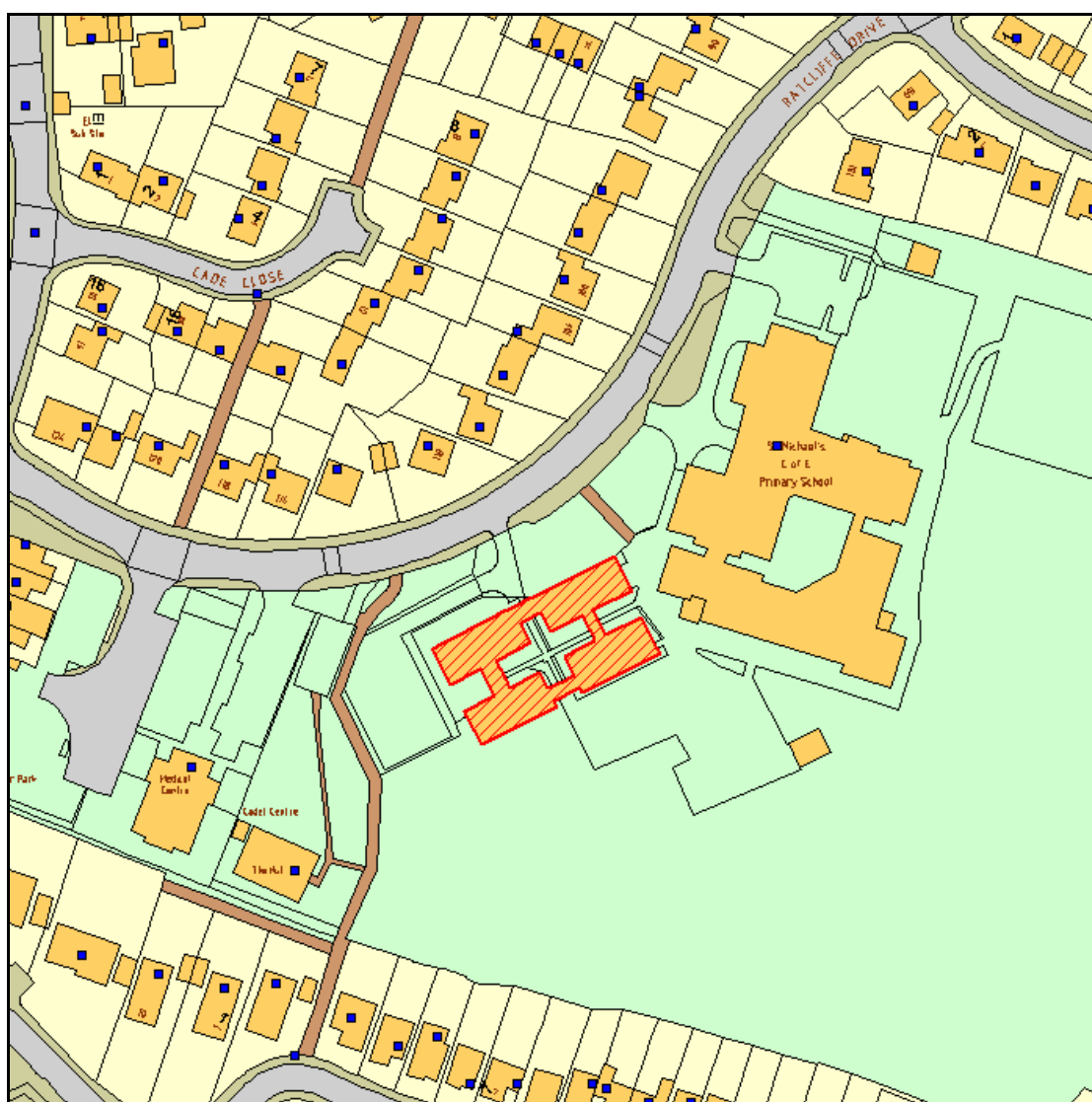
Reason

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



## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PT13/0816/R3F	<b>Applicant:</b>	Mr J SeymourSouth Gloucestershire council
<b>Site:</b>	St Michaels Primary School Ratcliffe Drive Stoke Gifford Bristol South Gloucestershire	<b>Date Reg:</b>	15th March 2013
<b>Proposal:</b>	Retention of 4 no. temporary buildings.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362340 180043	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th May 2013



