



**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. 18/14

Date to Members: 02/05/14

Member's Deadline: 09/05/14 (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 you request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

**Dates and Deadlines for Circulated Schedule
During Easter and Early May Bank Holiday Period 2014**

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
15/14	Thursday 10 April 2014	Wednesday 16 April 2014
16/14	Wednesday 16 April 2014	Thursday 24 April 2014
17/14	Friday 25 April 2014	Thursday 01 May 2014
18/14	Friday 02 May 2014	Friday 09 May 2014

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

Although Schedule No: 17 will be published as usual on a Friday I have included it here for clarity as Easter is so close to May Bank Holiday

CIRCULATED SCHEDULE – 2 MAY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/4625/F	Approve with Conditions	Tanners Court Tanners Lane Marshfield South Gloucestershire SN14 8BF	Boyd Valley	Marshfield Parish Council
2	PK13/4724/F	Approve with Conditions	73 Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8DG	Parkwall	Oldland Parish Council
3	PK14/0549/F	Approve with Conditions	Bath Ales Ltd Hare House Southway Drive Warmley South Gloucestershire BS30 5LW	Oldland	Bitton Parish Council
4	PK14/0631/F	Approve with Conditions	Ingleside Home Farm Chesley Hill Siston South Gloucestershire BS30 5NE	Boyd Valley	Wick And Abson Parish Council
5	PK14/1003/ADV	Approve with Conditions	Longwell Green Service Station 106 Bath Road Longwell Green South Gloucestershire BS30 9DE	Longwell Green	Hanham Abbots Parish Council
6	PK14/1169/F	Approve with Conditions	5 Brayne Court Longwell Green South Gloucestershire BS30 7DS	Longwell Green	Oldland Parish Council
7	PT12/0478/F	Approved Subject to	Land At Harry Stoke Stoke Gifford South Gloucestershire BS34 8QQ	Winterbourne	Winterbourne Parish Council
8	PT13/1047/O	Approve with Conditions	Land Adjoining The Old Parsonage Westerleigh Road Westerleigh South Gloucestershire BS37 8QQ	Westerleigh	Westerleigh Parish Council
9	PT13/4275/F	Approve with Conditions	6 Downs Close Alveston South Gloucestershire BS35 3JH	Thornbury South And Alveston	Alveston Parish Council
10	PT14/0837/O	Approve with Conditions	Wellwater 4 Sibland Road Thornbury South Gloucestershire BS35 2HG	Thornbury South And Alveston	Thornbury Town Council
11	PT14/0952/CLP	Approve with Conditions	9 Malmins Drive Frenchay South Gloucestershire	Frenchay And Stoke Park	Winterbourne Parish Council
12	PT14/0980/F	Approve with Conditions	Meadow Cottage New Road Rangeworthy South Gloucestershire BS37 7QH	Ladden Brook	Rangeworthy Parish Council

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.: PK13/4625/F
Site: Tanners Court Tanners Lane
 Marshfield South Gloucestershire SN14
 8BF

Applicant: A & J Properties
Date Reg: 17th December
 2013

Proposal: Erection of 2no semi detached
 dwellings with associated works
 (Resubmission of PK13/2730/F)

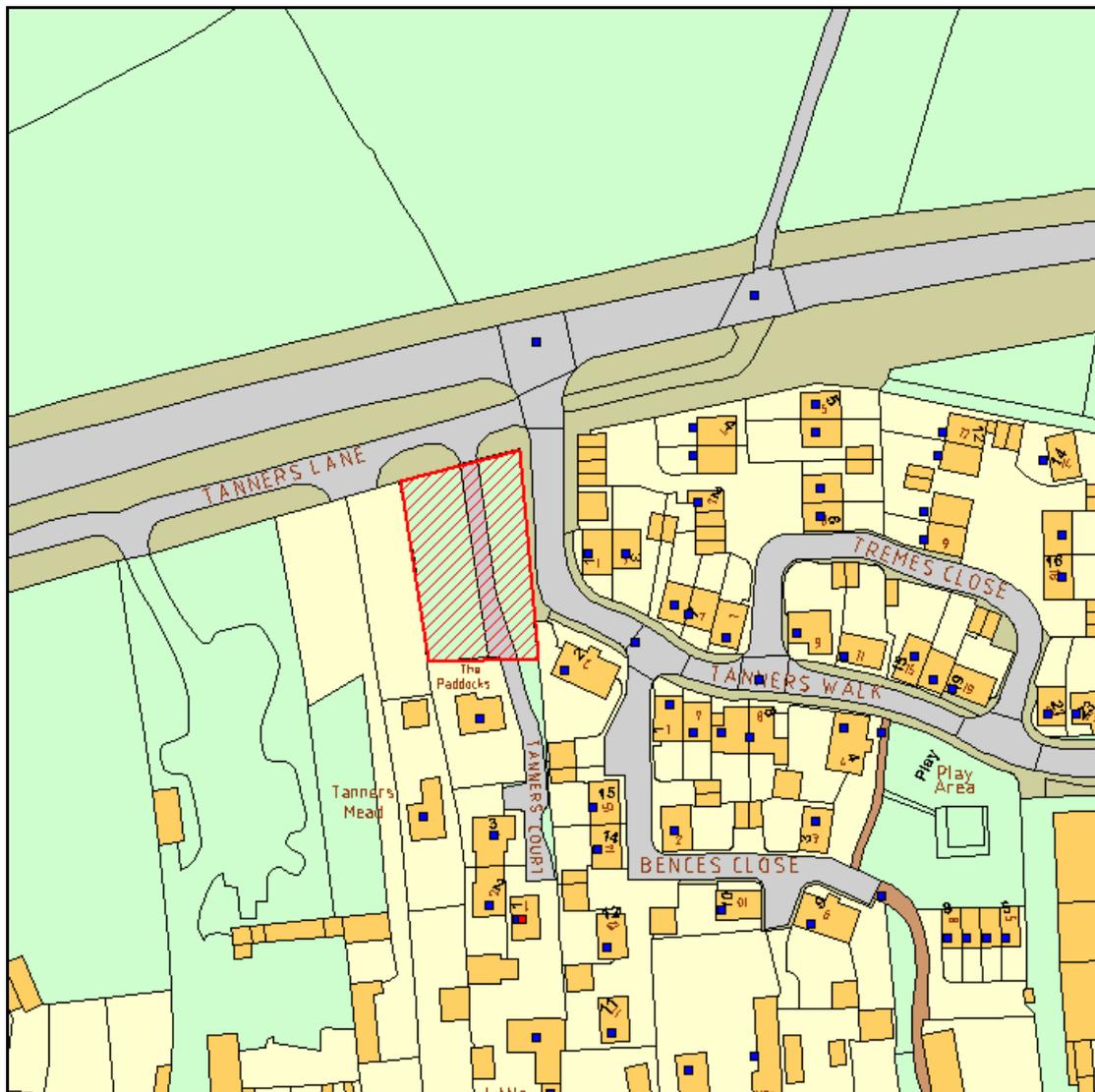
Parish: Marshfield Parish
 Council

Map Ref: 377584 173810

Ward:
Target 7th February 2014

Application Minor
Category:

Date:



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 100023410, 2008. **N.T.S.** **PK13/4625/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from local residents, the concerns raised being contrary to the officer recommendation. Furthermore any consent would require a S106 Legal Agreement.

1. THE PROPOSAL

- 1.1 The application site comprises an area of residential curtilage located to the front of 'The Paddocks', a two-storey, 1970's/80's, residential dwelling house situated at the front of the Tanners Court development in Marshfield. Vehicular access is via Tanners Lane which runs parallel to the A420 and links into the end of Tanners Walk; this access is shared between 'The Paddocks' and the houses within 'Tanners Court'.
- 1.2 The application site lies just within the northern edge of the Marshfield Conservation Area and is also within The Cotswolds AONB. The plot is predominantly grassed and bounded by stone walls and trees to the north, east and west and by 'The Paddocks' to the south. Just outside the eastern boundary wall is a landscaped area within which grow a row of Lime Trees protected by Tree Preservation Order.
- 1.3 It is proposed to erect a pair of two-storey dwelling houses and associated single detached garages on the plot. In order to accommodate the dwellings the access drive would be re-configured and a new footway introduced from Tanners Lane through the northern boundary wall; a link would be provided to Tanners Walk. It is also proposed to introduce a new footway on the eastern side of Tanners Walk, opposite the site, where there is currently just grass verge.
- 1.4 The application is supported by the following documents:
 - Design and Access Statement
 - Tree Report
 - Tree Survey
 - Arboricultural Plan
 - Tree Survey Constraints Plan
 - Drainage Plan
 - Topographical Survey
 - Archaeological Desk Based Assessment
 - Extended Phase 1 Habitat Survey
- 1.5 An earlier application PK13/2730/F for a terrace of four houses was withdrawn on officer advice. The current scheme was designed in negotiation with officers of the Council.

2. POLICY CONTEXT

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

Housing and Growth - Ministerial Statement by The Rt. Hon. Eric Pickles
(Secretary of State for Communities and Local Government). Sept 2012
Planning Practice Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec 2013

CS1 - Design
CS5 - Location of Development
CS9 - Managing the Environment and Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
L2 - Cotswolds AONB
L5 - Open areas
L9 - Species Protection
L11 - Archaeology
L12 - Conservation Areas
L13 - Listed Buildings
H4 - Development within Existing Residential Curtilages, including Extensions and New Dwellings.
EP2 - Flood Risk and Development
EP4 - Noise Sensitive Development
T7 - Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.
LC12 - Recreational Routes

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.
Trees on Development Sites SPD Adopted Nov. 2005

3. RELEVANT PLANNING HISTORY

- 3.1 P98/4581 - Erection of 1 no. dwelling and garage.
Approved 3 Dec 2001
- 3.2 PK02/0640/F - Conversion of existing barns to 2no. residential dwellings.
Erection of 3 no. detached dwellings.
Approved 7 Oct. 2002

- 3.3 PK05/1463/RVC - Variation of Condition 16 attached to Planning Permission PK02/0640/F to allow 3 no. New building units to be accessed via existing access off Tanners Lane.
Allowed 8 July 2005
- 3.4 PK06/1184/F - Erection of single-storey rear extension and two-storey side extension to provide garage and additional living accommodation.
Approved 1 June 2006
- 3.5 PK06/2708/F - Renewal of planning application P98/4581 for the erection of 1 no. dwelling and garage, together with alterations to vehicular access.
Refused 12 July 2007
- 3.6 PK08/1344/F - Erection of one dwelling and garage together with alterations to existing vehicular access (re-submission of PK06/2708/F)
Refused 24 June 2008

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council
No objection

4.2 Other Consultees

Highway Drainage

No objection subject to a condition to secure a SUDS Drainage Scheme.

Ecology

No objection subject to a condition requiring that biodiversity enhancements in the form of bat and bird boxes be carried out in accordance with Section 6 of the ecological survey.

Archaeology

No objection subject to standard HC13 condition.

Sustainable Transport

No objection subject to a S106 Agreement to secure a new footway link between the site and from Tanners Lane to Tanners Walk as shown in principal on drawing no. 21121211_01. The new footway shall be connected to the existing footway networks adjacent to no.1 Tanners Walk together with all associated works including relocation of the existing lamp column outside no.1 Tanners Walk.

Conservation Officer

No objection subject to standard conditions relating to materials.

Tree Officer

No response

Other Representations

4.3 Local Residents

7no responses were received from 4 households; the concerns raised are summarised as follows:

- The houses would be too close to 'The Paddocks'.
- Loss of light to windows in the front of 'The Paddocks'.
- The proposed houses should be moved further to the front of the site.
- Loss of trees – impact on wildlife.
- Adverse impact of construction phase.
- Stone should be used not render.
- Insufficient visitor parking.
- Soak-away would be too close to dry stone wall.
- Overbearing impact on Tanners Mead House.
- Overlooking of Tanners Mead House.
- Inappropriate pedestrian access; it should be onto Tanners Walk.
- Gravel pathway and access would be inferior to tarmac.
- Tree T19 Silver Birch is on neighbouring land.
- The houses would be too close to 'Glebe Cottage'
- Proposed new access road does not link up with existing road to Tanners Court.
- For safety reasons the footpath should be delineated from the access road.

Following the submission of amended plans a further letter was received from one of the previously objecting households, stating the following:

- We are in favour of the proposed tarmac road, brickwork paving pathway and re-location of the turning bay for this development as detailed on the revised drawings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptance in principal of a residential development, of a similar scale to that proposed, on this site has already been established with the grant of permission P98/4581 (not implemented). It was established at the time of that application that the land is residential curtilage associated with 'The Paddocks'.

- 5.2 The site lies within the Marshfield Settlement Boundary and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein now form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para. 187 of the NPPF, Core Strategy Policy CS4A states that, when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. The NPPF Para. 187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

- 5.3 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are 'severe'.
- 5.4 Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation. This policy stance is replicated in Policy CS17 of the Core Strategy which makes specific reference to the importance of planning for mixed communities including a variety of housing type and size to accommodate a range of different households, including families, single persons, older persons and low income households, as evidenced by local needs assessments and strategic housing market assessments.
- 5.5 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.6 Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.7 Density
The NPPF seeks to make efficient use of land in the Urban Area for housing. Officers are satisfied that having regard to the site's constraints relating to its location within the AONB and Conservation Area, landscape characteristics including the presence of the nearby TPO'd trees and other boundary vegetation, proximity of existing dwellings, access/parking requirements, and impact on residential amenity, it is unlikely that a larger scheme containing more than 2no. dwellings could be accommodated on the site, and in this respect the proposal represents the most efficient use of the land in what is a sustainable location, close to the centre of Marshfield. The proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.8 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including new dwellings, where they::
- 5.9 **A. Respect the massing, scale, proportions, materials and overall design and character of the street scene and surrounding area; and**
- 5.10 Given that a very large 'L' shaped house was previously granted consent (P98/4581) on this site, the proposed pair of semi-detached houses are relatively modest in scale and compare favourably with the existing dwellings to the south and east of the site.

- 5.11 The buildings would be located at a prominent entry point to the village. They have been designed and detailed to a high standard to reflect the character and quality of the settlement and its local vernacular. In order to achieve a more traditional character and appearance, the following amendments have now been made to the originally submitted scheme:
- The roofs of the garages have been re-orientated so that the previously proposed wide gable is replaced with a pitched face;
 - The windows on the front elevation are reduced in size to allow for a more traditional predominance of stone;
 - Chimneys have been added to both houses;
 - The originally proposed pitched door canopies have been replaced with flat lead clad canopies;
 - The roof pitches have been increased slightly by increasing the height of the ridge;
 - The concrete roofing material has been replaced with natural slate;
 - Rainwater goods are now to be cast metal, not Upvc;
 - Garage doors are now side hung, timber vertically boarded;
 - The front doors are now based on more traditional proportions – slightly widened.
- 5.12 The simple gable ended form would respect the character of the street scene. The front elevations of the houses would be natural stone with the side and rear elevations covered with roughcast render; the roof would be natural slate. The associated garages would be built entirely of natural stone with natural slate roofs.
- 5.13 Officers are now satisfied that subject to conditions to secure the material types, that the scheme would meet the requirements of criterion A of Policy H4.
- 5.14 **B. Would not prejudice the amenities of nearby occupiers; and**
- 5.15 Officers consider that most of the concerns raised by local residents have now been adequately addressed in the revised plans that have been subsequently submitted. The properties most likely to be affected by the scheme are 'The Paddocks' to the south of the site and the nearest properties (nos. 1 & 2) located within Tanners Walk. Given the orientation of the houses in Tanners Walk and distance (14m-18m) from the proposed dwellings, together with the presence of the boundary wall and existing tree belt, there would be minimum impact for occupiers of these dwellings.
- 5.16 In response to concerns raised by the occupiers of 'The Paddocks' the proposed dwellings have been moved further north on the plot and the garages re-orientated. The main, two-storey side elevation facing the front of 'The Paddocks' would now be located between 14.4m and 15.6m away with only a first floor landing and ground floor W.C. window in this elevation; to prevent overlooking, both of these windows are proposed to be obscurely glazed and this can be secured by condition.

- 5.17 The side elevation of the nearest garage would be approximately 10m from 'The Paddocks' but being single-storey and set well back into the plot, it would not have an overbearing impact. There are no windows proposed for the side elevation of this garage.
- 5.18 There are no houses directly to the west and the large garden areas here are well enclosed and screened by existing boundary walls and trees. Similarly there are no houses to the north.
- 5.19 Some concerns have been raised about the impact on amenity during the construction phase. Whilst any disturbance would be on a temporary basis, conditions are justified to control the hours of working on the site and to ensure that any construction compounds would be appropriately placed.
- 5.20 On balance therefore officers consider that subject to the aforementioned conditions, there would be no significant adverse impact on residential amenity.
- 5.21 **C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and**
- 5.22 Given that earlier applications e.g. PK08/1344/F have established that it is not possible to access this site directly off Tanners Walk (land not in applicant's control and presence of TPO'd Lime Trees) it is proposed to utilise the existing vehicular access off Tanners Lane. This currently serves 4 existing dwellings in Tanners Court. To increase accessibility by foot, it is also proposed to provide a new footway link to assist pedestrians in walking to the existing local facilities, such as bus stops, shops and other services in the centre of Marshfield. A separate pedestrian access to the front of the site would be provided and a new footway would be provided outside the site to link with an additional section of new footway to be provided outside no.1 Tanners Walk. The new footway would be constructed on the existing public highway/verge and as such would need to be secured by an appropriate legal agreement between the Council and the applicant.
- 5.23 The existing access onto Tanners Lane would not alter but the private driveway through the site that currently serves Tanners Court would be slightly altered and constructed to adoptable standards, although there is no proposal for South Gloucestershire to adopt this driveway and all future maintenance would be the responsibility of the future owners/occupiers. In response to resident concerns, the driveway would now be surfaced with tarmac whilst the pedestrian footpath through the site would be brickwork and delineated with brick curbing. Cobble setts would be used for the parking areas.
- 5.24 Parking provision for the existing dwellings would not be affected. The applicant proposes two parking spaces for each of the new 3 bed houses and this level of parking provision meets the recently adopted minimum parking standards laid out at Appendix A of The South Gloucestershire Residential Parking Standards SPD.

- 5.25 Bin and recycling lorries already collect household rubbish and recycled material at the mouth of Tanners Court once a week. There would be no need for extra lorries to collect the weekly refuse from the new dwellings. Nevertheless, adequate space has been provided within the development to allow a large vehicle to enter, turn and exit in forward gear.
- 5.26 Subject to the aforementioned S106 Agreement to secure the new footway link and a condition to ensure the provision of the parking spaces prior to the first occupation of the proposed dwellings, there are no highway objections to the proposal.
- 5.27 **D. Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.**

Adequate areas of private amenity space would be provided/retained for the proposed dwellings and for 'The Paddocks' respectively.

