



**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. 30/13

Date to Members: 26/07/13

Member's Deadline: 01/08/13 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

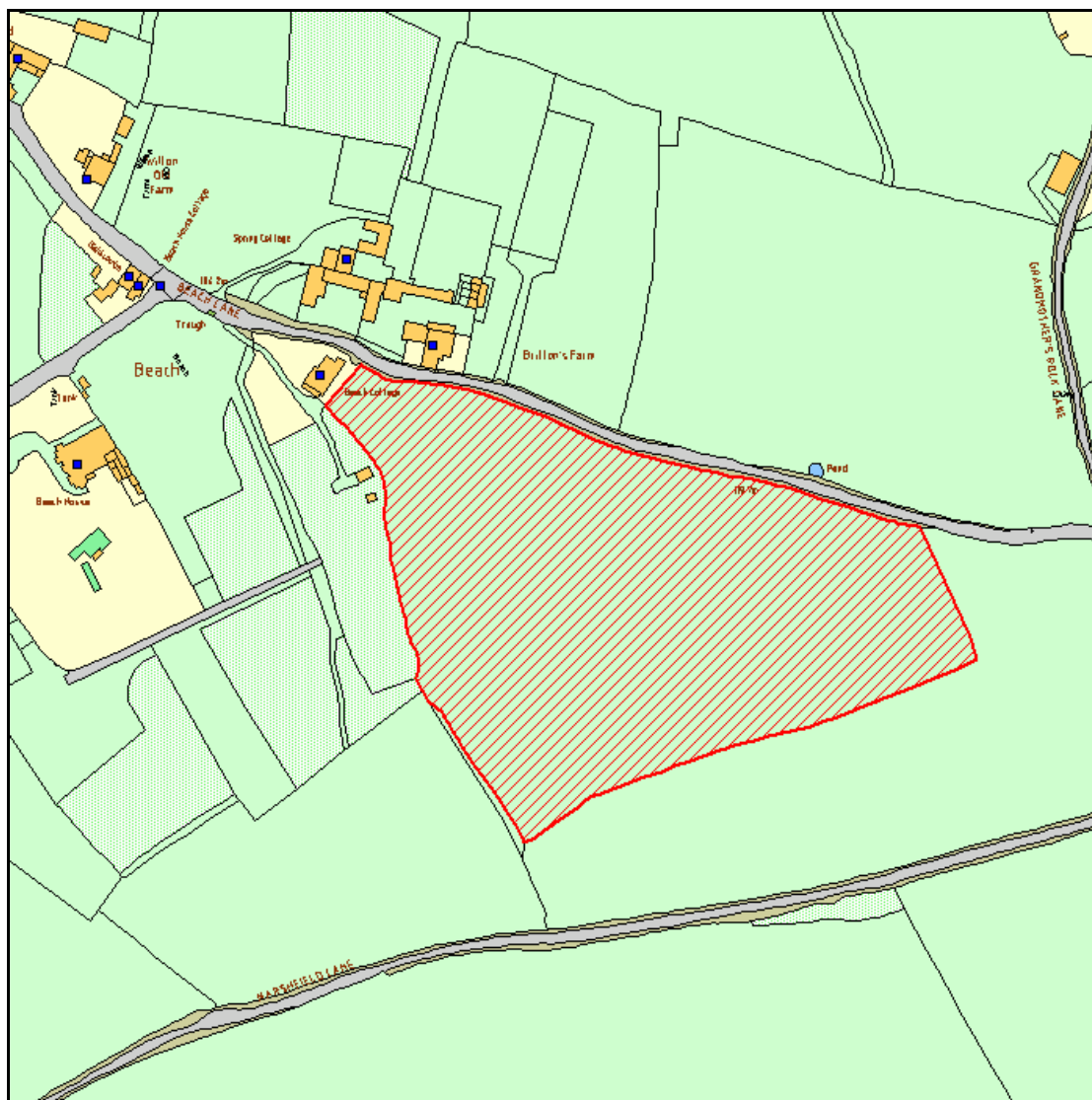
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE – 26 JULY 2013

ITEM NO. PARISH		APPLICATION NO	RECOMMENDATION	LOCATION	WARD
1	PK13/1116/F	Approve with Conditions	Land Adjacent To Brittons Farm Beach Lane Upton Cheyney South Gloucestershire	Bitton	Bitton Parish Council
2	PK13/1813/F	Approve with Conditions	57 Bath Road Bitton South Gloucestershire BS30 6HT	Bitton	Bitton Parish Council
3	PK13/1918/F	Approve with Conditions	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BB	Cotswold Edge	Hawkesbury Parish Council
4	PK13/1919/LB	Approve with Conditions	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire GL9 1BB	Cotswold Edge	Hawkesbury Parish Council
5	PK13/2020/F	Approve with Conditions	7 School Road Oldland Common South Gloucestershire BS30 6PH	Oldland	Bitton Parish Council
6	PK13/2114/RV	Approve with Conditions	Ash View House 30E Cock Road Kingswood South Gloucestershire BS15 9SH	Parkwall	Oldland Parish Council
7	PT13/1435/F	Approve with Conditions	Thornbury Police Station Rock Street Thornbury South Gloucestershire BS35 2BA	Thornbury North	Thornbury Town Council
8	PT13/2043/F	Approve with Conditions	Melita Crossways Lane Thornbury South Gloucestershire BS35 3UE	Thornbury North	Thornbury Town Council
9	PT13/2112/CLE	Approve with Conditions	The Barn Cleve Wood Farm Grovesend Road Thornbury South Gloucestershire BS35 3TS	Thornbury South And	Thornbury Town Council
10	PT13/2223/CLP	Approve with Conditions	8 Charborough Road Filton South Gloucestershire	Filton	Filton Town Council
11	PT13/2234/CLP	Approve with Conditions	2 Denny Isle Drive Severn Beach South Gloucestershire BS35 4PZ	Pilning And Severn Beach	Pilning And Severn Beach Parish Council

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PK13/1116/F	Applicant:	Mrs T McGowan
Site:	Land Adjacent To Brittons Farm Beach Lane Upton Cheyney Bristol	Date Reg:	11th June 2013
Proposal:	Change of use of land from agricultural to land for the keeping of horses (retrospective). Conversion of existing agricultural building to form stables.	Parish:	Bitton Parish Council
Map Ref:	370604 170743	Ward:	Bitton
Application Category:	Minor	Target Date:	30th July 2013



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100023410, 2008.

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PK13/1116/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule as a representation has been made by a local resident, which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of the land from agricultural to the keeping of horses, and the conversion of the existing agricultural building to create stables. The change of use of the land has already taken place and as such the application seeks retrospective approval for this element. The proposal is for private use only and does not include any business use.
- 1.2 The application site consists of a plot of land equating to approximately 2.95 hectares, located within the adopted Bath/Bristol Green Belt, the Cotswolds AONB, and the Beach Conservation Area. The site has an existing timber agricultural building situated on the west boundary of the site, and an existing access and track from Beach Lane.
- 1.3 During the course of the application the description of the proposal has changed in order to provide a more accurate description of the proposal. A re-consultation period of 7 days was undertaken. There were not, however, any changes in the proposed development.
- 1.4 Discrepancies in the submitted design and access statement relating to the size of the land have been clarified. It is confirmed that the application site equates to approximately 2.95 hectares and not 26.71 hectares as previously stated. A plan showing the extent of the existing post and rail fence has also been submitted.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- D1 Achieving a Good Quality Design
- GB1 Development in the Green Belt
- L1 Landscape Protection and Enhancement
- L2 Cotswolds AONB
- L12 Conservation Areas
- E10 Horse Related Development
- LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
- 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
CS9 Managing the Environment and Heritage
CS34 Rural Areas

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design checklist SPD (Adopted) 2007
Development in the Green Belt SPD (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/1980/F - Formation of vehicular track (Retrospective). **Approved 27th September 2010**
- 3.2 PK09/0777/F - Erection of 1no. agricultural building for the housing of livestock and the storage of fodder. (Resubmission of PK08/2520/F). **Approved 17th June 2009**
- 3.3 PK09/0158/PNA - Prior notification of the intention to erect an agricultural building for the storage of agricultural equipment and fodder. **Objection**
- 3.4 PK08/2520/F - Erection of 1 no. agricultural building for the housing of livestock and the storage of fodder. **Refused 17th October 2008**

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objections provided that a condition is imposed limiting the use of the facilities to non-commercial use by the owners.
- 4.2 Transportation DC
No objection subject to conditions relating to number of horses and no business use.
- 4.3 Highway Drainage
No comment
- 4.4 Landscape Officer
No objection. Condition recommended relating to number of horses.
- 4.5 Conservation Officer
No objection subject to conditions relating to prevention of 'horsiculture'.
- 4.6 Tree Officer
No objection

Other Representations

- 4.7 Local Residents
One letter of objection has been received from a local resident. The comments are summarised as follows:
- Wording of description implies use wider than equestrian.

- Statement referring to landscaping inaccurate.
- Previous works have directly led to the flooding of adjoining land and properties – Issues with water management. Further investigation relating to flood risk is required.
- Issues with dogs coming through boundaries causing nuisance to neighbours. Acoustic survey requested and condition relating to boundary treatment requested.
- Parking is along the boundary directly opposite the windows of the neighbouring property – impacting on privacy and wellbeing of residents.
- Reference to statement relating to lack of stabling locally – there are stables at Britton's Farms.
- Condition requested relating to effective management.
- Reference made to Transport Officer's comments – R.e number of horses and prevention of business use.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy E10 of the adopted South Gloucestershire Local Plan states that proposals for horse related development outside of the established the urban areas is acceptable in principle subject to the following provisions:

- It would not have an unacceptable environmental impact.
- It would not prejudice neighbouring residential amenity.
- Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety.
- Safe and convenient access to bridleways/ riding ways is available.
- There are no existing underused buildings available for conversion.
- The number of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

5.2 As the site falls within the adopted Green/Belt boundary consideration is given to policy GB1 of the adopted Local Plan. The existing agricultural building has already been deemed acceptable under application PK10/1980/F and as such the pertinent issue for this application is the impact of the change of use on the openness of the green belt. As the site also falls within the Beach Conservation Area and Cotswolds AONB weight is given to the impact of the proposal on the character or the Conservation Area and the landscape.

5.3 Green Belt

As outlined above the application site falls within the adopted green belt boundary, and has an existing agricultural building which was previously approved under ref. PK09/0777/F. The proposal is to change the use of the land and convert the existing building to form stables. There are no additional structures or buildings proposed as part of this application. Accordingly the issue to consider in this application is the impact of the change of use on the openness of the green belt. Policy GB1 of the adopted Local Plan permits the change of use of land and existing buildings in the green belt provided it would not have a materially greater impact than the present use on the openness of the green belt and would not conflict with the purpose of including the land on it; the buildings are capable of conversion; and the overall design is in keeping

with the surroundings. The proposed change of use from agricultural to the keeping of horses is considered to remain in keeping with the overall character of the locality and, as no additional buildings or changes are proposed, would not detract from the visual amenity or openness of it. The proposal is therefore considered acceptable in terms of policy GB1 of the adopted Local Plan.

5.4 Landscape/ Visual Amenity

The application site is located within the Cotswolds AONB and the Beach Conservation Area and as such significant weight is given to the impact of the proposal on the visual amenity of the landscape. The agricultural building, approved under PK09/0777/F has been erected and appears unobtrusive in the locality. The previous application was subject to a detailed landscaping condition, which has been implemented and is in the process of maturing. The site as existing has a post and rail fence on the west side of the site demarcating the edge of the grazing area and the access track. The change of use of the land has already taken place and further field divisions have been installed through the use of electric fencing

- 5.5 The proposed use of the land for the keeping of horses is acceptable in principle and is not considered to have a detrimental on the visual amenity of the Cotswold's AONB or the Beach Conservation Area. It is, however, noted that the keeping of horses can bring additional pressures including overgrazing, subdivision of fields and the introduction of other equestrian related equipment. The Beach Conservation Area Appraisal refers to this particular issue and states:

"It is important to ensure that the traditional fields and hedgerows are retained and not broken up by field subdivision, the erection of stables and the other trappings of 'horsiculture' which has detracted from the traditional rural character of Golden Valley to the south."