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PT13/0816/R3F

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

This application appears on the Circulated Schedule because it is a South Gloucestershire Council application.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the retention of four temporary buildings, located to the south west of this existing primary school. The portacabins were all allowed between 1994 and 2002 under references P94/1770, PT01/1640/R3F and PT02/1049/R3F to provide additional classrooms.
- 1.2 The application site comprises St Michaels C of E Vc Primary School, which is situated on the southeastern side of Ratcliffe Drive within the established residential area of Patchway. The school is constructed of brick with a slate pitched roof with hipped ends, and comprises vertically proportioned fenestration. It occupies an elevated position above the street. Sloped vehicular access is off Ratcliffe Drive at the northern end of the site and leads directly onto a hardstanding parking area. Various hard standing play areas are located to the north of the site, a large play field to the south and east and a hardstanding play area to the southwest, which is partially covered by the buildings subject of this application.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

Section 4 Promoting sustainable transport

Section 7 Requiring Good Design

Section 8 Promoting healthy communities

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

D1 Achieving a Good Standard of Design in New Development

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

T12 Transportation Development Control Policy for New Development

T7 Cycle parking

T8 Parking Standards

L1 Landscape Protection and Enhancement

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

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS23 Community Infrastructure

CS25 Communities in the North Fringe of Bristol Urban Area

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

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

- 3.1 PT13/0217/R3F Installation of 2 no. cycle shelters, relocate 1 no. cycle stand and install 1 no scooter stand and associated works. Approval 15/3/13.
- 3.2 PT12/0255/R3F Erection of single storey extension to north elevation to provide 3no. additional classrooms to an existing primary school. Deemed consent. (subject to an Elliot building remaining unoccupied and being removed within three months from works being completed)
- 3.3 PT08/2241/F Erection of 2.no shade canopies. Approved 19.9.2008
- 3.4 PT05/0665/R3F Erection of canopy for childrens' play area. Approved
- 3.5 PT04/1973/R3F, erection of twin garage and single garage for storage of school materials, approval, 19/07/04.
- 3.6 PT02/1049/R3F, erection of Elliot classroom and link corridors to existing Elliot classroom and main building, approval, 18/07/02. (subject to removal by 31 July 2004 and a travel plan)
- 3.7 PT01/2759/R3F Construction of play area and access road. Deemed Consent
- 3.8 PT01/1640/R3F Use of land for stationing of Elliott classroom block and construction of car park. Approved for temporary period ending 31/7/2006
- 3.9 P97/2746, erection of extension to primary school to form 8 additional classrooms. Construction of hard surfaced play area, approval, 06/02/98.
- 3.10 P97/2230, erection of extension to existing Primary School to form eight additional classrooms, approval, 26/09/97.
- 3.11 P97/1844, use of land for stationing of Elliot classroom unit. Relocation of existing classroom unit and storage garage. Construction of temporary car park, approval, 01/08/97.
- 3.12 P94/1770, use of land for siting of 7 bay and 6 bay Elliot midway classroom units. Construction of vehicular and pedestrian access and car park, approval, 13/07/94. (temporary until 1999)
- 3.13 P93/1744, use of land for the stationing of a six bay Elliot midway building to form two classrooms, lobby, store and toilets, approval, 14/07/93. (temporary)
- 3.14 P87/1468, erection of 280 place primary school and provision of associated sports ground and playground facilities on approximately 1.9 hectares (4.7

acres) of land. Construction of new vehicular and pedestrian access and parking area, approval, 28/04/87.

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

4.1 Stoke Gifford Parish Council  
No comment received

4.2 Highway Drainage  
No comment

4.3 Local Highway Authority  
Following an assessment of the submission, it is apparent that the proposals are necessitated through an increase in the local population, a decrease in average population age and the lack of appropriate school accommodation. In this regard, Transportation development Control do not raise an objection to the proposals to retain existing classroom facilities, for an increased school population, on the basis that the alternative is for children and families to travel further afield to satiate their education demands.

Notwithstanding this, the submission includes a Travel plan that does not incorporate modal travel targets nor survey data. In this regard, the school is advised upon updating their travel plan in July 2014 that they undertake a full travel survey, staff and pupils, and they coordinate with the Local Authority to define appropriate targets and methods to succeed these targets. To further aid this process, Transportation Development Control (TDC) may provide a service to support the school in their Travel Plan Coordination, incorporating a full accessibility audit, audit of survey data, establishment of targets and the definition of appropriate hard and soft travel plan measures to achieve these targets. In order to undertake this role, the authority are advised to contact TDC prior to occupation of the retained building to establish appropriate fees.

4.5 Local Residents  
None received but neighbours expire on 29 April 2013. If objections are received in respect of matters which are not already dealt within this report then they will be included in a further Circulation of this report.

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

5.1 Principle of Development  
The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located within the urban residential area of Stoke Gifford. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to the policies of the local plan.