- 5.28 Conservation Issues
Local Plan Policy L12 seeks to preserve or enhance the character or appearance of Conservation Areas. The site lies within the Marshfield Conservation Area. The application follows a withdrawn application for 4no dwellings. Concern was raised that insufficient analysis of the Conservation Area character had been carried out and that the development of four houses had a harmful impact. The design and access statement now includes some analysis of the Conservation Area, but is relatively limited. However the archaeological desk based assessment provides further information, and together it is now considered proportionate to the development proposed.
- 5.29 The design of the dwellings has been the subject of much negotiation and revision and is now influenced by the character identified in the analysis. The proposal is therefore now considered to adequately preserve the character of this part of the Conservation Area.
- 5.30 Landscape Issues
The site lies within the Cotswolds AONB within which Policy L2 requires development to conserve and enhance the natural beauty of the AONB.
- 5.31 The site has mature trees on its eastern, western and northern boundaries. It is proposed to remove six Lawson Cypress trees, these are considered by the Council's Landscape Architect to be out of character with the Conservation Area, open countryside to the north and the AONB; their removal would improve the visual amenity and landscape character of the area. It is also proposed to remove a small Holly Tree to which there would be no objection with regards to Policy L1. However, a mature Silver Birch trees on the eastern boundary of the plot is also proposed to be removed. This trees currently contributes to the street scene of Tanners Walk and its removal would to some extent be detrimental to the visual amenity and landscape character of the area; it is however of modest quality only and would otherwise lie in the middle of the proposed footpath/driveway.

- 5.32 The proposed access roads are located within the root protection zones of two large Norway Maple Trees and three of the TPO'd Lime Trees on the boundary with Tanners Walk. The Norway Maples are attractive trees which contribute to the leafy character of the area and soften the edge of Marshfield and help to integrate it within the surrounding landscape. These are however to be protected with tree protection fencing and 'no dig' areas.
- 5.33 Viewed from Tanners Walk the site provides a leafy green open space with filtered views to the open countryside beyond. Due to the new housing development to the east and the existing property within the plot the development of the site as now proposed, would not have a significant impact on the landscape character of the area.
- 5.34 Viewed from the A420 the development would be partially screened by the existing trees, though the removal of the Lawson Cypress would open up some views, these would be filtered by mitigation tree planting within the site. Appropriate development of this plot would not have a significant impact on the landscape character of the area due to the backdrop of the existing modern housing development.
- 5.35 Subject to the development being carried out in accordance with the submitted information and mitigation strategy, the proposal would not be contrary to Policy L1, L2 or L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.36 Ecology
An Extended Phase I Habitat Survey of the site has been conducted. The site consists of a predominantly amenity grassland garden bordered by trees (mainly conifer) with a dry stone wall forming the western boundary. There are no statutory or non-statutory designations on the site.
- 5.37 The majority of the site consists of amenity grassland with botanical species that are common and widespread. The majority of the trees are conifers and no trees have potential to support bat roosts. If trees are removed there is a risk of negative impacts to nesting birds; an appropriate informative would be added to any consent granted. The survey found that there was no potential for other protected species to be impacted by the development.
- 5.38 Opportunities for biodiversity enhancement in the form of bat and bird boxes fitted into the new buildings as outlined in Section 6 of the ecological survey (Abricon January 2014) would be secured by condition. Subject to this condition there are no objections on ecological grounds.
- 5.39 Drainage
Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, requires that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. The site does not lie within a flood zone, neither has it been subjected to underground mining. A schematic foul and surface

water drainage layout plan has been submitted, nevertheless an appropriate condition to secure a SUDS drainage scheme would be imposed, should consent be granted. Subject to this condition the scheme would accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.40 Affordable Housing

The proposal is for 2no. dwellings only, which is below the Council's threshold (5) for affordable housing provision.

5.41 Education Service

The proposal is for 2no. dwellings only, which is below the Council's threshold (5) for contributions to the Education Service.

5.42 Community Services

The proposal is for 2no. dwellings only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

(i) The provision of a new footway link between the site and from Tanners Lane to Tanners Walk as shown on Site Plan Drawing No. 21121211_01 received 07 April 2014. The new footway shall be connected to the existing footway networks adjacent to no.1 Tanners Walk together with all associated works including relocation of the existing lamp column outside no.1 Tanners Walk.

The reasons for this Agreement are:

(i) To enhance pedestrian facilities to and from the site in the interests of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of

The South Gloucestershire Local Plan Core Strategy (Approved) Dec 2013.

- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) Should the S106 agreement not be completed within 6 months, that authority be delegated to the Director of Environment and Community Services to refuse the application due to the failure to complete the S106 Agreement offsetting the otherwise adverse impacts of the development.

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. Prior to the first occupation of the dwellings hereby approved, all car parking plus turning areas shall be provided in accordance with the submitted and approved Site Plan No. 20121211_01 received 7th April 2014 and such measures shall be maintained satisfactorily on site thereafter and used only in conjunction with the site's purpose.

Reason

In the interests of highway safety in accordance with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and The South Gloucestershire Council Residential Parking Standards (Adopted).

3. Notwithstanding the details shown on the submitted and approved plans, development shall not 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 to and approved in writing by the Local Planning Authority; the scheme shall subsequently be implemented in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The hours of working on site during the period of construction shall be restricted to 07.30hrs to 18.00hrs Mon to Fri; and 08.00hrs to 13.00hrs Sat, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or

other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. The boundary treatments shall be completed before the buildings hereby approved are first occupied. The development shall be carried out in full accordance with the details shown on the submitted and approved Site Plan No. 20121211_01 received 7th April 2014.

Reason

In the interests of residential amenity and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2012.

6. The development hereby approved shall be carried out in accordance with biodiversity enhancements in the form of bat and bird boxes in accordance with Section 6 of the submitted ecological survey (Abricon January 2014), the enhancements to be provided prior to the first occupation of the dwellings hereby approved.

Reason

In the interests of protected species and to accord with Policy L9 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. The development shall be carried out in accordance with the tree protection measures recommended in the submitted Arboricultural Implications Report by David Daniell Associates dated 24 April 2014. Prior to the commencement of the development hereby approved, the protective fencing shall be erected in accordance with the approved details shown on the approved Arboricultural Implications Plan No. L344 SK2 Rev B and retained as such for the entire duration of the construction phase of the development hereby approved.

Reason

In the interests of the health of the retained trees and in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. All hard and soft landscaping of the development hereby approved shall be carried out in accordance with the approved details shown on the submitted and approved Site Plan No. 20121211_01 and approved Arboricultural Implications Plan No. L344 SK2 Rev B, and to a timescale to be agreed in writing by the Local Planning Authority.

Reason

To conserve and enhance the character, quality and amenity of the landscape, Cotswolds AONB and Marshfield Conservation Area in accordance with Policies L1, L2 and L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. Prior to the commencement of development details of the location of any construction compound to be provided on the site shall be submitted to and agreed in writing with

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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. Prior to the first occupation of the southernmost dwelling hereby permitted, and at all times thereafter, the proposed first floor landing and ground floor W.C. windows on the southern side elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

11. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed within the dwellings or garages hereby approved.

Reason 1

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

Reason 2

To preserve the character of the Marshfield Conservation Area and to accord with Policy L12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the development hereby approved, a representative sample panel of natural stone walling (for the houses) of at least one metre square, showing the stone, coursing, 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 details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

13. Prior to the commencement of the development hereby approved, a representative sample panel of render of at least one metre square, showing the texture and finish 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 details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings

and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

14. Notwithstanding the previously submitted details, samples of all new hard surfacing (including verges/kerbing details) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

15. Prior to the commencement of the development hereby approved, the detailed design of the following items shall be submitted to and approved in writing by the Local Planning Authority. The details shall be at a minimum scale of 1:5.
 - a. all new windows
 - b. all new doors
 - c. eaves, verges and ridges
 - d. porch canopies
 - e. garage doors
 - f. lintols

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

Reason

In order that the development serves to preserve the character and appearance of the Conservation Area, in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 190, national guidance set out at the NPPF and Policy L12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

16. 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.

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.: PK13/4724/F
Site: 73 Cadbury Heath Road Cadbury
Heath Bristol South Gloucestershire
BS30 8DG

Applicant: Mrs Alison Storr
Date Reg: 18th March 2014

Proposal: Erection of 1 no detached dwelling with
access and associated works

Parish: Oldland Parish
Council

Map Ref: 366473 172392

Ward: Parkwall

Application Category: Minor

Target Date: 8th May 2014



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N.T.S.

PK13/4724/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule as a representation has been received which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 1no. detached dwelling on a corner plot at the junction of Cadbury Heath Road and St David's Avenue.
- 1.2 The application site consists of the part of the curtilage of no.73 Cadbury Heath Road, within an established area of Cadbury Heath falling within the defined urban area and settlement boundary in the East Bristol fringe.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Diversity
CS17 Housing Density
CS29 East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council

No objection

- 4.2 Transportation DC
No objection subject to conditions
- 4.3 Environmental Protection
No objection subject to condition
- 4.4 Highway Drainage
No objection subject to condition
- 4.5 The Coal Authority
No objection subject to condition

Other Representations

- 4.6 Local Residents
One letter of objection has been received from a local resident. The comments are summarised as follows:
- Highway safety issue on junction.
 - Cadbury Heath Road is very busy with existing heavy volumes of traffic and parking problems. At peak times queues go from traffic lights and extend past this property and the junction next to it.
 - The road is already dangerous.
 - Pedestrians on road to consider with amenities nearby.
 - Difficult for safe access/egress of driveways highlighted in the proposal.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application stands to be assessed against the provisions of the National Planning Policy Framework 2012, policies CS5, CS8, CS15, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The erection of new dwellings within existing residential curtilages and within the urban area and boundaries of settlements as defined by the SGLP Policies Maps is considered acceptable in principle subject to criteria relating to residential amenity, highway safety, design, and environmental considerations.
- 5.2 Residential Amenity
The proposed development consists of a detached double storey dwelling in the side garden to the east of 73 Cadbury Heath Road. The dwelling would be on the same building line as no.73 and would not extend beyond its front or rear elevation. No. 73 is a double storey semi-detached dwelling which has an obscure non-habitable window in the east side elevation. The site consists of a corner plot on the junction of Cadbury Heath Road and St David's Avenue. Other than no.73 the nearest neighbouring dwellings to the proposal would be no.75 on the opposite side of the junction, and no.2 St David's Avenue situated to the rear at a distance of approximately 16 metres. No.2 has only non-habitable windows at first floor level in the side elevation.

- 5.3 In terms of residential amenity, given the siting and layout of the proposed dwelling on the same building line as no.73, it is considered that the proposed dwelling would not appear overbearing or oppressive on the occupiers of no.73 and light levels to them would remain unaffected. The only window affected by the proposal is a non-habitable window. As such the dwelling would not prejudice the living conditions of the occupiers of no.73. The other surrounding occupiers are considered to be located a sufficient distance from the dwelling in order to remain unaffected.
- 5.4 The proposal would result in the loss of some of the garden area at the side of the existing dwelling however adequate private amenity space would remain at the rear of the dwelling to serve a family sized dwelling. The rear garden area identified for the new dwelling is considered appropriate for a three bedroom dwelling and as such the amenity of the future occupiers would be satisfied. It is noted that in established residential areas construction sites have potential to cause some temporary disruption to surrounding occupiers from noise and as such it is considered necessary to condition working hours in order to protect amenity during construction.
- 5.5 Design
The dwelling is proposed in the side garden of no.73 Cadbury Heath Road, which is situated within an established residential area. The site is on the west side of the junction of Cadbury Heath Road and St David's Avenue. Currently the dwellings on either side of the junction (73 and 75) have large garden areas to the side enclosed by high hedges and low level walls. The entrance to St David's Avenue therefore has a relatively spacious appearance.
- 5.6 The existing dwelling on the site (73) is a hipped roof double storey semi-detached dwelling finished in spar render. Although this is characteristic of the surrounding dwellings on St David's Avenue, Cadbury Heath Road has a mixed character comprising double storey detached and semi-detached dwellings, and small groups of terraces. The application proposes a detached double storey dwelling with a hipped roof. The dwelling would be on the same building line as no.73 and would match it in width and eaves height. The proposed dwelling is shown to have a bay window to the front elevation taking its design cues from the existing dwellings in the locality.
- 5.7 It is noted that the proposal would introduce a new detached dwelling on a junction that has a spacious and pleasant character at the entrance of a cul de sac that has a distinct character characterised by semi-detached dwellings. The introduction of a detached dwelling on this cul de sac is not necessarily in keeping with the character of St David's Avenue however it would not be out of odds in the area given the mix of housing found on Cadbury Heath Road. The dwelling would result in the loss of the spacious character on the junction, and would be sited forward of the building line on the west side of St David's Lane. It would not however extend right to the edge of the site leaving an area between it and the pavement. The loss of the spacious character on the entrance to the cul de sac is regrettable however given that some space would remain to its side it would not be detrimental to local distinctiveness. The design of the dwelling, including its width, height and detailing has been

informed by surrounding development and it would sit comfortably within the size of the site. Although slightly forward of the building line on the west side of St David's Avenue this would not cause any harm to visual amenity when viewed from south to north or from north to south. In the locality there is a prevalent use of spar render and provided the materials used respect this it is considered that the proposed development would reach a satisfactory quality of design in keeping with the locality.

5.8 Highway Safety

The parking provision for both the proposed and existing dwelling is identified at the rear of the site accessed from St David's Avenue. The layout comprises of two parking spaces for each dwelling in a tandem arrangement. The amount of parking proposed is in accordance with the Council's minimum standards as such there are no objections on these grounds provided the parking is provided before the building is first occupied. On street parking is also readily available on the cul de sac.

5.9 Concern has been raised by a local in relation to highway safety due to the location of the proposed dwelling in close proximity to the junction. These comments are noted however it is highlighted that the development has been assessed by the Transport Officer who has raised no objection on highway safety grounds. Whilst it is acknowledged that Cadbury Heath Road is a classified highway the proposed parking access is from a cul de sac and as such has no through route. Vehicle movements on the cul de sac are slow moving due to the residential nature of it. As the application only proposes one new dwelling it would not result in a significant level of increased vehicular movement or traffic in the cul de sac.

5.10 Environment

No drainage details have been submitted with the application. There are no objections on these grounds provided no development commences 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. This will be subject to a condition.

5.11 The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The applicant has obtained appropriate and up-to-date coal mining information for the proposed development site and has used this information to inform the Coal Mining Risk Assessment, dated 12 March 2014 and prepared by Bristol Coalmining Archives Ltd, which accompanies this planning application. The Coal Mining Risk Assessment has been informed by appropriate sources of information including; a Coal Mining Report, BGS sheets, historic maps and an Environmental Geology Study of the Bristol Area. Section 5 of the Coal Mining Risk Assessment concludes that the risk to the development rests in the possibility of shallow mine workings beneath the site and therefore intrusive site investigations should be carried out. These should establish the exact situation in respect of coal mining legacy issues on the site and should inform any

required mitigation measures, including foundation design and gas protection measures.

- 5.12 The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. This will be subject to a condition. In the event that the site investigations confirm the need for remedial works to treat the shallow mine workings to ensure the safety and stability of the proposed development, this will also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of 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 That the application is APPROVED subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

3. The off-street parking facilities for both the existing and proposed dwellings shown on the plan no.002 (Block Plans) hereby approved shall be provided in a permeable bound material before the building is first occupied, and thereafter retained as such for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the Residential Parking Standards SPD (Adopted) 2013.

4. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays; 0900 to 1400 on Saturdays 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 amenities of the occupiers of nearby dwelling houses, and to accord with Policy H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in no.73 Cadbury Heath Road.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

6. Prior to the commencement of development, the results of intrusive site investigations works in respect of past coal mining activity shall be submitted to and approved in writing by the Local Planning Authority. These shall establish the exact situation in respect of coal mining legacy issues on the site and shall inform any required mitigation measures, including foundation design and gas protection measures. Development shall be carried out in accordance with the agreed details.

Reason

In order to establish the exact situation regarding coal mining legacy issues on the site, in the interests of safety, and to accord with the provisions of the National Planning Policy Framework 2012, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

7. In the event that the site investigations subject to condition 6 confirm the need for remedial works to treat the shallow mine workings to ensure the safety and stability of

the proposed development, remedial works identified by the site investigation shall be undertaken prior to commencement of the development.

Reason

In the interests of safety, and to accord with the provisions of the National Planning Policy Framework 2012, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.: PK14/0549/F
Site: Bath Ales Ltd Hare House Southway
Drive Warmley South Gloucestershire
BS30 5LW

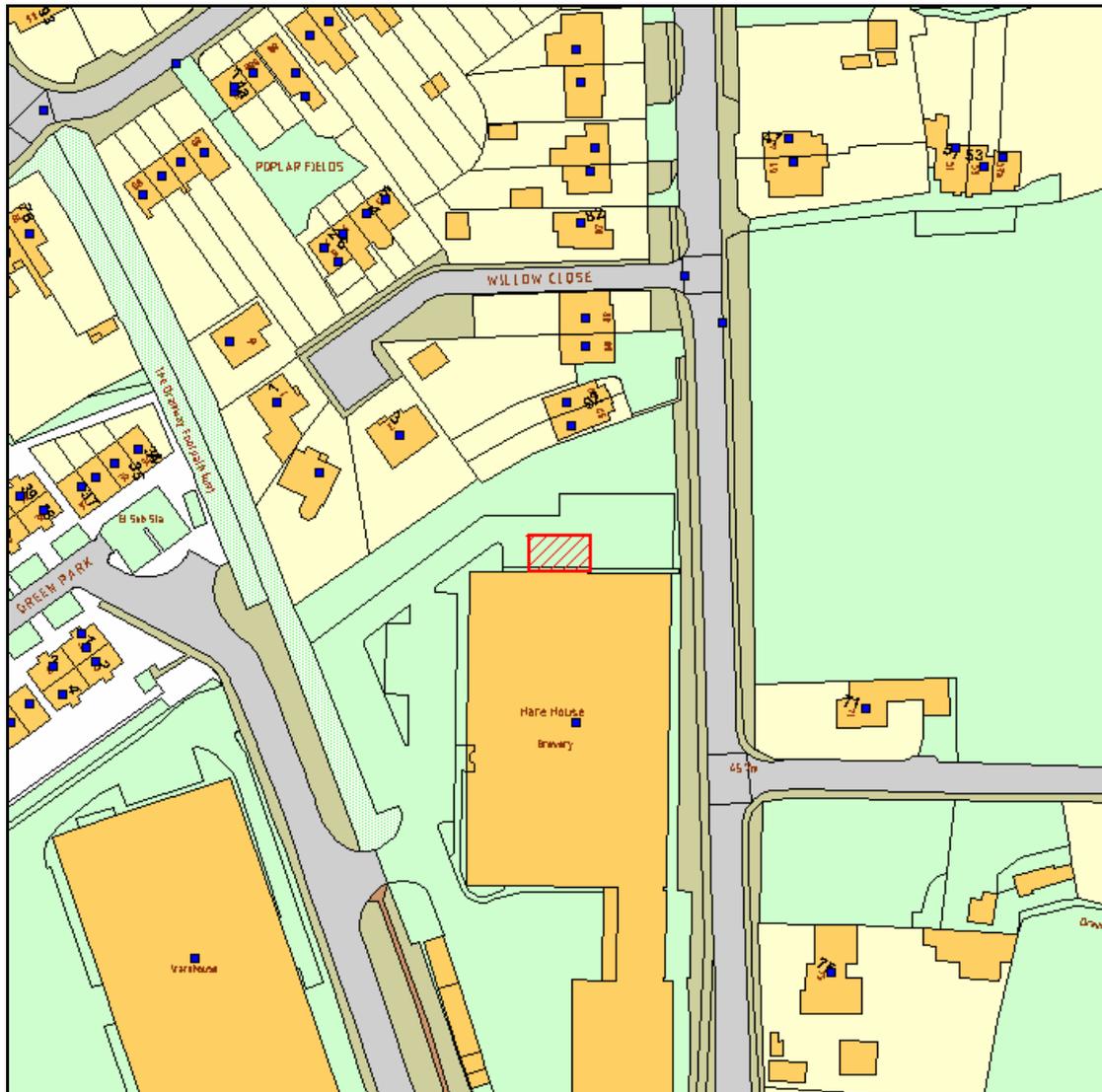
Applicant: Bath Ales Ltd
Date Reg: 18th February
2014

Proposal: Installation of 2no. grain silos.

