



**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. 13/13**

**Date to Members: 28/03/13**

**Member's Deadline: 05/04/13 (5pm)**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<b>Schedule Number</b>	<b>Date to Members 9am on</b>	<b>Members Deadline 5pm on</b>
12/13	Thursday 21 March 2013	Wednesday 27 March 2013
13/13	Thursday 28 March	Friday 05 April 2013

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

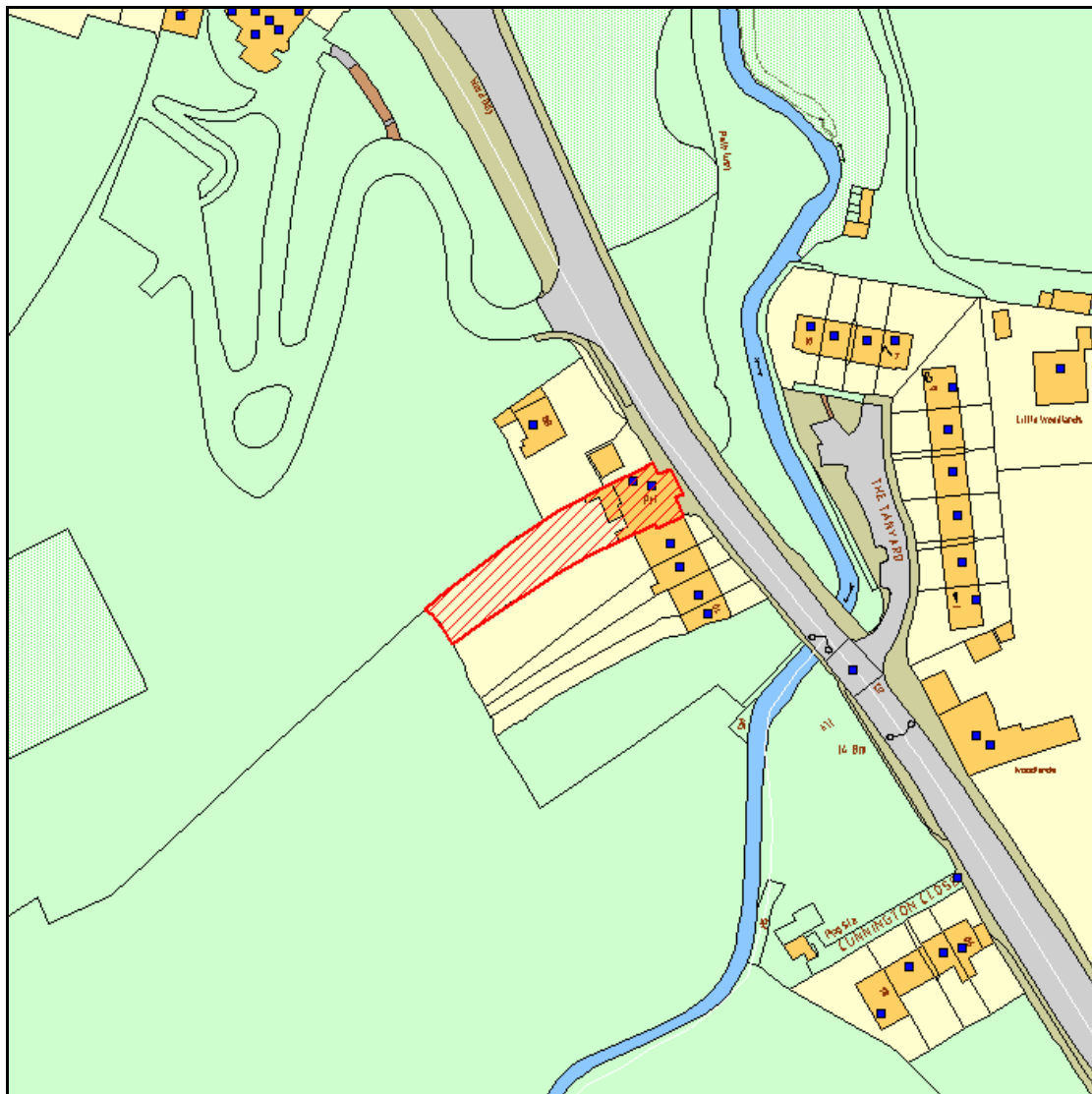
All other schedules during this period will be published as normal on Fridays

# CIRCULATED SCHEDULE – 28 MARCH 2013

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/0177/F	Refusal	62 Willsbridge Hill Willsbridge South Gloucestershire BS30 6EU	Longwell Green	Hanham Abbots Parish Council
2	PK13/0178/LB	Refusal	62 Willsbridge Hill Willsbridge South Gloucestershire BS30 6EU	Longwell Green	Hanham Abbots Parish Council
3	PK13/0306/F	Approve with Conditions	44 Home Field Close Emersons Green South Gloucestershire BS16 7BH	Emersons	Mangotsfield Rural Parish Council
4	PK13/0535/F	Approve with Conditions	46 Somerset Avenue Yate South Gloucestershire BS37 7SQ	Yate North	Yate Town
5	PT13/0402/RM	Approve with Conditions	The Red House 3 The Hill Almondsbury South Gloucestershire BS32 4AE	Almondsbury	Almondsbury Parish Council
6	PT13/0441/TRE	Refusal	The Shrubbery 84 Rectory Road Frampton Cotterell South Gloucestershire BS36 2BT	Frampton Cotterell	Frampton Cotterell Parish Council
7	PT13/0502/TRE	Approve with Conditions	Site At The Rear Of The Auklands Gloucester Road Thornbury South	Thornbury North	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 13/13 – 28 MARCH 2013**

<b>App No.:</b>	PK13/0177/F	<b>Applicant:</b>	Mr Edward Langford
<b>Site:</b>	62 Willsbridge Hill Willsbridge South Gloucestershire BS30 6EU	<b>Date Reg:</b>	6th February 2013
<b>Proposal:</b>	Change of use from Public House to a single dwelling house Class C3 as defined in the Town and Country Planning (use classes) order 1987 (as amended) with associated works.	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	366469 170540	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th March 2013



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**PK13/0177/F**

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

Both support and objections have been received for this proposal.

### **1. THE PROPOSAL**

- 1.1 This application seeks a change of use of the Queen's Head public house, a Grade II listed Building which stands at the end of a terrace of residential properties on Willsbridge Hill. It is a two storey building of render and tile, with a two storey flat-roofed front extension. The remainder of the terrace is three storeys high. The site includes a car park at the other end of the terrace, downhill from the site. The site stands in the Green Belt and the open countryside.
- 1.2 The proposal is for a change of use of the ground floor of the building, which has had ancillary accommodation above the public house. There is a garden to the rear of the building, used as a beer garden. The public house has been on the market since 2011.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
D1 Design  
GB1 Green Belt  
L13 Listed Buildings  
RT11 Retention of local shops and public houses  
T12 Highway Safety  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS1 High Quality Design  
CS9 Heritage Assets  
CS23 Community Infrastructure and Cultural Activity  
CS34 Rural Areas

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

- 3.1 PK13/0178/LB Listed Building application for works proposed as part of the conversion

### **4. CONSULTATION RESPONSES**

- 4.1 Bitton Parish Council  
No objection  
  
Oldland Parish Council  
No reply received

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

##### Conservation Officer

Some of the elements of the proposal would be harmful to the Listed Building, if the principle of development is considered acceptable in planning terms. Refusal recommended.

##### Archaeology

No comment

##### Landscape

No objection

##### Transportation

Adequate parking would be provided to serve the dwelling and the change of use would reduce trip generation. No objection.

##### Technical Services

As the building is proposed to be converted into a dwelling with no extensions, i.e. retains the same building footprint, then there would be no increase in flood risk. Therefore we have no objection to the change of use from pub to dwelling.

##### Campaign for Real Ale

Object. The pub has an outstanding historic interior, featuring historic fixtures and fittings, with its original layout largely intact. These factors would be lost through the proposed conversion and the pub should be retained under paragraph 70 of the NPPF. A meaningful offer was received to retain the use as a public house.

##### Bristol Pubs Group

Object. The pub has an outstanding interior layout and furnishing which were restored after enforcement action by the Council. It is one of Britain's more important public houses due to its historic core and before the damage was included in Part 1 of Camra's National Inventory of Historic Interiors. In the right ownership, this pub could be a valuable part of the built and cultural heritage.

