



**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. 23/14**

**Date to Members: 06/06/14**

**Member's Deadline: 12/06/14 (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](mailto:MemberReferral@southglos.gov.uk) providing details of

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

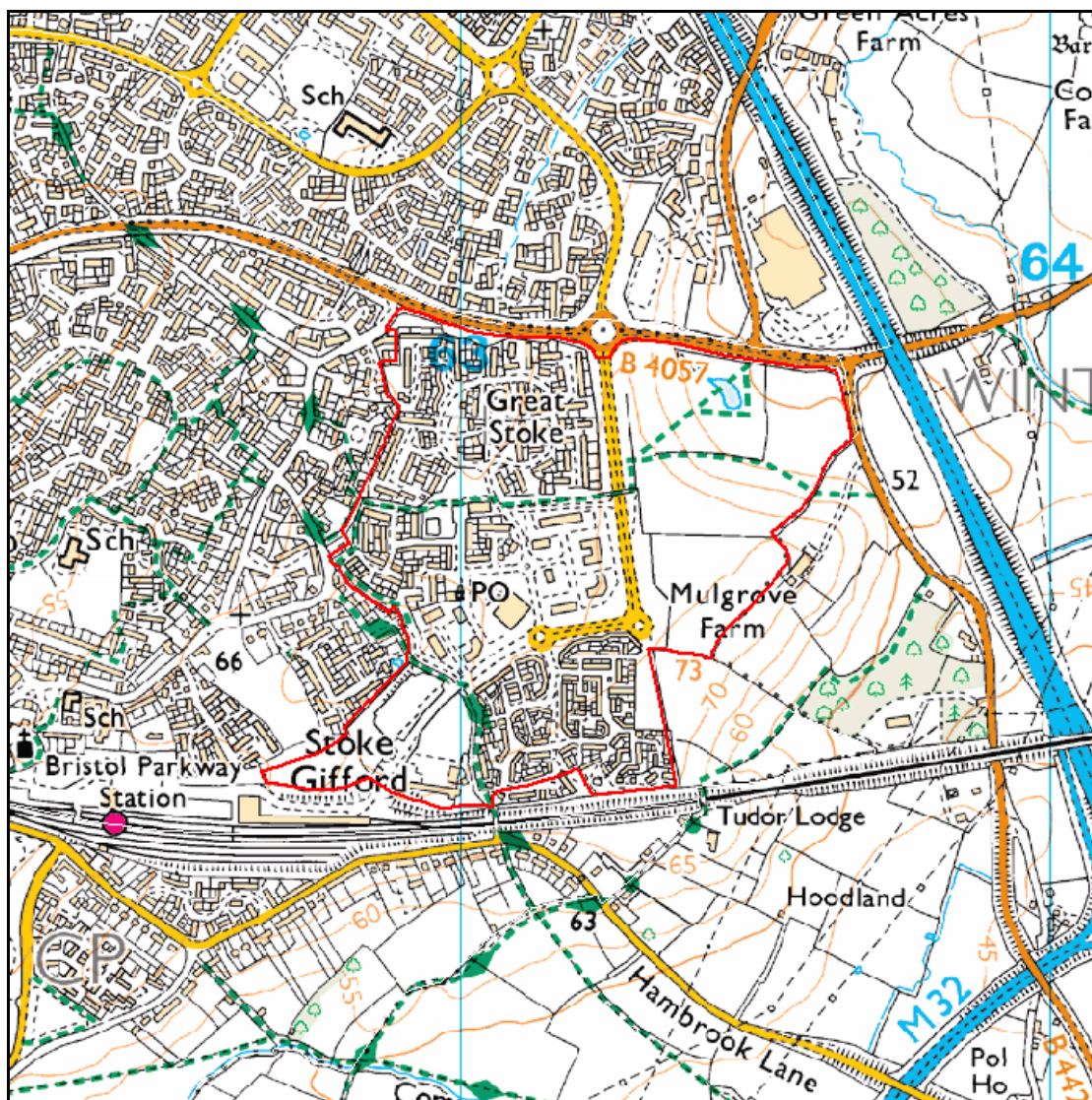
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

# CIRCULATED SCHEDULE – 6 JUNE 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT13/3223	Non Determination	Land To The East Of Bristol Parkway Station Great Stoke Way Stoke Gifford South Gloucestershire BS34 8YU	Stoke Gifford	Stoke Gifford Parish Council
2	PK11/3441/F	Approve with Conditions	Oxleaze Toghill Lane Doynton South Gloucestershire BS30 5TE	Boyd Valley	Doynton Parish Council
3	PK13/2981/R3O	Deemed Consent	Cadbury Heath Youth Centre Park Road Warmley South Gloucestershire BS30 8EB	Parkwall	Oldland Parish Council
4	PK14/1123/F	Approve with Conditions	68 Gover Road Hanham South Gloucestershire BS15 3JZ	Hanham	Hanham Abbots Parish Council
5	PT13/4716/F	Approve with Conditions	Former St Nicholas Church Site Church Road Severn Beach South Gloucestershire	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
6	PT14/1161/F	Approve with Conditions	Rowan Lodge 41 Gloucester Road North Filton South Gloucestershire BS7 0SN	Filton	Filton Town Council
7	PT14/1460/CLP	Approve with Conditions	35 Park Row Frampton Cotterell South Gloucestershire BS36 2BS	Frampton Cotterell	Frampton Cotterell Parish Council
8	PT14/1509/CLP	Approve with Conditions	32A Hortham Lane Almondsbury South Gloucestershire BS32 4JL	Almondsbury	Almondsbury Parish Council
9	PT14/1597/TRE	Approve with Conditions	42 Chatsworth Park Thornbury South Gloucestershire BS35 1JF	Thornbury North	Thornbury Town Council
10	PT14/1612/R3F	Deemed Consent	Wheatfield Primary School Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DB	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
11	PT14/1616/F	Approve with Conditions	82 Dragon Road Winterbourne South Gloucestershire BS36 1BJ	Winterbourne	Winterbourne Parish Council
12	PT14/1720/F	Approve with Conditions	10 Oakwood Gardens Coalpit Heath South Gloucestershire BS36 2NB	Westerleigh	Westerleigh Parish Council

## CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014

<b>App No.:</b>	MODT13/3223	<b>Applicant:</b>	Crest Nicholson Operations Ltd
<b>Site:</b>	Land To The East Of Bristol Parkway Station Great Stoke Way Stoke Gifford South Gloucestershire BS34 8YU	<b>Date Reg:</b>	30th August 2013
<b>Proposal:</b>	Modification of S106 Agreement attached to planning application P92/2321	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	363172 180102	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>		<b>Target Date:</b>	18th October 2013



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 100023410, 2008. **N.T.S.** **MODT13/3223**

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

The application relates to the modification of a S106 legal agreement and as such is required to be referred to the Circulated Schedule. Members will recall that this report appear on the circulated Schedule on 16<sup>th</sup> May 2014. This report is recirculated in order to clarify the correct Planning Permission reference and date of the associated s106 legal agreement.

### **1. THE PROPOSAL**

- 1.1 The application relates Planning Permission P92/2321 as detailed in section 3 of this report. This application is made under section 106A of the Town and Country Planning Act in order to modify the section 106 legal agreement associated with the above planning permission (dated 15<sup>th</sup> August 1994).
- 1.2 Essentially, the application seeks to reduce the area of land (the 'blue land') which is required to be transferred to the Council (SGC) in order to provide a variety of uses for the benefit of the community associated with the development approved under P92/2321. These are set out in more detail in the main body of this report. The current area of 'blue land' measures approximately 12 hectares whilst the proposed area (the reduced 'blue land' measures approximately 4 hectares.
- 1.3 It should be noted that this application is now subject of appeal with the Planning Inspectorate against the failure of the Council to determine the application within 8 weeks of submission. The Local Planning Authority is no longer in a position to determine this application. The purpose of this report is to set out what the officer recommendation would have been had the Local Planning Authority been in a position to determine the application; and inform the position of the Local Planning Authority in relation to this proposal at the appeal.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

National Planning Policy Guidance March 2014 – Planning Obligations

#### **2.2 Development Plans**

South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

CS1 High Quality Design

CS24 Green Infrastructure, Sport and Recreation Standards

CS27 East of Harry Stoke New Neighbourhood

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

East of Harry Stoke New Neighbourhood Development Framework SPD (Informal Draft for Consultation) November 2012

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

- 3.1 **P92/2321** Development of 39.94 hectares (98.5 acres) of land for residential, offices, retailing and open spaces. Construction of roads and associated highway works including a park and ride facility and LRT station (outline)
- Approved 22<sup>nd</sup> December 1993
- 3.2 **P94/2461** Development of 2.611ha of land for erection of 110,000 square feet of office/buildings (class B1 of the Town and Country Planning (Use Classes Order 1987). Construction of associated access roads and car parking (to be read in conjunction with P92/2321)
- Approved 16<sup>th</sup> February 1995
- 3.3 **P94/2527** Residential development on 10 acres of land to include the erection of 102 houses and associated works. Construction of roads
- Approved 5<sup>th</sup> June 1995
- 3.4 **P94/2624** Residential development on 11 acres of land to include the erection of 136 houses. Construction of roads, public open space and ancillary works. (to be read in conjunction with P92/2321)
- Approved 5<sup>th</sup> June 1995
- 3.5 **P95/1840** Erection of 12 dwellings and associated works on land east of Bristol Parkway, Stoke Gifford (to be read in conjunction with P92/2321)
- Approved 15<sup>th</sup> September 1995
- 3.6 **P96/1675** Erection of 20 dwellings (re-plan of previously approved site)
- Approved 13<sup>th</sup> August 1996
- 3.7 **P96/1741** Erection of 50 dwellings (re-plan of part of previously approved site) and associated works
- Approved 30<sup>th</sup> September 1996
- 3.8 **P99/2180** Development of land for residential purposes, and erection school site (outline).
- Approved 3<sup>rd</sup> May 2000
- 3.9 **PT99/0270/RM** Erection of 83 dwellings and associated works.
- Reserved Matters Approved 14<sup>th</sup> July 2000

- 3.10 PT00/2213/RM      Erection of 234 dwellings and associated works  
Reserved Matters Approved      21<sup>st</sup> December 2000
- 3.11 PT09/0741/VAR      Modification of Section 106 agreement dated 28th April 2000 attached to planning permission P99/2180 discharge of obligation to pay the education contribution to the Council.  
  
Refused (June 2009) and Dismissed at appeal (April 2010).
- 3.12 PT09/5495/F      Erection of 34 no. one, two and three bedroom dwellings with associated parking, landscaping and works. New access.  
  
Approved 5<sup>th</sup> October 2010

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

- 4.1 Stoke Gifford Parish Council  
Local Member to be approached regarding the possibility of calling a site meeting

4.2 Community Infrastructure Officer

There is an identified need in the following areas;

Category 1    Formal Open Space (pitches, courts and greens)

Category 2    Equipped Children's Play Provision

Category 3    Unequipped Children's Play Provision

Informal Recreational Open Space

Natural and Semi-Natural Open Space

Allotments

4.3 Landscape Officer

The land identified within the 106 continues to provide the functions for which it was identified, giving accessible countryside within reach of the adjoining population of Parkway North and Stoke Gifford via the public footpaths. Residents access to the wider countryside is limited by the proximity of the M4 motorway.

The prominence and distinctive nature of the landform creates a local landmark, forming an attractive setting for the farm building. The land forms part of an important view from the wider countryside, buffering the existing urban edge. These attributes of the landscape can be protected by its use for agriculture, forestry or informal recreation in accordance with the provisions of the 106 agreement and is compatible with a role within an area of Strategic Green Infrastructure.



## **Other Representations**

- 4.4 Local Residents  
No comments have been received

## **5. ANALYSIS OF PROPOSAL**

5.1 This application does not seek to carry out development, rather it is an application to discharge the previously agreed term under the section 106 agreement in order to modify the obligation to transfer land (the 'blue land') to the Local Authority for various uses for the benefit of the new community associated with development as approved under P92/2321. The modification is essentially a reduction of the area of the 'blue land' covered by the obligation. To this end, this application is not a planning application but is submitted under section 106A of the Town and Country Planning Act 1990. For the purpose of this report, the development is that which has been developed on the land so approved under Outline Planning Permission P92/2321 and subsequent associated planning permissions.

5.2 The Purpose of the 'Blue Land' as referred to in the S106 Legal Agreement  
The Section 106 Legal Agreement (s106) requires that an area of land, roughly triangular in shape and located immediately East of Harry Stoke Way (between Great Stoke Roundabout and Parkway North Roundabout), South of Winterbourne Road (between Great Stoke Roundabout and Old Gloucester Road) and due Northwest of Mulgrove Farm (drawing number 500\_34 Rev A as provided by the applicant) is to be transferred to South Gloucestershire Council. For the purpose of this report (and application) this land is referred to as 'the blue land'. At this time, 'the blue land' has not been transferred and remains in the control of Crest Nicholson Operations Ltd.

5.3 The s106 requires that the land is to be held for informal recreation or other approved purpose (or combination of such uses) as specified in the s106; but for no other purpose. The approved uses are;

agriculture,  
forestry,  
cemetery,  
outdoor leisure and recreation,  
community uses,  
appropriate ancillary buildings

5.4 The Proposed Modification to the Section 106 Legal Agreement  
The applicant (Crest Nicholson Operations Ltd) proposes to reduce the area of land to be transferred to South Gloucestershire Council to an area located in the Northwest corner of 'the blue land' identified in the s106. Again this is enclosed to the West by Great Stoke Way and to the North by Winterbourne Road (drawing number 500\_35 as provided by the applicant).