Parish: Bitton Parish
Council

Map Ref: 367870 172586
Application Minor
Category:

Ward: Oldland Common
Target
Date: 11th April 2014



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PK14/0549/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule to take into account the comments of the Parish Council which, in light of the proposed conditions, may be construed as an objection; the Officer recommendation is for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of two grain silos at a brewery in Warmley.
- 1.2 The application site is Hare House, the brewery for Bath Ales. This site was formally the Bousfield Printing Products site. It has an established B2 Use. The site is safeguarded for employment purposes under Policy CS12 (23), Southway Drive, North Common.
- 1.3 It is proposed to install two external grain silos on the north elevation of the property. They will be located within the existing storage and delivery area of the site.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS11 Distribution of Economic Development Land
CS12 Safeguarded Areas for Economic Development
CS29 Communities of the East Fringe

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
T12 Transportation
E3 Criteria for Assessing Proposals for Employment Development

3. RELEVANT PLANNING HISTORY

- 3.1 K448/30 Approved 10/08/1984
New warehouse, workshop with associated offices for the production of printing inks, formation of car park, yard, roads and footpaths
- 3.2 K448/38 Approved 14/12/1987
Extension to existing factory
- 3.3 K448/58 Approved 17/08/1992
Extension to existing ink factory with parking and landscaping

- 3.4 PK00/0520/F Approved 02/06/2000
Erection of single storey side extension to existing

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection. Request a condition restricting delivery hours to 0800 to 1800 on weekdays.
- 4.2 The Coal Authority
No objection subject to informative
- 4.3 Drainage
No comment
- 4.4 Transport
No objection

Other Representations

- 4.5 Local Residents
None received.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of two grain silos at a brewery in Warmley.
- 5.2 Principle of Development
Policy CS12 protects safeguarded employment sites from non-employment related development. This proposal would compliment the existing employment provision on the site and therefore would accord with this policy. The proposal should therefore be assessed against the criteria set out in policy E3 and determined against the analysis set out below.
- 5.3 Environmental Impacts
The site has an established B2 Use and the proposed silos would fall within the existing operations of the site. The silos would not lead to any further emissions from the site or have a material impact on the natural environment. Therefore it is not considered that the proposal would have an unacceptable environmental effect.
- 5.4 Transport and Delivery
Plans have been provided with the application that shows the autotrack route for goods vehicles delivering to the proposed silos. These have been assessed by the highways officer and are considered to be acceptable and the development will not impact on the site's internal traffic circulation.

- 5.5 The development will not impact upon delivery requirements of the site. The site has an extant B2 use and is well served by the local road network. Two additional silos will not materially increase the requirements of the site and therefore has little impact on highway safety.
- 5.6 In terms of parking, the development does not remove any existing parking spaces as it is located on a servicing section of the site not a car park. Furthermore, the development does not directly increase the parking requirements of the site as the silos will compliment the existing business. Therefore the development is considered unlikely to lead to an increase in on-street parking to the detriment of highway safety.
- 5.7 Residential Amenity
Development should protect residential amenity from prejudicial harm. The most significant potential impact on residential amenity would be noise from either site operations or deliveries.
- 5.8 To this extent, the Parish Council has suggested a planning condition limiting deliveries to the silos to 08:00 to 18:00 Monday to Friday. This is intended to protect local residential amenity as it would restrict the hours of noisy activity.
- 5.9 However, the planning history of the site has already established and controlled the operational hours of the site. Condition k of planning permission K448/30 which permitted the original construction of the factory building restricted operational hours to 07:00 to 18:00 Monday to Saturday. This has subsequently been reinforced on applications to extend the factory, notably condition 7 of planning permission K448/38 and condition 9 of planning permission K448/58.
- 5.10 These operational hours are considered to be sufficient to protect the residential amenity of the surrounding properties. It is considered by officers unreasonable to restrict delivery hours to those proposed by the Parish Council as the silo operation hours would then be out of kilter with the operation hours of the wider site.
- 5.11 It is therefore proposed to impose a condition that restricts the operational hours of the proposed development to 07:00 to 18:00 Monday to Saturday in line with the established operational hours of the site. This condition would be in the interest of protecting residential amenity.
- 5.12 Character and Design
Development should not adversely affect the character of the area. Located on a safeguarded employment site on an industrial estate, the character of the area is established by the industrial uses. Residential properties are located to the north of the site, but these are well screened from the development by the existing on-site landscaping.
- 5.13 The design of the silos would be commensurate with the general industrial design of the locality and would not be harmful to the visual amenity of the locality. It is therefore not considered that the development would have an adverse impact on the character of the locality and the design is considered to be acceptable.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. When read with the conditions suggested it is not considered that the proposal would have a prejudicial impact on residential amenity. Furthermore it is considered that the development would not have a material impact on the environment, highway safety and parking, the character of the area, and an acceptable standard of site planning and design is proposed.
- 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission should 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 grain silos hereby approved shall only be operational in accordance with the operational hours of the wider site. For the avoidance of doubt, operations at the whole premises shall take place between the hours of 07:00 and 18:00 Monday to Saturday only.

Reason

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

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks permission for alterations to the roofline and an extension to an existing detached garage/store to form a residential annex, ancillary to the main dwellinghouse. The annex will contain a wine store, music room, lobby and general store on the ground floor and a games room, study and WC on the first floor.
- 1.2 The application site relates to a two-storey detached property situated outside an established settlement boundary and within the open countryside. The site is also within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
L9 Species Protection
T12 Transportation
H3 Residential Development in the Countryside
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

History associated with Ingleside House

- | | | |
|------|---------------|--|
| 3.1 | PK05/1762/PNA | Prior notification of the intention to erect an agricultural building to be attached to existing storage building (Class B8). |
| | Approved | 15.7.05 |
| 3.2 | PK04/3478/F | Change of use of barn from agricultural use to storage and despatch (B8). |
| | Approved | 30.12.04 |
| 3.3 | P99/4485/PA | Prior Notification of intention to erect 1 No. implement store/hay barn, 1 No. general agriculture/implement shed, 1 No. hay barn and 1 No. wood & wire store. |
| | Approved | 20.10.99 |
| 3.4 | P98/4301 | Change of use of one room of annexe of dwelling house to use as an office. (Renewal of planning permission P93/1609 dated 14 July 1993) |
| | Withdrawn | |
| 3.5 | P93/1609 | Change of use of one room of annexe to dwelling house to use as an office (renewal of consent) |
| | Approved | 14.7.93 |
| 3.6 | P91/2045 | Change of use of one room of annexe to dwelling house to use as an office |
| | Approved | 21.8.91 |
| 3.7 | N2213/4 | Erection of a double domestic garage with storage area over. Erection of an implement shed. |
| | Approved | 15.5.81 |
| 3.8 | N2213/3 | Erection of double domestic garage. |
| | Approved | 12.6.80 |
| 3.9 | N2213/2 | Erection of single storey side, front and rear extensions to provide store w.c, lobby, kitchen utility room and two loose boxes, and covered area. |
| | Approved | 25.6.79 |
| 3.10 | N2213/1 | Use of Land for the stationing of showmens vehicles and equipment. |
| | Refused | 25.1.79 |

Planning history associated with Chesnut House

- | | | |
|------|-------------|---|
| 3.11 | PK12/3539/F | Change of use from agricultural building to Storage (Class B8) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Retrospective) |
| | Refused | 11.2.13 |

Approved at appeal

- | | | |
|------|---------------|---|
| 3.12 | PK11/2402/F | Conversion of existing outbuilding to offices (Class B1) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). |
| | Approved | 14.3.12 |
| 3.13 | PK99/0283/CLE | Certificate of Lawfulness for existing workshop/store |
| | Approved | 27.1.00 |
| 3.14 | PK04/3478/F | Change of use of barn from agricultural use to storage and despatch (B8). |
| | Approved | 30.12.04 |
| 3.15 | P98/4927/PA | Prior Notification of erection of hay/implement store |
| | Approved | 5.1.99 |
| 3.16 | P87/1208 | Erection of breeding and livery stables together with dwellinghouse, staff accommodation and office space (outline). |
| | Refused | 15.4.87 |
| 3.17 | P84/2557 | Erection of detached bungalow and garage.
Construction of new vehicular access. (Outline) |
| | Refused | 5.12.84 |

4. CONSULTATION RESPONSES

- 4.1 Wick and Abson Parish Council
The nature of the proposed developments completely alter the nature and character of the property thus making a development and new residence in the green belt.
- 4.2 Other Consultees
- Landscape Architect
No objection
- Highway Drainage
No objection

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible

standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved 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.

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

National Green Belt policy under the NPPF has five aims which help to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence. Inappropriate development is by definition harmful and should be avoided except in very special circumstances.

The proposal is considered to accord with the principle of development and this is discussed in more detail below.

5.2 Green Belt

Regard must be had to the purposes of the Green Belt and the NPPF (2012) states one of the main aims to be: *'to assist in safeguarding the countryside from encroachment'* (NPPF, 2012, Para 80). It goes on to say that *'inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances'* (NPPF, 2012, Para 87) and that *'when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt'* (NPPF, 2012, Para 88).

Paragraph 89 of the NPPF discusses inappropriate development in the Green Belt and lists where exceptions can be considered. Thus, regard must be given to the section which allows:

'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

As a more recent addition to national Green Belt policy, this must be included in assessment of this application.

- 5.3 In addition the SPD *Development in the Green Belt (2007)*, also has a disproportionate test for additions within this special area. In assessing whether a proposal is disproportionate account will be taken of:

- the increase in volume of the original dwellinghouse
- the appearance of the proposal (it should not be out of proportion with the scale and character of the original dwelling)
- existing extensions and outbuildings within the curtilage

5.4 Extensions to dwellinghouses that would result in the overall volume exceeding 30% are carefully assessed. The policy states *'the larger a house becomes in excess of 30% of its original size, the less likely it is that the new extension will be considered acceptable'* and those that exceed 30% will be thoroughly assessed with particular regard to their being in proportion with the scale and character of the original dwelling. Furthermore, it goes on to state *'any addition resulting in a volume increase of 50% or more would most likely be considered in excess of any reasonable definition of 'limited extension' and would be viewed as a 'disproportionate addition contrary to saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006'*.

5.5 Planning history indicates that Ingleside House has benefitted from previous alterations to the main dwellinghouse and the erection of a detached double garage. The extensions essentially connected the main house with some existing outbuildings serving as and including, cowsheds, horse stables and hay store. The approved alterations also created a covered open walkway across the rear of the property.

The proposed alterations would result in the raising of the roof of the existing garage which would also incorporate a small recessed area, to create a uniform footprint. It is considered that these changes would result in an acceptable increase in volume over and above that of the original dwellinghouse. Additions in the Green Belt are considered cumulatively. Although no details regarding volume have been provided for the original dwellinghouse or for the resulting increase in volume, for future reference it should be noted that the dwellinghouse has in all likelihood been extended to its maximum as such it is considered prudent to remove the permitted development rights associated with the property.

Given the above assessment, the proposal is deemed appropriate development and given that the alterations would be to an existing garage, it is furthermore considered that there would be no significant harm to the openness of the Green Belt: there is no objection in Green Belt policy terms.

5.6 Design and Visual Amenity

The existing detached garage is situated to the north and west of the main dwelling, accessed via a driveway along the western residential curtilage boundary and set back some distance from the main road. It comprises a mix of garaging and storage with windows at first floor level in the east and west elevations. Essentially the building is of an 'L' shape, with the larger element having an apex with an east-west orientation. Four large doors serving the garage/store face east while a further 2no. smaller single doors face north. The proposal would result in the raising of the lower of the two rooflines to match the existing higher one. This would be an approximate addition of 1.85 metres in height over that part of the structure. Other alterations to facilitate the change of use would see all the large doors at ground floor being replaced by

windows and a new entrance door. The new roof would extend over this entrance door, thereby creating an open porch element and squaring up the footprint of the structure. At first floor level the existing window in the large east gable elevation would be replaced by a bank of glazing and this bank of windows would be duplicated in the west elevation. In addition a new Juliet type balcony window would be inserted into the roof in the west elevation and a new rooflight in the east elevation of the raised part of the roof.

The proposed alterations are considered to be acceptable in terms of the design and scale, appropriate to the host dwelling and character of the area in general. Good quality materials would be used in the construction. Given this assessment, the proposal is considered acceptable.

5.7 Annex test

By definition an annex must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case the proposed annex does not contain elements associated with living accommodation i.e. bedrooms, kitchen, living room or bathroom. It is, however, acknowledged that a WC would be provided. It is therefore overall, considered to meet the criteria of an annex. However, it is usual for a condition to be attached to the decision notice stating that the use of the annex must be incidental to the main dwelling and that it cannot be used independently of that dwelling. The condition would also limit the structure to that of domestic use and although it would contain a study, no commercial or business/business storage use would be permitted. The proposal is purely being assessed for domestic use ancillary to the main dwelling and as such it has been deemed acceptable, subject to conditions.

5.8 Residential Amenity

The existing garage is situated some distance from nearest neighbours to the west at over 90 metres distant. As such it is considered there would be no adverse impact on the residential amenity of these neighbours following a change of use to a residential annex.

5.9 Landscape Architect

The proposals will result in quite significant changes to the appearance of the existing building which is currently used as a garage. This includes areas of glazing on the south west, south east and north east elevations which would potentially be visible from the surrounding area. However these views will be limited to glimpses through the existing vegetation from Lodge Road and from the public footpath to the west. Views from the east, from Holbrook Lane are screened by intervening buildings.

Due to the good level of screening by existing vegetation and buildings there is no landscape objection with regards to Policy L1 and CS1.

5.10 Sustainable Transport

The proposed change of use would result in the loss of covered parking for vehicles within the application site. However, it is considered that given the size of the curtilage sufficient off-street parking and turning space would remain to serve the property and as such the proposal is 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Ingleside Home Farm, Chesley Hill, Siston

Reason

The development has been permitted on the particular circumstances of the case and the development would be unsuitable for use as a separate residential dwelling because it is located outside of an area intended for development and would be contrary to policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The annex, as shown on approved plan Proposed extension and alterations to existing store and garage MC2, shall not be used for any other purpose than that incidental to the enjoyment of the main dwelling. For clarification, the building hereby approved shall not be used for any commercial purpose or purposes relating to a business or business storage without the prior written permission of the Local Planning Authority.

Reason

To protect the character and appearance of the area, and to accord with NPPF (2012) and Policy CS1 of the South Gloucestershire Local Plan (Adopted) December 2013.

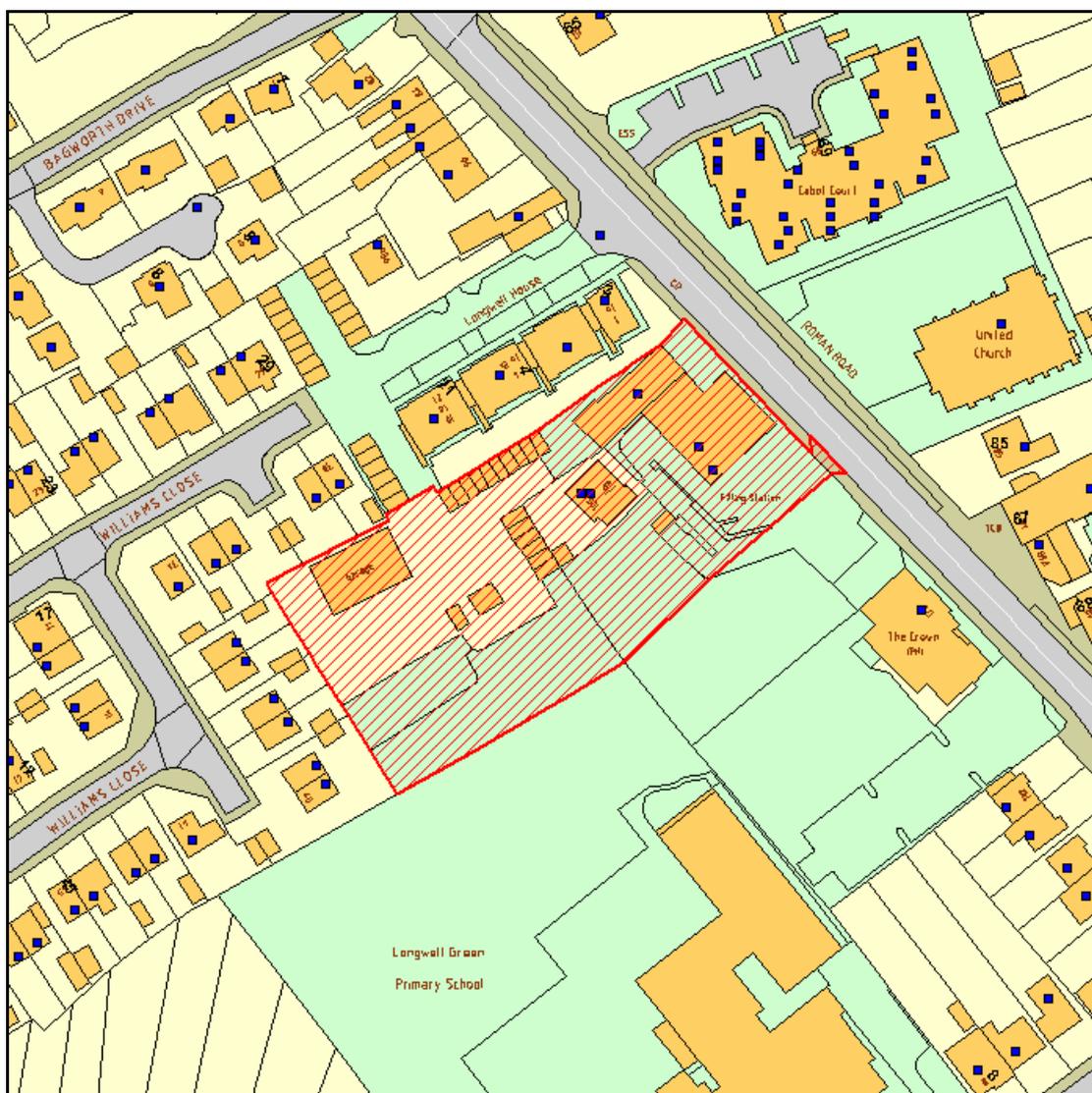
4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H), or any minor operations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

Reason

To preserve and protect the character of the Green Belt and to accord with NPPF (2012) and Policy CS1 of the South Gloucestershire Local Plan (Adopted) December 2013

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PK14/1003/ADV	Applicant:	ALDI Stores Ltd
Site:	Longwell Green Service Station 106 Bath Road Longwell Green South Gloucestershire BS30 9DE	Date Reg:	19th March 2014
Proposal:	Display of 1no. illuminated fascia sign, 1no. illuminated freestanding double faced post mounted sign and 1no. illuminated poster frame sign unit	Parish:	Hanham Abbots Parish Council
Map Ref:	365691 171137	Ward:	Longwell Green
Application Category:	Minor	Target Date:	8th May 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks consent to display 3no. internally illuminated signs.
- 1.2 The application relates to the former Longwell Green service station situated on Bath Road. Construction is currently underway for the approved foodstore approved under application ref. PK13/2310/F.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007.