#### **Other Representations**

##### 4.3 Local Residents

5 letters of support for the proposal were received, making the following points:

- Previous landlords have concluded that the pub is not a viable business
- The building is empty, derelict, untidy and compromises the house attached to it. The works proposed would protect it
- The conversion would reduce the amount of trouble in the area
- In recent times the use as a pub has led to anti-social behaviour which resulted in the licence being reviewed with 21.00 closing

In addition, 7 letters of objection were received, citing the following concerns:

- 2 offers were made to the agents to continue to run the building as a pub
- Public enjoyment of the interior of the Listed Building would be lost
- Damaging loss of fabric of the building

- This is the only pub in Willsbridge
- Prior mismanagement should not prevent this pub being a going concern, with a good enough catchment area
- The previous landlord took a six month lease to test the water. It is difficult to look after the building without committed ownership
- The pub site, being on higher ground, will, due to erosion, have less soil to absorb water in case of flood
- The population over 18 (drinking age) has risen 5.44% in Willsbridge between 2001 and 2011

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This proposal stands to be assessed against the policies listed above, in the light of all material considerations. The main policy which applies to changes of use of public houses, RT11, requires that there are satisfactory alternative facilities available in the locality or that it can be demonstrated that the premises would be incapable of supporting a public house use. Evidence has been sought and received in respect of the latter issue. Set against this policy aim is the need to preserve the Listed Building and the analysis below is informed by policy L13, albeit the impact on the Listed Building is entirely internal and as such not explicitly a matter for this planning application. If the proposal accords with policy RT11, it would be acceptable in principle but if it does not, the case that has been advanced to maintain the Listed Building needs to be balanced against the harm determined by not according with policy RT11.

With regard to the Green Belt status of the site, the change of use would have no external effects. The garden would still be used as such, albeit not in public use and therefore the proposal would represent a change of use which has no adverse impact on the openness of the Green Belt, which accords with policy GB1 of the adopted Local Plan and the provisions of the NPPF.

### 5.2 Alternative Local Facilities

As identified through the consultation process, the site is the only pub in Willsbridge. Policy RT11 does not define local as being within the settlement and therefore, the nearest public houses in each direction are: The White Hart in Bitton along the A431 to the East; the Lockkeepers on the edge of Keynsham (in Bath and North East Somerset) to the South; The Chequers and the Lock and Weir at Hanham Mills, next to the Avon, the Elm Tree in Court Farm Road in Hanham and the Harvesters in Longwell Green, West on the A431; the Cherry Tree on Barry Road in Oldland Common and the Lamb in Cadbury Heath, both north of the site. The nearest local facility, in the absence of this site, would be more than a mile away and therefore is not considered to be local to Willsbridge and therefore the proposal does not accord with that criterion of policy RT11. The test for this proposal therefore is the other criterion, as follows:

5.3 Is the site capable of supporting the public house use?

The site has been marketed by Christies, who sought to sell it under its present use as a public house. As such, it is the opinion of Property Services that the premises appear to have been appropriately marketed. According to information supplied by the agents, the process generated a number of offers, all below the asking price and some substantially below. These were for a variety of purposes ranging from pubs (2 offers) to B&B and for residential conversion. Of the two offers for use as a pub, one was extremely low and unacceptable, the other came along after the bid from the current purchaser and the owners decided to go with the purchaser already in place. Apart from general demand for pubs and location, factors affecting value were the listing status and problems with the car park usage. The process therefore, due to circumstances and timing, did not leave a clear picture of whether the market would support a continuation of the use of the site as a public house, although the demand was there as proven by the late offer. On balance, it is considered that this is adequate evidence that the pub could be supported in its current use. It is considered that with suitable investment and management, the pub would have an adequate catchment area, with the possibility of drawing passing trade as well, to have a viable future as a community asset. Because the site was previously associated with anti-social behaviour is not considered to be a compelling argument. This factor does not show itself with all public houses and with appropriate management would not necessarily happen.

5.4 Listed Building

The Queen's Head is understood to date from the mid seventeenth century, built as a three bay house with central entrance porch and passageway. By 1719 it was a licensed public house and has remained so ever since. The building was re-fronted in the eighteenth century and the development of the building is clear with its steeply pitched gabled roofs over the rear ranges, in contrast to the parapetted east front with distinctive large cross casement windows. The Queen's Head is recognised as one of Britain's more important public houses in terms of its historic core. It did used to be one of 194 Public Houses in the UK to be included on Part One of the CAMRA National Inventory of Historic Pub Interiors which deals with intact/near intact interiors. It was moved to part II following the unauthorised removal of bar backs and partition wall. Although these were replaced they are not the original. Today, there are very few pubs which retain this historic plan form.

The application proposes the change of use of the building to a residential dwelling. Although the first and second floors have been used as such for a number of years, this change would result in the loss of the public house facility at ground floor. The pub has been closed for a period of around two years. Despite some minor repair works to prevent further water ingress and damage, it is suffering form a general lack of maintenance. The conversion to a dwelling would undoubtedly prevent further deterioration and provide the impetus and funds for repair. However, there is concern over the fact that there have been expressed interests in maintaining the use of the building as a public house. If the opportunity to maintain the building as a public house exists this should not be ignored as the use of the building is a fundamental part of it's architectural and historic significance. This continued use is protected by policy RT11 of the

local plan, policy CS23 and CS34 of the Core Strategy or paragraph 28 of the NPPF. None of these policies have been addressed in this application. With regard to policy L13, this also applies in this instance as the proposed works, albeit internal and not covered in the description of development, would alter the plan form of the building, affecting its significance.

The changes proposed would affect all three floors of the building, but would be limited to the interior of the building. Consequently, the impact is appropriately examined in greater detail in the report for the Listed Building application to accompany this one. The principle of the change is use is not considered acceptable in planning terms and while the prospect of sustaining the building's future through the proposed change of use is recognised, further detailed and revised information would be required to ensure that the works would be appropriate to the fabric of the Listed Building. In the absence of such information, there is little of benefit that is proposed to the building to balance against the harm of the proposal to policy RT11 which has been identified. The harm that the change of use would cause is considered to warrant a refusal reason under policy L13, due to the impact of the change of use on the historical significance of the building. While it is possible that this particular harm could be overcome with a revised scheme, given the fundamental problem with the planning application, the change of use, the necessary amendments were not sought.

#### 5.5 Other Issues

The consultation process has brought up two further issues that have not already been covered. The population increase in drinking age potential patrons for the Queen's Head is not considered to be a deciding factor. The increase could have taken place prior to the pub's struggle to maintain itself. The flooding issue is also afforded little weight as the site, ground conditions notwithstanding, is located within Flood Zone 2, albeit on the edge of Flood Zone 1. Technical Services have not objected to the proposal and since it is only for a change of use, no mitigation works are required.

In transportation terms, the proposal is considered to be acceptable. The access arrangements would be unchanged, with the car park at the lower end of the terrace, but the traffic generation would be reduced from a public house to a dwelling. Parking provision is more than adequate to serve the dwelling and the proposal is considered to accord with policy T12 of the adopted Local Plan.

## 6. CONCLUSION

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

## **7. RECOMMENDATION**

- 7.1 That planning permission is refused due to the lack of sufficient justification for the loss of a community asset and the harm that would be caused to the significance of the Grade II Listed Building through the proposed change of use.

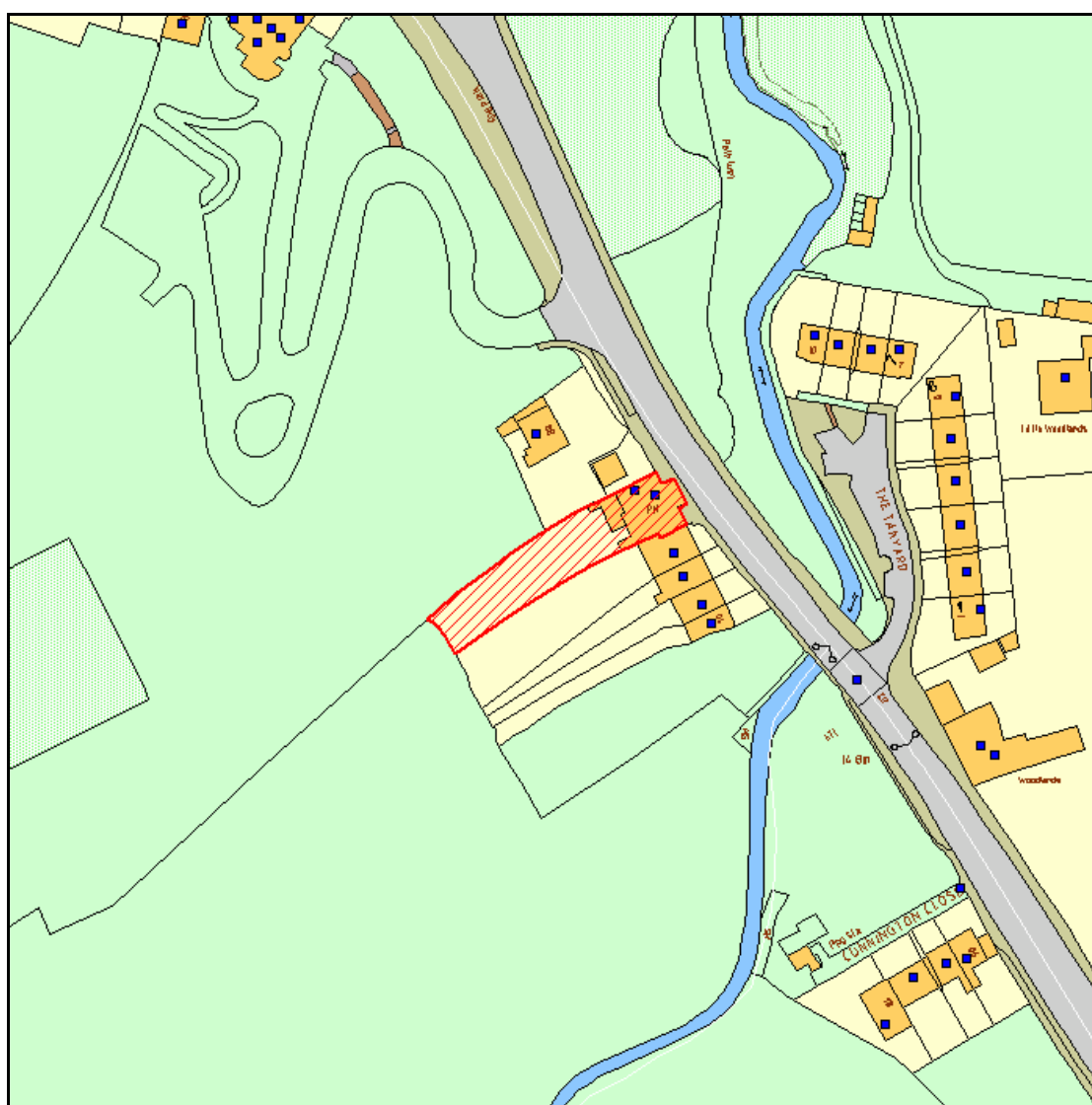
**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **REASONS FOR REFUSAL**