- 5.5 The proposal has been considered by the Council's Conservation Officer and Landscape Officer who raise no objection in principle to the proposed development. However, in order to retain the visual amenity of the landscape and Conservation Area, and in order to prevent the prevalence of 'horsiculture', it is recommended that the application is subject to a condition restricting the installation of further field divisions, or the introduction of equestrian-related paraphernalia such as jumps and horse boxes. In order to prevent overgrazing or poaching of the land it is also considered necessary to restrict the number of horses to be kept on the land in line with the advice of the British Horse Society. Additionally a condition will be used to ensure that any external lighting details are submitted to and agreed with the Local Planning Authority. Subject to these conditions the proposal is considered acceptable in terms of policies L1, L2 and L12 of the adopted Local Plan.

5.6 Highways

The site benefits from an existing vehicular access and track, which was approved under application ref. PK10/1980/F. The proposed development is for private use only and does not include any business. The proposal has been considered by the Council's Transportation Officer, who raises no objection to the proposal on grounds of highway safety subject to a condition preventing the

use of the site for business use, and a restriction on the number of horses to be kept on the land.

- 5.7 The site is accessed from a single lane country road within a rural location. It is understood that there is safe and convenient access to riding ways in the locality in order to exercise the horses.

5.8 Residential Amenity

The application site shares a common boundary with 'Beach Cottage', which is a residential dwelling to the east. During the course of the application concerns were raised by the neighbouring resident relating to noise, disruption and loss of privacy. These comments are noted and it is acknowledged that the proposed change of use of the land would result in some additional intensification of the site adjacent to this residential dwelling. However, given the private use of the proposal it is anticipated that this would not be extensive and therefore would not result in a significant level of noise or disruption over long periods of time to the detriment of the residential amenity of the nearby occupiers. The existing building is situated approximately 30 metres from the dwelling and has an existing authorised agricultural use. The boundary treatment directly to the side of Beach Cottage consists of a traditional stonewall and wire fence, which is relatively low in height and inkeeping with the overall rural character of the site. Whilst concern has been raised that this is not serving its purpose for maintaining privacy between the two sites it is on reflection considered satisfactory. Additionally, an existing post and rail fence ensures that grazing areas remain separate from the common boundary. A condition relating to the installation of additional boundary treatments is not in this instance considered necessary. A request has been made for an acoustic survey, however given the nature of the proposed change of use, this is again not considered necessary.

- 5.9 Further concern has been raised in relation to the location of the parking on the site. Whilst it is acknowledged that the cars using the vehicular access would cause some disruption to the neighbouring resident, given the extent of the use of the land it is again not anticipated that this would be significant and would not take place over long periods of the day. Similarly, due to the private use of the land the number of vehicles using the site would not be significant. A condition preventing the parking of vehicles to the area of the site adjacent to the residential dwelling is therefore in this case not considered necessary or reasonable.

5.10 Horse Welfare

The application site consists of a plot of land equating to approximately 2.95 hectares. Guidance provided by the British Horse Society states that a minimum of 0.4 - 0.6 hectares of permanent grazing should be available per horse with additional land for exercising. Although the proposal includes provision for 4 stables, the applicant has indicated that there would be a maximum of 6 horses kept on the land at any one time. In accordance with British Horse Society guidance the application site is capable of accommodating a maximum of 6 horses. Therefore in the interest of horse welfare a condition will be attached to restrict the use of the land to this number. In terms of the stable size two of the proposed stables fall below the

recommended size standards outlined by the British Horse Society. It is, however, acknowledged that stable sizes can vary depending on the size of the horse. This is therefore not considered to warrant a refusal of the application. Subject to a condition restricting the number of horses to be kept on the land there are no reasonable objections to the proposal on grounds of horse welfare.

5.11 Drainage/ Flood Risk

The proposal does not include the erection of any buildings, hardstandings or other engineering operations and as such would not have a material impact on the existing drainage situation. The previously approved applications were not subject to any drainage conditions and the Council's Drainage Officer wishes to make no comment in relation to this proposal. The site is not identified as being within Flood Zones 1 or 2 on the Environment Agency records. Further information relating to flooding associated with the proposed change of use, as requested by the local resident, is therefore not considered necessary.

5.12 Other Matters

A number of concerns/ queries were made by a local resident. Concerns relating to residential amenity, use, drainage, and landscaping have been discussed above. In terms of the description of the proposal concern was raised by a local resident relating to the original description of the proposal as 'recreational'. The application description has since been changed in order to remove the word 'recreational' and provide a more accurate description of the proposed works, including the retrospective element. A re-consultation period of 7 days was undertaken. It is highlighted that the use of site for business use will be prevented through the use of a condition. The objection comment requests additional conditions to be attached to the decision notice. It is highlighted that planning conditions are subject to the tests contained within Circular 11/95, and this forms the basis for the conditions outlined on the decision notice.

5.13 Reference is made to the availability of alternative stabling facilities in the locality. Whilst this is noted it is highlighted that the proposal seeks to re-use an existing agricultural building, which is supported by policy E10 of the adopted Local Plan. In policy terms an objection to the proposal on the grounds that alternative stabling is available elsewhere would be unjustifiable.

5.14 The letter of objection also refers to management proposals and land ownership. Although it is unclear of the management proposals referred to in this comment it is highlighted that the application site is assessed as a planning unit and is not specific to any individual or landowner. Conditions attached to the decision notice would remain in perpetuity unless formally agreed by the Local Planning Authority.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

In the interest of highway safety; to protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The number of horses kept on the site edged in red shall not exceed 6.

Reason

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

Reason

To protect the character and appearance of the area, and to accord with Policies L1, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No jumps, fences, gates or any other structures for accommodating animals and providing associated storage other than those identified on the approved plans shall be erected on the land without prior permission from the local planning authority.

Reason

To protect the character and appearance of the area, and to accord with Policies L1, L2, L12 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area, and to accord with Policy E10, L1, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interests of visual amenity; to protect the character and appearance of the area; to protect the residential amenity of the neighbouring occupiers and to accord with policies E10, L1, L2 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PK13/1813/F	Applicant:	Mrs Ellen Daly
Site:	57 Bath Road Bitton South Gloucestershire BS30 6HT	Date Reg:	3rd June 2013
Proposal:	Erection of single storey rear extension to form additional living accommodation. Installation of side dormer window.	Parish:	Bitton Parish Council
Map Ref:	367765 169890	Ward:	Bitton
Application Category:	Householder	Target Date:	24th July 2013



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PK13/1813/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been forwarded to the Council's Circulated Schedule of applications as a representation has been received from the Parish Council raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the north west side of Bitton village on the north side of the A431. The site is bounded by residential development to the east and west, open fields to the north and with vehicular access onto Bath Road (A431) to the south. The site comprises a relatively modern two storey detached dwelling with distinctive steep pitched roof providing first floor accommodation with in the roof space. A single garage is located on the east side of the dwelling with parking area in front.

The site is situated within the Bitton Conservation Area. The Bristol/Bath Green Belt abuts the rear boundary of the site. The site is situated within the settlement boundary of Bitton village as defined in the adopted Local Plan.

- 1.2 The application proposes erection of single storey rear extension to form additional living accommodation. Installation of side dormer window.

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
- L12 Conservation Areas
- GB1 Green Belt
- H4 Development within Existing Residential Curtilages
- T8 Parking Standards
- T12 Transportation for New Development

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

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007
South Gloucestershire Residential Parking Standards
Bitton Conservation Area SPG

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | P80/4010 | Erection of a single storey rear extension and single detached garage (Previous ID: K3090)
Approved 04.03.1980 |
| 3.2 | P90/4175 | Proposed pitched roof to existing flat roof rear extension (Previous ID: K3090/1)
Approved 30.04.1990 |
| 3.3 | PK05/3102/TCA | Fell 2no. Fir Trees within Bitton Conservation Area.
No objection 29.11.2005 |
| 3.4 | PK11/0274/F | Erection of single storey side and two storey rear extensions to form additional living accommodation. (Resubmission of PK10/3569/F).
Refused 29.03.2011 |

Refusal reasons:

1) The proposed first floor extension by virtue of its poor design, incorporating a flat roof and having an incongruous relationship to the existing dwelling particularly to the existing flat roofed rear dormer, would result in an inappropriate development in its context, which fails to respect or enhance the character distinctiveness and amenity of both the application site and the locality.

2) 57 Bath Road is located within Bitton Conservation area, the character and appearance of which it is desirable to preserve or enhance. The proposed extensions, due to their form, and the combination of roof pitches and materials proposed, would result in additions of an inappropriate design, which relate poorly to the host building, and create a discordant element of built form within an otherwise relatively consistent group of buildings.

4. CONSULTATION RESPONSES

- | | |
|-----|---|
| 4.1 | <u>Bitton Parish Council</u>
Objection. While content with proposals relating to the rear extension They (the Members) felt that the dormer window, which would be very apparent from the front of the property, was out of keeping with the street scene. |
| 4.2 | <u>Other Consultees</u>
Conservation Officer – Initially raised concerns in relation to the proposed dormer in the west roofslope. The design, proportions and materials were considered not to be acceptable. The application was subsequently amended and the amended design was considered to be acceptable. No objection was raised to the rear extension.
Drainage Engineer – No comment |
| 4.3 | <u>Local Residents</u>
None received |

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

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

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

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

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. The site is situated within a Conservation Area and policy L12 requires development proposals therein to preserve or enhance the character and appearance of the Conservation Area. Policy GB1 of the South Gloucestershire Local Plan and the NPPF seek to ensure that development outside but conspicuous from the Green Belt would not result in an adverse impact on the visual amenity of the Green Belt.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

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

5.2 **Visual impact**

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a residential context on the fringe of the

settlement within a linear stretch of residential dwellings. The dwellings have similar design and form. The application site is located within the Bitton Conservation Area. The dwelling the subject of this application is a two storey detached dwelling with the first floor accommodation located in the roof space but with the appearance of a two storey dwelling which viewed from the front. The proposed rear extension would not be visible from public vantage points. The dormer has been amended in design and the revised design is now better proportioned and would use materials which reflect the existing dwelling. Although there are no other examples of dormers in the distinctive side roof slopes of the dwellings in the immediate area, there are other examples of dormers in the street and as such the dormer as a feature would not appear alien in relation to its surroundings. The design and materials of the dormer as revised and extension would be of good quality in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area and the character and appearance of the conservation area. As such it is considered that the design of the proposal accords with the criteria of Policy D1 and would accord with Policy L12.

5.3 Residential amenity

The rear extension would be screened from the neighbouring dwellings to the east and west by an existing rear extension and the side garage. The proposed rear extension would not prejudice to the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

The dormer would be located on the west roof slope facing towards the neighbour's roof slope at no.55. No.55 has a rooflight in their east facing roof slope and the proposed dormer would be positioned opposite the rooflight. The dormer would provide light into a new en suite. A condition is recommended which would require the dormer window to be fitted with obscured glazing and openable only from 1.7m above finish floor level. Subject to this condition it would not be possible to view into the neighbour's windows from the dormer and the proposed dormer would not prejudice to the amenity of neighbouring occupiers in terms of loss of privacy/overlooking.

5.4 Green Belt

The site lies adjacent to the Bristol/Bath green belt, which abuts the north boundary. The extension would be situated on the north side of the site some distance from the boundary with the Green Belt and not significantly conspicuous from views within the Green Belt. As such it is considered that the proposal would not be detrimental to the visual amenity or openness of the Green Belt.