5.5 Essentially, the applicant draws specific attention to the South Gloucestershire Local Plan; Core Strategy policy CS27 which identifies the land as part of the 'East of Harry Stoke New Neighbourhood'. The applicant argues that the



obligation to transfer the 'blue land' to South Gloucestershire Council no longer serves a useful purpose; or a useful planning purpose for the following reasons.

- i) the 'blue land' forms an integral part of the new neighbourhood allocation under Policy CS27 and the delivery of the new neighbourhood is critical to fulfil the South Gloucestershire Housing Requirements,
- ii) the 'blue land' was not allocated for housing at the time that the original obligation was secured. To continue to require the full obligation would be contrary to planning policy
- iii) the new neighbourhood straddles the mainline railway and the land to the north of the line has been identified for housing in the Core Strategy. The applicant argues that it cannot deliver the entire housing allocation on the land to the south of the railway line and the land to the north would make a significant contribution to achieving the objectives of Policy CS27 of the Core Strategy.
- iv) Policy CS27 and the supporting draft Supplementary Planning Document represent a material change in the planning context of the site since the obligation was entered into and as such the planning purpose that existed at that time has fallen away. The applicant argues that to retain the full obligation would be contrary to the South Gloucestershire Local Plan Core Strategy and the supporting Supplementary Planning Document.

#### 5.6 Analysis of the Proposal to Modify the Agreement

The development to which this agreement is subject to was approved under outline planning permission P92/2321 and was determined under the North Fringe Local Plan; policy LP37 now superseded. The purpose of the obligation to transfer the 'blue land' to South Gloucestershire Council was to secure land to provide open space, whether functional or visual. In particular the original assessment of the outline application required that the development should provide additional space for localised recreational uses having regard to the previous use of the development site for informal recreation. The land to the east of the development (the 'blue land') would act to serve that purpose. It was also considered that the land would also act to preserve the open character of the landscape so acting as a buffer whilst providing for uses such as informal recreation, amenity land, agriculture and forestry. It should be noted that this land has been in such uses as set out and included within the legal agreement.

- 5.7 Essentially, Section 106(6) of the Town and Country Planning Act does not require that the obligation continues to serve the *original purpose*; rather that the obligation continues to serve a *useful purpose*. In this instance, officers continue to identify a shortfall in respect of open space and consider that the provisions of the s106 agreement remain valid, and that the land is still required for the purposes set out in the in the agreement.

- 5.8 There is case law which is particularly relevant to the consideration of Section 106A applications in order to modify a section 106 legal agreement. It has been held in *R (oao Garden and Leisure Group Ltd) v North Somerset District Council* [2003] EWHC 1605 ([28]-[29], [46]) (applied, *R (Renaissance Habitat Ltd) v West Berkshire District Council* [[2011] EWHC 242) that:

In considering an application under section 106A of the 1990 Act, there are four essential questions to be considered:

i) *what is the current obligation?*

The current obligation is set out at paragraph 5.3 of this report.

ii) *what purpose does it fulfil?*

iii) *is it a useful purpose?*

For the reasons set out in this report, officers are of the view that the land continues to serve a useful purpose and would act to secure land which to provide informal open space and community uses in the interests of the existing and future communities associated with this area

iv) *if so, would the obligation serve that purpose equally well if it had effect subject to the proposed modifications? The words “equally well” are to be read as ordinary English words importing a principle of equivalence.*

The effect of the proposed modification is such that the area of land subject to the current obligation would be materially reduced in size (from approximately 12 hectares to 4 hectares). The land would not be available to provide informal open space and community uses as set out above and as such the proposed modification would not be capable of serving the useful purpose ‘equally well’.

- 5.9 The applicant’s core argument is that the ‘blue land’ lies within the new neighbourhood allocation under policy CS27 of the South Gloucestershire Local Plan, and the supporting Supplementary Planning Document (SPD). The SPD carries limited weight as it is not yet adopted. Nonetheless, the document does not specifically identify the ‘blue land’ for housing. The SPD does make reference to the need to create a strong landscape framework for the area and to create a robust and attractive local network of open spaces; working within the existing topography of the area and reinforcing landscape features. In particular, the area to the north of the railway line and associated with Mulgrove Farm is identified in the aims of the SPD as forming an area of significant open space utilising the topography of the area (attractive hill slopes). The SPD suggests that appropriate uses in this area includes allotments and community uses. Furthermore, the SPD suggests that the principles of the SPD should be translated into a ‘master plan’ for the new neighbourhood site as a whole and it is expected that the ‘blue land’ would be included within the area covered by the master plan.

- 5.10 It is clear that the intentions of South Gloucestershire Council is to consider the open space needs of both the existing community together with the needs of the new community allocated within the Core Strategy in the round. This would be addressed through an appropriate master planning process for the new neighbourhood. At this stage, given that there is an identified shortfall, the Local Planning Authority cannot accept less open space that would be required by existing and future communities in the area.
- 5.11 The applicant argues that the policy context (Policy CS27 of the Core Strategy) of this site is such that it is now allocated for housing development and as such the effective purpose of the s106 has been superseded by that policy. Whilst it is acknowledged that there is a material change in the development plan policy since the original s106 agreement was signed, officers consider that there continues to be a useful purpose to the obligation in hand. At this stage, there is insufficient certainty about how the development of the new neighbourhood would come forward, the open space provision as set out in the s106 agreement remains of importance. The SPD has not acted to remove the original purpose of the s106 and in particular continues to identify a need for a significant open space as part of the new neighbourhood. The thrust of Policy CS27 and the supporting SPD is to ensure that development on the allocation comes forward in a comprehensive manner. This is essential if the new neighbourhood is to become a high quality and sustainable environment. Accordingly, the SPD requires that the development comes forward as part of a master planning process. The balance of uses (residential against open space) would only be identified when such a master plan comes forward that fixes parcels of development on the site; or a planning permission is granted to the same effect. Ultimately, it is only when a planning permission is in place that certainty will be established and until such time there is no basis for concluding that the 'blue land' will be built upon.
- 5.12 The Local Planning Authority has engaged in negotiation regarding this proposal and have indicated to the applicant that South Gloucestershire Council is not averse to modifying the s106 legal agreement. Such a modification could release part of the area of 'blue land' provided that it is off set elsewhere on the site without undermining the key objectives of the SPD. However, in discussions, officers have maintained that such a modification cannot be agreed until such time that more certainty is established in respect of the balance of uses on the allocation site (CS27 and supporting SPD); that being until a master plan for the development of the whole site has been secured.
- 5.13 Having regards to the above assessment, officers consider that the obligation to transfer the 'blue land' (as shown on drawing number 500\_34 Rev A as provided by the applicant) continues to serve a useful purpose and would act to secure land which would act to provide informal open space and community uses in the interests of the existing and future communities associated with this area.

## **6. RECOMMENDATION**

- 6.1 Had the Local Planning Authority been in a position to determine this application that the application would have been refused and that the s106 planning obligation continue to have effect without modification for the following reason;

**Contact Officer: Simon Penketh**  
**Tel No. 01454 863433**

## **REASONS FOR REFUSAL**

1. The obligation under the section 106 legal agreement (dated 15th August 1994) attached to the outline planning consent P92/2321 continues to serve a useful purpose in order to provide open-space in the interests of the existing and new communities and in the interests of the visual amenity of the surrounding landscape. The proposal would be contrary to the provisions of Policy CS27 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and Saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PK11/3441/F	<b>Applicant:</b>	Golden Valley Paddocks Ltd
<b>Site:</b>	Oxleaze Toghill Lane Doynton Bristol South Gloucestershire BS30 5TE	<b>Date Reg:</b>	10th November 2011
<b>Proposal:</b>	Siting of temporary agricultural workers dwelling for the period of three years. (Re-submission of PK11/1765/F).	<b>Parish:</b>	Doynton Parish Council
<b>Map Ref:</b>	372291 173258	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th December 2011



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 100023410, 2008. **N.T.S.** **PK11/3441/F**

## **REASON FOR REFERRING TO CIRCULATED SCHEDULE**

The application has been referred to the Circulated Schedule following the receipt of objections from Doynton Parish Council, The Cotswolds Conservation Board and Local Residents.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the siting of a temporary agricultural workers dwelling for a period of three years at Oxleaze, Doynton. Included within the application is the installation of a sealed cesspool that would serve the proposed temporary dwelling. The dwelling was originally intended in connection with a proposed duck egg production enterprise to form part of the applicant's larger existing duck egg production enterprise located at sites in North Somerset and Bitton. The proposal would create at least two full-time and several part-time jobs. During the lifetime of this application however, the applicant has decided to abandon the duck egg enterprise and instead now intends to rear Boer Goats for specialist meat production. Officers consider that the associated hard-standings and sealed cess-pit are also part of this application.
- 1.2 The site is located to the south of the village of Doynton, within the open countryside, Bath & Bristol Green Belt and the Cotswold Area of Outstanding Natural Beauty. The applicant states that the site is 6.57hectares (16.23 acres) in area and is currently laid to pasture. The site is accessed via a track (Toghill Lane) out of Doynton, which is also a Restricted Byway; this track also serves Babwell Farm which is located opposite the site and to the west of the track and main access to Oxleaze.
- 1.3 The proposed temporary dwelling would be a timber clad, mobile home, measuring approximately 17.8m metres in length by 6.1 metres wide and would have a maximum height to ridge of 3.9 metres. The mobile home would be located to the south of an existing agricultural building/barn that was erected under the prior notification process (see PK09/1413/PNA). The mobile home would be accessed from the adjacent track by an existing gateway. Hard-standings have already been laid and an unauthorised caravan (not the one applied for) is already on the site. Two parking spaces are available on the hard-standing to the west of the caravan.
- 1.4 A similar application PK11/1765/F was refused for the reasons listed in para. 3.3 below. The current application seeks to overcome the previous reasons for refusal. Since the refusal of PK11/1765/F the existing feed hoppers, associated hard-standings and retaining walls around the existing barn have been approved under application PK11/1761/F; however an enforcement notice against the use of the existing agricultural building for the housing of livestock in breach of conditions of permitted development, was issued. A subsequent appeal against the enforcement notice established that the building, having been erected under the prior notification approval, could not legally be used for the housing of livestock, there being a 'protected building' within 400m of it. The matter was subsequently regularised by the grant of permission PK13/1090/F for the use of the building for the accommodation of livestock; condition 2 of the permission only permits cattle, sheep or goats to be kept in the barn.



## 2. POLICY CONTEXT

### 2.1 National Guidance

The National Planning Policy Framework (NPPF) March 2012  
National Planning Practice Guidance 2014

### 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L2	Cotswold Area of Outstanding Natural Beauty
T8	Parking Standards
T12	Transportation Development Control Policy
H3	Residential Development in the Countryside

#### South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2011

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 Density
CS17	Housing Diversity
CS34	Rural Areas

### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Landscape Character Assessment as adopted Aug 2005. Landscape Character Area 6:- Pucklechurch Ridge & Boyd Valley.  
Development in the Green Belt (SPD) Adopted June 2007.

## 3. RELEVANT PLANNING HISTORY

- 3.1 PK09/1413/PNA - Prior notification of the intention to erect an agricultural building.  
No objection 24 Aug 2009.
- 3.2 PK11/1761/F - Installation of concrete yard, retaining walls and 2no. feed hoppers. (retrospective).  
Approved 28 Oct 2011
- 3.3 PK11/1765/F - Siting of temporary agricultural workers dwelling for the period of three years.  
Refused 12 August 2011 for the following reasons:
1. *It is considered that the justification submitted with the application does not demonstrate an existing functional need for a temporary agricultural workers dwelling at Oxleaze. The proposal therefore fails to satisfy the criteria set out in PPS7 para (ii).*

2. *The proposed temporary dwelling would be sited in a prominent location and if allowed would result in a visually intrusive feature to the detriment of the visual amenity of the Green Belt and landscape in general contrary to Policies GB1, L1 and D1 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and PPS7 Annex A para.12 (v).*
  3. *The proposed temporary dwelling would be sited in a prominent location and if allowed would result in a visually intrusive feature to the detriment of the natural beauty of the Cotswolds AONB contrary to Policy L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and PPS7 Annex A para.12 (v).*
- 3.4 PK13/1090/F - Use of agricultural building for the accommodation of livestock.  
Approved 31 Jan 2014  
*Condition 2 restricts the use of the building to cattle, sheep and goats.*

Enforcement History

- 3.5 COE/08/0735 - Erection of huts on concrete bases, in field opposite farm.  
Closed
- 3.6 COE/09/0511 - Sub-division of land and creation of accesses.  
Closed
- 3.7 COE/09/0419 - Created new access, cut down hedge & trees, put in water supply.  
Closed
- 3.8 COM/11/0495/OD/1 - Enforcement notice – Unauthorised use of agricultural building for keeping of livestock in breach of conditions of Permitted Development.  
Appeal APP/P0119/C/12/2178324 – Dismissed 11 Feb. 2013

**4. CONSULTATION RESPONSES (including internal consultees of the Council)**

4.1 Doynton Parish Council

Objects on the following grounds:

- Previous activities on the site and ulterior motives to gain residential development on the site.
- Not in accordance with PPS7 Annex A :-
  - i. No firm intention to develop the enterprise.
  - ii. Not planned on a sound financial basis.
  - iii. Other normal planning requirements not satisfied.
- How will muck be dealt with?
- Muck will pollute watercourse.
- Access road too narrow.
- Loose gravel on access road has blocked drains.
- Adverse impact on landscape and AONB.
- Livestock not permitted in the barn, which is within 100m of Babwell Farmhouse, a private residence, not a working farm.