1. It has not been adequately demonstrated that the site would be incapable of supporting its use as a public house and therefore the proposal would be contrary to policy RT11 of the adopted South Gloucestershire Local Plan and the provisions of the National Planning Policy Framework.
2. The Queens Head, Willsbridge is a grade II listed building, the architectural and historic interest of which it is important to preserve. The building contains a well-preserved interior and plan form. The proposed works as set out in the application will result in the loss of the historic plan form, and in some areas harm to the fabric of the building. An insufficient level of detail has been submitted within the application to fully assess the historic significance of the building or demonstrate that certain elements of the works proposed as part of the conversion will sufficiently safeguard the architectural and historic interest of the building. The works are therefore considered contrary to policy L13 of the adopted South Gloucestershire Local Plan, the provisions of the NPPF and the PPS5 Historic Environment Planning Practice Guide.

## CIRCULATED SCHEDULE NO. 13/13 – 28 MARCH 2013

<b>App No.:</b>	PK13/0178/LB	<b>Applicant:</b>	Mr Edward Langford
<b>Site:</b>	62 Willsbridge Hill Willsbridge South Gloucestershire BS30 6EU	<b>Date Reg:</b>	6th February 2013
<b>Proposal:</b>	Internal and external alterations to facilitate change of use from Public House to a single dwelling with associated works	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	366469 170540	<b>Ward:</b>	Longwell Green
<b>Application Category:</b>	Minor	<b>Target Date:</b>	29th March 2013



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**PK13/0178/LB**

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

While no specific objections have been received to this application, it accompanies a planning application for change of use, for which there have been objections and support received.

### **1. THE PROPOSAL**

- 1.1 This application seeks Listed Building Consent for works to facilitate the conversion of a Grade II Listed public house to a dwelling. All the proposed works are internal. A planning application has been submitted for the change of use.
- 1.2 The Queen's Head is understood to date from the mid seventeenth century, built as a three bay house with central entrance porch and passageway. The owner brewed ale and soon opened up their fireside to drinkers. By 1719 it was a licensed public house and has remained so ever since. The building was re-fronted in the eighteenth century and the development of the building is clear with its steeply pitched gabled roofs over the rear ranges, in contrast to the parapetted east front with distinctive large cross casement windows. At first floor the large room is understood to have been used as the Court Leet during the eighteenth century, and the door from the stair contains a hatch for the payment of fines. It was also an official post Receiving House in the early nineteenth century.
- 1.3 The Queen's Head is recognised as one of Britain's more important public houses in terms of its historic core. It used to be one of 194 Public Houses in the UK to be included on Part One of the CAMRA National Inventory of Historic Pub Interiors which deals with intact/near intact interiors. It was moved to part II following the unauthorised removal of bar backs and partition wall. Although these were replaced they are not the original.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

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

- 3.1 PK13/0177/F Planning application for change of use from public house to dwelling

### **4. CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection  
  
Bitton Parish Council  
No objection
- 4.2 Other Consultees [including internal consultees of the Council]  
Archaeology  
No comments

### Conservation

Object to the proposed works, due to lack of detail which may lead to harm to the fabric, character and significance of the Listed Building.

### **Other Representations**

#### **4.3 Local Residents**

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

- Unbelievable that the pub will be lost
- Why not allow for an external fire escape to make the pub a viable business?

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

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

This application stands to be assessed against the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990. The issue to be resolved is the impact of the proposed internal works on the Listed Building.

#### **5.2 Conservation**

The Queens Head Public House is considered a remarkable survivor and one of its most important characteristics is survival of the historic layout with the two front rooms divided by a corridor. There is evidence that from the seventeenth century onwards, this building had a three bay plan, with central door and porch. Until the 1960s it was an almost infallible rule that a pub would have had more than one room and these would have had differentiation in terms of ornamentation, luxury of fittings, drinks pricing, and social standing of the clientele. Today, there are very few pubs which retain this historic plan form.

The planning application to accompany this Listed Building application proposes the change of use of the building to a residential dwelling. Although the first and second floors have been used as such for a number of years, this change would result in the loss of the public house facility at ground floor. The pub has been closed for a period of around two years. Despite some minor repair works to prevent further water ingress and damage, it is suffering from a general lack of maintenance. The conversion to a dwelling would undoubtedly prevent further deterioration and provide the impetus and funds for repair. However, a concern is that representations have expressed an interest in maintaining the use of the building as a public house, which appear to have been dismissed in the planning submission. If the opportunity to maintain the building as a public house exists this should not be ignored as the use of the building is a fundamental part of its architectural and historic significance. The proposed changes to the building are as follows, with comments:

#### **Ground floor:**

- Upgrading of doors, stairs and partitions is proposed to stair to form a protected means of escape route from the building however further detailed specification would be required in relation to the upgrading of doors and partitions. All historic doors and wainscoting/panelling should be maintained and protected;

- The radiators in the two front rooms are attached to the historic wainscoting. They should be relocated to less sensitive locations;
- The lower walls and fireplace walls in the front left hand room need to be restored with timber wainscoting and lime plaster;
- Removal of bench seating from rear bar - this is modern, but a reminder of the simple utilitarian status of the pub
- The rear cellar/store area is likely to be one of the earliest parts of the building. This area of the building is not currently habitable and the repairs to the walls and roof need to be indicated in the application. The walls are currently painted stone. If they are proposed to be plastered this would need to be traditional haired lime plaster. The roof appears to have relatively slender rafters. Whilst it was difficult to see them clearly many seemed to be modern, over older trusses. The structural condition of the roof needs to be investigated and any changes carefully set out. The level of information submitted is not sufficient. Although the one floor is clearly modern, the higher level is more historic and it needs to be established whether there was originally a floor throughout. The presence of a doorway in the historic timber partition within the raised level indicates there was either a full floor or a step ladder. Investigation of the beam and gable wall for joists holes should indicate.
- a section drawing through the building would be required, showing the change in levels within the kitchen area. This should also indicate the beam and floor to the attic area and the levels of the windows. The area of removed and replaced ceiling also needs to be indicated clearly. The application proposes to raise the floor in area 7 however the floor in area 8 appears to have been raised with modern concrete and it is therefore likely to be preferable to lower this floor as opposed to raising the other. This would also help with the head height below the existing beam.
- The windows in the rear elevation of this range are historic and need to be repaired.
- Drawings of the return elevations of the rear ranges are required, in particular the area where the new window and door is proposed;
- There is a note on the drawings indicating secondary glazing to all windows. It has not been demonstrated that this can be achieved without harmful impact on the existing windows, wainscoting and windows seats. Details would need to be submitted to show how this would be detailed successfully before this works can be approved.

#### First floor:

- The lobby is acceptable in principle in order to comply with building regulations, however the existing door should be left in its existing position and a new door installed in the lobby. The dividing partition appears modern, with an older inset door. The relocation of this door is therefore considered to be acceptable;
- The application proposes en-suites within the first floor front bedrooms. The drainage runs serving these need to be made clear within the application in order to assess the impact. Whereas the one in the larger room appears relatively straightforward, the other is likely to be problematic and potentially unacceptable;

- The rooflight in the rear roof should be replaced with a good quality metal conservation rooflight;

#### Second floor:

- There is no detail or analysis of the existing roof structures. A brief inspection reveals that this is a very interesting original seventeenth century roof structure, which has been overlain with a new modern roof. This is a very significant element of the building and needs to be carefully surveyed. The application proposes the raising of the existing ceilings in one room to expose the roof structure. In principle this is likely to be acceptable however far more detailed specification of this is necessary, including how roof insulation will be accommodated. The existing and proposed sections do not accurately reflect the existing roof structure. In the other room a historic ceiling remains. Details of how to deal with the differing ceiling heights between rooms and the intersection with the roof would need to be submitted.
- Without this detailed information the en-suites cannot be considered. There is concern about how these en-suites impact on the plan form of the attic spaces;
- The proposal to remove the rooflight from the front roof pitch is positive however the four new rooflights are not considered acceptable. The additional roof survey drawings would need to indicate where the rooflights would be located and any impact on historic timbers, in order that this can be properly assessed;
- The floors in the attic rooms are in poor condition and the proposal for their repair and making good would need to be submitted
- The floors of the second floor would need to be upgraded for fire protection. Details of how this can be achieved would need to be submitted.