5.5 Highway matters

The proposal would not result in an increase to the number of bedrooms in the dwelling and as such no additional off street parking will be required. There is ample parking within the site for in excess of the required parking for a 3 bed roomed dwelling. The proposal would result in no significant highway safety considerations.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

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

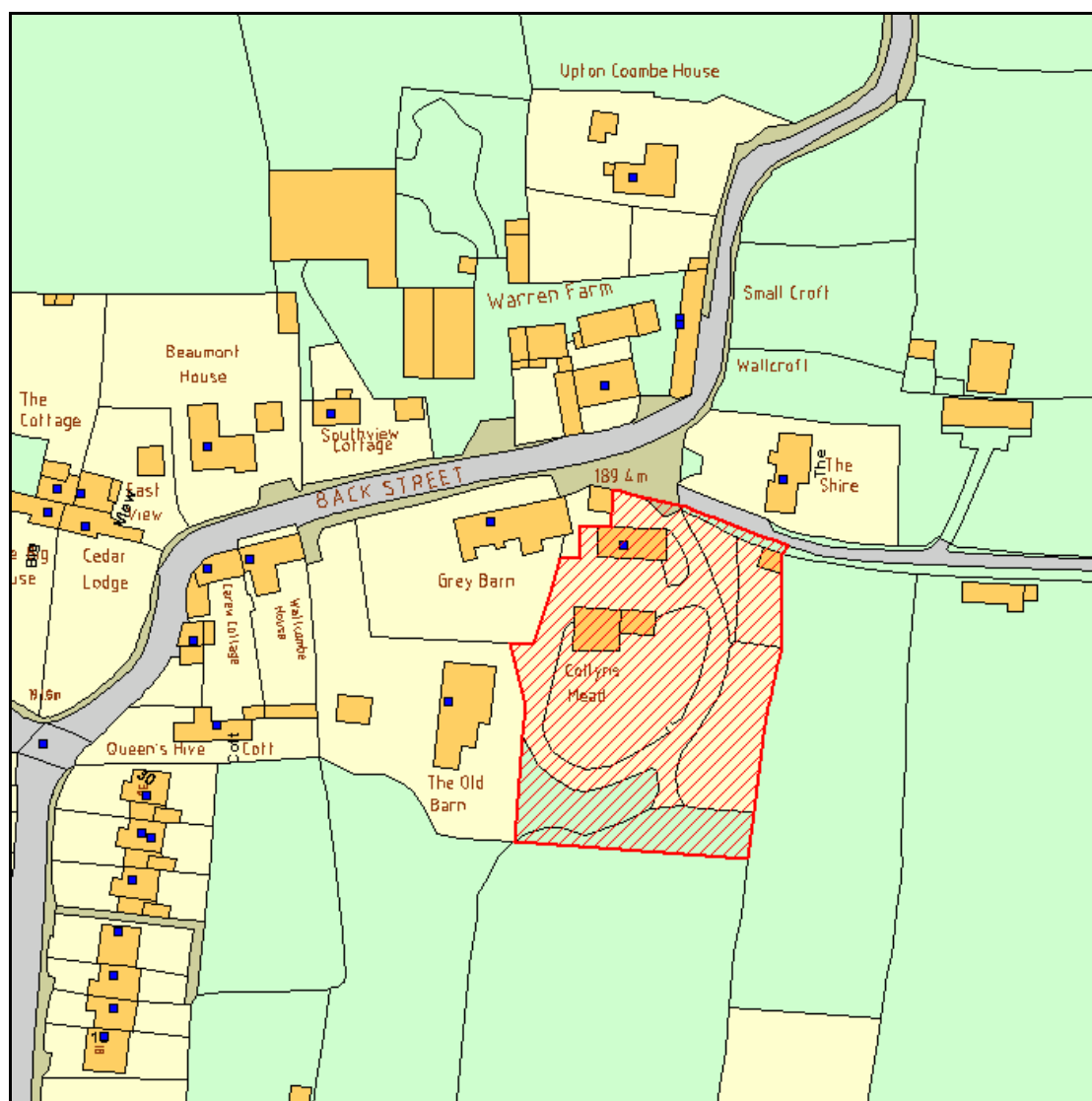
3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed dormer window in the north west roofslope shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in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

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PK13/1918/F	Applicant:	Mr I Macfadyen
Site:	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire	Date Reg:	7th June 2013
Proposal:	Erection of first floor rear and single storey rear extension to provide additional living accommodation.	Parish:	Hawkesbury Parish Council
Map Ref:	378190 187144	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	30th July 2013



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PK13/1918/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission for the erection of first floor and ground floor extensions to the rear of the building.
- 1.2 The application property is a two storey Grade II listed building within the settlement boundary.
- 1.3 As initially submitted, the application also included a front extension. Due to officer concern, this element has been removed from the scheme, amended plans submitted and the description of development amended accordingly. In addition to this, the plans have been corrected to accurately show the existing conservatory and the design of the roof over the ground floor element has also been re-considered.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design
H4 Development within Existing Residential Curtilages
L12 Conservation Areas
L13 Listed Buildings

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is a long and extensive history to the site. The most relevant application being the current listed building application to be determined in conjunction with this full planning application – PK13/1919/LB

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council

Objects to the application on the grounds that the proposed materials or not acceptable, the design is not in keeping and it does not enhance the listed building.

4.2 Councils Conservation Officer
No Objection to the revised plans

4.3 Transportation Officer
No Objection

4.4 Landscape Officer
No Objection

4.5 Ecology
No Objection

4.6 PROW Officer
No Objection

Other Representations

4.7 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension to form additional living accommodation. Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highways, and design. Other policies relating to the conservation are and the listed building are also of importance and must be given due weight and attention.

5.2 Design and Visual Amenity

As initially submitted, your planning officer agreed with the views of the Parish Council and did not consider the design to be appropriate. However, following the submission of amended plans, the first floor rear extension has been designed to reflect the existing style and characteristics of the building, with matching roof pitch. Similarly, the amended plans show the ground floor rear extension also to have a steeply pitched gable roof in keeping with the character of the listed building. Given that the extensions will be located on the rear of the dwelling, they will not be readily visible from the public realm, and so will not impact greatly on the street scene or character of the conservation area. It is not considered that the two extensions on the rear elevation will have any detrimental impact on the setting or character of the listed building.

5.3 Residential Amenity

The application dwelling sits in a large garden with further paddock surrounding. Due to the scale of the proposed extensions and the distance

between the extensions and the neighbouring dwellings, it is not considered that any issues of overbearing or overshadowing will result.

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

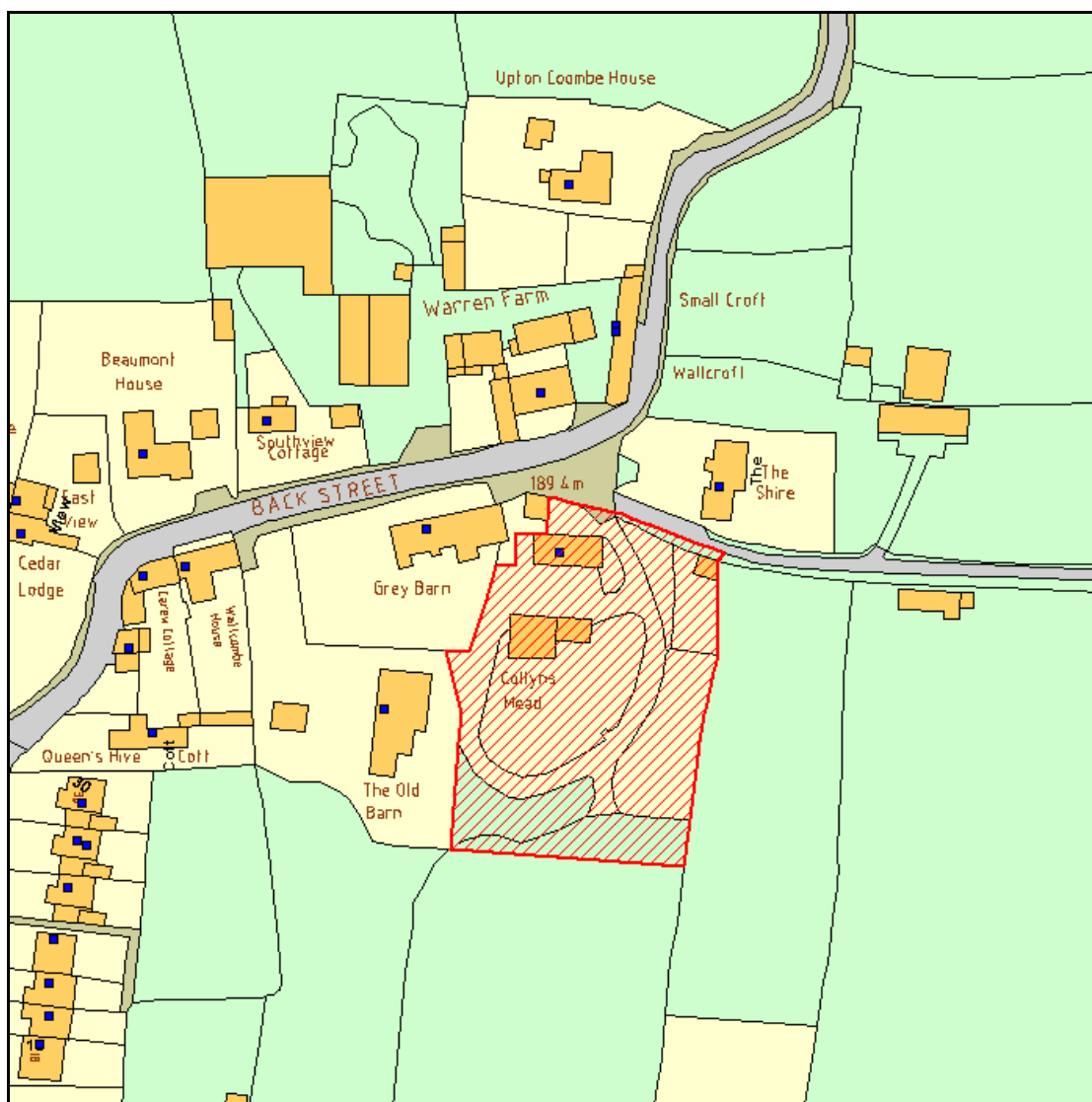
- 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PK13/1919/LB	Applicant:	Mr I Macfadyen
Site:	Collyns Mead Back Street Hawkesbury Upton Badminton South Gloucestershire	Date Reg:	7th June 2013
Proposal:	Internal and external alterations to facilitate erection of first floor rear extension and single storey rear extension.	Parish:	Hawkesbury Parish Council
Map Ref:	378190 187144	Ward:	Cotswold Edge
Application Category:	Minor	Target Date:	30th July 2013



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PK13/1919/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of a letter of objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking listed building permission for the erection of first floor and ground floor extensions to the rear of the building.
- 1.2 The application property is a two storey Grade II listed building within the settlement boundary.
- 1.3 As initially submitted, the application also included a front extension. Due to officer concern, this element has been removed from the scheme, amended plans submitted and the description of development amended accordingly. In addition to this, the plans have been corrected to accurately show the existing conservatory and the design of the roof over the ground floor element has also been re-considered.

2. POLICY CONTEXT

- 2.1 National Guidance
The National Planning Policy Framework
Planning (Listed Buildings and conservation Areas) Act 1990

3. RELEVANT PLANNING HISTORY

- 3.1 There is a long and extensive history to the site. The most relevant application being the current full planning application to be determined in conjunction with this listed building application – PK13/1918/F

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
Objects to the application on the grounds that the proposed materials or not acceptable, the design is not in keeping and it does not enhance the listed building.
- 4.2 Councils Conservation Officer
No Objection to the revised plans
- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The only issue to consider in this application is the impact on the significance and historic architecture of the listed building. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special

regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

5.2 Impact on the Listed Building.

The historic maps appear to show that Collyns Mead was originally some form of agricultural outbuilding serving Grey Barn, a grade II listed house dating from the late seventeenth century which fronts on to Back Street, to the north west of Collyns Mead. To the south west of Collyns Mead is another grade II listed building, The Old Barn, which is a former threshing barn dating from the late eighteenth/early nineteenth century. The site is located on the rural edge of Hawkesbury Upton, within the conservation area. There have clearly been a number of alterations to Collyns Mead in recent years, including extensions, new dormer windows, and a porch, all of which create a domestic appearance. It has however been altered in the character of the local vernacular, and includes stone slate roof, steeply pitched gables and timber windows.