3. RELEVANT PLANNING HISTORY

- 3.1 This site has an extensive planning history. The relevant history to this application is outlined below:
- 3.2 PK13/2310/F - Erection of a retail store (Class A1) with access, parking, landscaping and associated works. Approved 21st February 2014.
- 3.3 PK12/1501/NMA - Non material amendment to PK10/3075/O to increase the scale and height of the retail store and increase the gross retail area from 1,347sq.m. to 1,440sq.m. Objection 28th May 2012.
- 3.4 PK10/3075/O - Demolition of existing building to facilitate the erection of a retail store (Class A1) and 2no. units for mixed A1/A2 use with car parking and associated works, outline application with access, siting/layout, scale and landscaping to be determined with all other matters reserved. (Resubmission of PK09/5572/O). Approved 14th October 2011.

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objections to the illuminated freestanding double faced post mounted sign, which is considered to be too large and, being illuminated, could distract drivers on the very busy A431 where there is a nearby pedestrian crossing. We have no objections to the fascia or poster frame sign unit.
- 4.2 Transport Officer
No objection.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to the Local Planning Authorities detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Amenity

The application site consists of a former service station that contained a petrol filling station, car sales, and a garage/workshop. The previous buildings have been cleared to facilitate the erection of a new retail foodstore (Use class A1) which is under construction. The site is situated on Bath Road (A431) within the Longwell Green parade local centre. The locality has a mixed residential and commercial character.

- 5.3 The application seeks consent for the display of 3no. internally illuminated signs (Signs A, B and D) which would serve the purpose of advertising the new foodstore. The details of the sign are summarised as follows:

- o Sign A is a double sided freestanding totem sign which would be located at the entrance of the site. The total height of the sign plus stand would be 6 metres however this would hold two separate elements: one to display opening hours and one to display the foodstore logo.
- o Sign B is a fascia sign and would be attached to the front elevation of the foodstore measuring 2.07 metres by 2.47 metres.
- o Sign D is an external poster frame sign unit situated to the front of the building measuring a total of 2.46 metres wide, with a maximum height of 2.15 metres.

- 5.4 In terms of visual amenity signs B and D would be set back from the public highway to the front of the building and would not be prominent in the surrounding locality. Signs B and D are of a scale and design commensurate with the scale and use of the building and as such would not cause any harm to the amenity or function of the locality.

- 5.5 Sign A would be situated directly adjacent to the public highway and would be highly visible within the locality. Although the main sign face would have a dimension of 2.07 metres by 2.47 metres this would be elevated on a steel frame at a maximum height of 6 metres. The actual design graphics on the sign are relatively simple displaying only the company logo and name. A smaller sign would be located beneath this to identify opening hours.

This sign would be internally illuminated. Concern has been raised by the Parish Council in relation to the scale of this sign. These comments are acknowledged however it is noted that this sign is a similar scale to the totem sign previously displayed on the same site which served the service station. Although the proposed sign is large it is considered that it would not appear out of keeping or dominant in the locality given the mixed character of it and the approved land use. It is considered that there are no reasonable objections to this sign as it would not have an appreciable impact on the surroundings.

5.6 In summary to the above it is considered that the proposed signage would not have an appreciable impact on its surroundings and would be appropriately placed and designed given the character of the locality. Officers do however feel that it is necessary to condition the times of illumination to ensure that this is restrained only during the opening hours of the foodstore in order to prevent illumination throughout the night. Condition 5 on application PK13/2310/F restricts opening hours to between 08:00hrs - 21:00hrs Mon to Sat, and 10:00hrs - 17:00hrs Sundays and Bank Holidays. The agent for the application has confirmed that the intention is for the illumination to be on one hour before opening and for one hour after closing. A time period of 07:00hr to 23:00hrs has been agreed in order to allow some flexibility in the illumination.

5.7 Cumulative Impact

The signs have been considered cumulatively in the context of the mixed use of the locality. It is considered that the signage would not have a cumulatively detrimental impact on the amenity of the locality and would not create any unnecessary clutter.

5.8 Public safety

The application seeks consent to display 3no. internally illuminated signs. The proposed signage has been assessed by the Council's Highway Officer who has confirmed that none of the proposed signage would prejudice highway safety. None of the proposed signs would overhang a highway and all signs are fixed and located away from areas where customers are likely to walk. Sign A nearest to the site entrance is sufficiently set back enough not to interfere with driver's sight lines. It is not considered that the proposed signs will adversely impact upon highway along Bath Road. The Parish Council have raised concern in relation to the illuminated sign A and the potential to distract drivers on Bath Road near a pedestrian crossing. These comments are acknowledged however as the illuminated sign is not intermittent and the graphics on the design itself is relatively simple it is considered that it would not pose a significant distraction to the detriment of public safety.

6. CONCLUSION

6.1 It is considered that the proposed sign would not prejudice amenity or public safety, and would not have a cumulatively detrimental impact on the locality. Accordingly, in line with guidance contained within the National Planning Policy Framework 2012, advertisement consent is granted.

7. RECOMMENDATION

7.1 That the application is APPROVED subject to conditions

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

1. The internal illumination on the signs hereby approved shall be switched off between the hours of 23:00hrs and 07:00 hours Monday to Sunday (inclusive).

Reason

To prevent illumination and light spillage during the night, in the interests of the amenity of the locality, and to accord with the provisions of the National Planning Policy Framework 2012.

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PK14/1169/F	Applicant:	Mr Lynton Hoskins
Site:	5 Brayne Court Longwell Green Bristol South Gloucestershire BS30 7DS	Date Reg:	28th March 2014
Proposal:	Erection of single storey side extension to form garage, following conversion of existing garage to living accommodation.	Parish:	Oldland Parish Council
Map Ref:	365649 171357	Ward:	Longwell Green
Application Category:	Householder	Target Date:	20th May 2014



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

The proposal has been submitted to the Council's Circulated Schedule process following an objection received from a local resident, contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission to erect a single storey side extension to form a garage, and to convert the existing garage into additional living accommodation.
- 1.2 The application site relates to a two storey detached property within the established residential area of Longwell Green. Properties of a similar age and design characterise the locality.
- 1.3 Amended plans were received during the course of the application at the officer's request, with corrections to some of the labelling of the plans for clarity. A re-consultation was not necessary as the proposal itself remained the same.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) August 2007
Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/2544/F - Erection of single storey rear extension to extend existing carport.
Approve with conditions – 20/10/2005
- 3.2 P98/4484 - Erection of garage extension and provision of car port
Approve – 14/08/1998

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No comments received.

4.2 Hanham Abbots Parish Council

No comments received.

4.3 Other Consultees

Highway Drainage

No comment.

Public Rights of Way

No objection.

Open Spaces Society

No comments received.

Other Representations

4.4 Local Residents

One objection letter has been received from a neighbour. Their concerns are summarised below:

- The site boundary is not as indicated in drawing no. 1426-01, it is actually to the inside of the outside wall of garage no. 2. The applicant tried to get the objector to sign a declaration for the outside wall of garage no.2 at the time it was built, but they refused.
- The interwoven timber fence in drawing no. 1426-102 belongs to the objector according to the applicant, further indicating where the boundary lies
- The kerb stones and gravel margin in drawing no. 1426-102 will have to be removed for foundations to be dug
- The objector will experience loss of light on their landing and half landing, which is used as a play room for their young children
- If the application is approved, under no circumstances will their property be encroached, including the removal of kerb stones for foundation or the erection of a wall, the erection of scaffolding or the overhanging of roof tiles. Also, the joint access will not be compromised at any time, even for the unloading of materials.

4.5 To address the concerns regarding the property being encroached for the erection of this proposal, informatives will be issued with the decision notice reminding the applicant of the law regarding land ownership and consent. Planning permission does not give authorisation for the applicant to build on land of which they are not the owner. The agent was notified of the concerns raised regarding the boundary, but stated that the proposal was only up to the boundary and did not encroach on neighbouring land. The comment about loss of light is a planning concern and will be addressed in the analysis below.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved 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, and also that there is safe and adequate parking provision and no negative effects on transportation. The proposal is considered to accord with the principle of development.

5.2 Design

The application site is part of an estate of dwellinghouses which vary in shape and size but are characterised by the same style and materials. The property to be extended consists of brickwork with a concrete-tiled, gabled roof, white UPVC windows and a wooden door. The property has two garages at present, one on each side, with the north-west garage (referred to in the plans as garage no.2) being set back from the front elevation by almost 5 metres. There is a lean-to canopy over the first floor and the south-east garage entrance (garage no.1), with tiles to match the main roof. Garage no.1 is much larger following previous applications referred to in section 3.

5.3 It is garage no.2 which is proposed to be converted into a garden room. To facilitate this conversion, the existing window to the rear of garage no.2 is to be blocked up and double doors are to replace the existing door out into the garden at the south east elevation of the proposed garden room. No windows are proposed on the north-west elevation facing the closest neighbours at 6 Brayne Court. The roof line is to be changed so that it slopes at a flattened angle and meets the roof line of the proposed garage extension to form a gabled roof. This proposed roof line mirrors both the roof line of the main dwelling, and also of garage no.1.

5.4 The extended part of the proposal to form the new garage will extend forward to be in line with the front elevation of the house. This creates a rather long frontage to the property at almost 15 metres across the whole width of the plot. Despite this, it is not considered to be overbearing in design, due to the fact that both garages are single storey with gable roofs sloping down to a height of just 3 metres at the lowest point. The plans indicate that all the materials in the proposal are to match the existing dwelling, and as such the proposal is considered acceptable in terms of policy CS1 of the Core Strategy.

5.5 Residential Amenity

An objection has been received stating that the proposal will cause a loss of light to the upstairs landing window of 6 Brayne Drive. It is considered that there may be an impact, but not significantly different from the loss of light caused by the existing dwelling itself. An upstairs landing window is not usually considered a habitable room, and as the proposal is of single storey, the impact is not thought to be detrimental to residential amenity.

5.6 The proposal will not overlook the neighbours as there are no windows proposed facing 6 Brayne Drive or to the rear, as the existing window on garage no.2 is to be blocked up when it is converted. There is a double door proposed on the south east elevation of the new garden room facing towards 18 Isleys Court, but the view will be blocked by garage no.1, and the boundary between the applicant's property and the public right of way, which is 2 metres in height approximately. A condition will be issued on the decision notice to prevent the installation of windows on the north-west elevation facing 6 Brayne Court, in order to preserve mutual privacy.

5.7 Private amenity space is retained because the extension of the dwelling's footprint is upon hard standing tarmac to the side of the property, in front of the existing garage. There is ample private garden to the rear of the property. Therefore, the proposal would not result in any adverse impacts on the residential amenity of neighbouring occupiers or future occupiers. As such the proposal is considered acceptable in terms of saved policy H4 of the adopted Local Plan.

5.8 Highways

The proposal does not result in an increase in the number of bedrooms at the property, so there is not a need to find any additional parking spaces. The new extension to form a garage does not meet the minimum size requirements for a parking space under the Residential Parking Standards, but neither did the garage which is to be converted (garage no.2). Accordingly there are no concerns in terms of highway safety or issues raised by the Residential Parking Standard SPD (Adopted) December 2013.

5.9 Public Right of Way

The development is unlikely to affect the nearest public footpath (ref. POL20/10) which runs adjacent to the south eastern boundary of the property, and therefore the Public Rights of Way Officer has no objections. However, they advised that no change to the surface of the right of way can be approved without consultation with the Council. The developer should be aware of his/her obligations not to interfere with the public right of way either whilst development is in progress or once it has been completed; such interference may well constitute a criminal offence. In particular, the developer must ensure that:

- a) There is no diminution in the width of the right of way available for use by members of the public.
- b) No building materials are stored on the right of way.
- c) No damage or substantial alteration, either temporary or permanent, is caused to the surface of the right of way.

- d) Vehicle movements are arranged so as not to unreasonably interfere with the public's use of the way.
- e) No additional barriers (e.g. gates) are placed across the right of way, of either a temporary or permanent nature.
- f) No wildlife fencing or other ecological protection features associated with wildlife mitigation measures are placed across the right of way or allowed to interfere with the right of way.
- g) The safety of members of the public using the right of way is ensured at all times.

An informative issued on the decision notice will draw attention to the 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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That permission is **GRANTED** subject to the conditions issued on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

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 CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.
- 3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north-west elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PT12/0478/F	Applicant:	Crest Nicholson (SW) Ltd And Harcourt Developments
Site:	Land At Harry Stoke Stoke Gifford Bristol South Gloucestershire BS34 8QQ	Date Reg:	23rd February 2012
Proposal:	Engineering works and associated landscaping on 1.1 hectares of land to create ponds for surface water drainage and great crested newt mitigation strategy associated with planning application PT06/1001/O, Land at Harry Stoke.	Parish:	Winterbourne Parish Council
Map Ref:	362557 178748	Ward:	Winterbourne
Application Category:	Major	Target Date:	23rd May 2012



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule as the application includes S106 obligations.

1. INTRODUCTION

- 1.1 This application for the ponds had a resolution to grant consent in November 2012, via the circulated schedule procedure, subject to the applicant first voluntarily entering into a S106 agreement to secure an agreed maintenance strategy and a commuted sum towards the adoption and maintenance of the surface water infrastructure and newt habitat.
- 1.2 Subsequently in October 2013 an amendment to the heads of terms was sought by the applicant as they intend to provide a management company to maintain and manage the ponds and the associated newt habitat. This amendment was put on Circulated Schedule and a resolution to grant consent given.
- 1.3 This application is now referred back to Circulated Schedule due to the time scale granted (6 months) as part of the resolution to complete the S106 agreement has lapsed.
- 1.4 The lapse of the 6 months time limit from September 2013 was due to negotiations on the detail of the S106 agreement. Some of the reasons for planning conditions have been updated following the adoption of the Council's Core Strategy: Local Plan in December 2013. The Core Strategy adoption has not altered the overall planning recommendation. The revised recommendation is set out in full below.
- 1.5 Negotiations have progressed and it is anticipated that the S106 agreement should be completed and ready to be engrossed by the end of May 2014.
- 1.6 A copy of the previous committee report is attached in Appendix A.

2. RECOMMENDATION

- 2.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
 - Provision of a private management company to maintain and manage the ponds to a management brief as agreed by the Director of Environment and Community Services.
- 2.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 2.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then authority be delegated to Officers to consider refusal of the application or to return to the Circulated Schedule for further consideration.

Contact Officer: Will Collins

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. Details of a scheme of tree planting to the eastern boundary of the pond shall be submitted in writing to the local planning authority within 2 months of the date of this permission. The approved development shall be implemented in accordance with the approved scheme and maintained thereafter as such, unless otherwise agreed in writing by the local planning authority.

Reason

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

3. Details of the access track, including the surface material, shall be submitted to the local planning authority in writing within 2 months of the date of this permission. The approved scheme shall be implemented in accordance with the approved details.

Reason

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

4. An ecological and landscape management plan for all terrestrial/aquatic habitat within the application site be drawn up and submitted to the local planning authority in writing, within 2 months of the date of this permission to comprise works beneficial to great crested newts (European protected species) and consistent with the (newt) habitat as depicted on the drawings hereby approved. All works are to be carried out in accordance with approved management plans.

Reason: to ensure that the newt habitat is appropriate for the protection of the European protected species and to accord with Policy L9 of the adopted Local Plan.

5. A strip of land 8 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new structures (including gates, walls and fences), and there should be no raising of ground levels within the floodable area of the Ham Brook

Reason: To preserve access to the watercourse for maintenance and improvement and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

6. Within 2 months of the date of this permission a scheme for the provision and implementation of surface water run-off limitation shall be submitted in writing to the

local planning authority. The scheme shall be completed in accordance with the approved programme and details. For the avoidance of doubt, surface water runoff from the site will need to be attenuated and controlled to ensure discharge from the site into the Ham Brook does not exceed the equivalent greenfield runoff rates outlined in Section 6, Table 1 of the Flood Risk Assessment (March 2006). This is to ensure flood risk is not exacerbated in the Ham Brook catchment.

Reason: To prevent the increased risk of flooding from surface water runoff and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

7. Within 2 months of the date of this permission a scheme for the provision of surface water drainage works has been submitted in writing to the local planning authority. The works shall be completed in accordance with the approved details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

CIRCULATED SCHEDULE NO. 40/13 – 04 OCTOBER 2013

App No.:	PT12/0478/F	Applicant:	Crest Nicholson (SW) Ltd And Harcourt Developments
Site:	Land At Harry Stoke Stoke Gifford Bristol South Gloucestershire BS34 8QQ	Date Reg:	23rd February 2012
Proposal:	Engineering works and associated landscaping on 1.1 hectares of land to create ponds for surface water drainage and great crested newt mitigation strategy associated with planning application PT06/1001/O, Land at Harry Stoke.	Parish:	Winterbourne Parish Council
Map Ref:	362557 178748	Ward:	Winterbourne
Application Category:	Major	Target Date:	23rd May 2012



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 100023410, 2008. **N.T.S.** **PT12/0478/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule as the application includes amended S106 obligations.

1. INTRODUCTION.

- 1.1 This application for the ponds had a resolution to grant consent in November 2012, via the circulated schedule procedure, subject to the applicant first voluntarily entering into a S106 agreement to secure an agreed maintenance strategy and a commuted sum towards the adoption and maintenance of the surface water infrastructure and newt habitat.
- 1.2 Further to this, the applicants have not signed the S106 agreement and have recently requested that the Council amend the heads of terms, as they intend to provide a management company to maintain and manage the ponds and the associated newt habitat.
- 1.3 The previously approved report is attached in Appendix 1.

2. PROPOSED AMENDMENTS

- 2.1 The proposed amendments consist of the alteration of the head of term from provision of a commuted sum towards the adoption and maintenance to the provision of a private management company to maintain and manage the ponds to a management brief as agreed by the Director of Environment and Community Services.
- 2.2 The use of private management companies to maintain open space, water infrastructure and wildlife habitat is well established and has been approved in a number of major schemes over the last few years. As such, it is considered that the proposed amendment to the head of term is acceptable, subject to the addition of the proposed conditions.
- 2.3 Work has already commenced on the ponds on site, and as such, the conditions proposed have been amended, as they now cannot be complied with in their previously approved form, as they required details to be agreed prior to commencement of development. As such, they have been amended with a definitive timescale of compliance by 2 months of the date of the grant of the planning permission. The only condition that is not capable of amendment is the archaeological condition, (condition 5 in the appended report) However, the Council's Archaeology Officer has stated that previous evaluation in the location of the ponds demonstrated limited survival of archaeological deposits, suggesting that this area is not of great archaeological significance. Given this, and the fact that the other conditions can be suitably amended to ensure that they take effect, officers do not consider that it would be expedient to take enforcement action in this case. The ponds are required for the drainage scheme for the approved Harry Stoke development (PT06/1001/O) as well as for the newt habitat for this development, which forms a part of the Council's strategic housing sites allocation.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:
- Provision of a private management company to maintain and manage the ponds to a management brief as agreed by the Director of Environment and Community Services.
- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then authority be delegated to Officers to consider refusal of the application or to return to the Circulated Schedule for further consideration.