In its current form the application cannot be supported due to the reasons set out above. Since the change of use is not considered to be justified, no amendments or additional details have been sought to this application. To justify the change of use to a dwelling it needs to be demonstrated that the use as a public house is not viable, and that conversion to a dwelling would bring about substantial public benefits via the restoration of the building to a high conservation standard, respecting its history and fabric. Very little detail is submitted in relation to the repair of historic fabric which makes assessment difficult. Some elements of the alterations proposed are likely to be harmful, hence the recommendation below for refusal.

### 5.3 Other Issues

One letter of objection was received, raising issues that have not been dealt with above. One issue was the loss of the pub, which has appropriately been examined as part of the accompanying planning application. The other relates to a possible fire escape, which was not part of the works proposed as part of this application.

**6. CONCLUSION**

6.1 The recommendation to refuse Listed Building Consent has been made having regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance contained within the National Planning Policy Framework.

**7. RECOMMENDATION**

7.1 That Listed Building Consent is refused.

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

**REASONS FOR REFUSAL**

1. The Queens Head, Willsbridge is a grade II listed building, the architectural and historic interest of which it is important to preserve. The building contains a well preserved interior and plan form. The proposed works as set out in the application will result in the loss of the historic plan form, and in some areas harm to the fabric of the building. An insufficient level of detail has been submitted within the application to fully assess the historic significance of the building or demonstrate that certain elements of the works proposed as part of the conversion will sufficiently safeguard the architectural and historic interest of the building. The works are therefore considered contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out within the National Planning Policy Framework and Historic Environment Planning Practice Guide.



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

This application has been referred to the Circulated Schedule following the receipt of objections from two local residents', the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 Full planning permission (PK11/0146/F) was previously granted for the installation of two rear dormers and one front dormer to facilitate a loft conversion at 44 Home Field Close, Emersons Green. It transpires that the roof of the as-built development is 250mm higher than that approved. This application therefore seeks retrospective permission to regularise this breach in planning control.
- 1.2 The property is a substantial, modern, two-storey detached dwelling, located within the residential area of Emersons Green. The property lies within a cul-de-sac and is bounded to the north, east and south by other residential properties; to the west is Emersons Green Common.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

The National Planning Policy Framework (NPPF) March 2012.

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

D1 - Design

L1 - Landscape Protection and Enhancement

L5 - Open Areas within the Existing Urban Areas

H4 - Development within Residential Curtilages

T8 - Parking Provision

T12 - Transportation Development Control Policy for New Development.

EP1 - Environmental Protection

L17 & L18 - The Water Environment.

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

CS1 High Quality Design

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

The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

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

- 3.1 PK11/0146/F - Increase in roof height and insertion of front and rear dormer windows to facilitate loft conversion.  
Approved 10<sup>th</sup> March 2011

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

Mangotsfield Rural Parish Council

No objection

Public Rights of Way

No objections

Community Spaces

No comment

Highway Drainage

No comment

PROW

No objection

#### **Other Representations**

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

2no. letters of objection have been received from local residents. The concerns raised are summarised as follows:

- Loss of privacy due to overlooking of nos 24 and 26 Home Field Close from dormer windows.
- The dormer windows appear higher than the roof level.
- The dormer windows are bigger than the original plans indicated.
- Loss of light to no.26.
- Overbearing impact.
- Not in keeping.

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

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

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

- 5.2 The South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications – Sept. 2012 has now been through its Examination in Public (EiP) stage; the Inspector has given his

preliminary findings and stated that the Core Strategy is sound subject to some modifications. The policies therein, although a material consideration, are not yet adopted and can therefore still only be afforded limited weight.

- 5.3 Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that extensions 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. Policies D1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and CS1 of the South Gloucestershire Core Strategy seek to secure good quality designs in new development.
- 5.4 The acceptance of a very similar scheme to that now proposed was established with the grant of PK11/0146/F. The only issue to consider now is whether or not the increased height of the roof is acceptable. Officers have measured the as-built development and found the roof height to be 250mm above that which was previously approved; this equates to approximately only 2 brick courses higher. Contrary to the neighbour submissions, the dormer windows are considered to be no larger than originally approved, although they are set at the equivalent higher level as the roof ridge.
- 5.5 Design / Visual Amenity  
The proposal includes an increase in ridge height of 250mm. As a result, the two rear dormers and single front dormer are also slightly higher on the roof. The application property is detached and located within an estate where the housing is of various designs. Given that the increase in ridge height is minimal and the fact that the neighbouring dwellings are of different designs, it is considered that this aspect of the proposal is acceptable.
- 5.6 The proposed dormers are of an appropriate standard in design and are of modest size in comparison to the bulk of the main roof slope; they are no larger than originally approved. Furthermore, the proposed dormers would incorporate materials to match those of the main dwelling, assisting the successful integration with the host dwelling. Whilst dormers are not characteristic of the area, the front dormer relates well to the existing front gable and the two rear dormers are not readily visible from the public realm. Furthermore the property is situated off a spur of Home Field Close, and faces Emersons Green Common, as such the front of the property is not highly visible from Home Field Close. Overall, it is therefore considered that, even with the slightly increased roof height, the proposal would not be harmful to the character and appearance of the principal dwelling and street scene.
- 5.7 Residential Amenity  
The proposed increase in ridge height (250mm) is minimal in scale and as such it is not considered that this aspect of the proposal would result in any significant additional overbearing impact or overshadowing of the neighbouring residential properties.

- 5.8 The originally approved scheme included the addition of three new second floor windows, one on the front elevation and two on the rear elevation. Given the location of these windows, it was considered that the proposal would not result in any significant increase in overlooking or loss of privacy for neighbouring occupiers, over and above the levels of overlooking from the existing first floor windows. Again the slight increase in height of these windows is not considered to significantly increase the level of overlooking and would not now justify the refusal of the application. Officers consider that some overlooking of gardens in a suburban area is only to be expected if development is to make efficient use of land in the urban area.
- 5.9 It is considered that there are no significant additional issues of inter-visibility or loss of privacy. Further, there are no further concerns relating to loss of daylight/sunlight that would warrant refusal and sufficient garden space would remain to serve the property. Therefore the impact on residential amenity is subsequently deemed acceptable.
- 5.10 Public Rights of Way  
The Councils Public Rights of Way Officer has assessed the proposal and it is considered that there is unlikely to be any impact on the nearest recorded public right of way with reference PMR 15 which runs adjacent to the south west of the site.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 Despite the small increase in overall height, the proposal is still of an appropriate standard in design which reflects the character of the main dwelling house and surrounding properties. Furthermore the proposal would not significantly harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies D1 and H4 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 be GRANTED subject to the conditions below.

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

## **CONDITIONS**

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

Reason

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

## CIRCULATED SCHEDULE NO. 13/13 – 28 MARCH 2013

<b>App No.:</b>	PK13/0535/F	<b>Applicant:</b>	Mr & Mrs W Perks
<b>Site:</b>	46 Somerset Avenue Yate South Gloucestershire BS37 7SQ	<b>Date Reg:</b>	25th February 2013
<b>Proposal:</b>	Erection of single storey front extension to provide additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371817 183117	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th April 2013



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PK13/0535/F

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

This application has been forwarded to the Council's Circulated Schedule of applications as representation has been received from neighbouring residents and Yate Town Council raising views contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application site is situated towards the east side of Yate within a residential suburb. The site is bounded by residential development to the east and west with pedestrian access and open space to the south and with vehicular access onto Somerset Avenue to the north. The site comprises a modern two storey detached dwelling on a 'Radburn' style estate, with dwellings facing onto communal and pedestrian only areas and all roads located at the rear.

The application site is situated within the urban settlement boundary of Yate and Chipping Sodbury as defined in the adopted Local Plan.

- 1.2 The application proposes erection of single storey front extension to provide W/C with shower.

### **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

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 – August 2007

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

- |     |          |  |
|-----|----------|--|
| 3.1 | N8226    | Erection of a single storey rear extension to provide enlarged dining room and kitchen.<br>Approved 12.08.1982 |
| 3.2 | P94/1892 | Erection of single storey rear extension to provide conservatory.<br>Approved 07.08.1994                       |

## 4. **CONSULTATION RESPONSES**

### 4.1 Yate Town Council

Object for reasons of design and visual appearance, also out of character with other houses.

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

**Community Spaces** – No comment

**Drainage Engineer** – No objection. Standard informative should be attached to the decision making the applicant aware that a public sewer is located close to the site and approval from Wessex Water may be required before development can commence.