- Previous destruction of hedgerows, trees and pond.
- Unauthorised mobile home already on site.
- Unauthorised Silos and hard-standing on site.
- No evidence of compliance with Environment Agency legislation or poultry register.
- Similar developments in BANES subject of judicial review.

4.2 Public Rights Of Way (PROW)

No objection but concerns expressed about extra traffic generated along the Restricted Byway LDN/38/50. Advisory notes should be attached to any permission.

4.3 Technical Support Street Care

No objection – foul disposal is to a sealed cess-pit.

4.4 Environment Agency

No objection.

4.5 Sustainable Transport

No objections

4.6 Landscape Officer

No objection subject to the proposed planting.

4.7 Environmental Protection

No objections – a caravan site licence may be required from the Trading Standards and Licensing team.

4.8 Agricultural Assessment Agent

Objection - Advised that there is the intention and ability to create a viable, free-range duck egg laying enterprise, which has been planned on a sound financial basis. However there does not appear to be a functional need for a dwelling on the land at Doynton and any dwelling within easy commuting distance would be suitable to house the key worker.

4.9 The Open Spaces Society

No response

4.10 The Ramblers Association

No response

4.11 The Cotswolds Conservation Board

The Cotswolds Conservation Board notes that the Council refused the previous application PK11/1765/F on the grounds, inter alia, that the proposal was harmful to the Cotswolds AONB. The Board notes that the siting of this proposal is the same as that of the refused application, and therefore supports the Council's previous reason for refusal. The Board is not convinced that the limited hedge planting proposed will mitigate that harm to the landscape previously identified by the Council.

The Board also notes that the previous proposal was refused on the grounds of the agricultural need not having been demonstrated. There is currently no amendment on the website to the advice provided to the Council on this subject, and therefore the Board would continue to support the reason for refusal.

## **Other Representations**

### 4.12 Local Residents

10no. letters of objection have been received, the concerns raised are summarised as follows:

- There is an ulterior motive to obtain a house in the countryside.
- The existing barn is not in-keeping.
- Adverse impact on PROW – noise and mess.
- Adverse impact on residential amenity – noise and mess.
- Poor access through village.
- No market for duck eggs.
- Poor access along track.
- Previous loss of hedges/trees/pond.
- Previous damage to lane; erection of unauthorised silos and damage to culvert at end of track.
- Installation of septic tank.
- Barn cannot be used for livestock.
- Pollution to watercourse from droppings.
- Adverse impact on AONB and Green Belt.
- Not demonstrated that there is a firm intention and ability to develop the enterprise.
- There are vacant properties in Doynton.
- Caravan not in-keeping.
- There is no need for a dwelling.
- The site is less than 7ha in area.
- Excess traffic on unsuitable lane.
- Worker not permanently required on site.
- There is room at the Woolley site for incubators.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Since the refusal of PK11/1765/F the NPPF has superseded various PPS's and PPG's, not least PPG2 – Green Belts and PPS7 – Sustainable Development in the Countryside. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the Development Plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the Development Plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date Development Plan should be refused unless material considerations indicate otherwise.

At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

- 5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6<sup>th</sup> 2006. The Council considers that as Policy H8 (relating to agricultural workers dwellings) is not saved, the Local Plan policies referred to in this report only partly provide an adequately up to date basis for the determination of the application. Policies within the NPPF will therefore be referred to.
- 5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted and therefore the policies therein now form part of the Development Plan and are also a material consideration .
- 5.4 The application site is located within the open countryside, Cotswolds AONB and Green Belt. The construction of new buildings within the Green Belt are not inappropriate provided that they are for Agriculture (see NPPF para. 89). Policy H3 of the South Gloucestershire Local Plan allows for the erection of permanent dwellings in the Countryside for agricultural purposes. However paragraph 55 of the National Planning Policy Framework states that new isolated homes in the countryside should be avoided unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The applicant's supporting letter makes reference to Policies H8 and GB1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 but since the adoption of the Core Strategy, these are not in fact saved policies and are therefore not material in the determination of this application.
- 5.5 Whilst the National Planning Policy Framework has replaced the planning policy statements, the methodology previously explained in annex A to PPS7 was a tried and trusted methodology for assessing applications for agricultural workers dwellings.
- 5.6 PPS7 para. 10 stated that: 'Isolated new houses in the countryside will require justification for planning permission to be granted. Where the special justification for an isolated new house relates to the essential need for a worker to live permanently at or near their place of work in the countryside, planning authorities should follow the advice in Annex A to the PPS'. Annex A of PPS7 with regard to temporary agricultural dwellings stated at para.12 that 'If a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can be easily dismantled, or other temporary accommodation. It should satisfy the following criteria:
  - (i) Clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);
  - (ii) Functional need (see para.4 of Annex A)

- (iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) Other normal planning requirements, e.g. on siting and access, are satisfied.

5.7 In recent case history however, relating to a similar scheme (see R(Embleton PC) v Northumberland CC (2013) ) Judge Behrens had the following to say:

*' ...the test under paragraph 55 of the NPPF is different from the test under Annex A, paragraph 12(iii) of PPS7. In particular I do not accept Mr Harwood QC's submission that the NPPF requires that the proposal is economically viable. As Mr White QC points out this is a temporary permission lasting for only 3 years. The NPPF test simply requires a judgement of whether the proposed agricultural enterprise has an essential need for a worker to be there or near there.'*

It therefore follows that officers must assess the current proposal, for the temporary agricultural workers dwelling, simply on the basis of whether the proposed enterprise has an essential need for a worker to be there or near there. No significant weight need be attached to the financial test under PPS7, Annex A, paragraph 12(iii), which has been revoked.

5.8 The application relates to a wooden clad mobile home, which officers consider is appropriate for a temporary agricultural workers dwelling. With regards to the criteria listed above, the applicant has submitted an Agricultural Appraisal of the proposed enterprise, carried out by Reading Agricultural Consultants. The Council commissioned an appropriately qualified agent from Gloucestershire County Council, to appraise the proposals and the following is based on his assessment at that time:

5.9 Current Situation

*The applicants Golden Valley Paddocks Ltd. own three sites. Firstly The Meadows at Woolley near Bath, which is a 50 acre site with a modern, multi-functional, agricultural building.*

*There is also a site at Bitton where there is a steel portal framed general purpose building in 19.76 acres of pasture.*

*Lastly, the applicant's site at Doynton, known as Oxleaze, where there is another fully enclosed agricultural building set in a ring fence of 17 acres.*

5.10 Enterprises

*It is not possible to look at the site at Doynton in isolation from the other two sites as they are all intrinsically linked.*



5.11 *During the lifetime of this current application, the applicant has informed the Council that following difficulties in gaining planning consents at their Woolley site, Golden Valley Paddocks Ltd. have now abandoned their Duck Egg Enterprise but instead now intend to move into the breeding and rearing of goats, more specifically Boer Goats. A business plan of the Boer Goat Enterprise has been submitted which indicates that Golden Valley Paddocks propose to utilise the land at Oxleaze, Woolley and Bitton for the goat business. Whilst the goats would be extensively grazed on all three sites they would need to be overwintered in buildings. The herd would move between Woolley, Bitton and Oxleaze during the Summer months and overwintered in the barns at Bitton and Oxleaze. The business plan goes on to state amongst other things that:*

- *Boer Goats are docile.*
- *The goats do not have a fleece and therefore require housing in barns during the winter.*
- *The barns at Oxleaze and Bitton are suitable for overwintering stock and for kidding.*
- *The barn at Oxleaze would have a maximum overwintering capacity of 80 doe goats.*
- *The barn at Oxleaze would be in continuous use, to house small batches of expecting and birthing mothers.*

*Other enterprises on the three sites include:*

- *A flock of 100 Exmoor Horn cross sheep*
- *Some Blue-Faced Leicesters cross Charolais Sheep*
- *Some Aberdeen Angus cattle*
- *A pedigree herd of Longhorn cattle*

*The Sheep are predominantly kept at the Woolley site whereas the cattle are kept at Bitton or Doynton.*

5.12 *The Boer Goat Business Plan has been the subject of comment by the Council's Independent Agricultural Consultant – Robert Fox, who confirmed that :-*

5.13 *Dwellings*

*There is also an unauthorised mobile home sited on the land at Doynton. There is a dwelling adjacent and physically connected with the land and buildings at New Pit Lane, Bitton called Rockhouse Farm. The Land Registry indicates this dwelling to be in the ownership of a Mr P Pepperell who is publically listed as a director of Golden Valley Products (GVP) According to the Land Registry the land and buildings were transferred to GVP from Mr Pepperell in 2007. We are now informed that the dwelling is presently rented out.*

5.14 *Buildings*

*On the land at The Meadows, Woolley there is a substantial fully enclosed, internally divided multi-functional building.*

*At Bitton there is a 60ft x 40ft steel portal frame general purpose building and it is understood that there is permission for a further building which measures 90ft x 40ft which has yet to be built.*

*At Doynton there is a fully enclosed 80ft x 60ft, high eaved, general purpose building which is internally divided.*

5.15 Labour

*The farm management duties are now undertaken by a recent graduate as farm supervisor with a work force of two general farm workers.*

5.16 Proposals

Area

*The applicant is not actively seeking to increase the acreage, which is presently owned in association with this particular business.*

Future Enterprises

*The plan is to rear Boer Goats for meat and the pedigree market.*

*The Boer Goat, which originates from South Africa, is one of the most popular breeds of meat goats in the world, and was first introduced into the UK in about 1987, with about 200 pedigree names now registered with the British Boer Goat Society.*

*The GVP plan is to keep 140 females (Does) with the majority of the female progeny sold on as breeding stock with some no doubt kept on for replacements. The proposal is to sell the majority (70%) of the young males (Bucks) for meat and 30% sold as breeding males. There have been no goats purchased as yet.*

*Boers as with other goats tend to be photosensitive with respect to reproduction and in the UK naturally coming into season in the Autumn with the shortening days bringing the does into heat and the bucks into rut. This five month gestation period means that the kids are born in the spring for turn out when the weather will have improved and when the grass production is at its highest. Attempting to breed goats out of season produces mixed results of conception and productivity and often has to involve such methods as artificial lighting.*

*Looking at the sale side a good average pedigree value would be £300 for a doe and £250 for a buck. These tend to be sold as pets and as breeding stock to other breeders markets with individual animals having been marketed through websites.*

*With regard meat production, male kids out of a very good sire, can reach a live weight of 35kg at about 5 months old. With a killing out percentage of 45% and a price of approximately £10 per kilo they might make as much as £170.*

*Although there is a growing interest in goat meat the image is still as an ethnic product and the market is limited. As a result there is no developed supply chain and as such a producer wishing to profit from producing goat meat will have to be responsible for marketing, processing and delivery of the product to the customer. GVP have not given any detail as to how and where the sales would be.*

*The plan is to use the buildings at Doynton and Bitton for housing goats in the winter and for kidding.*

#### **Buildings**

*The intention is to erect a 90ft x 40ft livestock building at Bitton. Officers are not aware of any other building works that are planned.*

#### **Dwellings**

*The unauthorised mobile home at Doynton is presently occupied by one of the workers with the other farm worker living locally.*

### **5.17 Conclusions**

*If a new dwelling is essential to support a new farming activity on a newly created unit, it would normally for the first three years be provided by a temporary home, which can easily be dismantled if necessary. Traditionally it would have to satisfy a number of criteria as follows:*

#### ***Firm Intention and Ability***

*There does not appear to have been any real research into the marketing side of what is a niche market and I was not given the impression of there being any expertise or even any previous experience of goat rearing. Without anybody able to explain in detail how the enterprise was going to be undertaken, I was not left with the impression that there was the ability to develop a substantial Boer Goat breeding enterprise. Also no goats had been purchased i.e. the enterprise had not even begun on a small scale which would indicate at least an intention to keep goats.*

#### ***Functional Need***

*Most of the duties would be regarded as routine. In other words operations that can be undertaken during the working day. Housed goats would need checking first and last thing. There will be sorting, and moving and vaccination and treatment and of course feeding and bedding down in the winter when they would be housed.*

*The only time where there will be likely some out of normal working hour welfare emergencies will be during kidding. With proper management and keeping the bucks separated away from the does and then introducing them for around 35 days in the autumn should concentrate the kidding to within 5 weeks or so. This will make it easier to manage the does and kids at kidding time.*

*It will be during this time that there will need to be a round the clock presence in and around the kidding does, much the same as with lambing i.e. there would be a seasonal need for there to be somebody on site during the night time hours on a shift basis. Even during this period a dwelling on site would not be of any real benefit.*

### **Sound Financial Basis**

*As a niche enterprise that requires good marketing and a solid customer base then simply budgeting using standard figures is not sufficient. Quite simply where and how are the goats going to be sold is something which comes out of market research and some sort of feasibility study. None of this is evident.*