- 5.2 The use of the site for schooling is acceptable in principle by virtue of policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006. The main issues to consider are whether the retention of the temporary buildings achieves a good standard of design in keeping with the character of the host building and surrounding area (policy D1 of the Local Plan), whether the site is highly accessible by foot and bicycle (policies T12 and LC4 of the Local Plan), the impact on the residential amenity of neighbouring occupiers (policies LC4 and T12 of the Local Plan), the environmental effects (policy LC4 of the Local Plan) and the transportation effects (policies T12 and LC4 of the Local Plan).

5.2 Design and impact on the character of the area

The temporary buildings are not in keeping with the brick built school buildings or their wider surroundings. They are sufficiently remote from neighbours so as to prevent harm to residential amenity by their mass, overlooking or appearance. In their favour they are located well back off the road which limits the visual harm to the streetscene and they are incorporated into the school grounds. Residential amenity may be affected by the numbers of comings and goings to the site which would be likely to be increased as a result of this application. A revised School Travel Plan (updated Feb 2013) has been submitted with this application and it is anticipated that the increase in school numbers by 60 over the next two years (by retention of the recently disused two classroom temporary building) can be mitigated by this document. There are no other material implications on the environment. Notwithstanding this the buildings are not of a design worthy of retention in the long term and as such only temporary planning consent was given for each of the buildings initially.

The classroom buildings were allowed pursuant to planning applications between 1994 and 2002 with conditions requiring that they be only temporarily stationed at the school and that they be removed from the site within a time frame set by conditions of each consent. The erection of or retention of temporary buildings is not an ideal long term design solution as the buildings do not respect or enhance the character of the site or the wider area as required by policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.

However this harm to visual amenity needs to be balanced against Paragraph 72 of the NPPF which states that the Government attaches 'great' importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and it instructs local authorities to give great weight to the need to create, expand or alter schools. With this in mind it is appropriate to balance the 'great' importance of increasing the number of school places, as is the statutory duty of the Council, against the modest harm to the street scene by retention of the existing temporary buildings and the transport implications. This will be undertaken below.

5.3 Transportation

The school is located within an established urban area and is surrounded by residential properties. It is considered therefore, that the site is highly accessible by foot and bicycle modes of transport. The school currently has 580 pupils with a maximum capacity of 630 on a current 90 entry.

Transportation Development Control do not raise an objection to the proposals to retain existing classroom facilities, for an increased school population, on the basis that the alternative is for children and families to travel further afield to satiate their education demands. A travel plan has been submitted with the application which seeks to promote walking and cycling and encourage safe parking. It is noted that the Travel plan does not incorporate modal travel targets nor survey data. In this regard, the school is advised that upon updating their travel plan in July 2014 that they undertake a full travel survey, staff and pupils, and they coordinate with the Local Authority to define appropriate targets and methods to succeed these targets. In order to maintain and pursue more sustainable modes of transport it is considered necessary to impose a condition that the travel plan is updated by July 2014 and that this shall include full modal surveys, targets and measures.

#### Balance of school places against harm.

The applicant, South Gloucestershire Council puts forward a case related to the statutory need to provide in the region of 300 additional primary school places, each year for the next 3-4 years, across South Gloucestershire. There are very few places across the Reception to Year Three Year Groups and the latest projections for the school planning area covering Patchway, Filton, Bradley Stoke and Stoke Gifford indicates that there is a requirement for an additional 150 Reception school places for the September 2013 intake. This figure is similar to the number of additional places also required for 2014 intake and figures are likely to grow in 2015 and beyond. In view of the fact that such spaces need to be progressed quickly the use of existing accommodation and new temporary classrooms was seen to be a solution to this urgent need for school places. South Gloucestershire Council's Children and Young People Cabinet have identified that this school has a need to provide 30 additional places. A temporary building has become available at the school following the hand over of a permanent three classroom extension, on 18 February 2013, which is situated to the northeast of the school. This was granted planning permission under reference PT12/0255/R3F with a condition that required the removal of a two classroom temporary building. This is one of the four temporary, two classroom buildings now sought to be retained.

The long term intent of the Council was and remains to replace the temporary buildings with permanent buildings as budget becomes available but as housing developments have come onstream the need to retain these temporary classrooms has remained and they have not been removed in accordance with their conditions. As a result it is considered that the northern most building is immune from enforcement action, the southern and western most building become immune from enforcement action on 31/7/2016 and 31/7/2014 respectively and as a result of the recent application PT12/0255/R3F the eastern most temporary building is in breach of condition by the end of May 2013.

If permission were granted, for the retention of these buildings it should be for a temporary period and a condition can be applied to ensure that the temporary buildings are removed within a set period of time. It is considered that the buildings should be removed within five years from the date of consent to

prevent these buildings becoming permanent structures and which in time will be replaced by permanent will never.