The first floor rear extension has been designed to reflect the existing style and characteristics of the building, with matching roof pitch. Similarly, the amended plans show the ground floor rear extension also to have a steeply pitched gable roof in keeping with the character of the listed building. Subject to the attachment of conditions to ensure the submission of samples and further details, it is not considered that the two extensions on the rear elevation will have any detrimental impact on the setting or character of the listed building.

6. **CONCLUSION**

- 6.1 The recommendation to grant Listed Building Consent has been taken having regard to the section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPS 5 (Planning for the Historic Environment).

7. **RECOMMENDATION**

- 7.1 Listed Building consent be approved subject to the conditions found on the decision notice.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the architectural and historic interest of the curtilage listed building and the character and appearance of the conservation area in accordance with sections 72(1), 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

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

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

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the architectural and historic interest of the curtilage listed building and the character and appearance of the conservation area in accordance with sections 72(1), 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

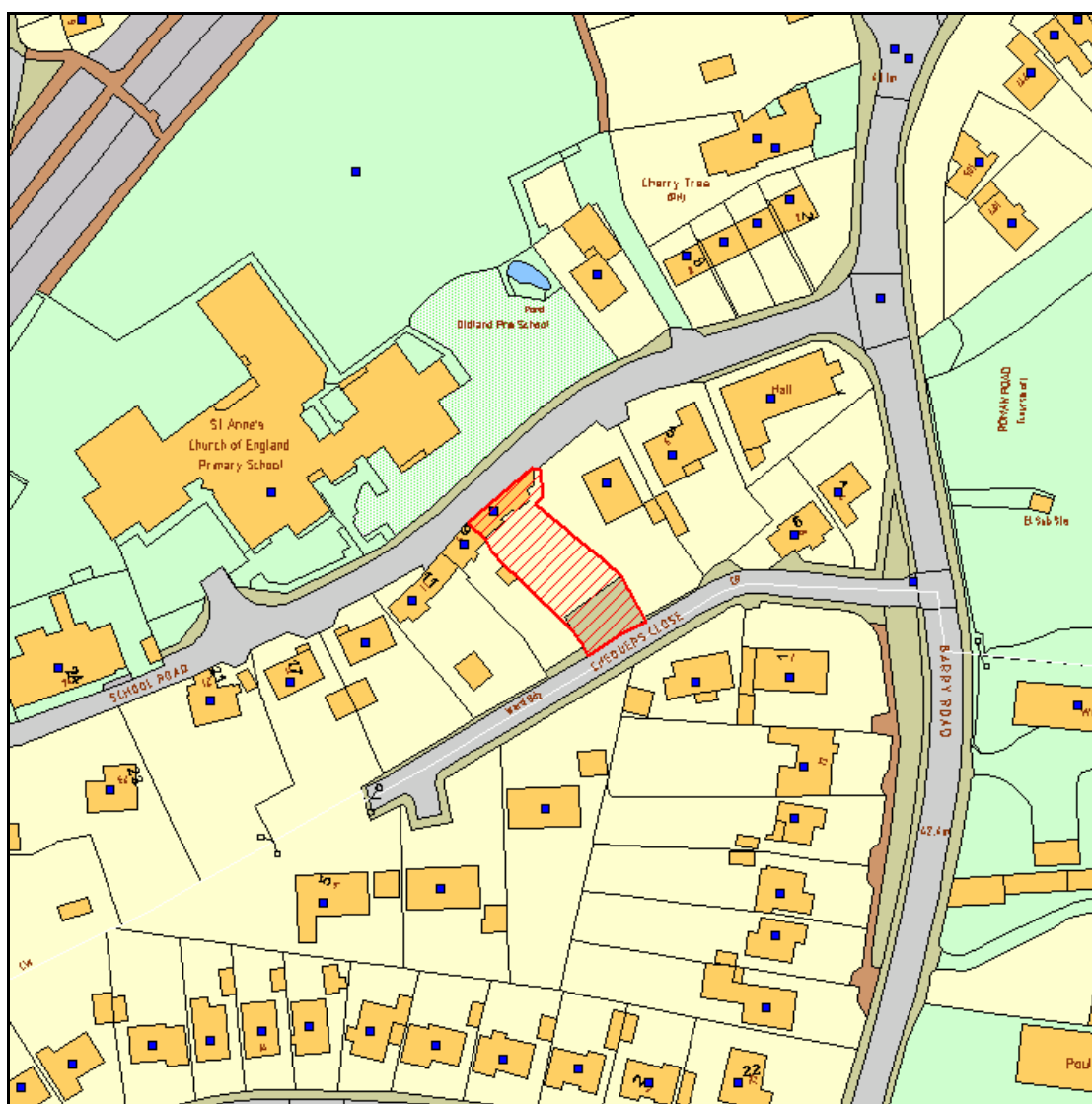
4. Notwithstanding previously submitted details, and prior to the commencement of the development representative samples of roofing slate shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed details.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the architectural and historic interest of the curtilage listed building and the character and appearance of the conservation area in accordance with sections 72(1), 16(2) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PK13/2020/F	Applicant:	Mr N Uren
Site:	7 School Road Oldland Common Bristol South Gloucestershire BS30 6PH	Date Reg:	12th June 2013
Proposal:	Erection of two storey rear extension to provide additional living accommodation	Parish:	Bitton Parish Council
Map Ref:	367242 171161	Ward:	Oldland Common
Application Category:	Householder	Target Date:	2nd August 2013



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PK13/2020/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been forwarded to the Council's Circulated Schedule of application as a representation has been received from the Parish Council raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is situated on the east side of Oldland Common south of St Anne's Primary School. The site is located between School Road to the north and Chequers Close to the south. The site is laid out with the dwelling located abutting School Road to the north with a large garden extending south to a raised parking area at the rear with vehicular access onto Chequers Close. The site comprises a traditional two storey end terraces dwelling constructed of traditional stone and with single storey element to the side

The application site is situated within the urban area as defined in the adopted Local Plan.

- 1.2 The application proposes erection of two storey rear extension to provide additional living accommodation

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
H4 Development within Existing Residential Curtilages
T8 Parking Standards
T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept 2012
CS1 High Quality Design
CS9 Managing the Environment and Heritage

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

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council

Objection. The proposed extension would be out of keeping with other properties and be overbearing on the adjacent property. It would block a right of access to the farther properties and leave a narrow access for all.

4.2 Other Consultees

Sustainable Transport – No objection, subject to a condition requiring 2 parking spaces to be laid out and provided on site.

Drainage Engineer – No comment

Archaeological Officer – No objection

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

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

Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

The South Gloucestershire Core Strategy (CS) was submitted for Examination in March 2011. The Examination was initially suspended by the CS Inspector to allow for the submission of Post Submission Changes. Hearing sessions were subsequently held in June and July 2012 and the CS Inspector published his Preliminary Findings and Draft Main Modifications in September 2012. The Inspector's initial conclusion is that the Core Strategy is capable of being made 'Sound' subject to a number of Proposed Main Modifications (PMM). The PMM have been subject to a further hearing session that was held on 7 March 2013. The CS has reached an advanced stage of preparation. However, there are unresolved objections to the housing requirements, including the means of addressing the shortfall in the delivery of housing that accrued during the Local Plan period. At this stage the Core Strategy therefore remains unadopted, but is likely to be adopted in the near future once housing matters are resolved. This document is therefore a material consideration in the determination of planning applications, and the Core Strategy policies, which are not subject to Inspector modification, will now carry considerable weight at this stage.

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

5.2 Design

Policy D1 of the Local Plan requires all new development to be well-designed. The dwelling is situated within a suburban residential context although the locality is characterised by trees and open spaces. The dwelling the subject of this application is a two storey end terraced dwelling. The positioning of the dwelling within the plot is unorthodox as the rear of the dwelling fronts onto the highway (School Road) and the principle elevation faces into the site facing towards Chequers Close at a distance of some 35m. The front elevation of the dwelling is therefore considered not to be visually prominent. The unorthodox positioning of the dwelling is consistent with the other dwellings in the terrace extending west.

No significant extensions have taken place to the front (south) elevations of any of the dwellings in the terrace. The proposal would provide a two storey front extension with shallow pitched roof to match the shallow pitch of the original dwellinghouse. The extension would be finished in matching traditional materials, stone walls, interlocking tiles roof and red brick window surround features. Although the extension would be located on the front elevation, the front elevation of the dwelling is not visually prominent. The dwelling has no official heritage status along with the rest of the terrace. Therefore due to the lack of visual prominence, the extension is not considered to be visually harmful. The design and materials would be in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policy D1.

5.3 Residential Amenity

Adequate rear amenity space to the property would be retained following the erection of the proposed extension. With regard to neighbouring properties, the extension would be situated 3.3m from the neighbour to the west (no.9). The neighbour to the east (no.5) would be situated 11m from the proposal. The extension would measure 4.3m in height to eaves with a shallow roof pitch (ridge height 6.5m), 4m rear projection and 8.9m width. Although the extension would be large in terms of volume, the volume would be created mainly through the long width of the building. When viewed from the neighbouring dwellings, especially no.9 to the west, the extension would not appear overly large (4m length by 4.3m height). As such the proposed extension not prejudice to the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

5.4 Highway matters

The proposal would increase the size of the dwelling from 3 to 4 bedrooms. There is a generous parking area at the rear for off street parking. A condition is recommended to ensure the parking area is laid out and provided for 2 vehicles prior to occupation. Subject to this condition, the proposal is considered to be acceptable.

5.5 Other issues

The Parish Council raised concern that the proposed extension would block a right of access to the farther properties and leave a narrow access for all. No public right of way would be affected by the proposal. If any private access would be affected by the proposal this would be a private matter best covered by Civil legislation and as such no significant weight is afforded to this matter as a material planning consideration. The access obstruction would on this basis carry insufficient weight to outweigh the merits of the application as expressed above.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

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

Reason

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

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

Reason

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

3. No development shall commence until a plan showing a parking layout within the site edged red on the approved plan for 2 cars has been first submitted to and approved in writing by the Local Planning Authority. The approved parking shall be laid out and provided before the development hereby permitted is first occupied.

Reason

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

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PK13/2114/RVC	Applicant:	Alexandra Partnership
Site:	Ash View House 30E Cock Road Kingswood South Gloucestershire BS15 9SH	Date Reg:	17th June 2013
Proposal:	Variation of condition 2 attached to planning permission PK09/0995/RVC to allow the garage adjoining 30C Cock Road to be used as a residential annexe ancillary to 30E Cock Road.	Parish:	Oldland Parish Council
Map Ref:	365572 172765	Ward:	Parkwall
Application Category:	Minor	Target Date:	7th August 2013



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PK13/2114/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulate Schedule as objections have been received. These are contrary to the Officer's recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks to vary an existing planning permission so that the residential annexe associated with no.30C Cock Road, made lawful under PK09/0995/RVC, can be associated with no.30E Cock Road instead.
- 1.2 No operational development is proposed through this application. It is purely an application to amend the planning unit to which the annexe is associated.
- 1.3 During the application process, the description of development has been amended. The application was registered as a variation to the original planning permission that granted consent for the erection of two dwellings and a garage block, namely application PK02/2506/F. However, this consent was varied under PK09/0995/RVC and subsequently the original application was superseded. Therefore, the description of development has been amended to refer to the latter 2009 application. Due to the late stage in the process that the amended took place, there was insufficient time for a re-consultation exercise. However, the amendment does not compromise the previous consultation as it does not materially change the development described. In addition as the application is being referred to the circulated schedule, the application will be determined in accordance with the amended description through a process of due public scrutiny.
- 1.4 Public comments have been received raising concern over the parking provision and the compliance with conditions attached to the previous applications. It should be noted that it is not within the scope of this application to enforce compliance with conditions from previous applications.
- 1.5 The annexe subject to this application was granted lawful status under PK09/0995/RVC, which sought to retrospectively regulate the use of the garage as an annexe contrary to condition 2 of PK02/2506/F. Therefore, this application cannot assess the planning merits of the annexe.
- 1.6 30E Cock Road is a residential institution and classified in a C2 Use Class, as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended). It is located within the existing urban area of the East Bristol Fringe. The site is not covered by any statutory or non-statutory 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
T12 Transportation
H2 Proposals for Residential Development, including Residential Institutions
- South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK02/2506/F Approved with Conditions 20/12/2002
Erection of 2 no. dwellings. Erection of detached garage block.
- 3.2 PK04/1642/F Approved with Conditions 28/06/2004
Erection of 2 no. porches and 1 no. storage shed. (Amendment to previously approved application for the erection of two dwellings PK02/2506). Retrospective Application.
- 3.3 *30D Cock Road*
PK08/0032/F Approved with Conditions 14/02/2008
Change of use from residential (Class C3) to residential care home (Class C2) as defined in the Town and Country Planning (Use Classes) order 1987 as amended.
- 3.4 PK09/0995/RVC Approved 17/07/2009
Variation of condition 2 attached to planning permission PK02/2506/F to allow the garage adjoining 30C Cock Road to be used as a residential annexe ancillary to that dwelling. (Retrospective).
- 3.5 *30E Cock Road*
PK10/0797/F Approved with Conditions 10/06/2010
Change of use from residential (Class C3) to residential care home (Class C2) as defined in the Town and Country Planning (Use Classes) order 1987 (as amended).