*Even other established Boer Goat herds appear to sell only a handful of animals to the breeding/pet market which would indicate quite a limited market. The applicant in this case is proposing to sell all the does and 30% of the bucks to such a market i.e. somewhere in the region of 182 animals and that is before establishing the pedigree and building a reputation. This would seem unrealistic.*

*If outlets had been established then the figure of selling 98 goats for meat per annum might be possible but as yet there is no indication of where this market is or whether any contacts have even been made.*

### **Other Dwellings**

*Anywhere that was easily commutable between the Doynton and Bitton sites where the goats would be housed would be adequate location for a worker to attend to the housed goats.*

*In the meantime one cannot ignore the property known as Rockhouse Farm owned by one of the directors at Bitton adjacent and connected to the land now transferred to GVP and where it is proposed to erect a further substantial livestock building. Using just over 2sq.m. per goat it would be possible to house all the goats on this site once the new building was erected. This would also make sense to keep all the goats at one site for sustainable management and also to kid at the site as well. I do not feel that sufficient case has been made as to why the house might not be made available to a worker.*

### **Summary**

*On account of there being questionable ability to develop the goat enterprise, the fact that there would be no functional need for somebody to be based on site, that the business does not appear to be planned on a sound financial footing and lastly the existence of a potentially available dwelling on another site where the majority of the livestock accommodation will be, amounts to there being no essential case for a temporary agricultural workers dwelling, in accordance with clause 55 of the NPPF.*

- 5.18 It is evident that Mr Fox has given the above comments having regard to the tests formally listed under Annex A of PPS7. Officers at this point wish to stress to Members that PPS7 has been revoked and is now superseded by The National Planning Policy Framework. The advice within the Framework regarding Agricultural Workers Dwellings has been simplified and it is now evident (see para. 55) that the only test to be applied, when determining applications for agricultural workers dwellings, is whether or not the agricultural enterprise has an essential need for a worker to be there or near there. This is confirmed in the recent case history quoted at para. 5.7 above. On this basis the comments under the headings 'Firm Intention and Ability' and 'Sound Financial Basis' can be discounted.
- 5.19 It must also be stressed that the whole purpose of first considering the siting of a temporary agricultural workers dwelling is to give the applicant the opportunity to establish the farming enterprise prior to any consideration of a permanent dwelling in the countryside.
- 5.20 Notwithstanding these matters of principle, the applicant has responded to Mr Fox's (FRP) comments and sought an alternative opinion from Reading Agricultural Consultants. The responses can be summarised as follows:
- There is a strong ethnic demand for Boer Goat meat.
  - The UK herd size has been growing over the last 20 years.
  - Given the difficulties that GVP have had in getting permission to develop the duck enterprise at Woolley, the switch to another niche market model is eminently sensible and will utilise GVP's exceptional salesmanship well.
  - It is completely incorrect to say that Boer Goats are photosensitive. A steady supply of stock/meat can be produced throughout the year.
  - Most does reach sexual maturity at approximately 5 months of age and a typical breeding programme would be to produce three crops of kids every two years, meaning the does are pregnant for 5 months, nurse their kids for 3 months, and then are re-bred.
  - Multiple births are common and the breed website confirms the issue of photoperiodicity (with 3 gestations within 2 years) and suggests that a kidding percentage of 160 to 200 is normal (1.6 to 2 kids born per gestation).
  - The plan is to have a herd of 140 does with kidding throughout the year.
  - The FRP report is unequivocal in its support for the need to be present at kidding and advocates the need for close supervision. There is therefore a need for permanent on-site supervision.
  - With 140 does there is likely to be kidding occurring every week and exactly the same functional need presents itself as would be the case with a 140 cow dairy herd, or beef suckler herd. There are many appeal decisions that support a dwelling on such units.
  - More specifically appeal ref. APP/T0355/C/01/1068150 (2002) was dismissed due to the small scale of the proposed plan (with only 50 does) and lack of financial information. Following the appeal a further application was submitted for a larger herd (100 does) and the unit was granted temporary and ultimately permanent planning permission.

- In appeal ref. APP/T0355/A/08/2063926 (2008) it was established that the scale of the enterprise is key in assessing whether it is essential for the proper functioning of the enterprise that someone lives on the site.
- The farmhouse at Rockhouse Farm, Bitton is not in the control of GVP Ltd. It was in the ownership of GVP until 2007. In any event the house is let at a rent of £1,500 per month which would not be viable for an agricultural worker.
- The agricultural building at Rockhouse Farm is situated close to (50m) several dwellings and is therefore less suitable for housing livestock than the building at Oxleaze.
- The land at Bitton is poor quality and disjointed. Given the quality of the land at Oxleaze and relative absence of residential dwellings Oxleaze is the obvious choice for the main farmstead for the proposed goat enterprise.
- The applicant is loath to commit funds to the enterprise until the planning permission has been secured.
- The existing building at Bitton is suitable only for storage purposes.
- The applicants have planning permission (PK09/5841/F) for the erection of a livestock building at Bitton which has been started but not yet completed. This building is to be erected in due course as a calf rearing unit, but it will not be erected until the other enterprises at Woolley and Oxleaze have been fully established.
- It is intended to adjust the number of cattle and sheep as the goat herd grows and becomes established. There would be enough land available on the unit to operate the three enterprises.
- The plan is to farm *pedigree Boer Goats* for meat and the pet trade. The British Boer Goat Society website shows 100% pure bred Boer Goats being offered for sale at £250-300 each. Prime cuts are offered for sale at £10.10 to £11.25 per kilo and whole goats at £102 each.
- GVP ought to be able to establish a profitable and sustainable business based around cattle, sheep and Boer goats.

5.21 The NPPF at para.28 is clear in stating that '*Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.*' To promote a strong rural economy, local and neighbourhood plans should, amongst other things: '*promote the development and diversification of agricultural and other land-based rural business.*'

5.22 Golden Valley Products are an established agricultural 'conglomerate' with the resources to make a success of the proposed business. Notwithstanding the land and existing facilities available at the Woolley and Bitton sites, there is an extant permission to erect an additional barn at Bitton. Furthermore, permission has now been granted to allow the use of the substantial barn at Oxleaze for the housing of cattle, sheep or goats. Recent appeal decisions have established that a proven market does not need to be demonstrated.

5.23 From the information provided there does appear to be a need for a worker to be on site during kidding and given that it is envisaged that kidding would take place weekly throughout the year, that presence would need to be constant, especially given the high number of goats involved.



Officers consider that this view is supported by recent appeal decisions. Officers are therefore satisfied that on balance the functional need for a worker to be living on site has been adequately demonstrated. There is however some concern as to the ability of the goats to breed all year around, there being conflicting advice from the respective agricultural consultants. Nevertheless, officers consider that, the grant of a temporary three year consent would allow the success or otherwise of the business, to be sufficiently tested and subsequently reviewed prior to any consideration of a more permanent dwelling on the site. Given the recent appeal decisions quoted, officers consider that it would be unreasonable to deny the applicant the opportunity to develop the enterprise.

5.24 Landscape and Visual Amenity Issues

This is an application for a mobile home on land to the south of the agricultural barn, recently erected. This follows the erection of the barn given prior notification consent, and the concrete yard, retaining walls and feed hoppers approved under application PK11/1761/F. As a temporary dwelling in the countryside the proposed wooden clad mobile home would be appropriate.

- 5.25 A mobile home(caravan) has already been located above the retaining wall alongside the agricultural barn, in the adjacent field, but this is **not** the wooden clad mobile home applied for. The applicant has confirmed that if permission were granted for the proposed mobile home, then the existing caravan would be removed. The site is located in open countryside to the south of Doynton village and is within the Cotswold AONB and Green Belt. A public right of way runs to the east, beyond the site and a bridleway runs along the western boundary along Toghill Lane
- 5.26 The site lies to the south of the village within gently sloping fields. The extensive hard standing, retaining walls and feed hoppers cover a substantial area of ground and this, combined with the large agricultural building and stoned access and parking area, are significant within the landscape. The agricultural building is visible from the Cotswold Way, which runs along the escarpment to the east of the site. The siting of the mobile home on the highest part of the site only serves to increase the visual impact of the overall agricultural development.
- 5.27 The fields surrounding the building have been subdivided; it is intended that all the existing hedges will be retained and enhanced.
- 5.28 The development needs to be assessed in relation to policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the NPPF. Although agricultural development may be permitted under NPPF Green Belt policy, the development still needs to be acceptable in visual terms.
- 5.29 Officers consider that the cumulative impacts of the development should be taken into account when assessing the overall impact on the visual amenity of the Green Belt, AONB and countryside in general. To this end, it is considered that the siting of the mobile home exacerbates the cumulative impact caused by the overall development of the site.

- 5.30 The primary objective of the AONB designation is to conserve the natural beauty of the landscape. SGLP Policy L2 regarding the Cotswold AONB requires that proposals should conserve and enhance the natural beauty of the AONB area. Policy L1 also reinforces this.
- 5.31 Policy L2 para. 4.30 allows small scale development essential to meet social and economic needs, but proposals need to be rigorously assessed regarding design. In this respect it is considered that the siting of the mobile home as proposed, is contrary to this section of Policy L2.
- 5.32 In terms of the openness of the landscape and the protection afforded to the site by the Cotswold AONB status, it is considered that the proposal could have an adverse effect on the natural beauty of the Cotswold AONB, as the building is visually intrusive within this landscape setting.
- 5.33 Having regard to these matters however and the previous reasons for refusal, the Council's Landscape Officer has met the applicant on site and negotiated a scheme of planting that would now adequately screen the proposed mobile home from views within the wider landscape.
- 5.34 It is considered therefore that, subject to a condition to secure the scheme of planting, the current proposals are now in accordance with Local Plan Policies L1 & L2; Core Strategy Policies CS1 & CS34 and the NPPF, with regard to visual amenity and landscape impact and harm to the Cotswold AONB.
- 5.35 Residential Amenity  
The nearest residential property is Babwell Farmhouse to the west, but the proposed mobile home would be located a reasonable distance from the house and would also be reasonably well screened from view by existing/proposed vegetation and the large barn. It is not considered that the proposal would have any overshadowing or overbearing effect on neighbouring dwellings.
- 5.36 It is considered that there are no issues of inter-visibility or loss of privacy. Therefore the impact on residential amenity is deemed to be acceptable.
- 5.37 Given the change of emphasis of the business away from poultry, which generated the original complaints about noise, to the rearing of docile goats, officers consider that the potential for noise disturbance to nearby Babwell Farmhouse would be significantly reduced. Indeed a condition has already been imposed under PK13/1090/F to restrict the accommodation of the livestock building to cows, sheep and goats only.
- 5.38 Transportation issues.  
The access to the proposed mobile home would be via an existing access and the parking provision would be in compliance with the Council's required parking standards. Toghill Lane already serves the farm and a residential dwelling opposite. With no objections from the Council's Transportation Officer the proposal is considered acceptable in transportation terms and accords with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the Residential Parking Standards SPD.

### 5.39 Environmental and Drainage Issues

There are no objections on environmental grounds. In terms of drainage; the Councils Drainage Engineer has raised no objection to the proposal. No public foul sewers are readily available so for now foul disposal is proposed to be to a sealed cesspool and as such there would be no outflow to local watercourses. The proposal therefore accords with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### 5.40 Other Concerns Raised

Of the other concerns raised, that have not been addressed above:

- The acceptance or otherwise of the appearance of the existing barn was assessed under application PK09/1413/PNA and found to be acceptable. The barn is not part of the current application.
- The access track already serves Oxleaze. The issue of the re-surfacing of the track is not material to this application and is considered to be covered by legislation other than that within the Planning Act.
- The issue of previous loss of hedges, trees and pond, was investigated by the Council's planning enforcement officers. It was concluded that no breach of planning control had occurred.
- The Silos have now been granted planning permission under PK11/1761/F.
- Any previous damage to the culvert at the bottom of the lane is considered to be a civil matter between the respective parties.
- Although no longer proposed, use of the land for the breeding of ducks is an authorised agricultural use of the land, which could carry on irrespective of the application for the mobile home.
- Mobile field shelters/duck houses do not require planning permission.
- Any pollution from duck droppings would be a matter for the Environment Agency and is controlled by legislation outside that of the Planning Act.
- The existing barn was originally granted prior notification approval only but has since been granted consent for the accommodation of livestock restricted to cattle, sheep and goats..

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

## 7. RECOMMENDATION

7.1 That the application be GRANTED subject to the conditions listed on the Decision Notice.

**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. The occupation of the mobile home hereby approved shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependants.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in agriculture or forestry, to accord with the provisions of the National Planning Policy Framework 2012 and Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall be discontinued and the temporary mobile home removed from the site and the land restored to its former condition on or before 13th June 2017 in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason

The functional need for a worker to live permanently on site, and the viability of the enterprise is yet to be fully established. Permission for a limited period will allow the Local Planning Authority to re-assess the development in the light of experience of the use, the provisions of the Local Development Plan, and any other material considerations on expiration of the temporary permission.

4. There shall be no external floodlighting on the site of the mobile home hereby approved, at any time.

Reason

In the interests of the character and appearance of the area and to accord with saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and the provisions of the National Planning Policy Framework 2012

5. The scheme of hedgerow planting shall be implemented in full accordance with the details shown on the approved Planting Plan (received 4 Nov 2011) in the first available planting season or to a schedule to be otherwise agreed in writing by the Local Planning Authority. Any plant becoming damaged or diseased within a three year period of the date of this permission shall be replaced with an identical or similar species of similar size.