Overall therefore the great weight to be afforded to creating additional school places as set out in the NPPF, is considered to outweigh the modest harm to the streetscene due to the buildings not being in keeping with the rest of the school. Moreover control over the temporary buildings is reaffirmed by the imposition of a temporary condition.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report for the following reasons:
1. The principle of the development is acceptable – policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006.
  2. The proposal causes modest harm to the streetscene but this is outweighed by the great need for primary school places and a temporary condition facilitates the school places whilst also facilitating the later replacement of these buildings with good quality development – policy D1 of the South Gloucestershire Local Plan (adopted) January 2006.
  3. The proposal will not have a material impact on the residential amenity of neighbouring occupiers – policies LC4 and T12 of the South Gloucestershire Local Plan (adopted) January 2006.
  4. The site is highly accessibly by cycling and walking modes of transport and this is encouraged by the sites Travel Plan, subject to the updating of the Travel Plan the proposal will not materially increase the number of vehicular trips over the existing situation – policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006.

## **7. RECOMMENDATION**

- 7.1 Planning permission is GRANTED subject to the conditions set out below:

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

## **CONDITIONS**

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 30th April 2018 in accordance with the scheme of work submitted to and approved in writing by the Local Planning Authority.

### Reason

The form and appearance of the buildings are out of character with the surrounding area and are permitted for a limited period only because of the special circumstances of the case.

2. An updated School Travel Plan, to include full modal surveys, targets and measures, shall be submitted to and agreed in writing by the Local Planning Authority before 31st July 2014.

### Reason

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

3. The site shall be operated in accordance with the School Travel Plan 2011-2014 (updated Feb 2013) until such time as an updated Travel Plan is agreed in accordance with condition 2 above. At that point the site shall be operated in accordance with the revised School Travel Plan.