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

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. Details of a scheme of tree planting to the eastern boundary of the pond shall be submitted in writing to the local planning authority within 2 months of the date of this permission. The approved development shall be implemented in accordance with the approved scheme and maintained thereafter as such, unless otherwise agreed in writing by the local planning authority.

Reason

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

3. Details of the access track, including the surface material, shall be submitted to the local planning authority in writing within 2 months of the date of this permission. The approved scheme shall be implemented in accordance with the approved details.

Reason

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

4. An ecological and landscape management plan for all terrestrial/aquatic habitat within the application site be drawn up and submitted to the local planning authority in writing, within 2 months of the date of this permission to comprise works beneficial to great crested newts (European protected species) and consistent with the (newt) habitat as depicted on the drawings hereby approved. All works are to be carried out in accordance with approved management plans.

Reason

To ensure that the newt habitat is appropriate for the protection of the European protected species and to accord with Policy L9 of the adopted Local Plan.

5. A strip of land 8 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new structures (including gates, walls and fences), and there should be no raising of ground levels within the floodable area of the Ham Brook

Reason

To preserve access to the watercourse for maintenance and improvement and to accord with Policies L17 and L18 of the adopted South Gloucestershire Local Plan (Adopted) January 2006.

6. Within 2 months of the date of this permission a scheme for the provision and implementation of surface water run-off limitation shall be submitted in writing to the local planning authority. The scheme shall be completed in accordance with the approved programme and details. For the avoidance of doubt, surface water runoff from the site will need to be attenuated and controlled to ensure discharge from the site into the Ham Brook does not exceed the equivalent greenfield runoff rates outlined in Section 6, Table 1 of the Flood Risk Assessment (March 2006). This is to ensure flood risk is not exacerbated in the Ham Brook catchment.

Reason

To prevent the increased risk of flooding from surface water runoff and to accord with Policies L17 and L18 of the adopted South Gloucestershire Local Plan (Adopted) January 2006.

7. Within 2 months of the date of this permission a scheme for the provision of surface water drainage works has been submitted in writing to the local planning authority. The works shall be completed in accordance with the approved details and timetable agreed.

Reason

To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to accord with Policies L17 and L18 of the adopted South Gloucestershire Local Plan (Adopted) January 2006.

APPENDIX to report 40/13

CIRCULATED SCHEDULE NO. 46/12 – 16 NOVEMBER 2012

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule as the application includes S106 obligations.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for engineering works and associated landscaping on 1.1 hectares of land to create ponds for surface water drainage and great crested newt mitigation strategy associated with planning application PT06/1001/O, Land at Harry Stoke.
- 1.2 The site consists of an agricultural field, within the Green Belt, abutting the north-eastern boundary of the Harry Stoke development approved under planning permission PT06/1001/O. The site lies in Flood Zone 1. To the north of the site runs the Ham Brook and a line of trees runs along this boundary and along the western boundary with the Harry Stoke development. To the south lies the site of the main access road into the first approved reserved matters permission (PT12/1302/RM) from the Ring Road. The land to the east and south consist of open fields. The site is, however, included within the East of Harry Stoke New Neighbourhood, as set out in the emerging Core Strategy.
- 1.3 The proposals consist of three ponds, running north to south, connected by a 600mm diameter pipe. Each pond has a headwall outlet that controls flow into the ponds. The ponds are a maximum of 1.8m deep, with a permanent water level of 300mm. The proposed banks are sloped at an angle of 1:5. The proposed headwall inlets are 1.2m high from the height of the permanent water level. The application includes a landscaping scheme to include shrub planting around the ponds, pond edge plants and submerged aquatics that reflect its dual role. An access track is proposed from the main access into the Harry Stoke site, which is currently under construction.
- 1.4 The applicants have stated that the ponds were included as part of the flood risk assessment included within the surface water drainage scheme as set out for approved application PT06/1001/O, but were never formally included within that application, hence the need for the current application.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006

L1 Landscape Protection and Enhancement
L9 Species Protection
L11 Archaeology
L17 and L18 The Water Environment

EP2 Flood Risk and Development
GB1 Development within the Green Belt
T12 Transportation Development Control Policy

South Gloucestershire Core Strategy incorporating Post-Submission Changes

CS9 Managing the Environment and Heritage
CS27 East of Harry Stoke New Neighbourhood

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish Council
No objection

4.2 Other Consultees

Environment Agency

Providing that the local planning authority are satisfied the requirements of the sequential test under PPS25 are met, the Environment Agency would have no objection, in principle, to the proposed development, subject to the inclusion of conditions relating to surface water drainage and management thereof.

4.3 Natural England

This proposal does not appear to affect any statutorily protected sites or landscapes or have significant impact on the conservation of soils, nor is the proposal EIA development. The Authority needs to ensure it has sufficient information on the impact of the proposal on biodiversity before it determines this application, so that it can ensure that appropriate mitigation can be provided to compensate for any loss in quality or quantity of Biodiversity Action Plan habitat and any opportunities to enhance biodiversity are built into the design of the proposal.

Other Representations

4.4 Local Residents

One local resident commented that she had no objections in principle but concerned about the access to the site for construction and maintenance via the track between 1 Hambrook Lane and 1 Harry Stoke Road being used for

this purpose, and suggested that the main access should be via the main development.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The site lies within Green Belt. Policy GB1 does not reference engineering

operations, just structures or buildings. The proposal is for an engineering operation rather than a structure or building and para 90 of the NPPF states that engineering operations are not inappropriate provided that they do not conflict with the purposes of including land within the Green Belt. Para 80 of the NPPF states that Green Belt serves five purposes: to check the unrestricted sprawl of large built up areas; to assist in safeguarding the countryside from encroachment; to prevent neighbouring towns merging into one another; to preserve the setting and special character of historic towns, and to assist in urban regeneration. Given that the proposals are for a series of ponds with newt habitat, it is considered that they will not conflict with these five purposes and as such, the proposals are considered appropriate development in the Green Belt.

5.2 Whilst the site lies in Green Belt under the adopted Local Plan, it also lies within the East of Harry Stoke New Neighbourhood in the emerging Core Strategy, which is proposed to be developed by the same developer as the approved Harry Stoke scheme under PT06/1001/O. Therefore any future scheme for the East of Harry Stoke New Neighbourhood would take account of these drainage and ecological ponds in any future masterplanning.

5.3 Given the above it is considered that the principle of development is acceptable and the proposals accords with the NPPF.

5.4 Visual Amenity and Landscape

The proposal is well screened from the footpaths to the north and the west by existing trees which are proposed to be retained. On the advice of the Council's Landscape Architect the existing trees have been shown on the plan, along with root protection zones and it is clear from this that the pond construction as proposed is outside of the tree protection zones and will therefore not unduly affect these trees.

5.5 Whilst the Council's Landscape Architect considered that the scheme is screened from views to the north and west, the eastern boundary of the area is defined by a stock proof fence and the transition between the ponds and the surrounding field remains awkward. As such, the Landscape Architect considers that this could be resolved with additional, tree planting on the eastern boundary, and a condition will be recommended to this effect.

5.6 No details are included within the scheme with regard the access track, apart its location from the ponds southwards to the main access road from the A4174. As such, details of the surfacing of the access track will be recommended by condition.

- 5.7 Subject to the above recommended conditions, there are no adverse landscape and visual amenity implications of the proposal, and accord with Policy L1 of adopted Local Plan and Policy CS9 of the emerging Core Strategy.
- 5.8 Ecology
The application is for surface water attenuation ponds for the adjoining outline permission which provides both terrestrial and aquatic habitat as part of the mitigation strategy for the great crested newt colony associated with the outline permission.
- 5.9 As European protected species, development of land under outline permission PT06/1001/O is subject to licensing under Regulations 53/56 of the Habitat Regulations 2010. As part of this, any mitigation strategy for the scheme (forming part of the licence application) will have to demonstrably provide a sufficient quantity of suitable aquatic and terrestrial habitat to support to present population of great crested newts associated with the site and enable it to expand and thrive; and also be configured/ designed in such a way as to enable the colony to use it to migrate and disperse.
- 5.10 Critically, the location of the great crested newt habitat within the Harry Stoke Masterplan must also marry in with the ecological and landscape design for the future housing allocation farther east (forming part of the South Gloucestershire Core Strategy), as well as the detailed design of habitat immediately along either side of the new relief road between the A4174 and Stoke Gifford. Enabling the colony to effectively ‘jump’ the road, by creating high-quality adjacent terrestrial and aquatic habitat, and suitable design features, is a critical component for delivering on the conservation of the species locally and thereby facilitating future licences under the Habitat Regulations.
- 5.11 The proposals provide details of the habitat and planting mixes proposed for the aquatic/terrestrial habitat, as well as the proposed features, design and profiles for each water body and the surrounding habitat. These are all acceptable and will form a valuable and integral component of the mitigation strategy for the Outline permission land. Delivering good-quality semi-natural habitat for great crested newts in this location is also critical in that it provides the vital ‘linking habitat’ between the proposed receptor site for the species at the northern end of Maules Lane and the block of scrub/rough grassland and woodland planting to the south of the access road adjacent to the A4174.
- 5.12 Great crested newt is a European protected species and, as such, the application should provide sufficient detail to enable the development to meet the ‘tests’ to which licences are subject to under Regulations 53/56 of the Habitat Regulations 2010 as required by the Woolley v East Cheshire BC judicial review 2009.

The three ‘tests’ are:-

- *For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or*

economic nature and beneficial consequences of primary importance for the environment;

- *There is no satisfactory alternative to the work specification;*
- *The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.*

The first two of these are planning tests.

- 5.13 With regard to the first test, it is considered that the ponds are required for surface water attenuation for the development of the Harry Stoke outline planning permission, which forms an integral part of the strategic housing allocations in the adopted Local Plan. Without the surface water attenuation then the housing scheme fails in its requirement to reduce surface water run-off. The ponds were included within the flood risk assessment for the outline permission, with the requirement that they needed a separate planning permission. As such, it is considered that the first test is passed.
- 5.14 With regard to the second test, the site was considered the most appropriate when assessed by the flood risk assessment for the outline planning permission, and it is outside any flood zones of the Ham Brook. As such, it is considered that the second test is passed.
- 5.15 Addressing the third 'favourable conservation status' test, the various phases of developing out outline permission PT06/1001/O will require individual licences under the 2010 Habitat Regulations; and furthermore will need to concord with the overall great crested newt mitigation strategy agreed with the licensing body, Natural England. The Council's Ecologist considers that the SUDS/wetland habitat scheme forms an integral part of the wider mitigation strategy for the species across the outline permission area by creating new areas of optimum wetland and terrestrial habitat. This semi-natural habitat is created on an area of intensive agricultural land of minimal value for great crested newts; and is strategically in a vital location, providing an invaluable dispersal route from the receptor ponds to the north to the woodland/grassland habitat to the south within the masterplan.
- 5.16 Given this, therefore, it is considered that the application, both in itself and as a component of the wider great crested newt mitigation strategy across the Outline area, will contribute towards the conservation of the species locally and will thus not be '*detrimental to the maintenance of the species at a favourable status in their natural range*'.
- 5.17 As such, there are no ecological constraints to granting planning permission, subject to condition requiring an ecological and landscape and management plan be drawn up and agreed by the Council, and the proposals conform to Policy L9 of the adopted Local Plan and Policy CS9 of the emerging Core Strategy and the Habitat Regulations 2010.

5.18 Transportation

The proposed access is via the main road to the housing site, from the Avon Ring Road the A4174, and this is considered acceptable. There will no access to the site via the footpath along the Ham Brook or via Maules Lane. The Transportation Officer therefore raises no objection to the proposals, and the proposals accord with Policy T12 of the adopted Local Plan.

5.19 Residential Amenity

The site is over 200m from existing residential properties on Harry Stoke Road and therefore there will be no residential amenity issues for existing residents. The ponds will be shielded from view from properties proposed on the adjoining Harry Stoke development and as such there will be no impact on the future residents of Harry Stoke.

5.20 Archaeology

The site was subject of an archaeological evaluation as part of the approved outline application. This work indicated that significant archaeological features were present in the southern part of the current application area, and in order to full record these features and to mitigate any loss of archaeological remains a watching brief conditions should be added to any permission. As such the proposals are acceptable and accord to Policy L11 of the adopted Local Plan and Policy CS9 of the emerging Core Strategy.

5.21 Drainage

The scheme formed part of the flood risk assessment approved as part of the outline planning permission, with the proviso that this element gained a separate permission, hence the current application. The Environment Agency have stated that subject to conditions, and that the local planning authority are satisfied that the requirements of the sequential test are met, they have no objection to the scheme. They also require details of who would be maintaining the ponds.

5.22 Since the scheme is in flood zone 1, the development passes the sequential test as required by para 103 of the NPPF.

5.23 The applicants have indicated that they would like the Council to adopt the ponds and maintain them- to this end a S106 obligation will be required to ensure this, in terms of both the details of the maintenance scheme and the commuted sum required to maintain this water infrastructure.

5.24 Subject to the requested conditions and the S106 obligation, it is considered that the drainage implications of the proposal are acceptable and accord with Policies L17, L18 and EP1 of the adopted Local Plan, Policy CS9 of the emerging Core Strategy as well as the NPPF.

5.25 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

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

In this instance, it is considered that the planning obligations are required to provide the long term maintenance of the surface water infrastructure are consistent with the CIL Regulations (Regulation 122).

6. **CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The principle of development is acceptable as it accords with Green Belt policy as set out in the NPPF. The proposals in visual amenity and landscape terms, subject to the suggested conditions are acceptable and accord with Policy L9 of the adopted Local Plan and Policy CS9 of the emerging Core Strategy. The proposals, in ecological terms, subject to the suggested conditions are acceptable and accord with Policy L9 of the adopted Local Plan, Policy CS9 of the emerging Core Strategy and the Habitat Regulations 2010. The transportation implications of the proposals are acceptable and accord with Policy T12 of the adopted Local Plan. The drainage implications of the proposals are acceptable, subject to the suggested conditions, and accord with Policies L17, L18 and EP1 of the adopted Local Plan, and Policy CS9 of the emerging Core Strategy and the NPPF. The archaeological implications of the proposals are acceptable, subject to the suggested condition, and accord with Policy L11 of the adopted Local Plan and Policy CS9 of the emerging Core Strategy.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant permission, subject to the conditions set out below and the applicant first voluntarily entering into an agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the following:

- Provision of an agreed maintenance strategy and a commuted sum towards the adoption and maintenance of the surface water infrastructure and newt habitat

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

7.3 Should the Section 106 Agreement not be completed within 6 months of the date of determination then authority be delegated to Officers to consider refusal of the application or to return to the Committee for further consideration.

Contact Officer: Sarah Tucker
Tel. No. 01454 863780

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. Details of a scheme of tree planting to the eastern boundary of the pond shall be submitted to and approved in writing by the local planning authority prior to the commencement of development. The development shall be implemented in accordance with the approved scheme and maintained thereafter as such, unless otherwise agreed in writing by the local planning authority.

Reason

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

3. Details of the access track, including the surface material, shall be submitted to and agreed in writing by the local planning authority prior to the commencement of development. The scheme shall be implemented in accordance with the approved details.

Reason

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

4. Prior to development commencing, an ecological and landscape management plan for all terrestrial/aquatic habitat within the application site be drawn up and agreed with the local planning authority in writing, to comprise works beneficial to great crested newts (European protected species) and consistent with the (newt) habitat as depicted on the drawings hereby approved. All works are to be carried out in accordance with approved plans.

Reason: to ensure that the newt habitat is appropriate for the protection of the European protected species and to accord with Policy L9 of the adopted Local Plan.

5. 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 brief as provided by the Council's Archaeology Officer

Reason

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

6. A strip of land 8 metres wide adjacent to the top of the banks of all watercourses fronting or crossing the site must be kept clear of all new structures (including gates, walls and fences), and there should be no raising of ground levels within the floodable area of the Ham Brook

Reason: To preserve access to the watercourse for maintenance and improvement.

7. No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water run-off limitation has been submitted to and approved in writing by the LPA. The scheme shall be completed in accordance with the approved programme and details. For the avoidance of doubt, surface water runoff from the site will need to be attenuated and controlled to ensure discharge from the site into the Ham Brook does not exceed the equivalent greenfield runoff rates outlined in Section 6, Table 1 of the Flood Risk Assessment (March 2006). This is to ensure flood risk is not exacerbated in the Ham Brook catchment.

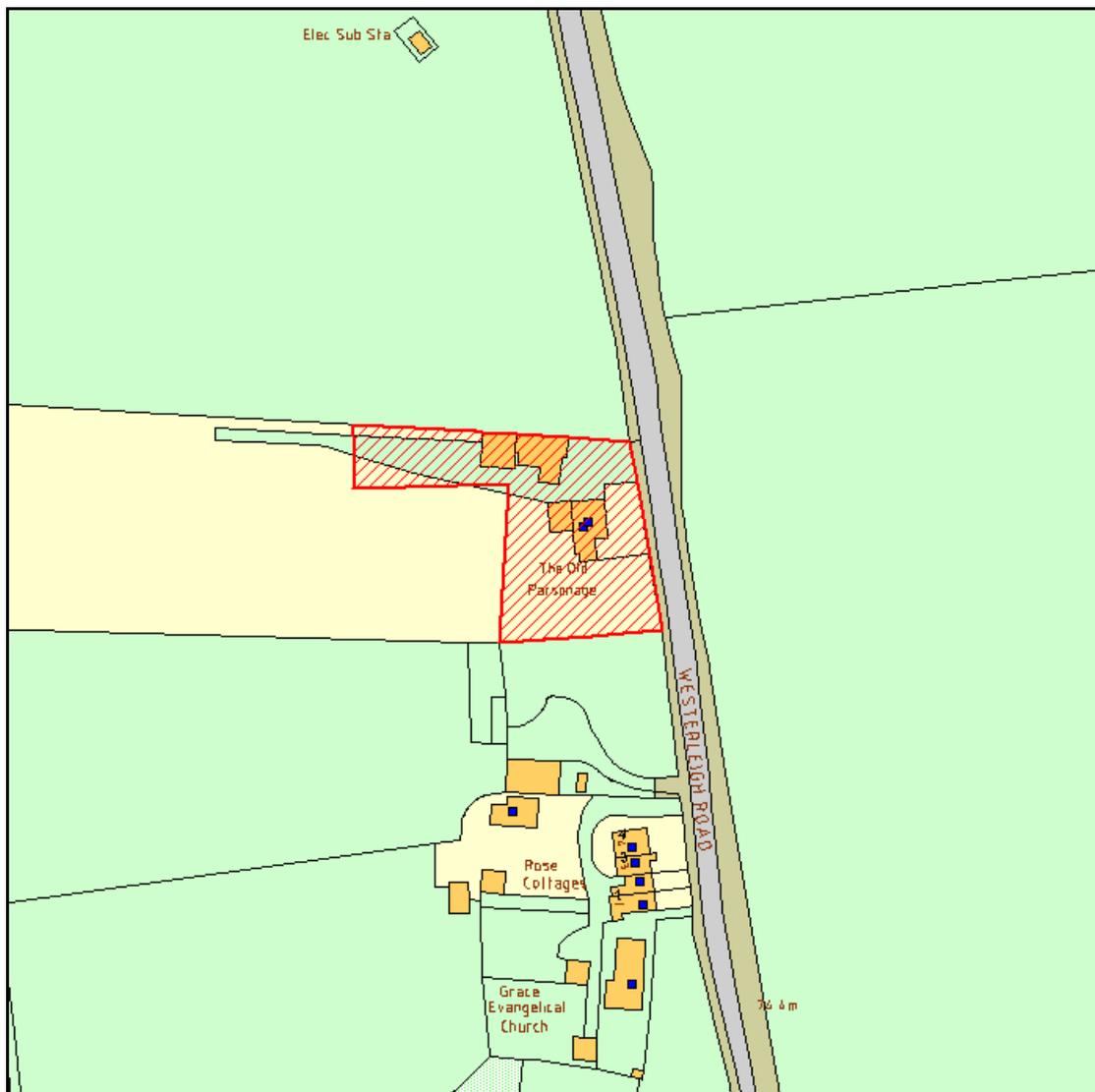
Reason: To prevent the increased risk of flooding from surface water runoff.