**Rights of Way Officer** – No objection. Advisory note required stating No building materials to be stored on the right of way.

**Wessex Water** – The applicant should contact Wessex Water to agree a method of construction if the proposal would be built close to an existing sewer.

## **Other Representations**

### 4.3 Local Residents

One letter of objection received from the occupiers of 52 Somerset Road raising the following concerns:

- The design and roof layout would fail to respect or enhance the character of the locality.
- The extension would project into and detract from the open plan area.
- Significant detrimental impact on visual amenity
- Concerns in relation to localised flooding from the proposed soakaway
- The proposal could be considered more favourably if the proposal matched the roof pitch and direction of the existing dwelling, materials should match the existing dwelling and surface water should be channelled into the existing roof drain.

## 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 Development Plan Document was considered by the Inspector appointed to hold the Core Strategy Examination in Public and a refreshed Core Strategy that incorporates Post-Submission Changes was considered by the Council in mid December. Following this decision, the South Gloucestershire Core Strategy (incorporating Post-Submission Changes) December 2011 was taken forward to Examination in Public. The Inspector concluded that the Submission Core Strategy is capable of being made sound provided a number of modifications are made. A further day of Examination took place on 7th March 2013 and further modifications are requested. At this stage the Core Strategy therefore remains unadopted, but will be adopted in the near future. 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

The application site is situated within a Radburn style residential estate. This style of layout provides dwellings fronting onto communal pedestrian only areas. All vehicle traffic is directed to service roads the rear of the dwellings. The application site fronts onto one such communal open area and this communal area is defined by an open plan character with various trees and pedestrian only paths. There is very little in the immediate area by way of enclosure to the fronts of dwellings and in the main, dwellings have open plan front gardens facing into an open plan communal space.

The proposal would provide a single storey lean to extension to the front elevation to provide a W/C and shower room. The extension would measure 2.8m by 1.8m at the base and would measure 1.85m to eaves and 2.8m at its highest point. The extension would have a very simple lean to form and would be very modest in scale.

When viewed from the west the proposal would be seen against the side elevation of the adjacent dwelling, no.45. When viewed from the east, the proposal would be seen against a backdrop of the front of adjacent dwellings nos. 47 and 48.

Although no other houses in the immediate area have front projecting extensions, the proposal is forms such a modest and simple addition the it would not encroach to any marked extend into the open area, dominate the locality or be so visually noticeable and unusual as to appear incongruous in the street scene. The extension could easily be read as a simple front porch.

Considering the above matters, it is recognised that the street is characterised by and open plan layout. However, this proposal would be of such a modest scale and simple form that it would do not materially change this open character or create any significant harm to the visual character, distinctiveness and amenity of the locality or surrounding area.

### 5.3 Residential amenity

The proposal would project by 1.8m from the existing front elevation of the dwelling at a height of 1.85m to eaves. As indicated above, the proposal is considered to be modest in scale. The proposal would be situated 4m from the adjacent dwelling to the west (no. 47) and 6m from the adjacent dwelling to the east (no. 45). As such the proposed extension would not prejudice the amenity of neighbouring occupiers in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development.

### 5.4 Drainage and water management

The proposed extension would drain surface water from gutter and downpipe to a new soakaway to be located in the front garden 5m from the building. The soakaway would manage surface water exclusively from the extension which would have a roof measuring only 5.05m<sup>2</sup>. The Council's Drainage Engineer has no objection to this arrangement. The soakaway is considered to be sufficient to manage the modest amount of water that would be collected on the proposed roof. The proposal is unlikely to result in flooding from surface water. As the proposal would incorporate surface water disposal within the site rather than providing additional pressure to the existing main infrastructure, the proposed soakaway s considered to represent a sustainable drainage system.

## 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. A summary of reasons for granting planning permission in accordance with Article 31 of the Town and Country Planning (Development Management Procedure) Order 2010 is given below:
  - a) Due to its scale and position in relation to the adjacent dwellings, the proposed development is considered not to give rise to a material loss of

amenity to the adjacent occupiers. The development therefore accords to Policy H4 and D1 of the South Gloucestershire Local Plan (Adopted) January 2006.

- b) It has been assessed that the proposed extension has been designed to respect and maintain the massing, scale, proportions, materials and overall design and open character of the street scene and surrounding area. The development therefore accords to Policy D1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Design Checklist SPD (adopted) 2007.
- c) The proposal would provide an adequate and sustainable means of surface water disposal within the site. The development therefore accords to Policy L17 and L18 of the South Gloucestershire Local Plan (Adopted) January 2006.

## **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).

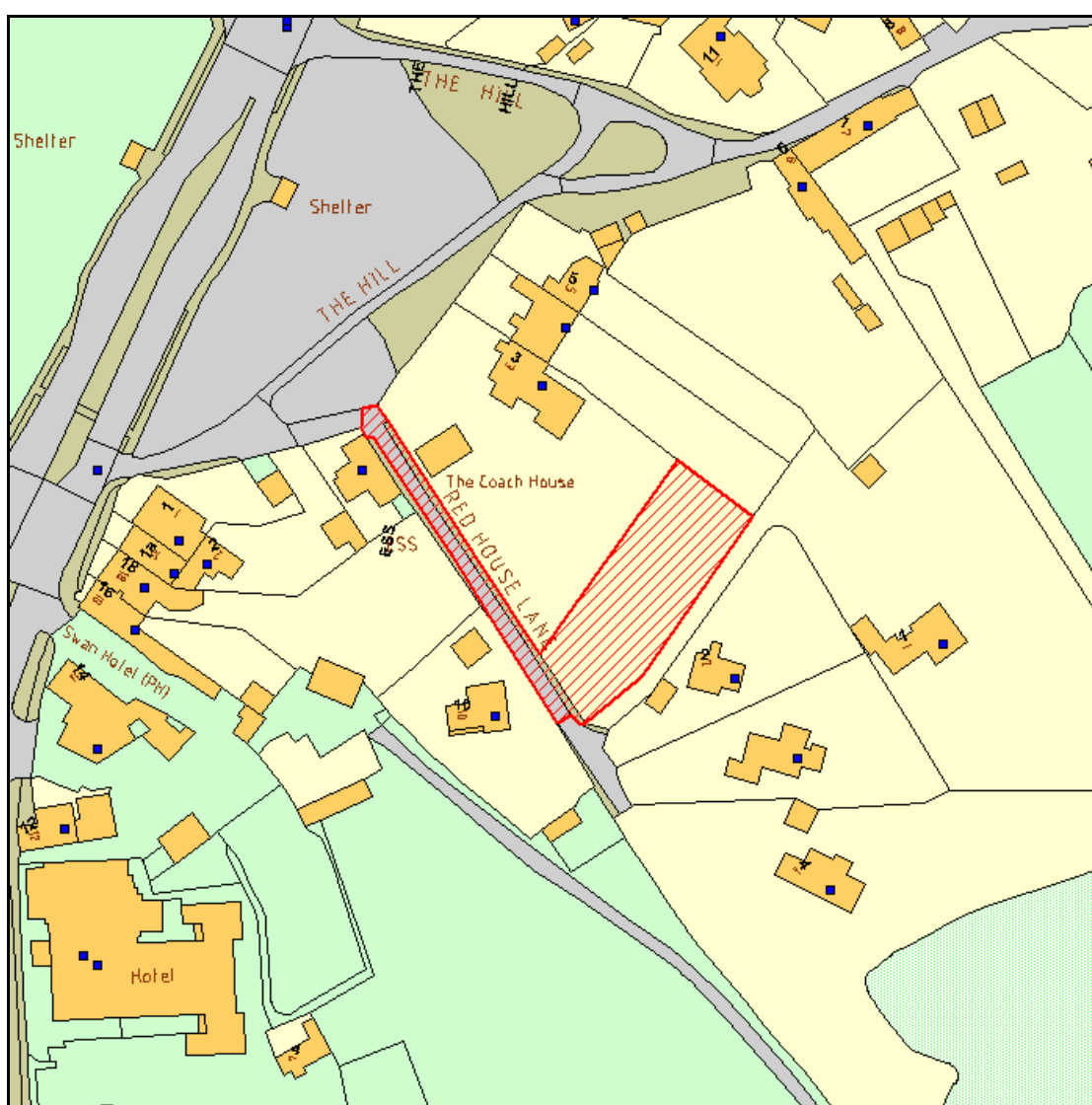
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

**CIRCULATED SCHEDULE NO. 13/13 – 28 MARCH 2013**

App No.:	PT13/0402/RM	Applicant:	Mr G Durston
Site:	The Red House 3 The Hill Almondsbury South Gloucestershire BS32 4AE	Date Reg:	13th February 2013
Proposal:	Erection of 1no. dwelling. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PT12/2833/O).	Parish:	Almondsbury Parish Council
Map Ref:	360690 183874	Ward:	Almondsbury
Application	Minor	Target	8th April 2013
Category:		Date:	



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PT13/0402/RM

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

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

*It should be noted however that the concerns raised relate only to matters that were previously approved at the outline stage.*

### **1. THE PROPOSAL**

- 1.1 The application site relates to no. 3 The Hill, a locally listed end terrace dwelling and its large garden area. The dwelling is part of The Red House, which was subdivided into three separate residential units. The site is located within the defined settlement boundary of Almondsbury, which is 'washed over' by the Green Belt.
- 1.2 Outline planning permission PT12/2833/O was previously granted for the erection of 1no. dwelling with access, appearance, layout and scale determined. This current application relates to the only outstanding reserved matter, that being the landscaping of the site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework 2012

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006

GB1: Development in the Green Belt

D1: Achieving Good Quality Design in New Development

L1 Landscape Protection and Enhancement

L15 Locally Listed Buildings

Emerging Development Plan

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 Development in the Green Belt (Adopted) 2007

South Gloucestershire Trees on Development Sites SPG (Adopted) 2005

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

- 3.1 N5077 Erection of a single storey rear extension to form family room, kitchen, lobby, larder and w.c.  
Approved.16-NOV-78.