Reason

To screen the development in the interests of the character and appearance of the area and to accord with saved Policies L1 and L2 of the South Gloucestershire Local Plan (adopted) January 2006, and Policies CS1 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework 2012 and in accordance with the 'Development in The Green Belt' SPD.

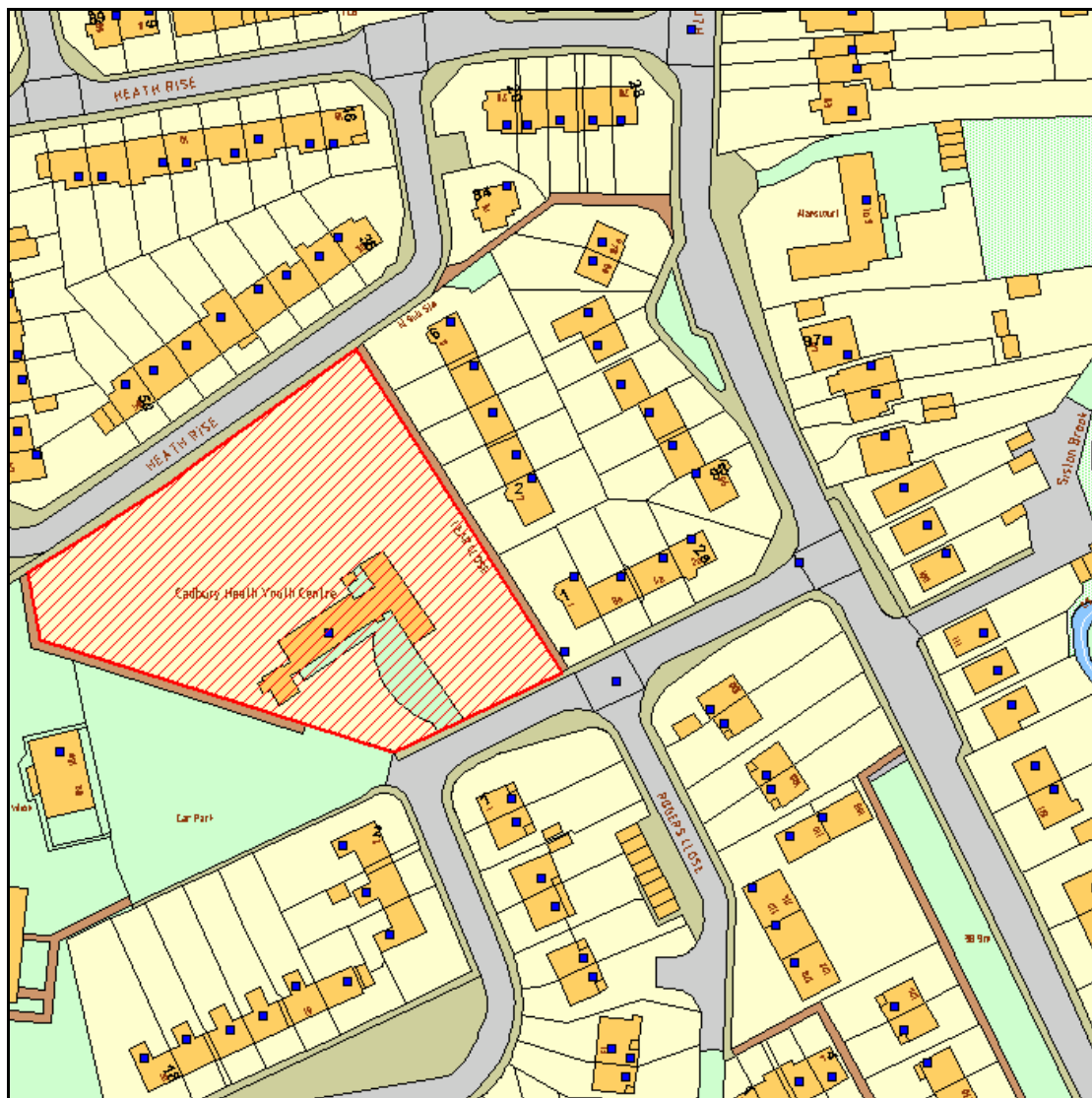
6. Within 90 days of the date of this permission, the existing unauthorised mobile home (caravan) shall be permanently removed from the site.

Reason

In the interests of the character and appearance of the area and to accord with saved Policies L1 and L2 of the South Gloucestershire Local Plan (adopted) January 2006, and Policies CS1 and CS34 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the provisions of the National Planning Policy Framework 2012 and in accordance with the 'Development in The Green Belt' SPD.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PK13/2981/R30	<b>Applicant:</b>	Mr David Pearce
<b>Site:</b>	Cadbury Heath Youth Centre Park Road Warmley South Gloucestershire BS30 8EB	<b>Date Reg:</b>	19th August 2013
<b>Proposal:</b>	Erection of 25 no. dwellings (Outline) with access to be determined. All other matters reserved.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	366819 172174	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Major	<b>Target Date:</b>	13th November 2013



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 100023410, 2008. **N.T.S.** **PK13/2981/R30**



## **REASON FOR REFERRING THE APPLICATION TO THE CIRCULATED SCHEDULE**

This application is referred back to the Circulated Schedule in accordance with Paragraph 7.3 of the Circulated Schedule Report of 15<sup>th</sup> November 2013. Paragraph 7.3 states: 'That the Head of Legal and Democratic Services be authorised to prepare and seal the Unilateral Undertaking. Should the Unilateral Undertaking not be completed within 6 months of the date of determination, then the application be refused or returned to the Circulated Schedule for further consideration on this basis.'

The report is referred back to Members to allow the completion of the 'Unilateral Undertaking' which is imminent.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks outline planning permission for the demolition of the Cadbury Heath Youth Centre and the erection of 25 no. dwellings with means of access to be determined. Matters relating to scale, layout/siting, landscaping, and appearance have been reserved for future consideration.
- 1.2 The site is approximately 0.5 ha and is located within a residential area of Cadbury Heath. An indicative layout has been submitted as part of the application. The access to the site is shown as being from Park Road and it will be separated from the new Community Centre, which has recently been granted planning permission under reference PK13/2558/R3F. The 25 dwellings will comprise a mix of three and four bedroom market housing, social rented housing and intermediate housing. Although scale, layout/siting and appearance have been reserved, an indicative layout shows there would be 2 storey terraced housing to reflect the existing surrounding street scene on Park Road.
- 1.3 The site is currently accessed from Park Road and it is intended to retain access of this road to serve the proposed residential development. The new road is to be 5.5 metres wide with a 6 metres radius on the junction with appropriate visibility splays. There will be pedestrian footpaths to both sides of the new access road.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

##### **National Planning Policy Framework March 2012**

Policy 1	Building a strong, competitive economy
Policy 6	Delivering a wide choice of high quality homes
Policy 7	Requiring good design
Policy 8	Promoting Healthy Communities
Policy 11	Conserving and Enhancing the Natural Environment

## 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L9	Species Protection
EP2	Flood Risk and Development
EP6	Contaminated Land
T7	Cycle Parking
T12	Transportation Development Control Policy
LC1	Provision for Built Sport, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC7	Allocated Sites for Formal and Informal Open Space

### 2.4 South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS3	Renewable and low carbon energy generation
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS24	Open Space Standards
CS29	Communities of the East Fringe of Bristol Urban Area

### 2.5 Supplementary Planning Guidance

South Gloucestershire Design Checklist 2007  
Affordable Housing SPD September 2008  
Affordable Housing and Extra Care housing SPD (Draft) May 2014  
Residential Parking Standards Adopted December 2013  
The Street Lighting Policy 2008  
The Street Lighting Developer's Specification

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PK13/2558/R3F Demolition of existing community centre. Construction of a combined community and youth centre. Deemed Consent. 26.09.2013
- 3.2 PK00/2855/R3F Erection of single storey extension. Deemed Consent. 18.12.2000

## 4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council  
No objection

4.2 Other Consultees [including internal consultees of the Council]

Wessex Water: No objection, but advised of the existing storm drainage and foul drainage.

Coal Authority: Received the coal mining risk assessment report, therefore withdrawn original objections subject to planning conditions to seek a full report of site investigation and the undertaking of remedial works prior to the commencement of development.

Sustainable Transport: The Unilateral Undertaking has been completed and no change is proposed to the previous required financial contribution.

No objection subject to a number of conditions regarding the requirement of visibility splays, off street parking according to the approved Residential Parking Standards March 2013, and widening footways, and a financial contribution of **£15,000** towards traffic management and road safety.

Drainage Engineers: No objection subject to a number of conditions to seek details of sustainable drainage system and permeable hardstanding within the dwelling frontage

Environmental Protection: No objection, but advised of precautionary measure should be undertaken during the construction period.

Public Rights of Way Officer: No objection subject to a safety assessment to consider the safety of path users during demolition and construction.

New Communities Team: The Unilateral Undertaking has been completed and no change is proposed to the previous required financial contribution.

No objection subject to financial contribution towards the following requirements

SUMMARY OF TOTAL SECTION 106 REQUESTS	
Off-site POS provision/enhancement contribution	<b>£99,808.27</b>
Off-site POS maintenance contribution	<b>£89,856.19</b>

Library Contributions	<b>£6,438.60</b>
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Housing Enabling: The Unilateral Undertaking has been completed and no change is proposed to the previous required financial contribution.

The proposed affordable housing would not be acceptable. Based on this scheme of 25 units, Enabling will seek a total of **9 affordable units**. Of the 9 affordable units, **7 shall be social rented and 2 shared ownership**. Based on 9 affordable units there will not be a requirement for any wheelchair units.

Children and Young People:

The Unilateral Undertaking has been completed and no change is proposed to the previous required financial contribution.

No objection subject to a total contribution of **£98,082** towards primary education provision.

Open Spaces Society: No response.  
Police Community Safety: No response.  
Avon Wildlife Trust: No response.

Other Representations

4.3 Local Residents

One support letter and three objection letters have been received and their comments are summarised as follows:

Support reasons:

- A person that has been on the waiting list for some time for a 4 bedroom house. More 4 bedroom houses for a larger families would like to be grateful and the residents are very keen to stay around the area.

Objection reasons:

- The youth centre will need to be demolished.
- This is an open green space that there are very few of in this area which also is a home to wildlife.
- Wildlife survey should be conducted and all the trees to be considered for a protection by a TPO.

- There is a case for an increase in flooding, as the rainwater would be soaked up by the land where will it go with houses built on this area. Flooding is becoming an increasing problem due to house being built on green spaces.
- No thought has been given to the elderly people in the bungalows who are going to be overshadowed by these houses.
- No thought has been given to the youth whose youth club is going be knocked down.
- Had the properties being planned been for 1 or 2 bedroom bungalows which would allow couples in 3 or 4 bedroomed houses to move into.
- There is nothing being done for the elderly in this area.
- Prefer to see bungalows built on this site for the elderly.
- The proposed taller buildings will have an impact on these residents especially concerning their existing light of day. There is the potential of shadows being cast when the sun is blocked by the 13 houses submitted on the plan of which will be located directly opposite these bungalows.
- Privacy and noise pollution would also be of concern for these elderly residents.
- This will also impact on the existing residents living on Heath Rise who brought their houses knowing the land for the youth club they overlook had been bequeathed.
- Please consider that the building of bungalows would have a more pleasant impact on the local area which is very close to a park.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The area of the site is 0.5 hectare and is surrounded by residential properties to the north, east and south and by a large car park to the west. The car park is currently used by the existing community centre and youth club, football and cricket teams that play at Coronation Park playing field.

The existing youth centre is not a statutory listed building nor a locally listed building. The site is not situated within a conservation area. Therefore there is no principle objection to the proposed demolition.

It should also be noted that planning permission was recently granted for the demolition of the existing community centre and the erection of a community and youth centre on the adjoining land. The existing car park will be re-surfaced and will remain to be used as parking area for the new community and youth centre.

In addition, the site is not situated within the allocated site for formal and informal open space. Although the proposal would result in a loss of existing green space, there is a large playing and sport field adjacent to the application site. It is therefore considered that the proposal would not cause significant loss of public open space within the locality.

Policy CS5 of the adopted Core Strategy allows for residential development within existing urban areas. The policy indicates that new development is considered acceptable in principle subject to consideration of the environmental and transportation effects and impact upon residential amenity. Furthermore provision for education, leisure, recreation and community facilities should be adequate to meet the needs arising from the proposals and where this is not the case the developer shall be required to make up the shortfall. These issues are considered in detail below. There is a requirement that development makes efficient use of the land albeit specific density requirements have been removed. The principles of good site planning are also set out in Policy CS1 of the adopted Core Strategy.

Policy CS5 of the adopted Core Strategy is considered to be fully in accord with the direction given in the National Planning Policy Framework (NPPF). The NPPF states that there is a strong presumption in favour of sustainable development and also of relevance as set out in para 17 (Core Principles) is that the effective use of land by reusing land that has been previously developed (brownfield land) should be a priority. Elsewhere (para 58) states that developments should maximise the potential of sites to accommodate development.

Subject to consideration of the criteria set out below the proposed development is considered acceptable in principle.

## 5.2 Design Issues

Policy CS1 of the adopted Core Strategy seeks to achieve good design in all new development.

Residents raise concerns regarding the scale and types of new dwellings.

The layout of the development and the detailed design/appearance of the dwellings are not under consideration as part of this outline application however the principles that will inform the future development are under consideration.