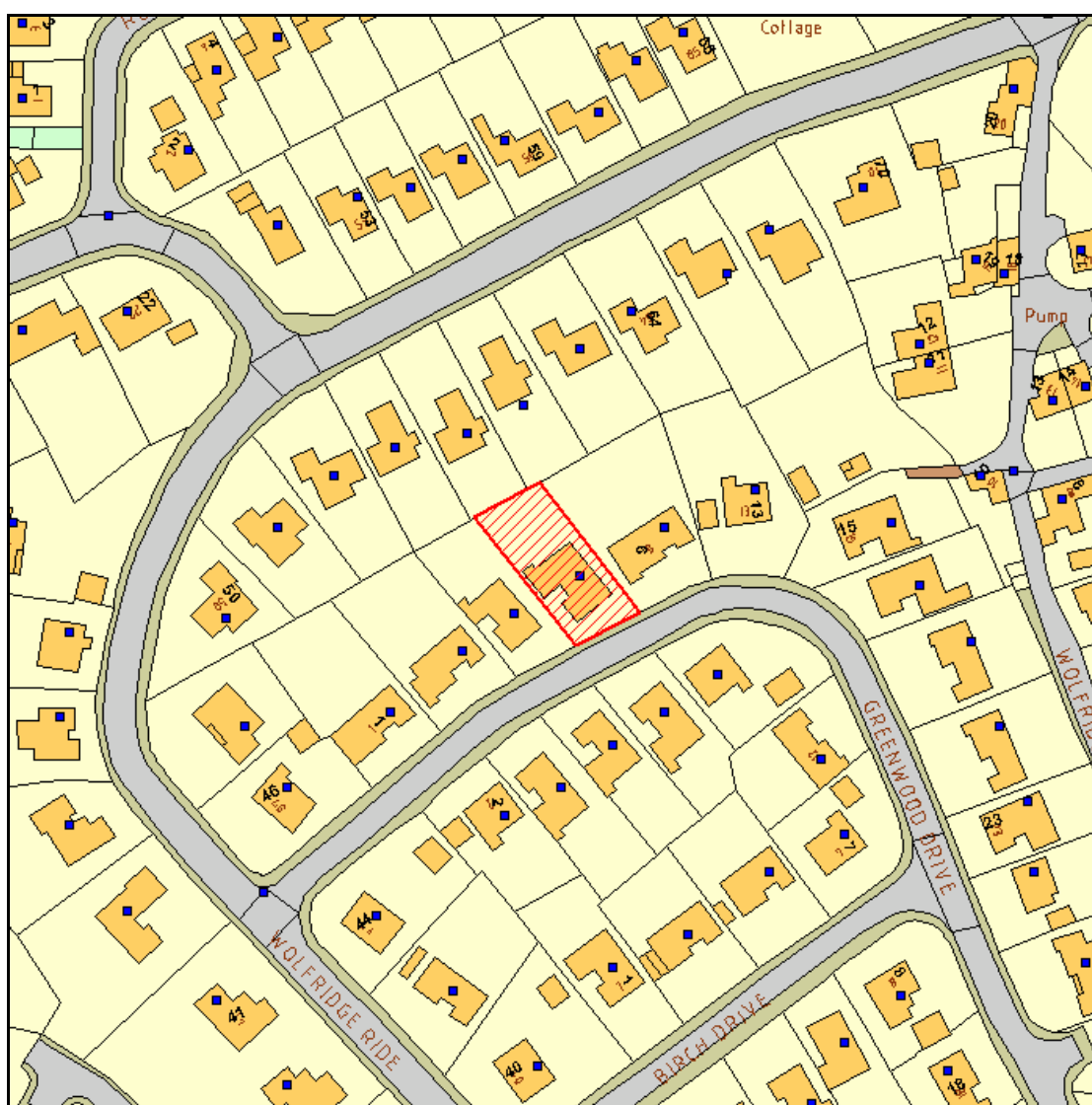
### Reason

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



## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PT13/0882/F	<b>Applicant:</b>	Mr C Smitton
<b>Site:</b>	7 Greenwood Drive Alveston South Gloucestershire BS35 3RH	<b>Date Reg:</b>	18th March 2013
<b>Proposal:</b>	Erection of single storey side and rear extensions to form additional living accommodation. Erection of front extension to garage.	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	362871 187929	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Householder	<b>Target Date:</b>	9th May 2013



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PT13/0882/F

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

This application is referred to the Circulated Schedule due to the concerns raised by the adjacent neighbour and an objection from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for a single storey rear extension, a single storey side extension, and a front extension and small rear extension to the garage at a property in Alveston.
- 1.2 The site is a detached bungalow set at a 90° angle to the road. This results in the gable end facing the street and access to the property on the side elevation.
- 1.3 Alveston is a settlement washed over by the green belt. This site is not covered by any other designations.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design

L1 Landscape

GB1 Development within the Green Belt

T8 Parking Standard

T12 Transportation

H4 Development within Existing Residential Curtilages

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

CS1 High Quality Design

#### 2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Development in the Green Belt (Adopted) June 2007

(c) Residential Parking Standards (Approved for Development Management Purposes) March 2013

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

- 3.1 There is no planning history for on this site.

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

##### **4.1 Alveston Parish Council**

Objection: the increased height of the rear extension would have a negative impact on the adjacent property.

##### **4.2 Drainage**

No comment

#### **Other Representations**

##### **4.3 Local Residents**

One letter of objection has been received from the adjacent neighbour to the west of the site. The reasons for objection can be summarised as:

- Garage extension will affect adjacent property
- Extensions will block out natural light
- The garage will be extended to both the front and rear
- The development will create an alleyway between the properties, which will devalue them.

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

5.1 Planning permission is sought to extend a bungalow in Alveston.

##### **5.2 Principle of Development**

Development at existing residential dwellings is managed through policy H4 of the Local Plan. This policy is supportive of development subject to an assessment of design, amenity, and transport. The development is therefore acceptable in principle

5.3 However, in addition to this because the site is washed over by the green belt, the development must comply with the purpose of the designation. Should the development be inappropriate within the green belt, it would not be acceptable in principle.

##### **5.4 Green Belt**

Policy GB1 and the NPPF protect land designated as green belt from inappropriate development. Limited extensions to existing buildings/ dwellings are not considered inappropriate in the green belt. Clarity over what constitutes a limited extension is provided in the Council's SPD *Development in the Green Belt*.

5.5 Extensions that result in a less than 30% volume increase over the size of the original property are considered to be a limited extension. The proposed development would result in an 18% increase in the volume of the property over the original size.