- 3.2 N5077/1 Erection of a triple garage.  
Approved. 11-SEP-80.
- 3.3 PT11/3982/O Erection of 1 no. dwelling and garage. (Outline). Means of access to be determined. All other matters reserved. Withdrawn
- 3.4 PT12/2076/CLP Application for Certificate of Lawfulness for the proposed conversion of existing detached garage to residential annexe. Withdrawn
- 3.5 PT12/2900/F Conversion of detached garage to form residential annexe ancillary to main dwelling.  
Approved 9 Nov 2012

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

4.1 Almondsbury Parish Council

Objection; access, increased traffic, layout and density of housing.

4.2 Other Consultees

Sustainable Transport

No objection

Highway Drainage

No comment

Community Spaces

No comment

PROW

The proposal is not likely to affect the PROW OAY/41/10

Ecology

There are no ecological constraints to granting permission.

Tree Officer

No comments

Conservation Officer

The Red House is a locally listed building. Defer comment to the landscape officer. The proposed fence is not sensitive to the traditional garden setting of The Red House.

Landscape Architect

The proposed fence is not in-keeping with the traditional garden setting of The Red House.

Other Representations

4.3 Local Residents

1no. letter of objection was received from the occupant of no. 1 Red House Lane. The concerns raised are summarised as follows:

- No objection to erection of the dwelling.
- The access is via a privately owned road and rights of access will need to be obtained prior to any works.
- Damage to the road surface and boundaries by construction vehicles.
- Blocking of access via Red House Lane due to construction vehicles and deliveries.

*Members should note that this reserved matters application relates to the landscaping of the site only and as such the objections raised by both the Parish Council and the local resident are therefore not material.*

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

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

- 5.2 Outline consent has already been granted for the dwelling, the proposal is therefore acceptable in principle subject to the following detailed assessment of the landscaping scheme.

### 5.3 **Green Belt and Landscape Issues**

The Red House is a substantial locally listed property, built at the turn of the twentieth century in the 'Arts and Crafts' style. During the second half of the twentieth century the building was subdivided into three and much of the extensive land and gardens divided off for development of further housing. The approved dwelling is to be located on a level terraced area of garden set at a slightly lower level to the rear of the property. In the submitted landscaping scheme the new property would be separated from the rest of the Red House garden by a laurel hedge and 2m high close board fence. Brindle coloured block pavers are to be used for the driveway and turning areas.

- 5.4 There is a degree of 'openness' that characterises the site as Red House is set within a large residential curtilage and the site is surrounded by other gardens many with a large amount of established vegetation. Policy GB1 does not permit development within the Green Belt, which would have an adverse impact on the visual amenity of the Green Belt and Policy L1 seeks to preserve or enhance the character of the landscape.

5.5 The landscaping plan now submitted as the outstanding reserved matter is similar to the indicative plan submitted at the outline stage, with the addition of a 2m high fence behind the laurel hedge forming the boundary between the Red House and the new dwelling. Some concern has been raised about the impact of this fence on the setting of the locally listed building, however it is noted that the laurel hedge would be growing on the Red House side of the fence and as such would screen it from views from Red House. The site lies within the established settlement boundary where wooden fences would be a common enough means of boundary treatment. Given the amount of vegetation within the site and on the boundaries, as well as on the boundaries of neighbouring property, the views into the site would be limited. Officers do not therefore consider that a refusal reason based on the presence of a garden fence could reasonably be substantiated in this case. The proposal would accord with the National Planning Policy Framework 2012 and Policies GB1 and L1 of the SGLP.

5.6 Trees

There is a mature blue cedar adjacent to the proposed access to the new development, and a mature cedar to the west of the site, both trees are covered by a South Gloucestershire Council Tree Preservation Order. The outline application was supported by a full arboricultural report and method statement which identified the potential impact the development could have on the trees and offered recommendations on how any impact would be minimized or removed. It was considered that the supporting arboricultural report was in accordance with the relevant British Standard and that if the recommendations contained within the report were followed, there would be no adverse impact on the health or longevity of either tree. A condition was therefore imposed on the outline consent ensuring the recommendations would be complied with.

6. **CONCLUSION**

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

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

1. The impact of the proposed landscaping has been considered and given its type, position and design is considered to accord with planning Policies D1, GB1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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 Reserved Matters submitted in accordance with Condition 1 associated with Outline planning Permission PT12/2833/O dated 9<sup>th</sup> Nov. 2012 be APPROVED subject to the conditions listed on the Decision Notice.

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

## **CONDITIONS**

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

If within a period of 2 years from the date of the planting of any tree/shrub or any tree/shrub planted in replacement of it, is removed, uprooted or destroyed and dies or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree/shrub of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

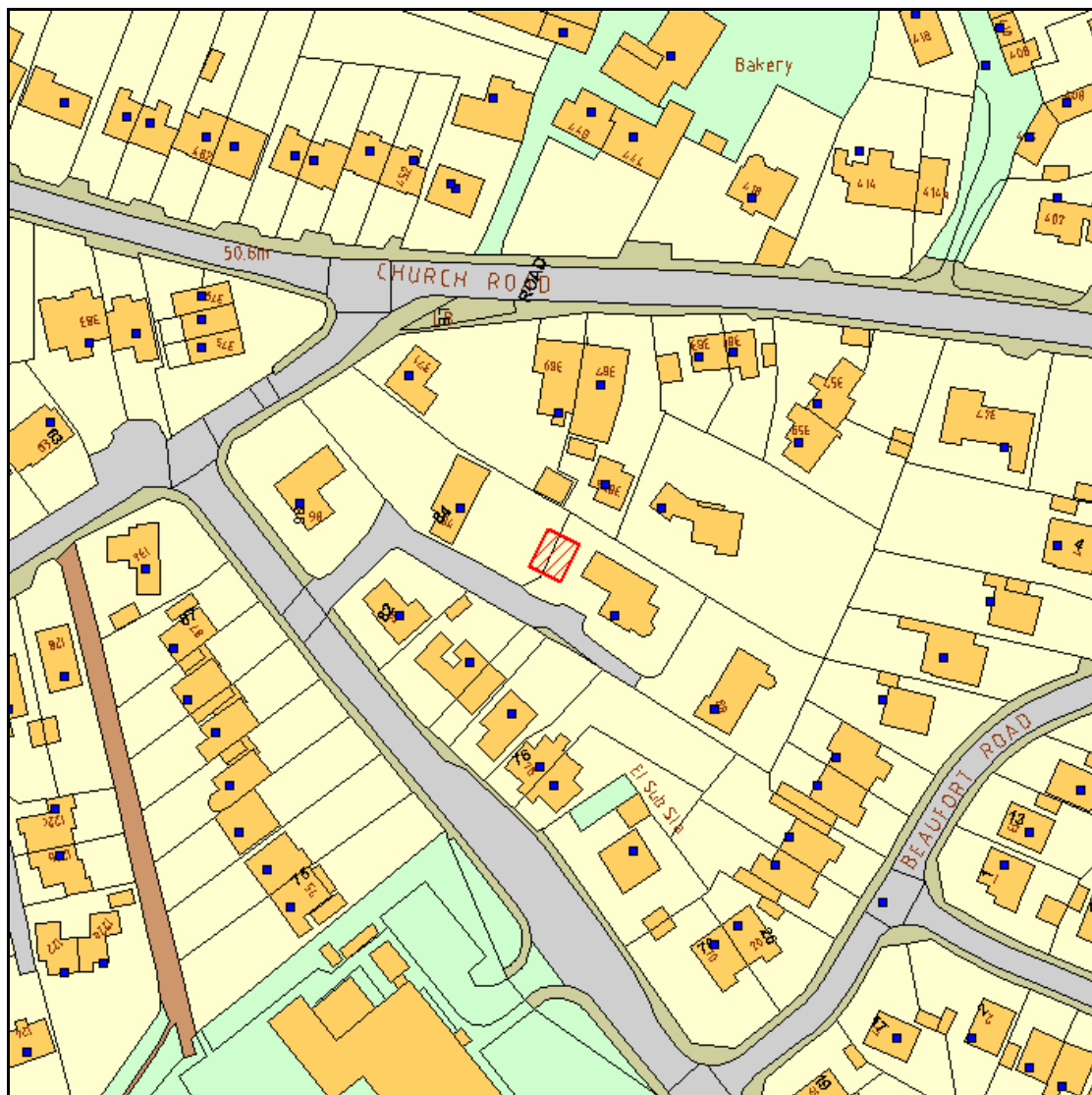
Reason 1

To protect the character and appearance of the area to accord with Policies D1/L1/GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