8. No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the details and timetable agreed.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PT13/1047/O	Applicant:	Mr And Mrs D Morse
Site:	Land Adjoining The Old Parsonage Westerleigh Road Westerleigh Bristol South Gloucestershire BS37 8QQ	Date Reg:	28th March 2013
Proposal:	Erection of 1no. dwelling (Outline) with access and layout to be determined. All other matters reserved. Change of use of 2no. dwellings to 1no. dwelling with annexe.	Parish:	Westerleigh Parish Council
Map Ref:	369906 180569	Ward:	Westerleigh
Application Category:	Minor	Target Date:	22nd May 2013



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with the resolution of the Development Control (West) Committee made on 24 October 2013.

This resolution stated –

That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

- (i) the Old Parsonage and the annexe shall remain as one planning unit and cannot be severed or separated back into two dwellings;
- (ii) the new dwelling on the site cannot be occupied prior to the Old Parsonage and adjoining dwelling being amalgamated into one dwelling;
- (iii) the owners of the two existing properties are prevented from claiming compensation.

The reasons for this Agreement are:

- (i) To secure the development in accordance with the case of very special circumstances presented and to accord with policy GB1 of the Local Plan.

The Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.

If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:

- (a) be returned to the Circulated Schedule for reconsideration; or,
- (b) the application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement for the reason listed above.

There have been a series of delays in completing the S106 agreement caused by lengthy negotiations between the respective legal teams and delays with mortgagor.

The applicant is now in a position to engross the S106 agreement and return it to the Council to be sealed. However, the period in which the committee resolution provided for this to be completed expired on 24 April 2014. To avoid the refusal of the application, the agent has formally requested an extension of time for the S106 to be sealed within one month of this determination under the Circulated Schedule.

In accordance with the previous Committee resolution, this application is referred to the Circulated Schedule with an amended recommendation for approval to take into account the extended time period for the completion of the S106 agreement.

The Officer's report to the Development Control Committee is attached as an appendix.

RECOMMENDATION

1. That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
 - (i) the Old Parsonage and the annexe shall remain as one planning unit and cannot be severed or separated back into two dwellings;
 - (ii) the new dwelling on the site cannot be occupied prior to the Old Parsonage and adjoining dwelling being amalgamated into one dwelling;
 - (iii) the owners of the two existing properties are prevented from claiming compensation.

The reasons for this Agreement are:

- (ii) To secure the development in accordance with the case of very special circumstances presented and to accord with policy GB1 of the Local Plan.
2. The Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.
3. If the S106 Agreement is not signed and sealed within 1 month of this determination then, in view of the length of time, the application should either:
 - (a) be returned to the Circulated Schedule for reconsideration; or,
 - (b) the application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement for the reason listed above.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the following parameters as described in the design and access statement and supplemented by correspondence during the course of the application. The building hereby permitted may not exceed a total volume of 750 cubic metres or have an eaves height above 4.8 metres or an overall height above 7 metres.

Reason

To protect the openness of the green belt and the purposes of including land within it, and to accord with policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the openness of the green belt and the purposes of including land within it, and to accord with policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hedge along the northern boundary of the site is to be maintained and improved and additional planting and screening is required along the eastern boundary. The existing stone walls are to be retained. Prior to the commencement of development, and as part of the reserved matters, a plan indicating the landscaping measures proposed including the proposed additional planting, tree protection and retention, and any other type of boundary treatment(s) to be erected on site, including the retained stone walls, shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building hereby permitted is first occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the openness of the green belt, the visual amenity of the countryside and the character and appearance of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Two off-street parking spaces measuring a minimum of 2.4m by 4.8m must be provided within the curtilage of the dwelling before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications, and the Residential Parking Standard (Approved for Development Management Purposes) March 2013.

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

Reason

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

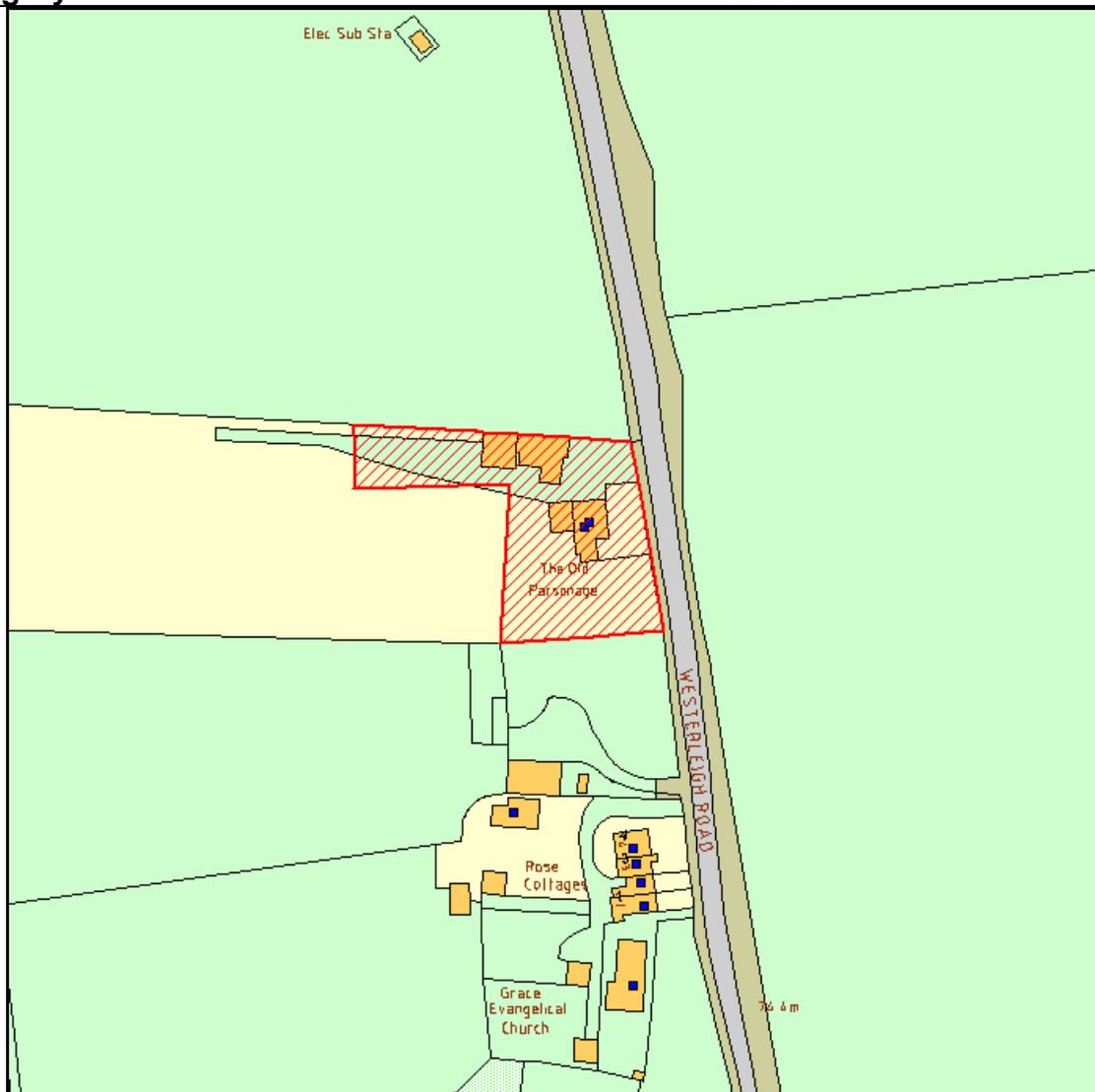
10. Prior to the commencement of development samples of the roofing and external facing materials for the new building and of the stonework for the boundary walls shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

DEVELOPMENT CONTROL (WEST) COMMITTEE – 24 OCTOBER 2013

App No.:	PT13/1047/O	Applicant:	Mr And Mrs D Morse
Site:	Land Adjoining The Old Parsonage Westerleigh Road Westerleigh South Gloucestershire	Date Reg:	28th March 2013
Proposal:	Erection of 1no. dwelling (Outline) with access and layout to be determined. All other matters reserved. Change of use of 2no. dwellings to 1no. dwelling with annexe.	Parish:	Westerleigh Parish Council
Map Ref:	369906 180569	Ward:	Westerleigh
Application Category:	Minor	Target Date:	22nd May 2013



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REASON FOR REPORTING TO COMMITTEE

This application is referred to the Development Control (West) Sites Inspection Sub-Committee and the Development Control (West) Committee as a matter of process; the application represents a departure from policy and is subject to a legal agreement. Members will recall visiting the site on 11 October.

Following the Sites Inspection Sub-Committee, Members requested that –

- the application red line be clarified.
 - A revised site plan has been received amending the application red line and is subject to a seven day reconsultation. The dotted red line denotes the boundary between the curtilage of the proposed dwelling and curtilage of the Old Parsonage and Annexe.
- Officers to comment on whether the existing stone walls could be protected by condition
 - The conditions have been amended in line with subsection 5.45 of this report which has been revised
- details of the boundary treatments
 - Details of boundary treatments will be required by condition as set out in subsection 5.45
- clarification over the extent of the certificate of lawfulness with regard to the use of the site and the land area covered, particularly how the proposal relates to the car sales use
 - Members are referred to subsection 5.51 of this report.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of one detached dwelling. Only access and layout may be considered, all other matters are reserved.
- 1.2 The site is located adjacent to the Old Parsonage on Westerleigh Road, to the north of the railway line; it is outside of the settlement boundary for the village of Westerleigh and located within open countryside designated as part of the green belt.
- 1.3 The proposal consists of demolishing the existing buildings on site and erecting a single storey dwelling of similar footprint in its replacement. A case for very special circumstances has been submitted to support this application.
- 1.4 The existing use of the site is for the storing and sales of motor vehicles. This was established as the lawful use under PT12/1255/CLE. Should this application be granted then this use would be surrendered.
- 1.5 At present there are two dwellings on the site – the Old Parsonage and a former Annexe that was established as an independent dwelling under PT12/3204/CLE. Should this application be granted the former annexe would be surrendered and amalgamated into the main dwelling. This would be ensured through a s106 legal agreement.

- 1.6 The case officer requested, under Article 4 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, that scale and appearance be submitted for consideration to be able to fully assess the impact of the proposed development on the openness of the green belt and visual amenity of the landscape. No details have been received and therefore the application will be determined as originally submitted with only access and layout to be determined.
- 1.7 With the lack of any details on scale and appearance, this application has been considered on the merits of the proposal as presented. The application has been under consideration by the Local Planning Authority for a lengthy period as the special circumstances presented and characteristics of the site are complex.
- 1.8 The applicant's case for very special circumstances can be summarised as follows:
- the structure to be erected on site will replace the existing buildings, both in terms of footprint area and scale. The visual impact on the openness of the green belt of the new building will be no greater than that of the buildings to be demolished.
 - the lawful use of the site for the storing and sales of motorcars will be surrendered. The area where cars are parked and displayed for sale will become the front garden and driveway. The change to a domestic use will have a positive impact on the openness of the green belt.
 - traffic flow to and from the site would be materially reduced as a result of the proposal.
 - the number of dwellings on the overall planning unit of The Old Parsonage will not be increased. The former annexe will be amalgamated into The Old Parsonage and as such the proposal will not result in additional dwellings within the countryside.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1 Design
L1 Landscape Protection and Enhancement
GB1 Development within the Green Belt
T7 Cycle Parking
T8 Parking Standards
T12 Transportation

- H3 Residential Development in the Countryside
- H4 Development within Existing Residential Curtilages
- H10 Conversion and Re-use of Rural Buildings for Residential Purposes
- H11 Replacement Dwellings in the Countryside

South Gloucestershire Local Plan Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS16 Housing Density
- CS17 Housing Diversity

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Landscape Character Assessment (Adopted) August 2005
- (c) Residential Parking Standards (Approved for Development Management Purposes) March 2013
- (d) Development in the Green Belt (Adopted) June 2007

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|--|-------------------------|------------|
| 3.1 | PT12/3204/CLE | Approved | 06/11/2012 |
| | Application for Certificate of Lawfulness for an existing use of building and land as a separate residential unit | | |
| 3.2 | PT12/1255/CLE | Approved | 17/05/2012 |
| | Application for Certificate of Lawfulness for the existing use of land and buildings for the purposes of storing, and retail sales of motor cars (sui generis) | | |
| 3.3 | PT04/2868/F | Approve with Conditions | 25/07/2005 |
| | Regrading of land through importation of topsoil and restoration to agricultural use. | | |
| 3.4 | PT03/0861/F | Approve with Conditions | 02/05/2003 |
| | Construction of new vehicular access | | |
| 3.5 | P89/2948 | Refused | 06/12/1989 |
| | Conversion and extension of outbuilding to form bungalow
Subsequent appeal dismissed | | |

4. CONSULTATION RESPONSES

- 4.1 Westerleigh Parish Council
No objection, subject to the footprint of the new dwelling being no larger than the existing buildings

4.2 Archaeology
No objection

4.3 Drainage
No objection: request a SUDS condition and a number of informatives

4.4 Landscape
No overall objection, however would like further information to make a more informed judgement

4.5 Legal
To amalgamate the annexe into the main dwelling of the Old Parsonage and then erect a new dwelling as proposed would require an amendment to the red edge to include the application site, the Old Parsonage and the former annexe. A section 106 agreement would be required to restrict the use of the land. The s106 obligation would need to ensure:

- the Old Parsonage and former annexe remain as one planning unit and cannot be severed/separated back into two dwellings;
- the new dwelling cannot be occupied prior to The Old Parsonage and former annexe being converted into one dwelling;
- the obligation should prevent the owners of the existing properties from claiming compensation.

4.6 Transport
No objection, subject to a condition preventing further subdivision of The Old Parsonage

Other Representations

4.7 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of a new residential dwelling to replace an existing car storage/ sales business at a site adjacent to the Old Parsonage near Westerleigh. The site is in the green belt and outside of any settlement boundary and therefore located within the open countryside.

5.2 Principle of Development
The application site is outside of the settlement boundary of Westerleigh, and for the purposes of establishing the principle of development is located within the open countryside. Residential development in the countryside is managed

- through policy H3 of the Local Plan. This policy has a presumption against development except for (a) affordable housing on rural exception sites, (b) housing for agricultural or forestry workers, or (c) replacement dwellings. The proposed development does not fall into any of the above categories and is therefore inappropriate development and contrary to policy.
- 5.3 In addition to the site being located in the open countryside, it is also on land designated as part of the Bristol and Bath Green Belt. Development within the green belt is strictly controlled to ensure that the land stays permanently open in nature.
- 5.4 Policy GB1 of the Local Plan manages development within the green belt. The provisions of chapter 9 of the NPPF supplement this policy. Within the green belt there is a general presumption against development that is harmful to the purposes of the designation. New buildings within the green belt are harmful and therefore inappropriate development. This is except for (a) buildings for agriculture and forestry, (b) essential facilities for outdoor sport and recreation, (c) cemeteries, (d) limited extension, alteration, or replacement of existing dwellings provided that it does not result in a disproportionate addition over the size of the original building, or (e) limited infilling within the boundaries of settlements with defined boundaries. The proposed development does not fall into any of the above categories and is therefore inappropriate development and contrary to policy.
- 5.5 As the proposal is contrary to the provisions of policy GB1 the applicant is required to demonstrate that very special circumstances are present in this case to justify that the presumption against development be overridden and that planning permission should be granted.
- 5.6 Part B of policy GB1 allows for the change of use of land or existing buildings provided that the proposed use does not have a materially greater impact on the openness of the green belt than the present authorised use. The change of use of land from the storage and sales of motor vehicles to a residential use is not an inappropriate use of land within the green belt.
- 5.7 In-principle the erection of a new dwelling in this location is unacceptable as new buildings within the green belt and the open countryside are inappropriate. However, there would be no in-principle objection to the change of use of the land. As the erection of a dwelling is inappropriate, the determination of this application would depend on the case of very special circumstances presented.
- 5.8 Overall it is considered that the acceptability of the proposed development relies on the case for very special circumstances presented. The application will be determined by a balanced judgement on the merits of the application and therefore the acceptability of the proposal is subject to the analysis below.

5.9 Green Belt

The site is located within land designated as green belt. The purpose of the green belt is to prevent urban sprawl by keeping land permanently open. Inappropriate development within the green belt is development that is harmful to the open nature of the land. Policy GB1 of the Local Plan outlines five circumstances in which new buildings in the green belt are acceptable.

5.10 The proposal has two separate elements – the erection of a dwelling, and the change of use of the land to a residential purpose.

5.11 *Use of Land*

The use of the land was established, by a certificate of existing lawful use, under application PT12/1255/CLE. Under this certificate the use of the land was established as ‘for the storage and retail sales of motorcars’. Whilst it is unlikely that planning permission would have been granted for this use in this location, due to the inherently unsustainable rural location of the site as it is beyond any settlement boundary, policy GB1 only considers the ‘present authorised use’.

5.12 No restrictions were placed on the use of the site under the certificate issued by the Planning Authority. Car sales and storage results in the forecourt being continuously filled with vehicles; either to be sold or to be stored. The nature of car sales business is that people would visit the site, go out to test drive the vehicle, and then return by their own means of transport.

5.13 A residential use is likely to result in only a small number of vehicles parked at the address as required by the householder. The only trips generated by a residential use would be commuting and household tasks.

5.14 In comparing a business use to the residential use, it is clear that the business use is significantly more harmful to the green belt than a residential use. The change of use to a residential use would not be materially more harmful than the authorised business use on the openness of the green belt.

5.15 Therefore, the change of use of the land is appropriate development within the green belt and accords with part B of policy GB1. However, part B only assesses the change of use of the land. The construction of new buildings is subject to scrutiny under part A of this policy.

5.16 *Construction of New Buildings*

The proposed development does not fall into any of the five categories outlined by policy GB1 (and referred to in paragraph 5.4 above) and therefore should not be approved unless there is a case for very special circumstances.