- 5.6 The proposed extension is therefore considered to be proportionate and limited in size and compliant with policy GB1. It will not have an impact on the wider landscape and accords with policy L1.
- 5.7 Amenity  
Objections have been raised on the grounds that the proposed development would have a detrimental impact on residential amenity. To accord with policy H4, development with a prejudicial impact on residential amenity will not be permitted.
- 5.8 Concerns have been submitted that the garage roof will be raised. Having taken a scale measurement from the submitted plans the proposal does not raise the height of the garage roof above the height of existing front parapet. This will result in an increase of 0.2 metres to the height of the garage roof behind the existing parapet wall.
- 5.9 Despite this increase, the flat-roof of the garage remains below the eaves height of the bungalow. An extension to the garage is proposed at the front and at the rear. This will result in an addition of 1.3 metres at the front of the garage. At the rear, the extension will fill in an existing recess in the elevation; there will be no increase in the overall length.
- 5.10 The garage sits on the southwest elevation of the bungalow and well below the ridge height of the main roof. It will not therefore have an impact on the availability of direct sunlight. Due to the orientation and limited increase in height and length, it is not considered that the proposed development will result in a loss of light or create an alleyway.
- 5.11 It is not therefore considered that the proposed garage extension by virtue of its increased height and length, or the rear or side extensions, will have a detrimental impact on the residential amenity of the existing property, neighbouring properties, or the surrounding area. The proposed development accords with the criteria of policy H4 of the Local Plan.
- 5.12 Design  
Three separate extensions are proposed. The garage extension does not alter the character or overall appearance of the structure; the design reflects the nature and use of the attached garage as a simple and ancillary element of the property. The rear extension will replace an existing flat roof conservatory structure. It will include a gable roof and feature window. This extension is limited in size and is in proportion with the existing bungalow. The side extension at the front of the property will provide a dressing room and ensuite. The ridge line will run parallel to the street, so that the roof slope is visible. No.9, adjacent to the northeast also runs parallel to the street. As such, the introduction of a visible roof slope is not out of character with the design of these bungalows or the surrounding area.
- 5.13 An efficient site layout has been achieved; the materials proposed match those of the existing building; and overall the proposed development has reached an acceptable standard of design. The development accords with policy H4 and D1 of the Local Plan.

5.14 Transport

Development should not have an unacceptable impact on the highway network of the availability of off-street parking. The Council has recently introduced a new residential parking standard SPD, which requires parking provision commensurate with the size of the property.

5.15 The proposed development does not increase the number of bedrooms. It does not therefore increase the parking requirement for this property. Three off-street parking spaces are retained which is adequate for the property. The development therefore accords with policy T8, T12 and H4.

**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 assessed against policy D1, L1, GB1, T8, T12, and H4 of the South Gloucestershire Local Plan (Adopted) January 2006. An acceptable standard of design has been proposed, the development is in keeping with the existing property and the surrounding area. The proposed extension is limited in size and accords with the purposes of the green belt. There will be no impact on the highway network or residential amenity. The development is considered to accord with the above policies.

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

**7. RECOMMENDATION**

7.1 The recommendation is to GRANT permission subject to the conditions listed below.

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

**CONDITIONS**

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

Reason

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

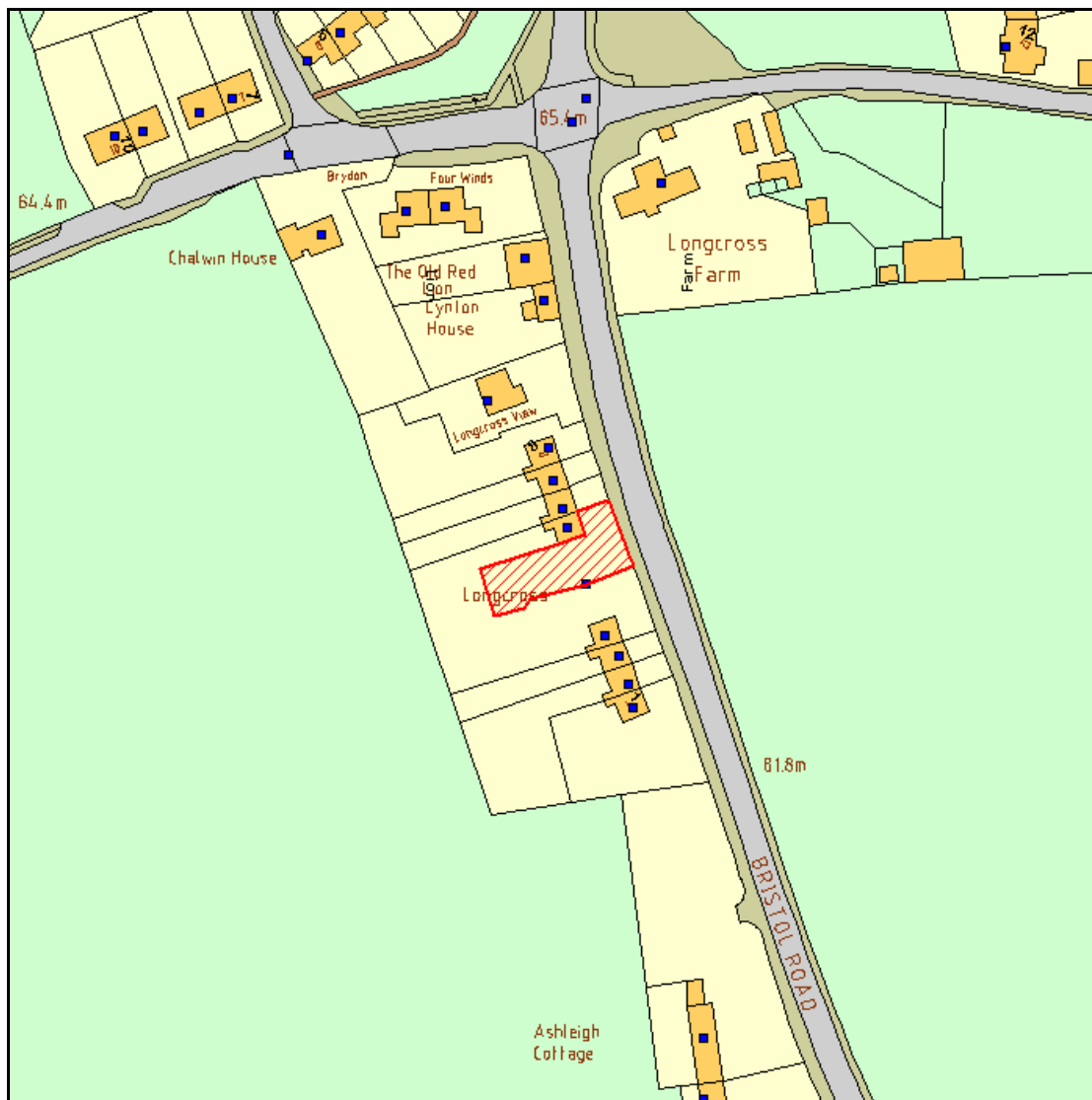
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