In terms of the amount of development, the applicant submitted one possible layout which could accommodate 25 dwellings, i.e. 20 no. 3 bedroom houses and 5 no. 4 bedroom houses with the associated parking spaces. Whilst the layout is considered to be acceptable in principle, some changes maybe necessary to address concerns regarding the proximity of surrounding residential properties, in particular, the existing bungalows to the east.

In terms of appearance the Design and Access Statement indicates that the buildings would be two-storey terraced houses to reflect the existing surrounding street scene on Park Road. As the site is surrounded by single storey and two storey dwellings, it is considered that the details of the proposed residential development should have a mix of the single storey and two storey dwellings in order to be in keeping with the character of the area. However, the detailed design and appearance will be considered in greater details during the course of the future reserved matter applications.

For this reason and given the size of the site and the number of possible units it is considered that the site can form its own identity and therefore there is no objection to this principle.

With regard to the scale of the development a condition will secure the number of units set out in the Design and Access Statement.

### Sustainability

Having regard to sustainability principles all affordable dwellings will be required to meet Code for Sustainable Homes Level 3 or above. The orientation of some buildings would allow for the possibility of solar technology. In addition, the plot sizes appear to allow for the effective sorting and storage of waste and this will be a key requirement for the more detailed scheme.

The design principles are considered acceptable and in accord with Policies CS1 and CS5 of the adopted Core Strategy.

In summary it is considered that the design of the proposed development is acceptable and in accord with Policies CS1 and CS5 of the adopted Core Strategy.

### 5.3 Transportation

Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and the adopted Residential Parking Standards consider standards for both cycle and car parking respectively. Policy T12 indicates that new development will be permitted provided that the new development makes adequate, safe and appropriate provision for the transportation demands that it will create with the paramount aim of preserving highway safety and minimising the impact of motorised traffic. Policy CS1 of adopted Core Strategy also requires that development enables people to gain access safely and conveniently having regard to the needs of all road users with reference to pedestrians, cyclists, children, the disabled and older people.

There is no 'in-principal' highway objection to redevelopment of the site as residential development. The application is in form of outline planning and the applicant has submitted little or no details about the new site access and visibility splays. Officers therefore recommend a number of planning conditions seeking details of visibility splays, satisfactory off-street parking in accordance with the latest approved Council Residential Parking Standards, and the widening of footway along the site frontage.

In addition, it is considered that the proposed development of 25 dwellings on this site would result in much more traffic compared to the current use of the site. To mitigate this, the applicant is required to provide financial contribution of £15,000 towards traffic management and road safety, which may include improving accessibility for those with impaired mobility and to improve access to public transport facilities in the area.

Subject to the above planning conditions and financial contribution, there is no highway objection to the proposal

#### 5.4 Landscaping

Policy L1 of the South Gloucestershire Local Plan Adopted January 2006 seeks to protect and where possible enhance the quality of the landscape.

Residents raise concerns with regard to the loss of the existing trees.

There are some medium size trees at the northwest corner of the site, however they are not protected by Tree Preservation Order. There is no 'in principle objection' to the proposal in terms of landscaping issues. However, any future reserved matters or full planning application will have to respect the landscape character of the area, in particular, the approved scheme for the new community and youth centre on the adjacent site. Furthermore, the area is characterised by open plan development that most of existing dwellings have low boundary walls along their front boundary. Therefore the future planning applications shall provide a detailed landscaping proposal of the planting scheme taken consideration of the loss of the existing trees as well as landscape management proposals for the site to reflect or integrate the local distinctiveness and open character of the area.

#### 5.5 Residential Amenity

Policies CS1 and CS5 of the adopted Core Strategy state that the residential amenity of existing occupiers is to be assessed when determining applications for new residential development. Amenity is assessed in terms of whether the development would appear oppressive or overbearing when viewed from that property and this also includes whether overlooking/loss of privacy would result. The residential amenity of future occupiers of the development is also a material consideration.

Whilst officers acknowledge the proposed residential use itself would have impacts upon the residential amenity of the neighbouring properties as most of site is currently used an open space. In addition, there would be some impact during the construction hours given the close proximity of the neighbouring properties.

Nevertheless, layout, scale, detailed design/appearance are not part of consideration of this outline planning application. The issues of overbearing and overlooking can be fully assessed with the future reserved matters or full planning application. A planning condition is however recommended to restrict construction hours, given the close proximity of adjacent properties.

#### 5.6 Drainage

Policy CS9 of the adopted Core Strategy seeks to ensure the protection of the environment from development proposals both to ensure that development is not adversely affected by the existing water environment and to ensure that



new development does have an adverse impact upon that environment by reason of surface water run-off or water discharge.

Officers acknowledge a concern is raised with regard to the increasing flooding issues due to more new dwellings built on green spaces.

Highway Drainage Engineer has considered the proposal, officers raise no objection to the proposal subject to a condition requiring further details to secure Sustainable Urban Drainage details (Suds) and permeable frontage paving for individual plots.

Subject to the above conditions it is considered that the proposed development has adequately addressed drainage issues.

## 5.7 Ecology

Policy L9 of the adopted Local Plan seeks to ensure the preservation of nationally protected flora and fauna, species and habitats and to ensure that where necessary appropriate measures to safeguard these interests are taken. Paragraphs 109 to 125 of the NPPF are also relevant in this regard.

The site is not covered by any statutory or non-statutory nature designations. The habitat across the site consists of modern building and amenity grassland. No ecological survey report is submitted with this outline application.

Subject to a planning condition is imposed to seek details of ecological survey report including an assessment including the mitigation measures of the potential of the site and the existing building for use by protected species, there is no ecological objection to the proposal.

## 5.8 Community Service Provision

### Open Space provision

Core Strategy policy CS24 - Green Infrastructure, Sport and Recreation Standards; requires the provision of green infrastructure, outdoor space, sport and recreation facilities to be sought in accordance with the following principles:

1. New developments must comply with all the appropriate local standards of provision in terms of quantity, quality and accessibility;
2. Provision must be delivered on site, unless it is demonstrated that partial or full off-site provision or enhancement creates a more acceptable proposal; and
3. the functionality and usability of spaces and facilities must be suitable for their intended purposes.

Where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

An assessment of existing open space provision, including the adjacent open field, Coronation Park, within reasonable travel distance of the proposed development has identified shortfalls of all categories of open spaces. The existing open space provision is therefore inadequate for the additional demand that will arise from the future population of the proposed development.

Category of open space	Spatial requirement to comply with policy CS24	Spatial amount provided on site	Shortfall in provision	Cost of off-site provision / enhancement	Future maintenance cost for off-site provision/enhancements
Informal recreational open space	690sq.m.	0sq.m.	690sq.m.	£16,629.83	£29,313.06
Natural and semi natural open space	900sq.m.	0sq.m.	900sq.m.	£12,020.22	£19,940.31
Outdoor sports facilities	960sq.m.	0sq.m.	960sq.m.	£46,012.99	£13,926.62
Provision for children and young people	150sq.m.	0sq.m.	150sq.m.	£24,090.50	£25,331.34
Allotments	120sq.m.	0sq.m.	120sq.m.	£1,054.73	£1,344.86

#### On-site open space

The indicative layout contained in the Design and Access Statement does not show any on-site public open space provision, therefore the calculations have been provided on the assumption that there is no on-site provision.

#### Summary

Total contributions sought towards public open space required to serve the future residents of the proposed development:

Off-site provision/enhancement	<b>£99,808.27</b>
Off-site maintenance	<b>£89,856.19</b>

The planning case officer can confirm that the existing public open space, i.e. Coronation Park, has been taken consideration. The Council Property Services has been advised accordingly. As there is no further information submitted to reconsider the required contribution, therefore your officer consider that the required contribution is acceptable subject to satisfactory completion of a S106 agreement.

## 5.9 Library Services

The population increase arising from this development will place additional pressure on local library services moving them further away from the standard for a modern library service. Extra demand will lead to increased use of library stock, accelerate deterioration of stock, the range of stock available to borrowers will be limited due to an increased proportion of the overall stock being out on loan waiting times for library users for a range of services within the library will increase. A reduction in availability of stock and other facilities will lead to reduced satisfaction and people not using the library.

In order to ameliorate this impact the Council has requested financial contributions towards expanding library services in the area to meet the needs of the new residents.

The Council has adopted the Museums Libraries and Archives Council (MLA) recommended standard charge approach in the Library Delivery Plan 2009-2013 for use in negotiations on developer contributions. As detailed in the Councils Library Infrastructure Delivery Plan the Council seeks £107.31 per resident based on providing 30sq.m. of gross internal floor space per 1,000 population.

### Directly related to the development

The local library most likely to serve the future residents of this development is Cadbury Heath library. Cadbury Heath library serves a catchment of 11,967 users and currently offers a public library floorspace of 17sq.m. per 1,000 population this is below the MLA recommended standard of 30sq.m. of public library floorspace adopted by the Council.

Policy Requirement	Contribution per person	Number of residents	Cost for this development
Space standard	£107.31	60	<b>£6,438.60</b>

£107.31 per person is based on the following costs the build costs for South Gloucestershire are based on the MLA benchmark cost figures taken from the Building Cost Information service (BCIS) of the Royal Institution of Chartered Surveyors. The index is made up of new builds and extensions over the whole of England. The benchmark includes the following:

- Cost of constructing the library building, including space open to the public, and back room space (e.g. office, store, toilets etc.)
- Allowances for design and external works, including car parking, hard standing and landscaping.
- Cost of initial equipment of the building, including IT equipment and initial book and other stock.

Aspect of work	Cost per square metre
Mean building cost for public library buildings (BCIS)	£1,624

External works: car parking, hard standing, landscaping, security fencing, signage (assume 15% of build costs)	£244
Design costs (assume 15% of building and external works costs)	£280
Fitting out costs, including initial book etc stock and ICT (88% of capital costs of £1,624)	£1,429
Total cost per sq.m.	£3,577

The cost of 30sq.m. of library provision at £3,577 per sq.m. is therefore £107,310 per 1,000 persons. The cost per person is therefore £107,310/1,000 = £107.31. These figures do not include land costs or VAT.

On this basis Officers have no objection to the proposal in this respect, subject to satisfactory completion of a S106 agreement.

#### 5.10 Waste Management

When a new development, extension or change of use is submitted for approval the scheme will be assessed to ensure that adequate storage facilities are provided for waste and dry recyclable and compostable material. This requirement should therefore be considered at the earliest stages of the design process and details included on drawings submitted to the Council when applying for planning permission. Adequate storage areas for waste management facilities and good access for collection crews and vehicles can be difficult to retrofit at later stages in the design process.

The Council has now introduced additional recycling services for residents, (They do not yet apply to all flat dwellers). These include a 25 litre kitchen caddy for food waste and a polypropylene bag for plastic bottles. Residents are also encouraged to separate their cardboard and place it out with other recyclables for collection. This can be flattened cardboard, cardboard placed inside a larger cardboard box or in a polypropylene bay provided by the Council. Households will also be provided with a 5 litre kitchen caddy (to be stored inside the property) to ease the transition of food waste from the kitchen to the external 25 litre collection caddy.

Policy CS1 of the adopted Core Strategy requires all new developments to demonstrate that adequate provision is made for the storage and collection of waste and recyclable materials. The layout of this development should allow:

- Householders to be able to bring their waste and recycling receptacles out to the edge of the adopted vehicular highway, primarily with the safety of pedestrians in mind;
- The waste contractor to be able to collect waste receptacles without taking their vehicles across private roads and shared driveways, primarily with the safety of both pedestrians and motorists in mind;
- All dwellings need to accommodate storage of both recycling and waste receptacles. Internal storage areas should be provided to allow resident to segregate their waste into refuse and recycling, allowing the temporary storage of waste and recycling before it can be transferred to external

containers. For further details please refer to the “SGC Local Waste Strategy 2008-2014”, available on the Council’s website.

The Manual for the Streets 2007 Department for Transport stipulates that waste collection vehicles should not have to reverse any further than 12m and reversing routes should be straight and hazard free. If the waste collection vehicle is expected to turn within the development a turning circle of at least 20.3m will be required: smaller widths may be acceptable where on-street parking is discouraged. Swept-path analysis can be used to assess layouts for accessibility.

On this basis, officers recommend the following planning condition to seek details of waste management including the location of bin storage within private properties, the location and type of bin storage for flats and details of how waste is to be collected.

#### 5.11 Street Lighting

All street lighting layouts and equipment specification on new developments will require approval from South Gloucestershire Council before they are accepted as part of an agreement to adopt a road as public highway.

South Gloucestershire Council street lighting policy encourages fit for purpose lighting with an emphasis on carbon and energy reductions and sustainability, the expectation being to achieve the British Standard with the most efficient and effective designs with minimal maintenance implications.

The planting, positioning and species selection of trees and other vegetation needs to be much more considerate of the task of designing lighting schemes than usually seen. It is important to make sure that lighting levels are retained through the life of the street and schemes take into account the species selection and expected growth during the normal life of a planting scheme. The more obstructions placed in the path of the light distribution e.g. trees placed in the vicinity of street lighting, the more lights required to meet the British Standards; clearly this is not conducive to low carbon or energy efficient objectives and will have a considerable impact on capital investment and future maintenance costs. Lighting design and tree positioning cannot be done in isolation.