5.17 However, whilst the proposal fails to comply with policy GB1 of the Local Plan, reference should be made to paragraph 89 of the NPPF. This paragraph states

that the construction of new buildings within the green belt is inappropriate except in certain circumstances. Whilst most of these circumstances accord with those listed in policy GB1 there is a notable addition.

5.18 Under paragraph 89 of the NPPF the 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development' is an exception to the presumption against development.

5.19 For the case of very special circumstances to be found sound, it must be proven that the proposed development consists of the redevelopment of a previously developed site and would not have a greater impact on the openness of the green belt than the present use of the site.

5.20 *Very Special Circumstances*

A case for very special circumstances has been presented and summarised in paragraph 1.8 above. This can be broken down into three constitute parts:

1. existing/ replacement building;
2. use of building; and,
3. residential dwelling(s).

5.21 There are a number of interlinking existing buildings on the site. These are shown in the structural photographs submitted at the case officer's request. It is clear from these photographs that the existing building is not capable of conversion (which would be acceptable development in the green belt). Should the buildings have been capable of conversion there is a line of argument that the conversion could be skipped and a replacement dwelling sought (which would be acceptable development in the green belt). Again, as the buildings cannot be converted it is not possible to run a replacement dwelling argument.

5.22 What is proposed can therefore only be assessed as a new building. A new building would be inappropriate unless it can be shown that the redevelopment of the site and buildings would have no greater an impact on openness than the present buildings.

5.23 The existing volume of the buildings on site amounts to 700m³. The applicant has stated that the proposed building would have a volume of 750m³. Whilst this represents an increase to the built form, should the application have been for a replacement dwelling, or even a household extension, then a small and proportional increase would have been permitted. It is therefore reasonable and appropriate to consider a small volume increase. An increase to 750m³ would equate to approximately a 7% increase to the total volume of the building over the existing 700m³.

- 5.24 The volume of the proposed building is not considered to have a materially greater impact on the openness of the green belt than the present buildings on site. The proposed volume increase is limited and is not disproportional. As this is an outline application, a condition can be attached that restricts the amount of development to a maximum of 750m³; permitted development rights can also be removed to include any curtilage buildings. These two measures are considered appropriate to manage any further development and ensure that the scale of the building remains proportionate to what exists on site at present.
- 5.25 It has been shown that the proposed buildings would not adversely affect the open nature of the land and would not conflict with the purposes of the green belt. However, the case for very special circumstance should be viewed as a whole and the most significant part of the case presented relates to the use.
- 5.26 Notwithstanding the buildings on site, the land is currently used for the storage and sales of motor vehicles. The business use of this site means that there can be a number of vehicles present on the forecourt at any one time. Should these vehicles be presented for sale then there will be visiting customers to the site as well as trades people and staff. This has an impact on openness and traffic as the site can be used intensively for business purposes.
- 5.27 A residential use would realistically have a lesser impact than the present business use. In terms of intensity, a residential use would generally be restricted to family and friends with the number of vehicles and trips generated directly proportional to and commensurate with that use. Fewer cars would be associated with a residential property as well as a lower number of transport journeys. Additionally, it would allow a more open nature to the use of the land as residential curtilage is less intense and would see more open and amenity space included.
- 5.28 The change to a residential use from the use of the site as for the storage and sales of motor vehicles would not have a materially greater impact on the openness of the green belt. Although it is not a policy requirement to result in a net gain to openness it is considered that this proposal would improve openness through the removal of an inappropriate business use.
- 5.29 The final element to the case of special circumstances presented relates to the number of dwellings, and this is why the case is particularly unique. At present there are two independent units of residential accommodation on the site. One is the Old Parsonage; the other is the former annexe to the Old Parsonage which was recognised as an independent dwelling in 2012 under an application for a certificate of existing lawful use, PT12/3204/CLE.
- 5.30 It is proposed to amalgamate the Old Parsonage and the Annexe into one dwelling. The Annexe is attached to southern elevation of the Old Parsonage and the latter wraps around the former to the rear. The built form makes it physically possible to conjoin the two units through the creation of an internal

- doorway. Should the two existing units be amalgamated and a new dwelling built to the north of the Old Parsonage there would not be an overall increase in the number of dwellings on site.
- 5.31 Planning permission would not be required for the amalgamation of the existing two units and would normally fall outside the remit of planning control. However, the description of development has been amended to include the amalgamation as this can be secured through the use of a legal agreement. The applicant has indicated that they are happy to enter into a s106 agreement. This agreement would secure the conjoining of the two units and prevent separation at a later date and would not enable the lawful occupation of the new dwelling until the units had been amalgamated.
- 5.32 As the number of residential units on the site as a whole would not increase as a result of the development it is not considered that the proposed use would have a materially greater impact on the openness of the green belt than the present authorised uses. The number of residential units will not increase and the replacement building would not be significantly larger. The use of the site for residential purposes would remove an existing inappropriate vehicle sales/storage use and materially decrease traffic to and from the site.
- 5.33 Taking into account the discussion above, the proposal is considered to have a proven case where very special circumstances exist to the extent that the presumption against development within the green belt should be overridden. The harm to the openness of the green belt by the erection of a dwelling (which by its definition is harmful) is outweighed by the gains of the loss of the business use and minimal increase to the existing built form.
- 5.34 This application does not comply with policy GB1 of the Local Plan and is therefore a departure. However, it is considered that the proposal would accord with the provisions of paragraph 89 of the NPPF and that a case for very special circumstances has been proved. On that basis, in terms of green belt considerations, the application is recommended for approval.
- 5.35 Residential Development in the Countryside
Residential development outside of any defined settlement as shown on the proposals maps is limited to a strict criteria. Policy H3 permits development only for the exception categories listed in paragraph 5.2 (above). While one of these exception categories is replacement dwellings, it has been shown in the analysis above that in this instance the development cannot be considered a replacement dwelling.
- 5.36 The proposal does not provide an affordable housing rural exception site or housing for agricultural or forestry workers. As such, the proposal is contrary to the provisions of policy H3.
- 5.37 Section 38 of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

- 5.38 In this instance, material considerations relating to the green belt indicate that the development should be approved on the basis of the very special circumstances presented. While these very special circumstances do not circumvent policy H3 they should be considered material in the apportionment of weight to various policies within the development plan.
- 5.39 The proposals impact on the green belt and case for very special circumstances is considered to have greater weight than the restrictions of policy H3. It is recommended that planning permission be granted on this basis.
- 5.40 Layout and Access
Layout and access are matters to be determined in this application. The proposal consists of the replacement of the existing buildings which run along the northern boundary of the site. This would in turn enable the existing access to be utilised and a turning area provided within the front curtilage. The buildings have a linear form running from front to rear.
- 5.41 Concern has been raised by the landscape officer (see below) regarding the ability to screen the development along the northern boundary. This relates to the layout of development.
- 5.42 The proposed layout must include adequate provision of off-street parking facilities for two vehicles to accord with the *Residential Parking Standard*. It must also enable vehicles to turn around so that manoeuvres to and from the public highway can be undertaken in a forward gear.
- 5.43 It is considered that the proposed layout makes the most efficient use of space whilst providing sufficient manoeuvring and parking space to the front. The layout would also provide an adequate area of private amenity space for the proposed dwelling.
- 5.44 The layout as proposed is considered to be the most appropriate in terms of the general arrangement of the site and the competing requirements of vehicle parking and access.
- 5.45 Landscape
This is an outline application with only layout and access to be determined; landscape is a reserved matter. However, being located in the open countryside and in the green belt it is important that the development does not damage the visual amenity of the locality.
- 5.46 Located along the northern boundary of the site the development should be screened from the countryside. An existing hedge runs along this boundary which should be retained, as should the existing stone walls. The proposed building would follow roughly the position and location of the buildings to be replaced. There is a tension between the provision of additional screen planting along this boundary and the location of development.

- 5.47 The landscape officer raises no objection to the development yet would have wished greater information. A condition will therefore be attached that requires the subsequent reserved matters application for landscape to include information on tree protection as well as additional screen planting to the north and front of the site and all proposed and existing boundary treatments, including the retention of the existing stone boundary walls.
- 5.48 Scale
Scale is a reserved matter; however it has been indicated in the design and access statement that the building would have a maximum eaves height of 4.8 metres and a ridge height of 7 metres. These measurements will be secured by condition. A further condition will be attached to any permission limiting the development to a volume of 750m³.
- 5.49 Appearance
Appearance is a reserved matter. A condition will be attached requiring the submission of samples for external finishes to ensure that the development integrates into the existing built form and landscape.
- 5.50 Parking
The indicative layout of the front garden has been provided which shows a turning area and a parking area. To accord with the *Residential Parking Standard* a condition will be attached requiring a minimum of two-off street parking spaces that accord with the size standard to be provided.
- 5.51 Certificates of Lawfulness
Following the SISC Members sought clarity over how the past certificates of lawfulness would interact with any planning permission granted.
- 5.52 The certificate of lawfulness that established the Annexe as an independent residential unit would be surrendered: the Annexe would be amalgamated into the Old Parsonage and the subsequent sub-division would be prevented as part of the s106 agreement.
- 5.53 A plan indicating the land included in PT12/1255/CLE for the use of the land for the sales/ storage of motor cars has been made available to Members and is on the website. The land that was subject to the certificate of lawfulness will be consumed within the new residential unit to the extent that the car sales/ storage could not practically be carried out. Furthermore, the use would be surrendered should planning permission be granted.
- 5.54 The characteristics of the site and the nature of the lawful use would not be commensurate with the development proposed. Both of the certificates of lawfulness would be superseded by any planning permission granted.
- 5.55 Residential Curtilage
A plan has been submitted indicating the proposed curtilage of the new dwelling. This is shown by the broken red line, which denotes the boundary between the curtilage of the new property and the curtilage of the Old Parsonage and amalgamated Annexe.

5.56 Departure from Development Plan

The proposed development would be a departure from the South Gloucestershire Local Plan (Adopted) January 2006. This application has been advertised as a departure; the advert will expire on 25 October.

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 In this instance, the material considerations related to development in the green belt outweigh those preventing residential development in the countryside. The application has been assessed on the specific merits of the case and the very special circumstances presented.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
- (i) the Old Parsonage and the annexe shall remain as one planning unit and cannot be severed or separated back into two dwellings;
 - (ii) the new dwelling on the site cannot be occupied prior to the Old Parsonage and adjoining dwelling being amalgamated into one dwelling;
 - (iii) the owners of the two existing properties are prevented from claiming compensation.

The reasons for this Agreement are:

- (i) To secure the development in accordance with the case of very special circumstances presented and to accord with policy GB1 of the Local Plan.
- 7.2 The Head of Legal and Democratic Services be authorised to prepare and seal the Agreement.
- 7.3 If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:

- (a) be returned to the Circulated Schedule for reconsideration; or,
- (b) the application should be refused due to the failier to secure the Heads of Terms listed above under a Section 106 Agreement for the reason listed above.

8. INFORMATIVES

8.1 Should permission be granted the following informatives would be attached to the decision

- Plan reference
- Outline consent
- Land ownership/access
- Permitted development restriction
- Subject to a s106 Agreement

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the following parameters as described in the design and access statement and supplemented by correspondence during the course of the application. The building hereby permitted may not exceed a total volume of 750 cubic metres or have an eaves height above 4.8 metres or an overall height above 7 metres.

Reason

To protect the openness of the green belt and the purposes of including land within it, and to accord with policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To protect the openness of the green belt and the purposes of including land within it, and to accord with policy GB1 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The hedge along the northern boundary of the site is to be maintained and improved and additional planting and screening is required along the eastern boundary. The existing stone walls are to be retained. Prior to the commencement of development, and as part of the reserved matters, a plan indicating the landscaping measures proposed including the proposed additional planting, tree protection and retention, and any other type of boundary treatment(s) to be erected on site, including the retained stone walls, shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building hereby permitted is first occupied. Development shall be carried out in accordance with the approved details.

Reason

To protect the openness of the green belt, the visual amenity of the countryside and the character and appearance of the area, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Two off-street parking spaces measuring a minimum of 2.4m by 4.8m must be provided within the curtilage of the dwelling before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, Policy CS8 of the South Gloucestershire Local Plan Core Strategy incorporating Inspector's Draft (October 2012) and Further (March 2013) Main Modifications, and the Residential Parking Standard (Approved for Development Management Purposes) March 2013.

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

Reason

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

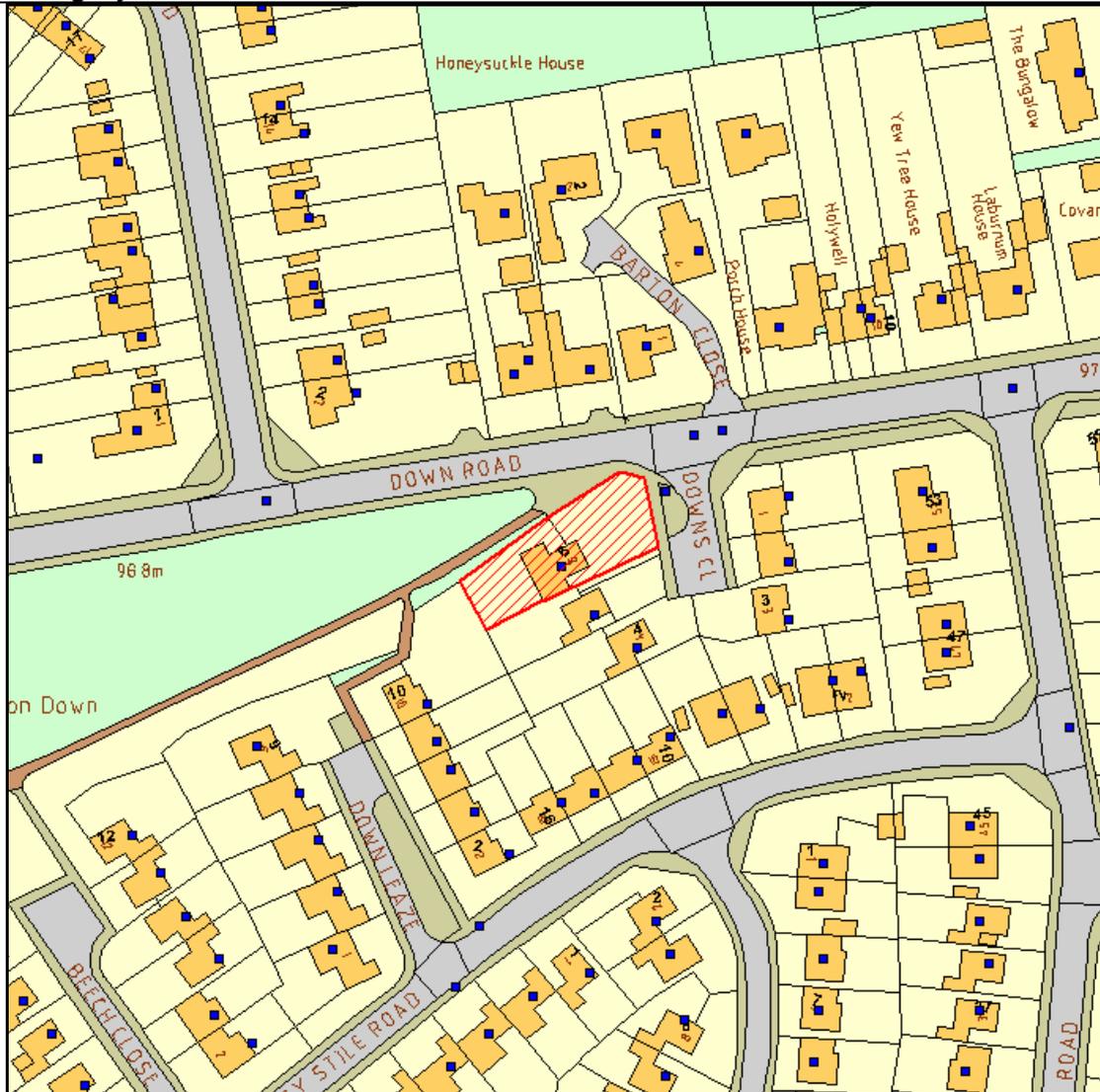
10. Prior to the commencement of development samples of the roofing and external facing materials (including any stonework) proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PT13/4275/F	Applicant:	Mr And Mrs A Williams
Site:	6 Downs Close Alveston South Gloucestershire BS35 3JH	Date Reg:	25th November 2013
Proposal:	Erection of detached double garage and recreation room.	Parish:	Alveston Parish Council
Map Ref:	363175 188246	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	15th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from Alveston Parish Council contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached double garage and recreation room.
- 1.2 The application site comprises a detached two-storey property situated on the western side of the cul-de-sac Downs Close within the established residential area of Alveston, which is washed over by the Green Belt.
- 1.3 The northern side boundary of the site abuts a public footpath, which is a public right of way.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006
H4 Residential Development within Existing Residential Curtilages (saved policy)
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy (adopted) December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT09/5203/F, Erection of single storey side extension and conversion of existing garage to form additional living accommodation, approval, 09/10/09.
- 3.2 N4852, Erection of single storey rear and side extensions to form dining room, kitchen and toilet (as amended by letter received by the Council on 22nd August 1978), approval, 14/09/78.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
Objection on the basis that it is over-development of the area, the development is too large for the size of the plot and the roof line is too high above the fence line.

4.2 Drainage Officer

No objection

4.3 Public Rights of Way Officer

No objection subject to standard informative

Other Representations

4.3 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework sets out that extension to buildings is appropriate development in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. The site is located within an established residential area where limited infilling of dwellings is acceptable in principle. The proposed garage will have significantly less of an impact on the openness of the Green Belt than a new dwelling; therefore, the proposal is considered to be proportionate to the dwelling and therefore, appropriate development in the Green Belt in this instance.

Amended plans have been received, which have reduced the scale of the building. The building is located in an area which is already partially screened by a fence and vegetation. Accordingly, given the single storey scale of the building proposed, its location adjacent to existing built form in an established residential area, there will not be a significant adverse effect on the openness of the Green Belt.

Guidance in the NPPF and the saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 indicate that the principle of the development proposed is acceptable. The main issues to consider are the appearance/form of the proposal and the effect on the character of the area; the residential amenity impacts and transportation effects.

5.2 Appearance/Form and Impact on the Character of the Area

The proposal measures approximately 5.7 metres in width, 7.5 metres in length and 3.9 metres at ridge height falling to 2.4 metres at the eaves. The proposal is encompassed by a pitched roof, which is gabled to the front and hipped at the rear. The north side of the garage follows the shape of the northern boundary. Vehicular access is via an up and over door in the southeastern side elevation; pedestrian access is through the southwestern elevation via French doors with full height glazing panels either side. The applicant has specified the materials brick for the walls and concrete roof tiles both to match the existing dwelling. A condition on this basis is therefore, not required if permission is granted.

5.3 This part of Alveston comprises relatively green boundaries, with built form stepped back from the boundaries to provide a greater sense of openness to this part of the Green Belt. Concerns were raised regarding the scale of the

garage given its position forward of the principle elevation of the dwelling and adjacent to the northern boundary of the site, which directly abuts a public footpath.