## CIRCULATED SCHEDULE NO. 17/13 – 26 APRIL 2013

<b>App No.:</b>	PT13/0899/F	<b>Applicant:</b>	Mr Phillip Webb
<b>Site:</b>	5 Longcross Bristol Road Cromhall Wotton Under Edge South Gloucestershire	<b>Date Reg:</b>	18th March 2013
<b>Proposal:</b>	Erection of 1 no. detached dwelling with access, parking and associated works. (Resubmission of PT13/0116/F).	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369645 190469	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Minor	<b>Target Date:</b>	9th May 2013



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**N.T.S.**

**PT13/0899/F**

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

This application appears on the Circulated Schedule following an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a detached dwellinghouse with access, parking and associated works. The application site relates to a modest end of terrace dwellinghouse situated within the residential boundary of Cromhall.
- 1.2 This application is a resubmission of a refused scheme (PT13/0116/F) for an attached dwellinghouse on the same site. The application was refused for the following reason:
  - By virtue of inadequate off-street parking and unsatisfactory turning and manoeuvring space on site, the proposal would lead to increased standing and manoeuvring of vehicles on the public highway thereby adding to hazards faced by the travelling public. This is contrary to Policy T8, T12 and H4 of South Gloucestershire Local Plan.
- 1.3 It is considered that the applicant has addressed these concerns. This is 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  
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  
CS34 Rural Areas
- 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 | P95/1732<br><br>Approved | Erection of single detached garage and construction of vehicular access<br><br>4.7.95 |
| 3.2 | PT13/0116/F<br>Refused   | Erection of 1no. attached dwelling<br>5 <sup>th</sup> March 2013                      |

### **4. CONSULTATION RESPONSES**

- 4.1 Cromhall Parish Council  
No objection

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

Sustainable Transport

No objection subject to a condition attached to the decision notice.

Drainage

No objection subject to a condition

Coal Authority

No comments

Environmental Protection

No objection subject to an informative attached to the decision notice

#### **Other Representations**

- 4.3 Local Residents

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

- the plans appear to show the parking space will be over the boundary without which there would be insufficient turning/parking
- drawing 1 shows a septic tank which is in fact a well
- concerned that no. 6 will have his pathway for rear access moved to very edge of his property making it difficult for putting out bins etc

### **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 existing 3 bed dwellinghouse is situated adjacent to the main Bristol Road running through Cromhall. It is a modest cottage, part of a terrace of four with a matching terrace of four other cottages situated to the south of the application site. The site is within the existing settlement boundary but has open fields to the west and east. The cottage is of red brick with small single storey extensions to the front/side and to the rear. It benefits from a long, thin rear garden and a gravelled area to the south side. A prominent feature of the row

is the single gable dormer windows in the front elevation of each of the four dwellings.

The approach taken by the applicant is to reduce the existing 3no. bed dwelling to a 2no. bed and erect a detached 2 no. bed dwelling alongside to the south. The proposed dwellinghouse would be stepped back from the building line of the existing terrace. It would have a pitched roof with a single gable feature to the front, which mirrors those found along this terrace. The proposed dwelling would be the same width as the other cottages in this terrace, at 6 metres. To accommodate the proposal the front/side single storey extension currently serving the existing dwellinghouse as an entrance and downstairs bathroom, would be removed. The bathroom for the existing property would be moved to the first floor level.