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council
No objection subject to condition preventing future sale of the annexe as a separate residential unit.
- 4.2 Drainage
No comment

4.3 Transport Officer
No objection

4.4 Local Residents

Two letters of objection have been received from members of the public and the Concoon neighbourhood watch. The reasons for objection have been summarised below:

- Condition 2 of PK02/2506/F should remain in place;
- Temporary permission was granted in 2009 – the annexe should now revert to a garage;
- Accommodation at the care home should not be extended because:
 - There are issues of noise, nuisance, foul language/behaviour;
 - Would increase in the number of staff and exaggerate existing parking problems;
- The parking spaces required by condition in 2011 are not used with parking occurring on nearby residential streets;
- It is not believed that the applicants would adhere to any future planning conditions as they do not comply with the existing ones.

5. RESPONSE TO REPRESENTATIONS

5.1 The representations made relate mainly to parking issues in the locality. This is not a relevant consideration in determining this application (as this application has been submitted to change the property to which the annexe is associated) and therefore shall be address prior to the analysis of the proposal.

5.2 Condition 2 was previously varied under PK09/0995/RVC. The decision granted retrospective permission for the use of the garage as an annexe. By default, the annexe now has permanent planning permission – the permission was not temporary as suggested in the consultation responses – and condition 2 has been removed from the unit that is the subject of this application. Therefore it is not possible to revert to a previous situation or amend a previously approved planning application.

5.3 Additionally, it is not within the scope of the planning system to compel people to park in a designated place. It is within the scope of the planning system to ensure that adequate off street parking is provided; however, there is no obligation for those spaces to be used. Therefore, it is not the case that the previous conditions have not been complied with. This cannot then be considered in determining the current application.

5.4 Comments have been received regarding the extension to the care home that would result from this application. These comments will be addressed in the following section.

6. ANALYSIS OF PROPOSAL

6.1 This application seeks to vary an existing planning permission so that the residential annexe associated with no.30C Cock Road can be used as ancillary accommodation associated with no.30E Cock Road instead.

6.2 Principle of Development

The proposed development is acceptable in principle as policy H2 is supportive of residential development, including residential institutions, within the existing urban area. As the annexe already exists, the test to be used to determine this application is whether or not the annexe will have an ancillary function and physical link to the existing property known as 30E Cock Road.

6.3 Physical Relationship

The annexe is located in a rank of three garages. The garage nearest to no.30C at the south of the rank has been converted into a residential annexe. It is now proposed that the garage will become associated to no.30E and provide ancillary accommodation to that property.

6.4 Two garages remain in the rank following the conversion to an annexe. To the northern end, the garage serves no.30D and is physically linked to the back garden of no.30D. In the middle of the terrace, directly adjacent to the annexe is the garage that serves no.30E. Access from no.30E to the garage is provided by the means of a door from the rear garden, as the garden of no.30E wraps around the rear of the garage block. The end of the garden is directly attached to the curtilage of the annexe.

6.5 As such, there is a physical relationship between the existing house, no.30E, and the existing annexe. Indeed, the physical relationship between the annexe and no.30E is stronger than the physical relationship between the annexe and no.30C. This is because no.30C was excluded from the permission that granted construction of the rank of garages (PK02/2506/F). This physical relationship means that it is possible to use the annexe in association with no.30E.

6.6 Functional Relationship

The annexe is a self-contained unit of accommodation. As a result there is little functional relationship between either no.30E or no.30C. However, as there is a much stronger physical relationship between the annexe and no.30E this does translate into a functional relationship. The annexe's garden would function as an extension to the garden of no.30E and would provide an additional parking space.

6.7 Due to the layout of the site and the potential for shared gardens it is considered that the proposed association would have a functional relationship between no.30E and the annexe.

6.8 Residential Development

Policy H2 is supportive of development for residential institutions. As the application does not result in a material change to the site (the annexe will remain as a residential annexe) it is not considered necessary to apply the criteria of policy H2.

6.9 Comments have been received that the use of the annexe in association with no.30E would impact on residential amenity due to the care requirements of the residents. This is not a material consideration. Residential institutions are permitted by policy H2 regardless of the nature of care that is provided.

6.10 Conditions

Although the annexe has passed the physical and functional tests, it is unlikely that the annexe would have the same relationship with any other the surrounding properties. Additionally, the annexe is unlikely to be suitable for use as an independent residential unit. Therefore a condition will be attached that prevents the annexe being used in a manner other than as ancillary accommodation to no.30E Cock Road without planning permission.

7. CONCLUSION

7.1 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.

7.2 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.

8. RECOMMENDATION

8.1 It is recommend that permission be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

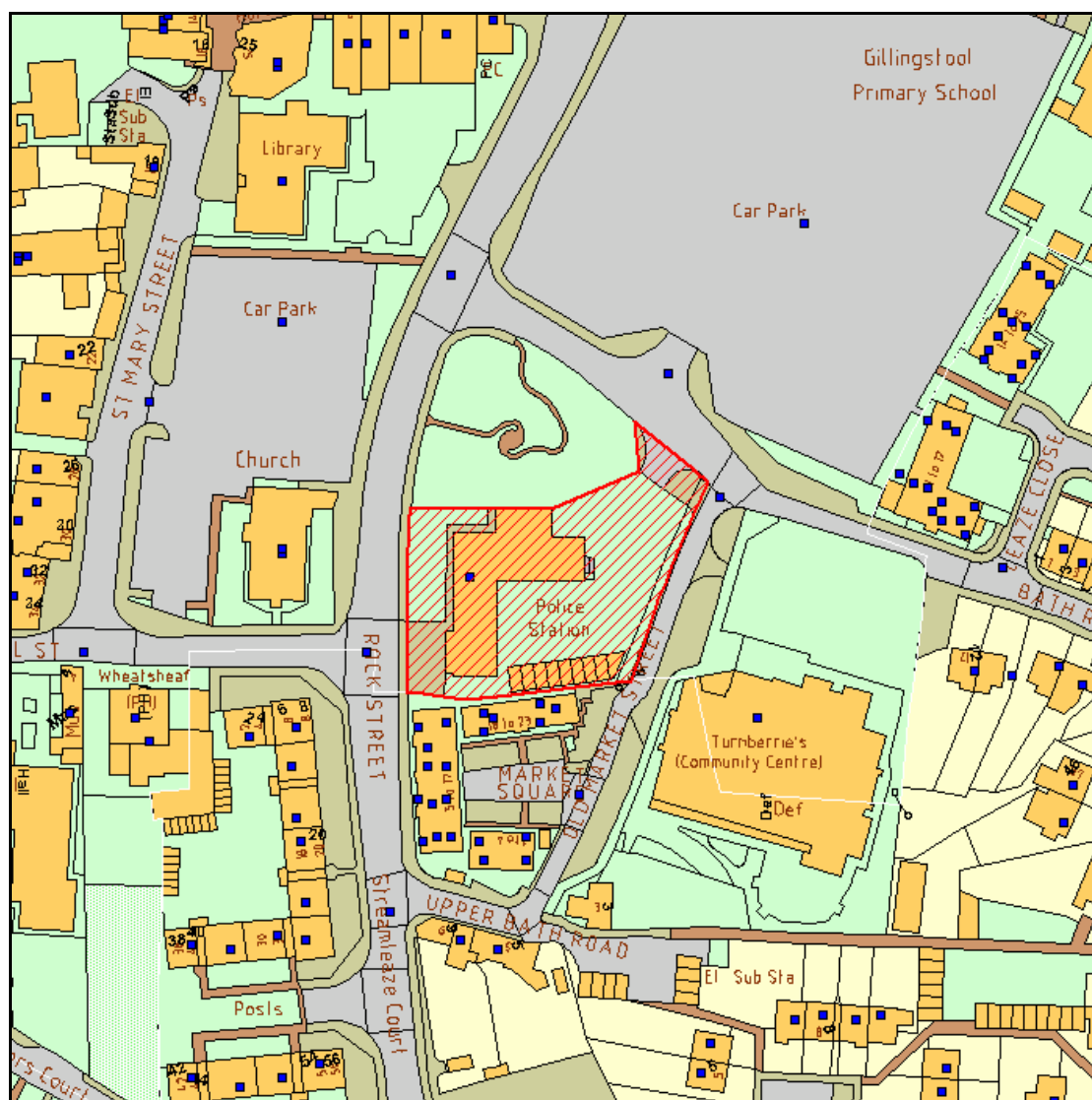
2. The annexe shown in the red line associated with this application shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 30E Cock Road, Kingswood.

Reason

The development has been permitted on the particular circumstances of the case and the development has been shown to have a physical and functional relationship with 30E Cock Road.

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PT13/1435/F	Applicant:	Churchill Retirement Living
Site:	Thornbury Police Station Rock Street Thornbury South Gloucestershire BS35 2BA	Date Reg:	2nd May 2013
Proposal:	Demolition of the Police Station and erection of building to form 35no. sheltered apartments for the elderly including communal facilities, landscaping, parking, access and associated works.	Parish:	Thornbury Town Council
Map Ref:	363799 189871	Ward:	Thornbury North
Application Category:	Major	Target Date:	30th July 2013



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100023410, 2008.

N.T.S.

PT13/1435/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of an objection from the Avon and Somerset Police Crime Prevention Design Officer, the concerns raised being contrary to the officer recommendation. Furthermore contributions are sought via a new S106 Agreement.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the erection of a 2-3 storey apartment block of 35no. sheltered apartments for the elderly. It is proposed to erect the building on the site of the existing Thornbury Police Station, which would be demolished to facilitate the development proposed. The site lies within the Established Settlement Boundary of Thornbury, outside but close to the edge of the Thornbury Conservation Area and opposite the Grade II Listed Congregational Church.
- 1.2 The scheme design has been revised in consultation with the Council's Urban Design and Conservation officers in order to take account of the street scene, setting and character of the nearby Conservation Area and Listed Building.
- 1.3 The scheme has been the subject of a viability assessment and was also the subject of a public exhibition at pre-application stage, which was generally well received. The application is supported by the following suite of documents:

Arboricultural Report
Archaeological Desk Based Assessment
Building for Life 12 Assessment
Design and Access Statement
Ecological Appraisal and Initial Bat Survey
Bat Survey
Geo-Environmental Desk Study
Historical Built Environment Appraisal
Need for Retirement Housing
Planning Statement
Supporting Stakeholder Engagement Statement
Transport Statement
Affordable Housing Statement

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- Primary Legislation/ Statutory Instruments
- 2.2 Planning and Compulsory Purchase Act 2004
Planning (Listed Buildings and Conservation Areas) Act 1990

2.3 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
EP1	Environmental Pollution
EP2	Flood Risk and Development
L1	Landscape Protection and Enhancement
L9	Species Protection
L11	Archaeology
L12	Conservation Areas
L13	Listed Buildings
L17 & L18	The Water Environment
T7	Cycle Parking
T8	Parking Standards
T9	Car Parking Standards for People with Disabilities
T12	Transportation Development Control Policy for New Development
H2	Residential Development in Defined Settlement Boundaries
H6	Affordable Housing
LC1	Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions).
LC8	Open Space and Children's Play in Conjunction with New Residential Development

South Gloucestershire Waste and Minerals Local Plan (Adopted) January May 2002

Policy 37	Waste Management
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Emerging Plans

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

Policy CS1	High Quality Design
Policy CS5	Location of Development
Policy CS6	Infrastructure and Developer Contributions
Policy CS9	Managing the Environment and Heritage
Policy CS15	Distribution of Housing
Policy CS16	Housing Density
Policy CS17	Housing Diversity
Policy CS18	Affordable Housing
Policy CS23	Community Infra-Structure and Cultural Activity
Policy CS32	Thornbury

2.4 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD.