# ITEM 6

## CIRCULATED SCHEDULE NO. 13/13 – 28 MARCH 2013

<b>App No.:</b>	PT13/0441/TRE	<b>Applicant:</b>	Mr John Kelly
<b>Site:</b>	The Shrubbery 84 Rectory Road Frampton Cotterell Bristol South Gloucestershire	<b>Date Reg:</b>	12th February 2013
<b>Proposal:</b>	Works to fell 1no. Norwegian Spruce/Cedar tree covered by Tree Preservation Order TPO364 dated 23 January 1985.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366340 181998	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>		<b>Target Date:</b>	9th April 2013



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

This application is referred to the Circulated Schedule as a result of the neighbour's email offering the applicant support for the felling proposal.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent to fell a Norwegian Spruce/Cedar tree (Atlantic Blue Cedar *Cedrus atlantica* 'Glauca') covered by Tree Preservation Order 364.
- 1.2 The tree is located in the domestic garden of 84 Rectory Road, set well back from local roads.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990  
Town and Country Planning (Tree Preservation) (England) Regulations 2012  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement  
L5 Forest of Avon  
  
South Gloucestershire Local Plan Core Strategy incorporating Inspector Preliminary Findings and Draft Main Modifications September 2012.  
CS9 Environmental Resources and Built Heritage
- 2.3 Supplementary Planning Document  
SG Landscape Character Assessment -Character Area LCA 13, Frome Valley.

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

- 3.1 P98/2624/T Works to 1 no. Blue Atlas Cedar, 1 no. Flse Acacia, 1 no. Yew and 1 no. Elder tree included within the Northavon District Council (138 School Road, Frampton Cotterell) T.P.O. 1984. Approved
- 3.2 PT06/3524/TRE Works to tree Approved Jan 2007
- 3.3 PT11/3692/TRE Works to clean crown, remove dead wood and fallen branches and prune by 15% the lateral branches of 1no. Cedar tree covered by South Gloucestershire Council Tree Preservation Order 364 (138 School Road, Frampton Cotterell) dated 23rd January 1985 Approved 27.01.2012

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
Objects and feels that the TPO should be enforced.

#### 4.2 Tree Officer

Objection – details included in the analysis of the report.

#### 4.3 Landscape Officer

Objection – details included in the analysis of the report.

#### 4.4 Local Residents

One letter of objection was received in relation to the following matters:

- Magnificent example of a tree 50/100 years old and would have been part of the woodlands surrounding the Old Rectory. Thus a link to the heritage of this part of Frampton Cotterell.
- Habitat to many birds and the grass beneath appears lush and verdant.
- Environmental amenity.

It is also known that the neighbour (over whom the tree grows) supported the application by providing the applicant with an email supporting the removal of the tree, for inclusion with the application.

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

#### 5.1 Principle of Development

Policies L1 and L5 of the South Gloucestershire Local Plan (Adopted) seek to conserve and enhance the quality and amenity of the landscape and distinctiveness of the locality and to protect the features that contribute to the character or appearance of the area.

#### 5.2 Assessment of Proposal

The tree is a semi-mature Atlantic Blue Cedar *Cedrus atlantica* 'Glaucua' which is growing at the end of the garden attached to 84 on the boundary of the neighbouring property 86 Rectory Road. There is an area Tree Preservation Order covering both properties and a number of other adjoining properties which was served in 1985, to protect the existing trees when the area was developed. The Cedar tree is therefore protected within the area Tree Preservation Order.

#### 5.3 Tree Assessment

The tree has been assessed individually for its worthiness of protected status and the following conclusions reached. The tree offers high visual amenity to the area as it can be seen from Rectory Road, School Road and Church Road. It is a semi-mature specimen with an ongoing useful life expectancy in excess of 40 years. On inspection the tree appears to be in good health and should not require any major management to facilitate its retention.

- 5.4 It is accepted that remedial works to remove deadwood, thin the crown and reduce the over extended lateral branches will need to be undertaken, but these works are considered good arboricultural management and would therefore, and have previously been, considered acceptable and consent has been granted for the works.

- 5.5 In conclusion it is considered that the tree is a fine specimen offering high visual amenity to the area and well worthy of its protected status.
- 5.6 Reason for felling  
The applicants reasons for requesting the removal of the tree are.
- ☐ The tree sheds needles and cones which fall on cars and the neighbouring driveway.
  - ☐ Pollen is blow from the tree is Sept/Oct
  - ☐ Two branches were shed from the tree in January 2013 which could have landed on a car parked on the driveway.
- 5.7 In addressing these concerns raised by the applicant and the neighbour the following conclusions are reached.  
It is considered that every species of tree sheds either needles or leaves during its annual life cycle. Previous works have thinned the density of the crown and reduced lateral limbs by 15% consequently reducing the density and amount of needle which could be shed. Cedar trees release pollen in September /October unlike the majority of other trees which do so in the Spring. It is accepted that when the tree is releasing pollen it can appear in clouds which can be quite dense. The production of pollen only last for a few weeks. As previously stated it is considered that the amount of foliage has been reduced by previous works which will have reduced the number of buds and the amount of pollen produced. It is accepted that the Cedar tree may produce a large amount of pollen but only for a short period of time when viewed over a year.
- 5.8 Looking back at all the past applications for various works to the tree there has been no previous mention of the pollen creating a problem. Pollen release is not justification for the removal of the tree and reduction such as the works permitted in the last application for work to the tree, which included a crown clean, removal of deadwood and a 15% reduction of lateral branches, which was consented, will help to mitigate against the reasons for felling the tree.
- 5.9 Whilst the applicant is concerned that branches fell recently and it needs to be acknowledged that trees are dynamic living organisms which are affected by wind and weather. This can lead to the failure of healthy branches but is not a good reason to fell trees. Moreover no evidence from a professional tree surgeon has been supplied to advise that the tree is not in good health. It therefore seems fair to conclude that the branches which came down in January were a result of the influence of the weather rather than a fault within the tree.
- 5.10 Visual amenity  
The Atlantic Blue Cedar has an attractive and interesting form that can be seen from the surrounding streets and can be identified in some longer distance views. Frampton Cotterell has a lot of mature trees which significantly contribute to its landscape character. The Cedar is located in the centre of a group of residential dwellings, and does not appear to be visually overbearing.
- 5.11 The South Gloucestershire Tree Officer has assessed the tree to be in good health with no inherent weaknesses or obvious reasons for concern.

- 5.12 It is understood that pollen and needle shed causes a significant problem with the residents of neighbouring properties and this is the main reason for the application to fell the tree. Nonetheless it is considered that when assessing the proposal, the visual amenity of the wider locality must be given significant weight and the nuisance caused at limited times by needles and pollen cannot justify the loss of the tree in its own right.
- 5.13 Policy L1 of the Adopted Local Plan states that development will be permitted only where those features in or of the landscape which make a significant contribution to the character or distinctiveness of the locality are retained, protected and managed in a manner which ensures their long term viability. It is considered that the Cedar makes a significant contribution to the character and distinctiveness of the locality and its removal would therefore be contrary to Policy L1 of the Adopted Local Plan.
- 5.14 Other issues  
Concern has been raised by the objector regarding the potential loss of habitat to birds. If this application were to be permitted then the timing of the felling would need to take account of the nesting season.

## **6. CONCLUSION**

- 6.1 The tree is a highly significant feature of the streetscape offering high visual amenity to the surrounding area and considered totally worthy of its protected status. The reasons given by the applicant to support their request to remove the tree, whilst understandable, are not considered adequate to justify the removal of this tree.
- 6.2 It is considered that ongoing remedial works similar to those previously undertaken, crown clean, thin, deadwood removal and re-reduction of lateral limbs as they re-grow will reduce the issues concerning the residents and allow the retention of this visually significant tree.