To the rear the proposed dwellinghouse would have a two further windows, one a pitched gable design. At ground floor level a hipped bay window with full-length doors and a further set of full-length doors would also be positioned in this rear elevation.

The proposal would have a very similar sized footprint to the existing dwellinghouse and it is considered the proposal has been sympathetically designed to follow the general theme of the existing terrace. Good quality materials to match those of No. 5 Longcross would be used in the construction. As such the proposal accords with policy.

#### 5.5 Sustainable Transport

Highway Engineers have assessed the application using the relevant policies within the adopted local plan and in addition the Draft Supplementary Planning Document: Residential Parking Standards (Adopted 2013).

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

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

The new parking standards require 1no. parking space per 2no. bed dwelling. Highway Engineers have assessed the plans as submitted under this application and are satisfied that there would be sufficient space for the parking of 2no. vehicles plus an independent turning area which would thereby allow vehicles to enter and exit the site in forward gear.

It is noted that two submitted plans show different parking arrangements. To be clear the parking arrangement has been considered under drawing 2, not drawing 7. Under this option the parking for each property is kept separate and would thereby not result in two cars being parking outside the existing dwelling No. 5 Longcross, which otherwise would be to the detriment of residential amenity of this property. The parking as shown on drawing 2 will be secured by a condition. Furthermore, as the resulting two properties would be required

to share an entrance and manoeuvring area, a condition will remove the permitted development rights for this shared area. This would ensure that no fences, walls, gates or other structures could be erected and guarantee the space would be for the benefit of both dwellings and not obscured or blocked in any way.

It is acknowledged that the submitted plan shows the edge of the parking space crossing the boundary. Access over another's land is not permitted without permission. Officers consider that there is sufficient manoeuvring for a car not to have to cross the boundary line.

Given the above it is considered that the parking and shared parking area would accord with policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) 2006.

#### 5.6 Residential Amenity

The proposed dwellinghouse would sit within the side garden of No. 5 Longcross. The closest property to the application site is No. 4 Longcross approximately 12.6 metres away and which is its current mirror image. These properties are separated for the most part by a low chain link fence of approximately 1.2 metres in height and a slightly higher hedge. No. 4 has a landing window, a small bedroom window and a side kitchen window in its north elevation. High level windows serve the bathroom in the single storey extension to the side.

The proposed dwellinghouse would be approximately 7.3 metres away from neighbours at No.4 Longcross. No windows are proposed in this opposing elevation. Given the above and the orientation of the application site to the north of neighbours at No. 4, it is considered that the proposed dwelling would not have an unacceptable impact on the residential amenity of these neighbours.

With regard to neighbours to the north at No.6 Longcross, the two storey structure would be approximately 1.8 metres forward of the rear building line with the single storey bay window beyond this. It is acknowledged that a small corner of the proposed two-storey part (approximately 0.4 m at its maximum) could be regarded as having an overbearing impact on neighbours to the north. However, given the limited degree of additional projection, on balance the situation is considered to be acceptable.

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

5.10 Other Matters

The neighbour at No. 4 has indicated that a well on his property has been incorrectly identified as a septic tank on the submitted plans. This is acknowledged, however, it would have no impact on the assessment of this planning application.

It has been stated that currently there is a right of way to the rear of the terrace. Concern has therefore been expressed that the proposal would create difficulty for occupiers of No. 6. The submitted plans show an existing footpath and show that a pathway between No. 5 and the new dwelling would remain open. Should this pathway be blocked this would be a civil matter to be investigated outside a planning arena.

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 occupation of the development hereby approved, an area for the parking and turning/manoeuvring of vehicles for both the existing dwellinghouse No. 5 Longcross and the proposed detached dwelling, shall be provided in accordance with Drawing 2 Revised Layout plans. In addition, prior to occupation, the two parking spaces must be marked out on the site and approved in writing by the Local Planning Authority. The facilities so provided shall be retained thereafter for use by these two dwellings and not for any purpose other than the parking and manoeuvring of vehicles. Furthermore, the area shall be kept clear at all time, free of obstruction or enclosure.

Reason

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

3. 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, L18, EP1, EP2 and National Planning Policy Framework

4. Appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling.

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

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 minor operations as specified in Part 2 (Class A) with regard to a gate, fence, wall or other means of enclosure in between the existing and proposed dwellinghouses to the front (east) elevation other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the retention of the parking, turning and manoeuvring spaces to serve No.5 Longcross and the proposed dwelling and to accord with policy D1, T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.