Trees on Development Sites SPG Adopted Nov. 2005.

Affordable Housing SPD (Adopted) Sept. 2008

South Gloucestershire Residential Parking Standards SPD (Approved for development management purposes) 27 March 2013

3. RELEVANT PLANNING HISTORY

- 3.1 N2700 - Erection of wireless mast attached to building for police use.
No objection 23 June 1976

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection in principle, but members would wish for more car parking facilities within the development and also provision made, across Bath Road to ensure safe access to the town centre. Members are also aware that, because of the nature of the development, there is no provision for affordable housing within it and would wish that South Gloucestershire Council makes sure the maximum funding is available from the developer to provide affordable housing elsewhere in the town.

Ward Members

No comments.

4.2 Other Consultees (including internal consultees of the Council)

Wessex Water

No objection.

Environmental Protection

No objection subject to standard informatives relating to building sites.

Avon and Somerset Police Crime Prevention Design Officer

The perimeter in places does not offer adequate protection for example the maintenance gates are only 1.5 metres. 66% of burglaries in South Gloucestershire occur via the rear so access to this area needs to be restricted. The minimum height should be 1.8 metres.

The undercroft lacks surveillance and is not secured, buggies/cycles/vehicles are also to be parked in this location, this will make them and users in this area vulnerable. In addition as the doors and fire doors in this area do not meet the minimum security standard it could allow access into the building. The minimum security standard for all external doors should be PAS 23/24 or WCL 1. The applicant has mentioned BS 7950 windows for ground floor windows to apartments however it is not clear if that is the case in the undercroft and in any case if the glazing is not laminated it will be vulnerable to being smashed. Glazing in all ground floor windows and those easily reached should be to BS EN 356 2000 P1A. The undercroft should be also be gated/shuttered at the front of the building line.

The communal door into the building and all the ground floor patio/french doors do not meet the minimum security standard. The minimum security standard for all external doors should be PAS 23/24 or WCL 1.

The individual doors to apartments do not meet the minimum security standard, this is especially important as once inside the building access is not controlled

in any way to the semi-private areas. The minimum security standard for doors to apartments should be PAS 23/24 or WCL 1.

As such I object to the planning application.

Ecology

There are no ecological constraints to granting planning permission.

Avon Wildlife Trust

No response

Tree Officer

The recommendations contained within the supporting arboricultural report should allow the safe retention of the existing trees. There are no objections to this application with the condition.... 'All works are undertaken in accordance with the arboricultural method statement provided'.

Archaeology

No objection subject to a condition to secure a programme of archaeological investigation.

Highway Drainage

No objection subject to the application of the following condition to any approval:

SUDS: 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.

Landscape

No objection subject to a condition to secure a planting plan and details of boundary treatments.

Conservation

No objection subject to conditions relating to various design issues.

Urban Design

No objection subject to conditions relating to various design issues.

Sustainable Transport

No objection subject to conditions to secure adequate parking and manoeuvring.

Housing Enabling

The application proposes a residential development of 35 sheltered apartments and therefore is subject to Policy CS18 and required to achieve 35% on-site affordable housing on all new developments to affordable housing to meet identified housing need in South Gloucestershire. A 35 unit scheme would generate an affordable housing contribution of 12 units.

The presumption is that this affordable housing should be delivered on site as part of the scheme but, if it can be robustly justified, an off-site financial

contribution, which is equivalent in scale, could be accepted, but only in exceptional circumstances where it can be robustly justified, for the provision of affordable housing elsewhere in South Gloucestershire.

The Council will seek a total of 12 units, 10 for social rent and 2 for intermediate housing as shared ownership.

New Communities

Request the following contributions to be secured by S106 Agreement.

Off-site provision/enhancement of open space	£7,655.23p
Maintenance of off-site open space	£2,317.01p

Total £9,972.24

Contribution to the Library Service £4,346.06p

Other Representations

4.3 Local Residents

1 no. consultation response was received from the occupier of 21 Market Square who was generally in support of the proposed scheme. The comments made are summarised as follows:

- The sheltered apartments would be an appropriate use of the site.
- The appearance of the proposed building is good.
- The main entrance would not be in-keeping with the traditional design of the rest of the building.
- The 2-storey element would block views and appear prominent in the street scene.
- There is no footway on the southern side of Bath Road.
- The pedestrian crossing on Rock Street should be enhanced.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

On 27th 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 but given the advanced stage that the Core Strategy has reached can be given increasingly more weight.

- 5.3 Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits proposals for residential development including residential institutions and special needs accommodation within the existing urban areas and boundaries of settlements subject to criteria relating to environmental and transportation effects, impact on residential amenity, density and provision of education, leisure, recreation and other community facilities.
- 5.4 Design/Visual Amenity and Impact on Conservation Area
The application site lies just outside of the Thornbury Conservation Area and lies opposite the Grade II Listed Congregational Church. In light of the site's context, the proposals contained within this application have been subject to a significant level of pre-application negotiation and revision post-submission.
- 5.5 Prior to the development of the Police Station the site was occupied by terraced buildings fronting directly on to Rock Street. Unfortunately a large number of the traditional buildings in this area have been lost as a result of modern development and the creation of the car park, much of which has had a negative impact on the character of this part of the town and the setting of the listed chapel. This application proposes the replacement of the Police Station building, which is of no architectural or historic interest. It provides the opportunity to enhance the appearance of this area and reintroduce a level of enclosure to the street, which has previously been lost.
- 5.6 A simple 'L' shaped block is proposed that provides continuous frontages to Rock Street with an area of open space on Bath Road. A communal garden is proposed to the rear of the block. Parking is provided at the site entrance and 'undercroft'. The development is predominantly 2.5 & 3 storey and as such is consequently of similar scale to the church opposite. The architectural approach has also sought to break down the scale and mass of the apartment block into what looks like a terrace of buildings.
- 5.7 The principle of the development is therefore considered acceptable, and the layout proposed would reintroduce the historic pattern of enclosure. The terraced pattern of development, the varied ridge and eaves heights and the use of locally distinctive materials and details are proposed to be used within the development to enhance local distinctiveness and allow the development to 'fit' comfortably with its surroundings. This design approach is welcomed and generally considered to be achieved,
- 5.8 As noted previously, the elevations of the development have been successfully broken up vertically and with domestic proportions and detailing, the building should read terraces of cottages and townhouses. Although it is noted that the proposed scheme has also been improved significantly in terms of refinement, there are areas of detailing that still need to be addressed and with the agreement of the applicant, these matters of detail are to be addressed through conditions.

- 5.9 Overall it is considered that the proposed scheme would display through its design, form and materials, an aesthetic appearance that demonstrates sufficient regard to its historic context and one which represents an architectural enhancement of the location. The scheme therefore accords with Policies D1, L12 and L13 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Affordable/ Enabling Housing

- 5.10 The scheme proposed by Churchill Retirement Homes comprises 35 units (24 No 1 bed and 11 No 2 bed apartments) for sheltered accommodation for the elderly and therefore is subject to Core Strategy Policy CS18 and required to achieve 35% on-site affordable housing on all new developments to meet identified housing need in South Gloucestershire. A 35 unit scheme would generate an affordable housing contribution of 12 units.

- 5.11 However in light of viability issues the affordable housing contribution is to be met by an off-site contribution and the justification for this approach is set out below.

Off-site provision

- 5.12 The presumption is that the affordable housing will be delivered on-site. But if it can be robustly justified, an off-site financial contribution, which is equivalent in scale to what would have been expected on-site, may be accepted. The principle of off-site affordable housing contributions is established with Core Strategy Policy CS18 (affordable housing) which states that the Council is committed to improving affordable housing provision to meet housing need in South Gloucestershire and this will be achieved, amongst other ways, by:

‘Seeking off-site provision, or a broadly equivalent financial contribution in lieu of on-site provision, but only in exceptional circumstances where it can be robustly justified, for the provision of affordable housing elsewhere in South Gloucestershire’.

- 5.13 The provision of 35no. units of sheltered accommodation will help to meet the Council's strategy of providing a range of tenure choice in Housing for older people in South Gloucestershire, for which there is evidence of a local need.

- 5.14 In this case therefore, due to the nature (apartments in one block) and relatively small scale of the scheme, it is considered that there is sufficient justification to seek an off-site contribution broadly equivalent in value to the units which would have been provided on site; this has been calculated as £650,000.

- 5.15 However, in light of development cost characteristics specific to the scheme, the applicant has submitted a financial appraisal to demonstrate a 35% affordable housing off-site contribution would render the scheme unviable.

Viability

- 5.16 Policy CS18 of the Core Strategy states that “*unless the developer demonstrates that the economic viability of a particular site is affected by specific factors and as a result that a lower percentage should be provided*

without public subsidy, in which case other financial contributions should be sought to achieve the 35% requirement..”.

- 5.17 The applicant has claimed that the scheme as proposed was not economically viable to deliver with a policy compliant affordable housing contribution on-site or with an equivalent off-site financial contribution and so on this basis, sought a reduction to return the scheme to viability.
- 5.18 A full financial appraisal of the development was submitted by the applicant's financial consultants and to independently ratify the findings, an assessment of the development viability was carried out by the District Valuer on behalf of the Council. This assessment concluded that a total s106 contribution to the value of £130,000, including £115,682 towards affordable housing would maintain the viability of the scheme.
- 5.19 In accordance with policy and to meet Council policy to maximise the affordable housing contribution, the Council's Enabling Team would be willing to accept the £115,682 as demonstrated in the viability appraisal on the condition the applicant entered into an overage clause in the s106 which enable the Council and the applicant/developer to share the benefit of any uplift in scheme profitability, should the scheme sell sooner than modelled in the viability assessment. This is a reasonable request; however the applicant has rejected this; this has subsequently been accepted by officers.
- 5.20 Notwithstanding the Council's intention to include overage clauses as a requirement in a future Affordable Housing SPD it is not as yet encompassed within Council Policy to the extent that refusal of the application on this matter alone is considered justified. Furthermore, the need to bring this development forward, the small scale of the development and significant planning gains in terms of visual amenity are all considered to outweigh the issue of overage in this particular case.
- 5.21 Therefore in conclusion, if an off-site, financial contribution of £115,682 towards affordable housing is paid by the applicant, the proposed scheme can be considered policy compliant. It is also however recommend that in the event the scheme has not been completed within 18 months of the issue of the decision notice, a viability revue would be triggered. The detailed provisions would be set out in a s106 agreement.
- 5.22 Transportation
Car ownership levels amongst the elderly are relatively low, and due to the proximity to the town centre the number of trips generated by those car owners will be similarly low.
This site is situated within easy walking distance of the town centre where there is good local services and amenities. This proximity helps to reduce dependence on the private car. The site is located within a short walking distance of public transport, as such the site is considered sustainable.
- 5.23 Upon the issue of parking standards, whilst the authority has adopted, for the purposes of development control, new minimum residential parking standards, the consideration of these standards in the context of care homes is considered

more flexible than the application to standard residential developments. In this particular regard, the proposals may be considered to approximate between the models for 'unassisted' and 'assisted' sheltered housing, and thus a standard of between 1 space per 2 units (unassisted) to 1 space per 4 units (assisted) may apply. However, it is acknowledged that whilst the lower standard is achieved in the proposals, the upper standard is not and thus there may exist reliance upon surrounding car parking opportunities. In this instance, it is acknowledged that the development is located opposite a large 'uncharged' public car park and that any un-accommodated medical or social vehicle trip may easily be accommodated close to their intended destination. In conclusion, officers raise no objections to the proposed and conditioned levels of parking to serve the development.