## **7. RECOMMENDATION**

- 7.1 That consent is REFUSED for the reasons set out below:

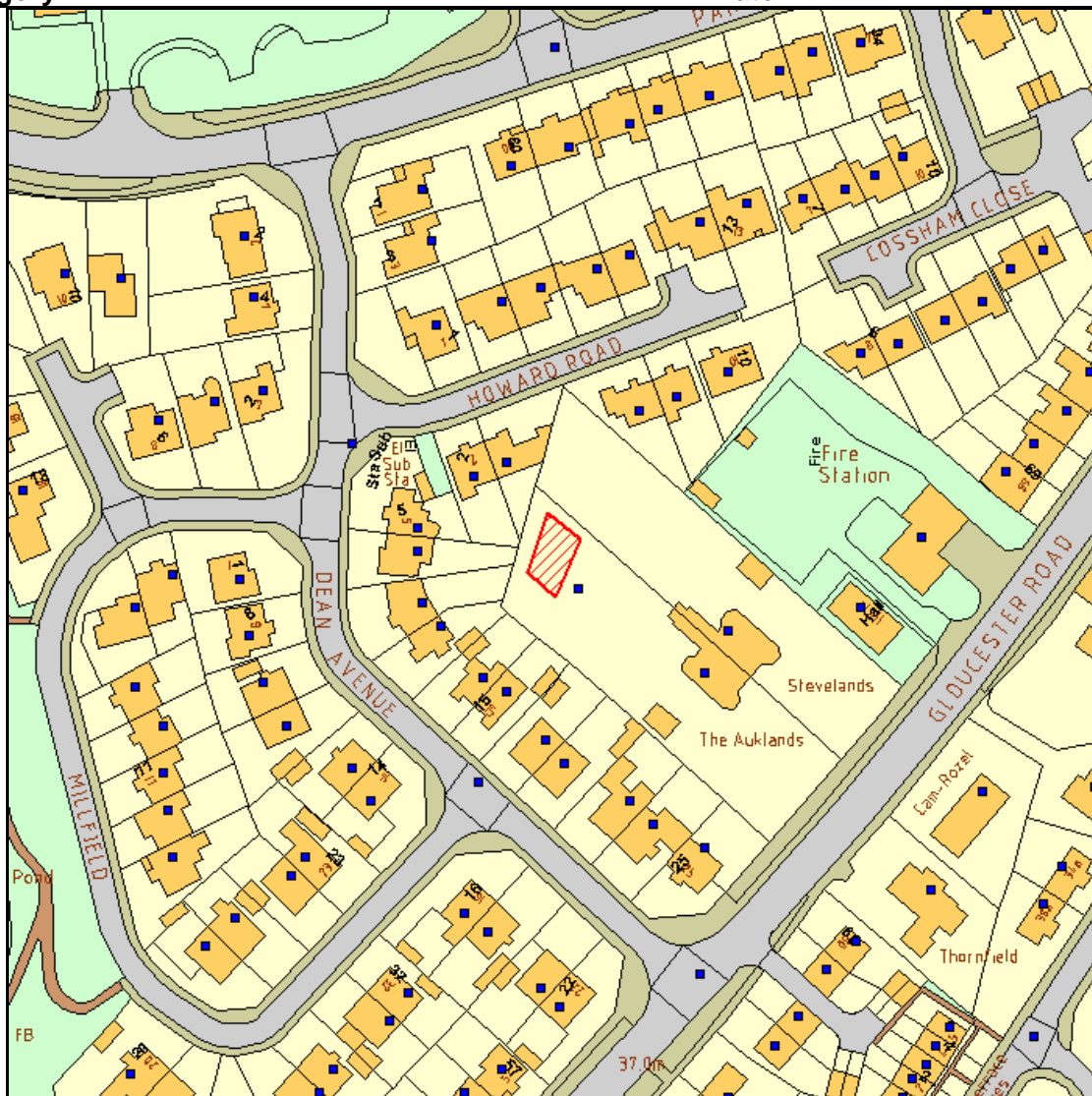
**Contact Officer: Karen Hayes**  
**Tel. No. 01454 863472**

## **REASONS FOR REFUSAL**

1. The tree is a highly significant feature of the streetscape offering high visual amenity to the surrounding area and considered totally worthy of its protected status. The reasons given by the applicant to support their request to remove the tree, are not considered adequate to justify the removal of this tree. The removal of the tree would, therefore, be contrary to the Town and Country Planning (Tree Preservation) (England) Regulations 2012.

## CIRCULATED SCHEDULE NO. 13/13 – 28 MARCH 2013

<b>App No.:</b>	PT13/0502/TRE	<b>Applicant:</b>	Mr And Mrs Andrew Hunter
<b>Site:</b>	Site At The Rear Of The Auklands Gloucester Road Thornbury South Gloucestershire	<b>Date Reg:</b>	15th February 2013
<b>Proposal:</b>	Removal of 2no. fruit trees covered by South Gloucestershire Council Tree Preservation Order 32/06 (Land at the Aucklands and Steveland, Gloucester Rd) dated 13.03.07.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364156 190765	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>		<b>Target Date:</b>	10th April 2013



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100023410, 2008.

**N.T.S.**

**PT13/0502/TRE**

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

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

### **1. THE PROPOSAL**

- 1.1 Removal of 2no. fruit trees covered by South Gloucestershire Council Tree Preservation Order 32/06 (Land at the Aucklands and Steveland, Gloucester Road) dated 13.03.07.
- 1.2 The tree is located within the rear curtilage of the Aucklands, Gloucester Road, Thornbury. Planning permission (ref. PT11/3802/F) is in place for a dwelling in the rear curtilage of the Aucklands and indeed this is currently being implemented. The two fruit trees the subject of this application are located within what will be the rear curtilage of the new dwelling. The site is located within the residential area of Thornbury.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990  
Town and Country Planning (Trees) Regulations 1999

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement

South Gloucestershire Core Strategy (incorporating post-submission changes) December 2011  
CS9 Environmental Resources and Built Heritage

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

- 3.1 PT07/2025/TRE – Works to trees covered by land at the Aucklands and Stevelands. Tree Preservation Order dated 21<sup>st</sup> September 2006. Approved 21<sup>st</sup> August 2007.
- 3.2 PT09/5440/TRE – Works to fell 3 no. apple trees, 1no Plum and 1 no. Cherry Plum Tree (T24, T16, T17, T18 and T14) covered by South Gloucestershire Tree Preservation Order 32/06 (Land at Aucklands and Stevelands, Glos Road, Thornbury), dated 13<sup>th</sup> March 2007. Approved 20<sup>th</sup> November 2009.
- 3.3 PT11/3802/F – Erection of 1no detached dwelling with access and associated works. Approved 9<sup>th</sup> March 2012.

### **4. CONSULTATION RESPONSES**

#### **4.1 Thornbury Town Council**

Object – the reason for imposing Tree Preservation Orders on these fruit trees was to ensure the sustainability of the environment of the area.

#### 4.2 Other Consultees

Tree Officer  
No Objections

#### **Other Representations**

##### 4.3 Local Residents

One letter of objection has been received. The objections are summarised as follows:

- The original plans for the development site clearly indicate that the fruit trees were to be retained
- privacy to the rear gardens of surround properties would be lost
- the fruit trees provide screening and should remain
- no guarantee that fruit trees would be replaced and could take a long time for any trees to mature to the level of screening currently provided
- the bungalow removes a large area of natural drainage and is on a sloping area of ground and the fruit trees would absorb the rainfall and help protect surrounding properties from flooding
- the TPO is for the whole garden as the Council considered that the trees contribute to the visual amenities of the area
- numerous trees, bushes and shrubs have been taken out and now there is a request to cut down even more
- the TPO guide states that permissions to work on protected trees is needed except if it is directly in the way of development. The two fruit trees are not in the way of development and it is acknowledged in the application that they are not diseased, dangerous or may fall. There is therefore no legal reason why they should be destroyed
- the trees are still fruit bearing and of benefit to humans and birds
- concerns are also raised regards compliance with approved tree protection measures
- tree works should not take place during the months of March through to May due to nesting birds

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

- 5.1 The property and the neighbouring property are covered by an area Tree Preservation Order which means that, on the date the order was served, every existing tree was protected whether it was worthy of protection or not. This is a means of protecting the important trees without having to individually identify them in the first instance. Recent government guidelines recommend that area orders are broken down to only cover significant trees which fulfil the criteria for Tree Preservation Orders as soon as possible. It is considered that the fruit trees in question are not significant trees, offer little visual amenity to the area, and subsequently would not fulfil the criteria for an individual Tree Preservation Order and are therefore not worthy of their protected status.

- 5.2 As the trees are currently covered by a Tree Preservation Order there is a legal requirement for replacement trees to be planted. The species and position of the replacement trees should be agreed with South Gloucestershire Council prior to the commencement of any works. The applicant is proposing to plant two replacement trees which would fulfil this requirement.
- 5.3 The trees are located well within the curtilage of the new dwelling, as opposed to on the boundary. Any replacements could be located nearer to the boundary to provide boundary screening. Alternative screening options such as boundary fencing could be implemented without the requirement for planning permission.
- 5.4 It is considered that the two fruit trees do not fulfil the requirements for an individual Tree Preservation Order, it is however accepted that the trees do provided some screening to the neighbouring properties. It is therefore suggested that the replacement trees are of a species and planted in a position, which will continue to provide screening to the neighbouring property. The issue of compliance with tree protection measures has been the subject of separate investigation by the planning enforcement team, whereby measures in place were considered sufficient and the investigation subsequently closed.
- 5.5 There are no arboricultural objections to this application with a condition requiring that two replacement trees are planted, the species and position should be agreed with South Gloucestershire Council prior to the commencement of any works.

## 6. **RECOMMENDATION**

- 6.1 That consent is **GRANTED**.

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

## **CONDITIONS**

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

Reason

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

2. Replacement trees, the species, size and location of which are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling hereby authorised.

Reason

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