On this basis, officers recommend the following planning condition to seek details of street lighting layout including specification and any external private lighting and to ensure that the detailed design will be according to ILE’s guidance. Future maintenance considerations will need to comply with Construction, Design and Management Regulations 2007, and Lighting layouts will need to be designed in accordance with current British and European Standards.

#### 5.12 Education Services

Policy LC2 indicates that where local education provision is inadequate to meet the projected need for places arising from the future occupiers of proposals for new residential development, the Council will negotiate with developers to

secure provision in scale and kind, (to accord with the tests set out in Circular 05/05), to meet these needs via an appropriate agreement.

The Department for Children & Young People calculates contributions on the basis of the number of primary pupils shown in Table 1 below. Current Department for Education cost calculators give a figure of £10,898 per additional primary pupil place, based at the Quarter 4 2011 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

Table 1:

	Number of bedrooms								
	Flats		Houses						
	1 or 2	3+	1	2	3	4	5+		
Primary pupils per 100 dwellings	4	30	4	9	30	46	65		

At primary level there is a projected deficit of places in the local area. The proposed development of 25 dwellings will generate 9 additional primary pupils according to the pupil number calculator. A contribution of £98,082 is required for additional primary provision.

There is a projected surplus of places at secondary schools in the local area. No contribution is required for additional secondary provision.

The total contribution required for additional school provision is **£98,082**.

On this basis, officers have no objection to the proposal in this respect. Subject to satisfactory completion of S106 agreement.

### 5.13 Affordable Housing Requirements

This application PK13/2981/O seeks outline planning consent for 25 dwellings on land at Cadbury Heath Youth Centre, Park Road, Warmley Although an indicative plan with units has been submitted, all matters except for means of access are reserved and therefore Housing Enabling is unable to comment on the specific detail of the scheme as the layout is not fixed and could change.

However regard must be had for the following affordable housing requirements based on a scheme of 25 units. It is recommended that prior the submission of a reserved matters application that pre-application discussions take place with the Housing Enabling Team to ensure the proposed affordable housing units are acceptable as this will influence the open market element.

The following requirements are based upon Affordable Housing SPD and the Core Strategy. The Core Strategy includes a reduced threshold of 10 dwellings (or 0.33 ha) in urban areas, with a threshold of 5 dwellings (or 0.2 ha) in rural areas and a requirement for 35% affordable housing. Officers will seek to maximise affordable housing provision in line with Core Strategy policy.

- 35% of dwellings to be delivered as affordable housing, as defined by the NPPF.

Based on this scheme of 25 units, Enabling will seek a total of 9 affordable units.

- A tenure split of 80% social rent and 20% intermediate housing is identified in the West of England Strategic Housing Market Assessment (SHMA) 2009.

**Of the 9 affordable units, 7 shall be social rented and 2 shared ownership.**

- The Council will seek a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below:

As part of the submitted Design and Access Statement an indicative plan illustrates 20 no. 3 bed houses & 5 no. 4 bed houses and the application form proposes 7no. 3 bed houses for social rent and 2 no 3 bed houses as intermediate. This proposal would be acceptable to the Council.

Any future reserved matters/full planning application will have to provide a range of affordable unit types that meets the Council's housing need based on the findings of the SHMA 2009 set out below.

### Social Rent

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

### Intermediate

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

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

Based on 9 affordable units there will not be a requirement for any wheelchair units.

- The affordable housing is to be delivered without any public subsidy.
- 100% of initial occupants and 75% of subsequent lettings to be nominated by SGC.
- The affordable housing should be distributed across the site in clusters of no more than 6 units, unless a specific peppercorn strategy is approved by SGC
- Design and specification criteria: All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed or 6 months prior to start on site whichever date is the latter, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and with full compliance of RP design brief.

Any subsequent reserved/full planning application should include an affordable housing statement containing information confirming that the affordable housing will meet the above mentioned development standards. It is also recommended that the applicant identify and work with a Housing Delivery Panel RP at the earliest opportunity to ensure units comply with their design brief.

- Delivery is preferred through a Housing Delivery Panel RP – the four West of England Unitary Authorities have set up the Housing Delivery Panel to deliver affordable housing across the West of England. The Housing Delivery Panel will deliver affordable housing to set WoE development and management standards. The Council encourages the developer to work with a member of the Housing Delivery Panel, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE development and management standards will need to be adhered to.
- Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis. Where development will proceed over more than one phase, the amount, type and tenure of the affordable housing in each phase will be set out in the affordable housing masterplan schedule, to be submitted for approval by the Council before determination of the first residential Reserved Matters application.
- The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
  - social rents to be set at target rents
  - shared ownership: no more than 40% of the market value will be payable by the purchaser The annual rent on the equity retained by the RP/AHP should be no more than 1% of the unsold equity.



- service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- Any capital receipts on intermediate housing to be recycled as capital expenditure on approved affordable housing schemes in South Gloucestershire, on the basis that the subsidy increases by any capital appreciation on that subsidy.

#### 5.14 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 a suite of measures to mitigate the impacts from the development and 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. The obligations set out below meet the Regulation 122 CIL tests (statutory) and without them the scheme would not be acceptable.
- 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 authority be delegated to the Director of Environment and Community Services to grant permission subject to the imposition of appropriate conditions and subject to the following: that the local authority being the only legal party with an interest in the land which is the subject of this application, and hence being unable to enter into a bilateral Section 106 agreement, prior to the issue

of the planning consent the local planning authority completes a Unilateral Undertaking binding the land and which makes provision for the following matters:

- a) Provision of 9 dwellings for Affordable Housing within the development with a tenure split of 7 units for social rent and 2 units for shared ownership, all requirements as set out in Paragraph 5.13 of the above Officer's report.

Reason – To accord with Policy H6 of the South Gloucestershire Local Plan (Adopted) 2006 and the Affordable Housing SPD (Sept 2008).

- b) The payment of £99,808.27 as a contribution towards the cost of providing Public Open Space in the vicinity of the development with a further £89,856.19 towards maintenance for 15 years thereafter.

Reason – To accord with Policy LC8 of the South Gloucestershire Local Plan (Adopted) 2006.

- c) The provision of £6,438.60 as a contribution towards the library service.

Reason – To accord with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 2006.

- d) A payment of £15,000 towards traffic management and road safety in the area.

Reason – For mitigation of the development in relation to traffic increase and additional use of public transport in the vicinity and in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006.

- e) A payment of £98,082 towards the provision of 9 additional primary school places in the local area.

Reason – To accord with Policy LC4 of the South Gloucestershire Local Plan Adopted January 2006

- f) A monitoring fee of 4% equating to £12367.40 to ensure the provision of the above contribution

7.2 The reason for the above obligations is to provide a suite of measures to mitigate the impact of the development and to address the needs arising from the proposal.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

## **CONDITIONS**

1. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto 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, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

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

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

Reason

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

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

Reason

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

5. 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

To ensure a good standard of design and to ensure that the character and appearance of the locality is preserved to accord with Policies D1 and H2 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, and E) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The reserved matters application shall include full details of both hard and soft landscaping works. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting). Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

Reason

In the interests of the character and visual amenity of the area to accord with Policies D1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The reserved matters application shall include 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 EP1 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The reserved matters application shall include a full detailed report of ecological survey of the site and the existing building. The report shall also include mitigation measures should any protected or notable species be found to be present and all work should be carried out in accordance with the said measures.

Reason

To protect the wildlife and the ecological interests of the site, in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

10. The reserved matters application shall include details of the provision of visibility splays of 2.4 metres by 43 metres from site the new access onto public highway.

Reason

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

11. The reserved matters application shall include a detailed site layout plan showing off-street parking provision in accordance with the approved Council Residential Parking Standards March 2013.

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 and the Council Residential Parking Standards approved March 2013.

12. The reserved matters application shall include details of the footway along site frontage to be widened to minimum width of 2 metres.

Reason

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

13. The reserved matters application shall include details of appropriate permeable design and construction of hardstanding on proposed dwellings frontage to ensure surface water run-off is retained at source.

Reason

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

14. Prior to the commencement of development details of safety assessment considering safety of path users during demolition and construction period shall be submitted to and approved in writing by the Council. The safety measures shall be carried out in accordance with the approved details.

Reason

To protect the amenity of the neighbouring occupiers and path users and to accord with Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. The reserved matters application shall include a detailed site layout plan showing the location of bin storage within private properties, the location and type of bin storage for flats and details of how waste is to be collected.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. The reserved matters application shall including details of all street lighting layouts and equipment specification and any external private lighting. The proposed lighting shall be designed in accordance with ILE's guidance.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policies D1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the commencement of development, the intrusive investigation works recommended within Section 5.4 of the Coal Mining Risk Assessment dated September 2013 shall be undertaken. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these remedial works shall be undertaken prior to commencement of development.

Reason

To avoid development on unstable land in accordance with Policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006.

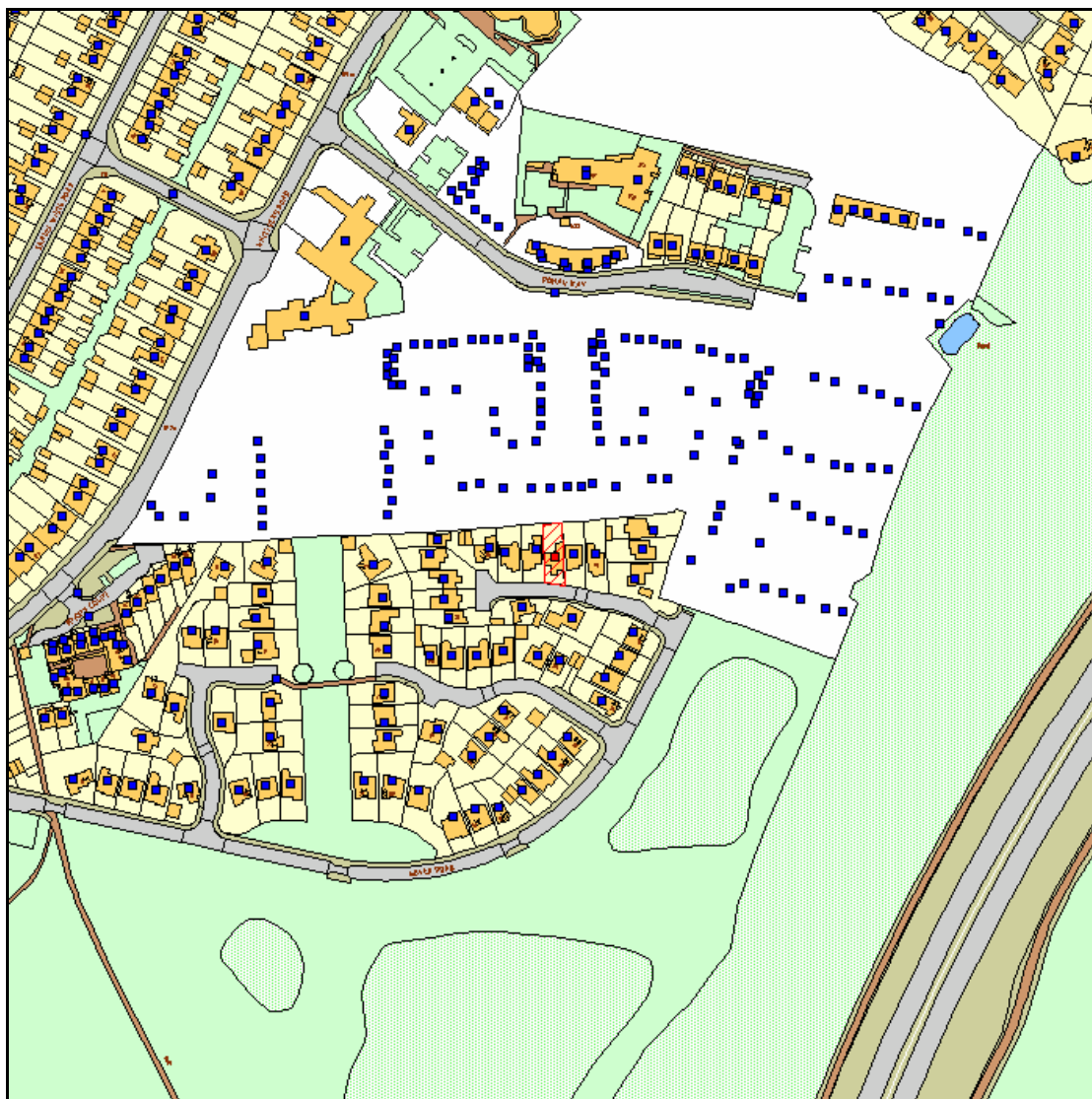
18. The hours of working on site during the period of construction shall be restricted to Monday - Friday 7.30am to 18.00pm, Saturday 8.00 am to 13.00pm; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PK14/1123/F	<b>Applicant:</b>	Ms K And S Trim
<b>Site:</b>	68 Gover Road Hanham Bristol South Gloucestershire BS15 3JZ	<b>Date Reg:</b>	25th March 2014
<b>Proposal:</b>	Change of use of existing garage to cycle and domestic store and extended kitchen. Creation of additional off road parking space	<b>Parish:</b>	Hanham Abbots Parish Council
<b>Map Ref:</b>	364531 171506	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Householder	<b>Target Date:</b>	16th May 2014



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 100023410, 2008. **N.T.S.** **PK14/1123/F**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of existing garage to a cycle and domestic store and extended kitchen (internal only) and creation of additional off-street parking space. The property is a modern detached two-storey property located within a cul-de-sac.
- 1.2 The site is located within a predominantly residential area where properties on all side are in residential occupation, the site being within the urban area as defined in the adopted Local Plan.
- 1.3 A previous application (Ref. PK13/4528/F) was submitted and subsequently withdrawn as it the works were considered to be permitted development. On further investigation, there are two planning conditions attached to Ref. K1360/1 which have restricted the use of the garaging of a private motor vehicle and ancillary domestic storage only. A further planning application has been submitted to obtain permission for the proposed alterations to the garage and parking arrangement.