- 5.24 Following a thorough review of the revised planning submission, officers have raised concerns about the access suitability of this development, but in principle raise no objections subject to conditions.
- 5.25 The concerns raised against this development are related to access to the town centre and amenities on the opposite side of Rock Street. Whilst the developer has principally argued that Rock Street is served by a controlled pedestrian crossing, officers contest that to reach this crossing point, patrons of the site will be required to traverse across Bath Street without dedicated crossing provision; for clarity, Bath Street provides access to a significantly busy public car park facility and surrounding residential areas of the town. In this regard, officers have contested that this road may be considered materially heavily trafficked, that it may provide a barrier to the town centre and that users of the site may be placed into conflict with vehicular traffic.
- 5.26 Officers consider that the crossing demand of the proposed development to be akin to that associated with the previous Police Station use, albeit by a proportionately older quantum of the population. On this latter issue, the applicant states that the average age of the occupiers is 79 (78 in the Design and Access Statement) and that the occupants of such facilities "remain in better health, both physically and mentally". Therefore, it may be considered that irrespective of age, the crossing is undertaken by fit and healthy members of the general public and that no discrimination as matter of age should be inferred. Notwithstanding this, officers are mindful that the healthy condition of patrons cannot be secured through the planning process.
- 5.27 Upon the remaining considerations, officers have assessed the access to mobility scooters, cycle parking and refuse collection. Whilst concerns were raised in this regard, the applicant has conceded to a condition that revises the parking layout to maximise the width of access to these facilities.
- 5.28 In conclusion, whilst officers remain concerned for the accessibility of the site to vulnerable and mobility impaired highway users, they are mindful that this is a consideration outside of the planning spectrum and falls within the remit of Part M of the Building Regulations which further cites 'Inclusive Mobility: A Guide to Best Practice on Access to Pedestrian and Transport Infrastructure'. Therefore, officers are satisfied that any concerns raised will be further duly considered through the Building regulations process.

5.29 Impact On residential Amenity

The nearest residential properties lie to the south on Rock Street and Market Square. The proposed building would be similar in scale to the existing police station; there would however be some loss of view to the north when viewed from the properties on Market Square but given that there is no right to a view, this is not a material consideration in the determination of the application. Given the much improved design of the proposed building over the existing, the visual amenity and outlook for local residents would be much improved. In terms of footprint, height, distances from boundaries and nearby buildings and the positioning of primary windows, the proposal would not have a significant adverse impact on neighbouring properties. In this respect the proposal complies with Policy H2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.30 Security Issues

Local Plan Policy D1(F) requires the overall design and layout to take account of personal safety, security and crime prevention. The Avon and Somerset Police Crime Prevention Design Officer raised a number of concerns in his consultation response to the scheme as initially submitted. In response to these concerns the maintenance gate has been raised to a height of 1.8m and electric gates would be erected on the frontage to secure the undercroft/buggy store. The applicant has confirmed that all windows would meet the standards of the British Board of Agreement and the latest building regulations. Furthermore the development by virtue of controlled secure entrances by code intercom, a resident lodge manager, security TV in every apartment together with the high degree of natural surveillance is now considered to comply with Policy D1

5.31 Environmental Issues

A SUDS Drainage Scheme would be secured by condition. The site is not the subject of excessive noise or dust. Whilst there would be some disturbance for local residents during the demolition and construction phase this can be mitigated for by the imposition of a condition to control the hours of working. The proposal therefore accords with Policies EP1, EP2, L17 & L18 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.32 Ecology

The site is not covered by any statutory or non-statutory nature conservation designations. The application includes a Bat Survey and no bats were recorded emerging from the existing building and additionally no bat activity was noted in the vicinity of the building. There are no ecological constraints to granting planning permission.

5.33 Landscaping

A landscape strategy plan has been submitted to the satisfaction of the Council's Landscape Architect.

5.34 In light of the fact that the landscaping scheme has been submitted as a strategy only, a condition will be attached to any consent requiring the submission and prior approval of a detailed planting plan to include details of boundary treatments and hard-standings.

5.35 Open Spaces

No Category 1 open space is proposed on site to meet the needs of the future residents all of which would be over 60 years of age. In order to comply with Policy LC8 of the Local Plan, contributions towards the provision/maintenance of or enhancement of off-site provision will be required to accommodate the additional demand.

- 5.36 In the absence of on-site formal open space, the requested contribution towards Category 1 open space (courts and greens) is as follows:

	Category 1 Open Space (courts & greens at 4sq.m. per person)
Capital provision/enhancement contribution	£7,655.23
Future maintenance contribution	£2,317.01
Total contribution	£9,972.24

- 5.37 These figures have been agreed with the applicant and will be paid in full. The figures are subject to indexation from date of decision, using the Updating Percentages published by the Building Cost Information Service (BCIS) for the Schedule of Rates for Grounds Maintenance 1987 (GM87).

5.38 Library Services

Given the sites close proximity (200m) to Thornbury library it is reasonable to expect the future residents of the proposed development to make full use of local library services, placing additional pressure on these services and moving them further away from the standard for a modern library service.

- 5.39 Extra demand will lead to increased use of library stock, accelerate deterioration of stock, the range of stock available to borrowers will be limited due to an increased proportion of the overall stock being out on loan waiting times for library users for a range of services within the library will increase. A reduction in availability of stock and other facilities will lead to people not using the library.

- 5.40 The Council's Sustainable Communities Strategy aims to ensure that the social, cultural, health and education needs of all residents are met. Older people should be able to enjoy a diverse cultural and social life, with a wide range of choice and opportunities that are as accessible to them as to the rest of the community. Older people should have access to a wide range of affordable, flexible opportunities for community learning. South Gloucestershire Libraries support life long learning, several libraries are working in partnership with Age Concern to deliver one-to-one IT sessions for retired people using trained volunteers, helping to reduce digital exclusion.

- 5.41 All of South Gloucestershire's libraries are accessible to all and stock large print books, talking books, free subscription to RNIB Talking Books and offer free internet access and email with speech, large text and adaptable furniture.

The library service offers a delivery service for housebound people and elderly people's homes.

- 5.42 In order to ameliorate this impact in line with policy LC1 of the South Gloucestershire Local Plan the Council has requested financial contributions towards expanding library services in the area to meet the needs of the new residents.

Number of future residents	Library contribution £107.31 per head
40.5	£4,346.06

- 5.43 Enhancements will include additional stock and IT including large print books, audio books and music CDs and for development of library buildings.
- 5.44 The amount requested has been agreed with the applicant and will be paid in full.
- 5.45 Officers consider that the S106 requests meet all of the tests listed under Para. 20 of the NPPF and Reg 122 of the CIL Regs 2010 in being:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the imposition of appropriate conditions and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- a) An off site financial contribution towards the provision of affordable housing of £115,682 paid on first occupation on the basis that there will be no reappraisal obligation with a viability review in the s106 if the development is not commenced within 18months.
- b) A financial contribution of £9,972.24p towards the provision/enhancement of off-site category 1 open space and its future maintenance.

c) A financial contribution of £4,346.06p towards local library services.

(2) The reason for this agreement is:

- a) To help contribute towards the provision of affordable housing within the locality;
- b) To provide policy compliant levels of category 1 open space for the residents of the development and to ensure its maintenance costs are met for the prescribed period by the development and not the local authority;
- c) To meet the additional need placed on local library services caused by the proposed development.

(3) That the Head of Legal and Democratic Services be authorised to prepare and seal the Section 106 Agreement.

7.2 If the Section 106 Agreement is not signed and sealed with 6 months of the determination date of this application, then authority be delegated to refuse the proposal or a report is forwarded via the Circulated Schedule for the reconsideration of the application.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. 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.

Reason

To comply with Policies L17, L18, EP1, EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the commencement of development, a revised car parking layout shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the car parking shall be implemented in accordance with the approved layout details prior to the first occupation of the building and retained for that purpose. (For the avoidance of doubt the revised layout should include two disabled parking spaces and adequate room to access the buggy and cycle parking as well as manoeuvring euro bins from the refuse store to the collection area).

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.

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

5. Prior to the commencement of development representative sample panels of roughcast render of at least one metre square showing the render colours and texture, shall be erected on site and approved in writing by the local planning authority. The works shall be completed strictly in accordance with the agreed samples, which shall be retained on site until completion of the development for consistency.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

7. Notwithstanding previously submitted details, and prior to the commencement of the development the detailed design of the following items, including materials and

finishes, shall be submitted and approved in writing by the local planning authority. The details shall be accompanied by drawings at a minimum scale of 1:5, including sections:

- a. all new windows (including cill and head details). For the avoidance of doubt all new windows shall be timber;
- b. all new doors (including frame and head details)
- c. eaves, verges and ridges
- d. dormer windows (including cheeks and cills);
- e. all new vents and flues;
- f. Canopies and porches;
- g. Balcony rails
- h. Ground floor elevation frontage of building R4

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

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

8. Notwithstanding previously submitted details, and prior to the commencement of the development representative samples of roofing materials including clay tiles and slate shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the agreed details.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

9. Notwithstanding previously submitted details, and prior to the commencement of the development a schedule of window heads shall be submitted and agreed in writing by the local planning authority. For the avoidance of doubt window heads to the rendered elevations shall be swept render as opposed to reconstituted stone lintols. The development shall be completed in accordance with the agreed details.

Reason

In order that the development is of an appropriate quality of design that serves to preserve the character and appearance and setting of Thornbury conservation area and the setting of the grade II listed Congregational Chapel in accordance with section 72(1) and 66(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L12, L13 and D1 of the Adopted South Gloucestershire Local Plan.

10. Prior to the commencement of the relevant works, full details of all boundary walls shall be submitted to the Local Planning Authority for written approval. For guidance natural stone walls should be specified for the vernacular buildings and metal railings on natural stone plinths should be specified for the more formal 'Georgian' buildings to help reinforce the hierarchy of the development. The development shall be completed in accordance with the agreed details.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to maintain and enhance the character and appearance of the setting of the Chipping Sodbury Conservation Area, and to accord with Policies D1 and L12 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

To protect the character and appearance of the area to accord with Policies D1_ L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

13. All works shall be undertaken in accordance with the Arboricultural Method Statement prepared by 'barrell' Tree Consultancy dated 19th March 2013.

Reason

In the interests of the long term health of the trees within the site, and to accord with Policy L1 of the South Gloucestershire Local Plan and the Trees on Development Sites SPG Adopted Nov. 2005.

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

Reason

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

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

Reason

To accord with the Council's adopted Waste Management Strategy, and to accord with Policy EP1 of the South Gloucestershire Local Plan (Adopted) January 6th 2006 and Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002.

16. Prior to the commencement of development a refuse disposal strategy shall be submitted to and approved in writing by the Local Planning Authority. Thereafter refuse shall be disposed of in accordance with the strategy so approved.

Reason

In the interests of highway safety and the amenity of the area in accordance with Policy T12 and D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PT13/2043/F	Applicant:	Mr A Cox
Site:	Melita Crossways Lane Thornbury Bristol South Gloucestershire	Date Reg:	12th June 2013
Proposal:	Demolition of existing garage to facilitate erection of two storey side and rear extension to provide workshop and additional living accommodation	Parish:	Thornbury Town Council
Map Ref:	365294 190735	Ward:	Thornbury North
Application Category:	Householder	Target Date:	2nd August 2013



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PT13/2043/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The application is for the demolition of the existing single detached side garage to facilitate the erection of a two storey side and rear extension to provide workshop and additional living accommodation. The proposals would essentially replace two existing flat roofed dormers, provide a side gable over the area of the existing garage, extend to the rear and increase the roof area with hipped gable ends.
- 1.2 The property is a detached bungalow situated on a rural lane on the outskirts of Thornbury, although it is outside of the settlement boundary.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
D1 Achieving Good Quality Design in New Development
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Council Residential Parking Standards)Approved for development management purposes) 27th March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
Object – the proposals are felt to constitute over development of the site in an area outside the town development boundary.