5.4 The applicant has reduced the length of the garage from 10 metres to 7.5 metres. This has reduced the scale and massing of the side elevation of the building which will be visible from the street. The inclusion of a hipped roof over the rear part of the garage also helps to reduce its perceived bulk and massing. The applicant also proposes a new 1.8 metre high timber board and concrete post fence to replace the existing fence. A small amount of vegetation on the northern boundary will be removed to facilitate the proposal and part of the northern side elevation of the garage will form the boundary. The vegetation is not of high quality, and climbing plants are proposed on this part of the building to help soften its appearance from the street. On balance, given the reduced size of the garage and its single storey scale, it will not appear adversely out of keeping with the character of existing built form in terms of scale, form, massing and siting. The proposal presents a blank front elevation (northeast) to the street. Whilst this elevation might be glimpsed from Down and Road and within Downs Close it is not considered that it will be adversely prominent from views from the public realm. The comments from the parish council are not, however, on balance, it is not considered that the proposal will introduce any significant adverse visual amenity issues.

5.5 Residential Amenity

Given the siting of the garage to the north side of the existing dwelling, and its single storey scale, it is not considered that there will be a significant adverse effect on the residential amenity of neighbouring occupiers through loss of natural light or privacy. The proposal will not adversely affect the amenity of the adjacent public right of way. An informative note is recommended if permission is granted to inform the applicants that the footpath must be kept clear of obstruction.

5.6 Transportation

The proposal will help consolidate existing parking arrangements. An adequate amount of parking is proposed to serve the dwelling.

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 Planning permission is GRANTED subject to the conditions in the decision notice.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

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 planting shall be carried out in accordance with the approved plans during the first planting season following the first use of the building hereby approved.

Reason

In the interests of the character of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PT14/0837/O	Applicant:	Mr R Bignall
Site:	Wellwater 4 Sibland Road Thornbury Bristol South Gloucestershire BS35 2HG	Date Reg:	7th March 2014
Proposal:	Erection of 1no. dwelling (Outline) with access to be determined. All other matters reserved.	Parish:	Thornbury Town Council
Map Ref:	364691 190110	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	29th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of one letter from a neighbouring resident and also from the Town Council.

1. THE PROPOSAL

- 1.1 This application seeks outline planning permission for the erection of 1no. dwelling at 4 Siband Road, Thornbury. The only matters to be considered at this stage are the principle of the development and means of access. all other matters are reserved for later consideration.
- 1.2 The application property is a detached bungalow within a residential are of Thornbury. The proposed new property would be erected in the side garden of the existing dwelling – in place of the existing garage.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1 Landscape Protection and Enhancement
T7 Cycle Parking
T12 Transportation Development Control

South Gloucestershire Local Plan Core Strategy – Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.
South Gloucestershire Residential Parking Standards, approved for development management purposes March 2013.

3. RELEVANT PLANNING HISTORY

- 3.1 No history

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council

Object because the development is considered to be overdevelopment of the site and out of character with the surrounding area

4.2 Sustainable Transport

No objections subject to a condition relating to visibility splays

4.3 Drainage

No objections subject to the attachment of conditions

4.4 Environmental Protection

No Objection

Other Representations

4.5 Local Residents

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

- Concerns over the design and potential detrimental impact on loss of privacy
- The planning application does not detail where the windows will be – potential for direct visibility into the neighbours bedroom.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. It is noted that paragraph 64 of The National Planning Policy Framework advises that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'.

5.3 Design/ Visual Amenity

This application is outline. We do not have details of the design of the proposed dwelling at this stage. Information in the design and access statement however does confirm that the new dwelling would be a bungalow.

An indicative site layout plan has been submitted to show how potentially a new bungalow could be accommodated on the site.

5.4 Although layout and detailed design are not for consideration at this stage, the principle of erecting one bungalow on the site is considered acceptable. The existing dwelling on the site is also a bungalow - as are a number of the neighbouring dwellings. It is therefore considered that the erection of one further bungalow is in keeping in terms of building style and the immediately surrounding area. The plans also show that the new bungalow would be detached – again a common feature of the immediate surroundings. The principle of erecting a detached bungalow on the site is therefore deemed acceptable in terms of its visual impact and impact on the street scene and character of the area.

5.5 Residential Amenity

The indicative plans show how the existing garden could be subdivided to provide each of the existing and proposed dwellings with an adequate amount of amenity space. There is no objection therefore on the ability to provide an adequate level of amenity for each of the existing and proposed properties.

5.6 In terms of impact on neighbouring dwellings – an objection has been received from the dwelling opposite. On the basis of the indicative plans submitted, the distance between the front of this neighbour and the front of the proposed new dwelling is over 25 metres. At this distance, no unacceptable level of intervisibility would occur. Even should the new dwelling be pulled further forward into the site, the relationship between the proposed new dwelling and the existing dwellings on the opposite side of Sibold Road would be similar to the existing situation and not of concern. This would all need to be considered at reserved matters stage.

5.7 The application site also lies adjacent to the garden of the property known as Fairlyn. Again, at reserved matters stage attention would need to be paid to eth scale, design and location of windows to prevent any issues of overlooking or intervisibility. Officers are confident that a satisfactory relationship could be achieved and therefore there is no objection to the application on this basis.

5.8 Highway Safety

The plans show the provision of two off street parking spaces for the existing dwellings and two parking spaces for the proposed new dwellings. This existing access would be shared between the two properties. Subject to a condition requiring visibility splays, the highway officer raises no objection to the application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That the application be approved subject to the conditions outlined below.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. Application for the approval of the reserved matters shall be in accordance with the parameters described in the design and access statement hereby approved.

Reason

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

6. Prior to the commencement of development, details showing a visibility splay of 2.4m by 33m shall be submitted to the Council, and if acceptable approved in writing. There shall be no obstruction greater than 0.9m in height within this visibility splay. This visibility splay as agreed must be installed prior to the commencement of development and retained as such, free of obstruction, at all times thereafter.

Reason

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

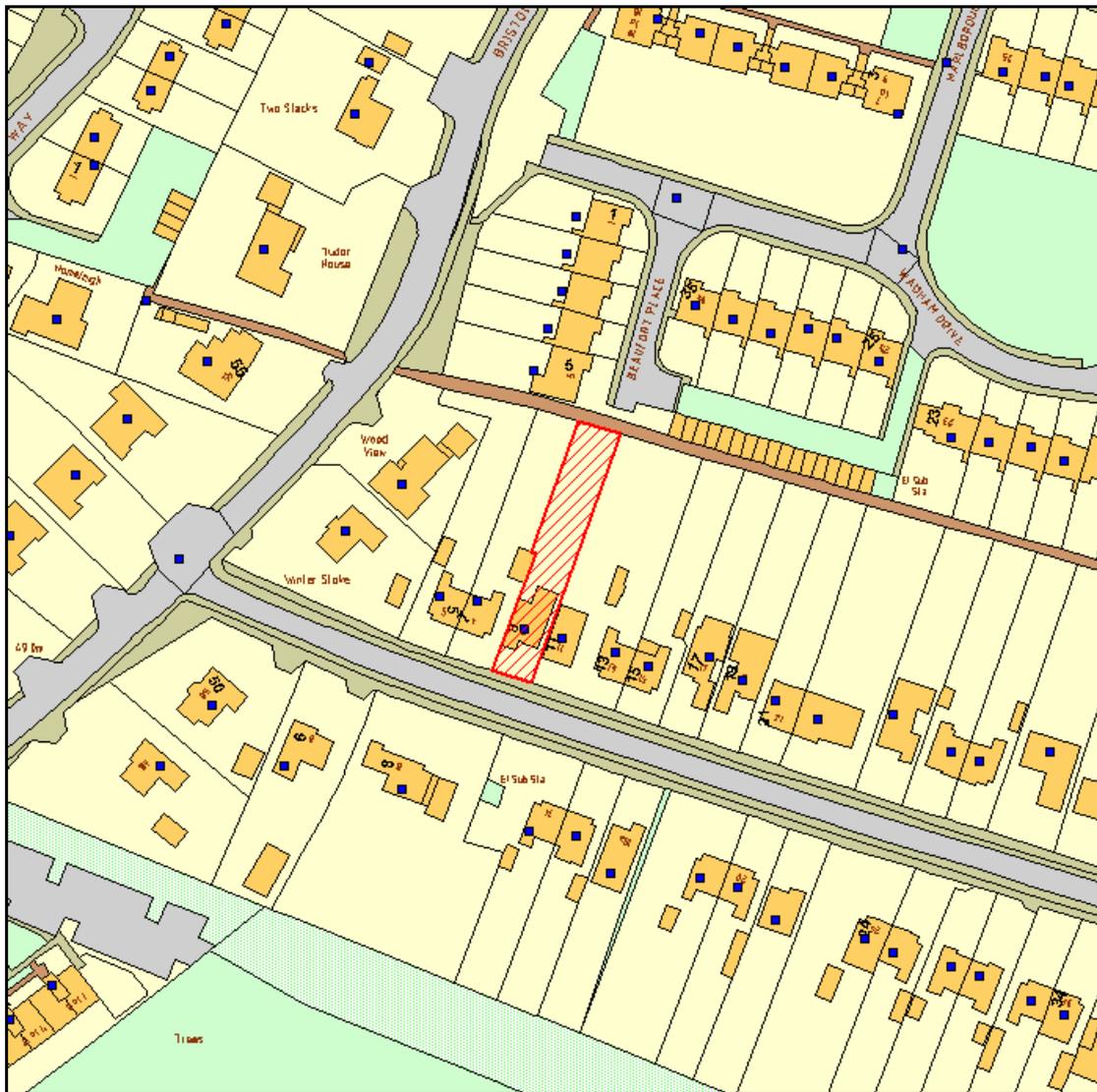
7. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)within the development shall be submitted for approval in writing to the Local Planning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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policies (L17/L8/EP1) of the South Gloucestershire Local Plan (Adopted) January 2006.(Delete as appropriate)

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PT14/0952/CLP	Applicant:	Mr & Mrs Thomas
Site:	9 Malmins Drive Frenchay Bristol South Gloucestershire BS16 1PQ	Date Reg:	19th March 2014
Proposal:	Application for Certificate of Lawfulness for the proposed erection of single storey rear and side extension.	Parish:	Winterbourne Parish Council
Map Ref:	363779 178096	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	12th May 2014



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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 A certificate of Lawfulness for a proposed development has been applied for in relation to the erection of a single storey rear and side extension at 9 Malmins Drive, Frenchay.
- 1.2 The property is a detached dwelling and is located within the residential area of Frenchay.
- 1.3 This application is a formal way of establishing whether or not 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. 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 PT04/1893/F – Erection of dwellinghouse. Approved 12th July 2004.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection

Public Rights of Way
No objection

Highways Drainage
No comments
- 4.2 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy (Adopted) December 2013 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 1 of The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

5.2 The proposed development consists of a single storey rear and 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). Developments which fail any of the following criteria would not be permitted:

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 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 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 does not project off a wall that fronts the 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 would meet these criterion

(e(a) 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 extension would meet these 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 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 would comply with these criterion

(i) It would consist of or include—

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

6. RECOMMENDATION

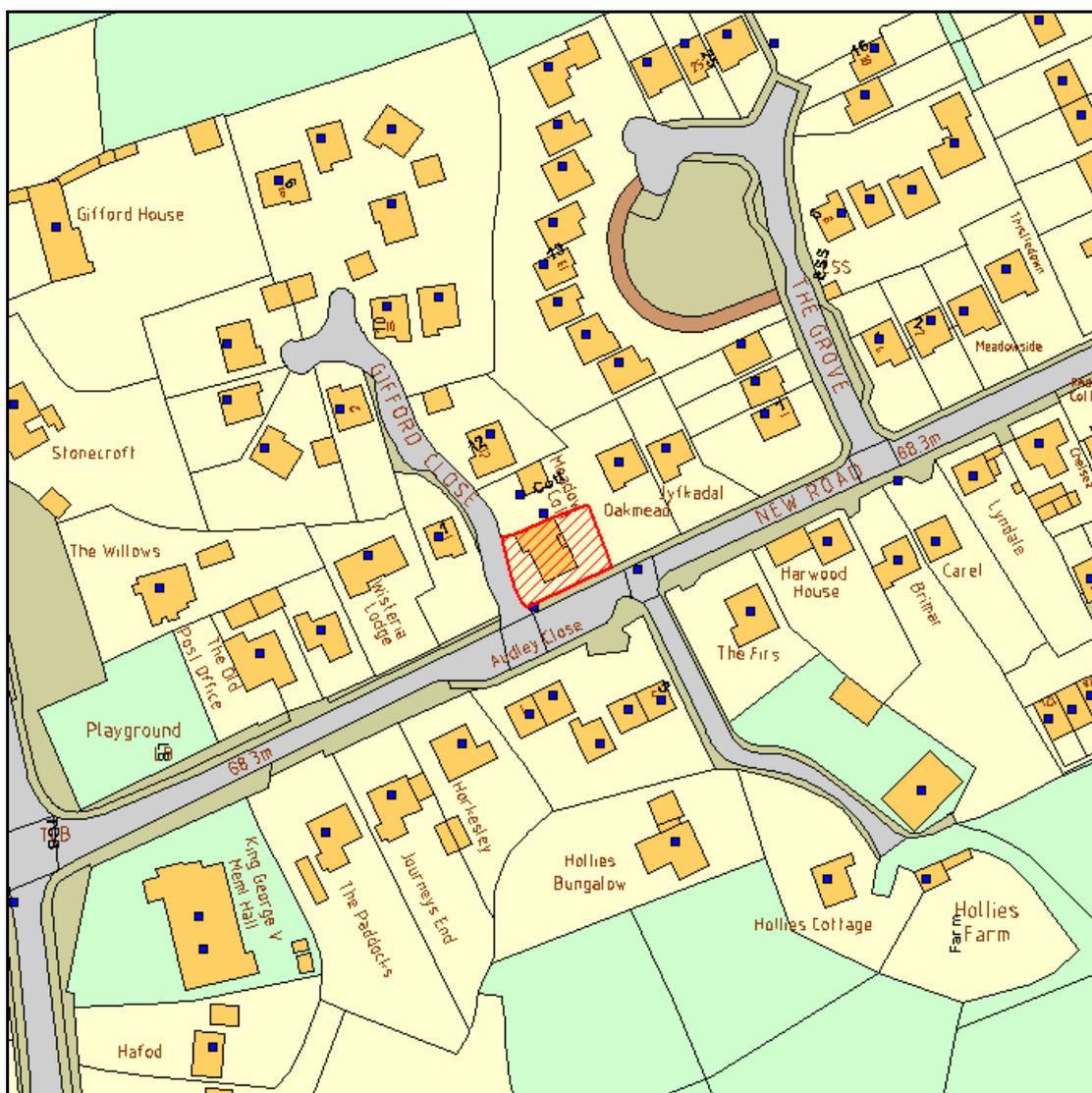
- 6.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

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: Simon Ford
Tel. No. 01454 863714

CIRCULATED SCHEDULE NO. 18/14 – 2 MAY 2014

App No.:	PT14/0980/F	Applicant:	Mrs E Sephton
Site:	Meadow Cottage New Road Rangeworthy Bristol South Gloucestershire BS37 7QH	Date Reg:	18th March 2014
Proposal:	Erection of detached garage	Parish:	Rangeworthy Parish Council
Map Ref:	369255 185842	Ward:	Ladden Brook
Application Category:	Householder	Target Date:	8th May 2014



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 100023410, 2008. **N.T.S.** **PT14/0980/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from a neighbouring occupier contrary to the Officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a detached double garage.
- 1.2 The application site comprises a two-storey detached property located on the northern side of New Road within the established residential area of Rangeworthy.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT08/3208/F, erection of single storey side extension to form attached garage, refusal, 23/01/09.
- 3.2 PT08/0904/RM, erection of 1 no. detached dwelling (Approval of Reserved Matters to be read in conjunction with PT07/0626/O) (In accordance with amended plans received on 24 April 2008), approval, 16/05/08.
- 3.3 PT07/0626/O, erection of 1no. detached dwelling (Outline) with all matters to be reserved, approval, 30/03/07.
- 3.4 N7634, erection of a two-storey extension to provide lounge and two bedrooms. Erection of front entrance porch. Erection of double domestic garage, approval, 13/08/81.

4. CONSULTATION RESPONSES

- 4.1 Rangeworthy Parish Council
No comments received

4.2 Drainage Officer

No comment

4.3 Transportation Officer

No objection subject to a revised plan being submitted setting the gates back the public highway

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:

- Close proximity to the boundary would make maintenance to the building and fence difficult;
- Loss of natural light;
- Detrimental to visual amenity;
- Overbearing;
- Adverse effect on a large Chestnut tree;
- Amount of amenity area will be compromised;
- Off street parking/garage should have been resolved in the previous application for a new dwelling.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the proposed development. The main issues to consider are the appearance/form of the proposal; the effect on the residential amenity of neighbouring occupiers; and transportation effects.

5.2 Appearance/Form

The proposed garage has a rectangular footprint and is encompassed by a pitched roof with gables to the front and rear. It measures approximately 6 metres in length, 3 metres in width, 3.5 metres at ridge height, and 2.3 metres at the eaves. The applicant has specified the materials brown double Roman tiles for the roof, a light coloured rendered finish for the walls, and stained timber frames and doors. The proposed garage is located in the northern corner of the site and is set back approximately 10 metres from the street. The proposal is considered to be acceptably in-keeping with the character of the host dwelling and surrounding properties in terms of scale, form, siting and appearance.

5.3 A large tree growing in the rear garden has already been removed; this tree was not subject to a Tree Preservation Order (TPO). Although other smaller trees are growing at the site, and would be impacted by the proposal, they do not provide a significant degree of visual amenity to the public realm and therefore, should not be a constraint to the development. The proposal will not therefore, have a significant adverse effect on the visual amenity of the area.

5.4 Residential Amenity

Although the proposal is located adjacent to the rear boundary shared with Oakmead, its single storey scale is such that it would not have a significant overbearing impact or block an unreasonable amount of natural light. Moreover, the neighbouring property Oakmead has been extended to the side and front which will help mitigate against the proposed garage. No windows are proposed in the northeastern side elevation; therefore, given the single storey scale of the garage, it is not considered that any significant adverse privacy issues will be created.

5.5 Planning permission has been granted for a new dwelling on land immediately to the north of the application site. It is not considered that the proposal will bring about any significant adverse residential amenity issues to future occupiers in terms of loss of natural light or privacy.

5.6 Although the host dwelling has a relatively small garden, which would be reduced in size by the proposed garage, on balance, an acceptable level of private amenity space will be left to serve the dwelling.

5.7 Transportation

Planning permission is sought to erect a new detached garage. The garage will be accessed from New Road via a vehicular access which was granted planning permission as part of PT07/0626/O. The plans submitted show that entrance gates will be erected. There are no transportation objections provided that the gates are set back into the site to avoid cars overhanging the public highway. If permission is granted a condition is recommended in respect of a revised access plan.

5.8 Maintenance

Concerns raised regarding a lack of room for maintenance are noted; however, this is a civil matter and is not a valid planning refusal reason.

The concerns that parking issues should have been resolved in the previous application are noted. An off street parking place was approved under the previous application for the dwelling (PT07/0626/O); however, this application seeks to alter the off street parking provision, and is required to be assessed on its own merits.

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 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. **RECOMMENDATION**

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

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Notwithstanding the details submitted prior to the commencement of the development a revised access plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (For the avoidance of doubt the plan should show the access gates set further back into the site to avoid cars overhanging the highway).

Reason

In the interests of highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).