Highway Drainage
No comment

Public Rights of Way
No objections

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension would clearly increase the size of the building and the shape of the roofline, particularly from the side elevations, however it is considered that the proposals can be accommodated in context with the existing site and it is not considered that the proposals would constitute an over development of the plot. Sufficient curtilage space remains within the plot for off street parking and private amenity. The proposals, including revisions that illustrate matching hipped end on the roofline at the front and rear, are of an acceptable standard in design and would not significantly affect any streetscene, the site or surroundings. Materials used will match those of the existing dwelling.

5.3 Residential Amenity

Given the overall scale of the extension and its relationship with surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties. The proposals would result in the removal of a first floor side dormer that currently has the potential to overlook the neighbouring property, this would be replaced by rooflights on the eastern elevation. Sufficient amenity space would remain on the plot. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

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 extension is of an appropriate standard in design and would not materially harm the site, streetscene or surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. Sufficient off-

street parking provision would remain. As such the proposals accord with Policies D1, H4 and T9 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 planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time at first floor level in the eastern elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PT13/2112/CLE	Applicant:	Mr Martin Hodsman
Site:	The Barn Cleve Wood Farm Grovesend Road Thornbury South Gloucestershire	Date Reg:	21st June 2013
Proposal:	Certificate of Lawfulness for existing use of annexe as a self contained single dwellinghouse.	Parish:	Thornbury Town Council
Map Ref:	365377 189170	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	13th August 2013



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PT13/2112/CLE

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of an annex as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of ten years prior to the date of submission (i.e. since 19th July 2003).
- 1.2 The site consists of a single storey with accommodation in the roof space building attached to the main dwelling. The current authorised use of the building is as a residential annex but the applicant claims the building has been used as a separate dwelling for a continuous ten-year period.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Circular 10/97 Enforcing Planning Control

3. RELEVANT PLANNING HISTORY

- 3.1 P85/1128 Alterations to existing outbuilding and erection of single storey rear extension to form study, bathroom, bedroom, living room, kitchen and porch with games room over. Alteration to existing vehicular and pedestrian access.
Approved April 1985

One condition attached to this permission read, '*The additional residential accommodation authorised shall be used incidentally to the dwellinghouse within the same curtilage and shall at no time be severed therefrom to form a separate residential unit or for any other purpose.*'

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No Objection
- 4.2 Highway Officer
No highway comments to make
- 4.3 Local Residents
None Received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 In support of the application, 8 copies of tenancy agreements (or parts of tenancy agreements) have been submitted dated from 1996, 1997, 1998, 1999, 2004, 2007, 2008 and 2011.

6. SUMMARY OF CONTRARY EVIDENCE

- 6.1 None received

7. EVALUATION

- 7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to prove precise and unambiguous evidence.

- 7.2 In this instance it must be proven that the building in question has been used for independent residential purposes for a period in excess of 10 years prior to the date of this application.

7.3 Assessment of Evidence

From the tenancy agreements submitted, it appears that the building subject of this application has been let out and not used in connection with the main dwelling since 1996 – therefore satisfying the ten year test. Whilst it is accepted that none of the tenancy agreements are accompanied by a plan to show exactly to which building they refer, the address is considered to be sufficient. Whilst the evidence is somewhat lacking, your officer has no evidence to suggest the information submitted is not true and no evidence has been submitted by any third party to suggest that this evidence is less than probable.

8. CONCLUSION

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as a separate and independently occupied dwelling for a continuous ten year period.

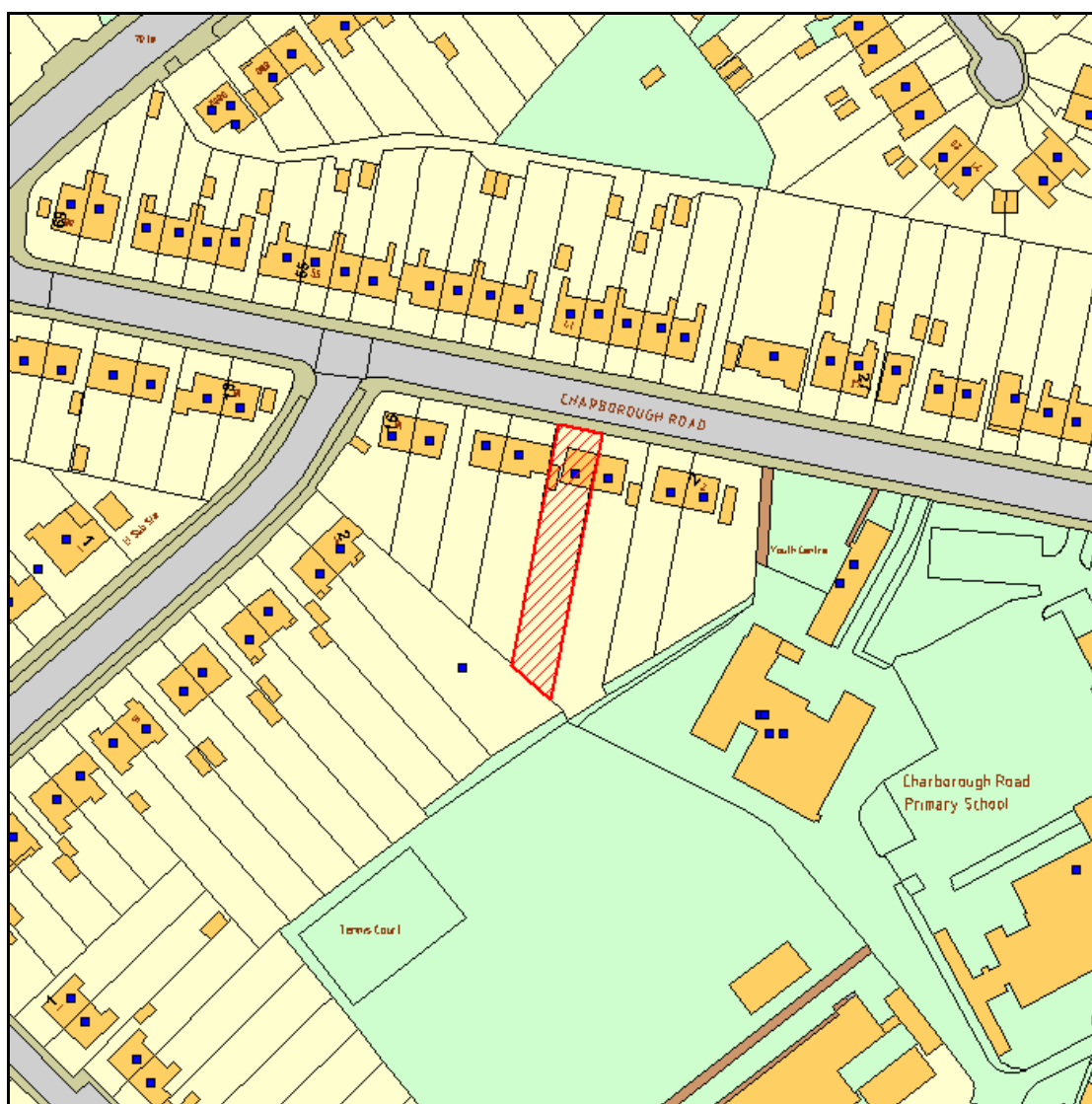
9. RECOMMENDATION

- 9.1 The Certificate of Existing Lawful Use be approved

Contact Officer: Marie Bath
Tel. No. 01454 864769

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PT13/2223/CLP	Applicant:	Mr And Mrs Adams
Site:	8 Charborough Road Filton South Gloucestershire BS34 7RA	Date Reg:	24th June 2013
Proposal:	Certificate of lawfulness for the proposed erection of single storey rear extension	Parish:	Filton Town Council
Map Ref:	359833 178733	Ward:	Filton
Application Category:	Minor	Target Date:	16th August 2013



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PT13/2223/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 8 Charborough Road Filton would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. .
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Filton Town Council
No objection
- 4.2 Local Residents
No response received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Plans
Site location plan; Existing and proposed ground floor, partial first floor plans, site plan and elevations – drawing P01

6. EVALUATION

- 6.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the planning application is based on the facts presented. The submission is not a planning application and thus the

Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

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

- 6.2 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

6.3 Erection of a single storey rear extension

A1 Development is not permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would sit beneath the existing eaves height of the main dwelling house. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The entire proposal would sit lower than the eaves height of the main dwelling. The height to eaves of the proposed extension would reach 2.5 metres, in comparison, the height to eaves of the main dwelling measure 4.8 metres.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
 - (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

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

The host dwelling is a semi-detached property. The proposed extension would be single storey and would extend a maximum of 2.5 metres in depth. Furthermore the proposed extension would have a maximum height of 3.5 metres.

- (ea) **Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**
 - (i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
 - (ii) **exceed 4 metres in height**

The proposed single storey rear extension would extend 2.5 metres from the rear of the dwellinghouse.

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

The proposal is single storey.

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

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

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

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

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

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

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

The proposal does not include any of the above and consequently meets this criterion.

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

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

Conditions

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

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

A4 Conditions apply to development falling under A1 (ea). These include:
Development shall be completed on or before 30th May 2016 and the developer shall notify the local planning authority of the completion of the development.

7. RECOMMENDATION

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

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of

the Town and Country Planning (General Permitted Development)
(Amendment) (No.2) (England) Order 2008.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 30/13 – 26 JULY 2013

App No.:	PT13/2234/CLP	Applicant:	Mr And Mrs Hall
Site:	2 Denny Isle Drive Severn Beach South Gloucestershire BS35 4PZ	Date Reg:	25th June 2013
Proposal:	Certificate of lawfulness for the proposed erection of single storey side extension	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354313 184501	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	16th August 2013



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N.T.S.

PT13/2234/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

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

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008, Schedule 2, Part 1, Class A.
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None Relevant

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
No comment received
- 4.2 Drainage
No objection subject to a FRA

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there

is no consideration of planning merit, the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

- 5.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GPDO 2008. The 2013 changes to the GPDO do not change the consideration for side extensions.
- 5.3 The proposed development consists of a single storey side extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008 (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

A1 Development is not permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal does not exceed the horizontal line from the eaves of the existing dwellinghouse. As such the proposal meets this criterion.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The proposed extension would be to the side of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

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

The proposed extension is to the side of the property and the maximum height is 3.6 metres, as such the proposal accords with this criterion.
- (f) **The enlarged part of the dwellinghouse would have more than one storey:**

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

The proposal would be located within two metres of a boundary but have a height to eaves of less than 3 metres and therefore meets this criterion.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**
 - (i) **exceed 4 metres in height**
 - (ii) **have more than one storey, or**
 - (iii) **have a width greater than half the width of the original dwellinghouse; or**

The proposed extension has a maximum height of 3.6 metres, is single storey only, and is less than half the width of the original dwelling. This criterion is therefore also satisfied.
- (i) **It would consist of or include—**
 - (i) **The construction or provision of a veranda, balcony or raised platform,**
 - (ii) **The installation, alteration or replacement of a microwave antenna,**
 - (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**

The proposal does not include any of the above and consequently meets this criterion.

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

- (a) **It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- (c) **The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located within article 1(5) land and as such the proposal meets this criterion.

Conditions

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

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

The proposal would be finished in materials to match those of the existing dwellinghouse.

- (b) **Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—**

(i) **obscure-glazed, and**

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

The proposal does not include the installation of any upper floor windows.

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

The proposal is single storey.

7. RECOMMENDATION

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

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

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