### **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  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
Residential Parking Standards SPD (adopted December 2013)

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

- 3.1 K1360/1 Residential Development on 3.4 hectares of land.  
Change of use from agriculture to public open space of 8.9 hectares. Construction of new vehicular and pedestrian access (outline).  
Approved 15.07.93
- 3.2 PK13/4258/F Alterations to the garage to become a cycle store and



domestic store and to accommodate a larger kitchen.  
Provision of an additional off-road parking space.  
Permitted Development 09.12.13

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

##### 4.1 Highway Drainage

No comment

##### 4.2 Hanham Abbots Parish Council

No comment

##### 4.3 Transportation

To off-set the loss of the garage a replacement parking space is proposed to the front of the site. As the same amount of parking will be provided as currently exists, there is no basis for a transportation objection to the proposed development.

#### **Other Representations**

##### 4.4 Local Residents

One objection received:

- Site plan indicates a second dropped kerb, which will limit on-street parking
- Hanham Hall development overspill parking in cul-de-sac which has caused issues for local residents
- Resident of No. 68 only has one car, therefore additional parking is not required, and they do not park on their drive. Two driveways will be created and will remain unused

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

##### 5.1 Principle of Development

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

##### 5.2 Design

The dwelling is situated within a residential rank of properties and is two storey in height. Other than the new driveway/off-street parking space, there will be no external alterations to the property. The kitchen will be extended (internally) to double the size and will take up half of the garage. The garage door will remain, as half of the garage will continue to be used for domestic storage purposes.

5.3 It is considered that the proposed development is entirely appropriate in design terms and there will be no material change in the appearance of the property. As such it is considered that the design of the proposal accords with the criteria of Policy CS1 of the Local Plan Core Strategy and H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (saved policies).

5.4 Residential Amenity

Residential amenity is assessed in terms of whether a development will appear oppressive/overbearing when viewed from an adjoining occupier (it will affect their outlook) and in addition whether the development would result in loss of privacy to the adjoining occupier.

5.5 As discussed above, the property will remain largely unchanged physically. The addition of an off-street parking space in front of the property's living room window is unlikely to have any material impact on neighbouring occupiers.

5.6 Given the scale and location of the proposed development it is not considered that there would be any significant impact upon the residential amenity of neighbouring occupiers. The proposed development is acceptable in these terms and would be in accord with Policy H4 of the South Gloucestershire Local Plan Adopted January 2006.

5.7 Transportation

The proposal will involve the loss of an internal garage however the site can still provide sufficient off-street parking by the creation of an additional off-street parking space. The additional dropped kerb is incidental to the off-street parking space and is unlikely to harm the parking facilities in the area. This would in turn create a more accessible additional parking space for the property, rather than using the garage.

5.8 There will be a total of 2no. off-street parking spaces. This is in accordance with the Residential Parking Standards SPD, therefore there is no objection from the Transportation Officer.

5.9 Further Matters

The use of the garage and off-street parking spaces cannot be enforced. These are issues outside the control of this application and the planning system. The use of the cul-de-sac as overflow parking from the Hanham Hall development cannot be controlled by the Council and it is unlikely that this proposal will have a negative impact on the off-street parking facilities in the locality.

**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 planning permission be **granted**.

**Contact Officer: Katie Saunders**  
**Tel. No. 01454 863436**

### **CONDITIONS**

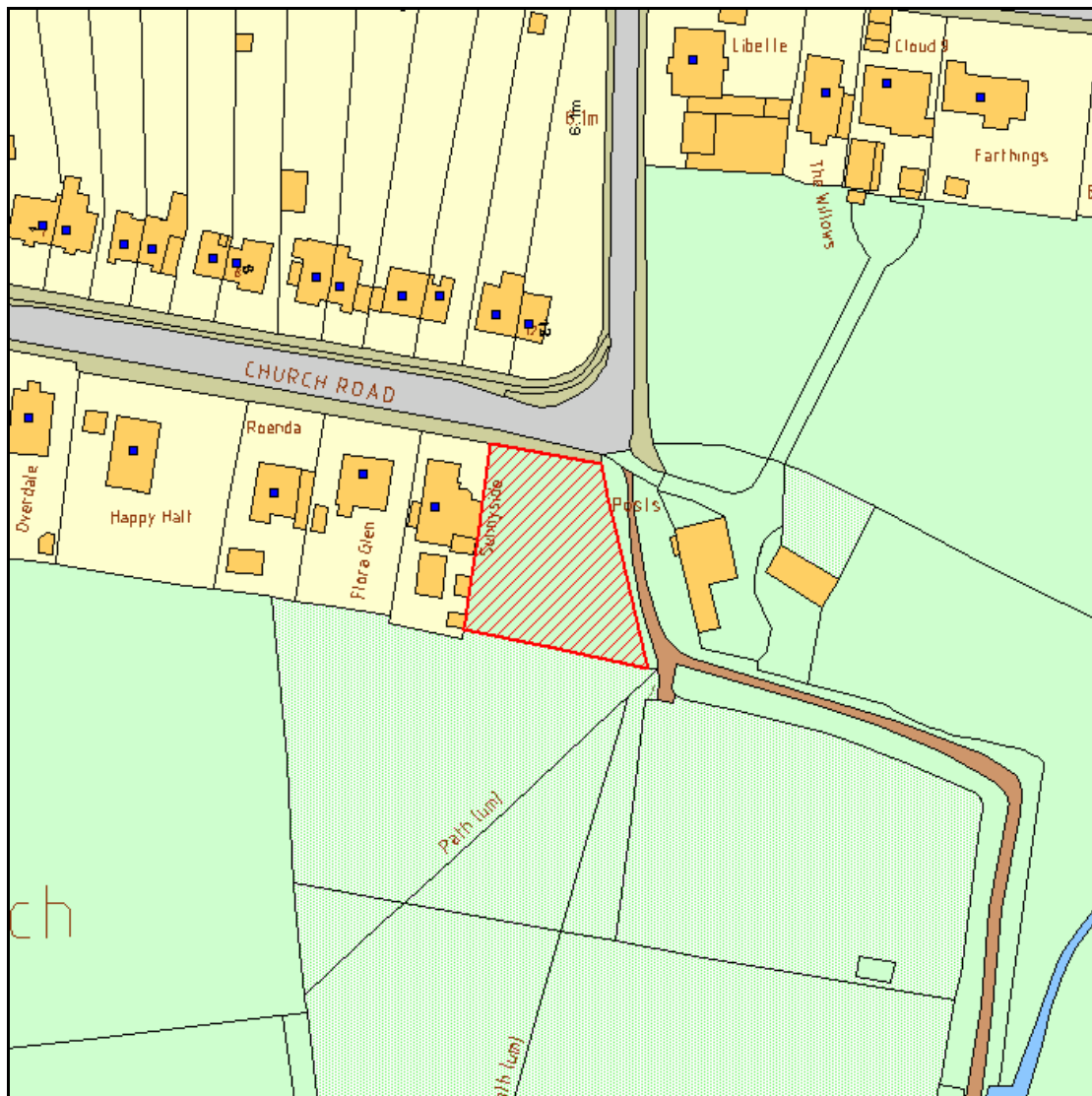
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT13/4716/F	<b>Applicant:</b>	Mr Paul Kiely
<b>Site:</b>	Former St Nicholas Church Site Church Road Severn Beach Bristol South Gloucestershire BS35 4PW	<b>Date Reg:</b>	3rd January 2014
<b>Proposal:</b>	Erection of 2no. detached dwellings with access and associated works.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354238 184842	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th February 2014



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 100023410, 2008. **N.T.S.** **PT13/4716/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from The Environment Agency, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of two, detached, 5-bedroom dwellings.
- 1.2 The application relates to a vacant parcel of land located on the southern side of Church Road, Severn Beach; St Nicholas Church previously stood on the site. The application site is within the Severn Beach Established Settlement Boundary that runs along the eastern and southern site boundaries. Agricultural buildings and a Bridle Way lie to the east of the site; residential dwellings lie to the north, on the opposite side of Church Road, and to the west; open land lies to the south. There is an existing vehicular access into the site from Church Road.
- 1.3 The application site falls within Flood Zone 3a.
- 1.4 Outline consent for two dwellings with access approved was previously granted, contrary to officer recommendation and subject to a condition (no.5) to restrict the living accommodation to the first floor only.
- 1.5 The application is supported by the following documents:
  - Flood Risk Assessment by T M Ventham Structural Engineers
  - Flood Sequential Test Report by LPC Ltd.
  - Extended Phase 1 Habitat Survey by Abricon
  - Letter from T M Ventham dated 4<sup>th</sup> Jan 2013
  - Environment Agency Letter dated 27<sup>th</sup> Feb. 2013

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The National Planning Policy Framework March 2012  
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) Dec 2013  
CS1 - Design  
CS2 - Green Infrastructure  
CS5 - Location of Development  
CS6 - Infrastructure and Developer Contributions

CS9 - Managing the Environment and Heritage  
CS15 - Distribution of Housing  
CS16 - Housing Density  
CS17 - Housing Diversity  
CS18 - Affordable Housing  
CS19 - Rural Housing Exception Sites  
CS24 - Green Infrastructure, Sport and Recreation Standards  
CS34 - Rural Areas

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement  
L5 - Open areas  
L9 - Species Protection  
L11 - Archaeology  
EP2 - Flood Risk and Development  
EP4 - Noise Sensitive Development  
EP6 - Contaminated Land  
T7 - Cycle Parking Provision  
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 23<sup>rd</sup> August 2007  
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.  
Trees on Development Sites SPD Adopted Nov. 2005  
Affordable Housing SPD (Adopted) Sept 2008.  
The Biodiversity Action Plan

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT12/4028/O - Erection of 2no. detached dwellings (Outline) with access to be determined. All other matters to be reserved.  
Approved 28 Feb 2013.

**4. CONSULTATION RESPONSES**

- 4.1 Pilning and Severn Beach Parish Council  
Pilning & Severn Beach Parish Council are pleased that the site will be re-developed.
- 4.2 Other Consultees (including internal consultees of the Council)

Environment Agency

The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The above proposal falls within Flood Zone 3 which is an area with a high probability of flooding. We understand that the Strategic Flood Risk Assessment (SFRA) designation is Flood Zone 3a. Therefore, as the application's supporting documents note, 'more vulnerable', residential development is appropriate in Flood Zone 3a subject to the Sequential and Exception tests being passed. Our view is the exception test has not been passed as the Flood Risk Assessment (FRA) does not demonstrate that the development is safe from flooding.

The FRA has interpreted the outputs of the Avonmouth & Severnside SFRA. The report indicates that the site could experience flood depths of up to between 1 and 2 metres by 2110 (i.e. within the lifetime of the development). Clearly this would pose a significant flood risk to the properties and the future residents. The FRA states that finished floor levels are to be set as high as possible, with areas below the 1 metre level to be used for car parking and bin storage. The FRA also refers to various flood resilience measures to be incorporated, which would be appropriate in ensuring the dwellings are safe from flood risk based on the current situation, however, maybe insufficient in protecting from the climate change scenario. Notwithstanding the above flood resilience measures, safe access and egress is unlikely to be achievable over the lifetime of the development.

We note that the FRA interpreted the outputs of the Avonmouth & Severnside Strategic Flood Risk Assessment (SFRA), which indicates that the site could experience flood depths of up to between 1 and 2 metres by 2110 (i.e. within the lifetime of the development). However, we do acknowledge the presence of the Severn Beach defences, which protect the site. The reference to our Strategic document; 'Managing Flood Risk in the Severn Estuary' is valid, however, the wording of our document may be misleading as there are currently no firm plans to upgrade any defences along the Severnside coast and the development of any such project in the future will rely heavily on external funding. Therefore there is some uncertainty over the delivery of upgraded sea defences to 'keep pace with climate change'.

However, we acknowledge that the previous application at this site was approved against our advice. Therefore, if the LPA are minded to approve this application against our recommendations the following conditions and informatives should be incorporated within the Decision Notice:

#### CONDITION:

The development permitted by this planning permission shall only be carried out in accordance with the approved FRA dated August 2012 by TM Ventham, and the following mitigation measures detailed therein:

1. Limiting the surface water run-off generated by the 1:100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
2. Flood-risk mitigation measures detailed on page 2 of the letter.

- Waterproof foundations.
  - Walls up to ground floor cill level should be constructed in engineering brick. Walls at ground floor level should be plastered with sand/cement and not gypsum plaster. Sealed PVC external framed doors should be used.
  - Non return valves should be used on drainage connections.
  - Water, Electricity and Gas meters should be located at first floor level. Electric ring mains should be installed at first floor with drops to dado level sockets to serve the ground floor rooms.
  - The heating boiler should be located at first floor level.
3. Finished floor levels are set no lower than 7.0 above Ordnance Datum (AOD).

REASON:

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the impact of flooding on the proposed development and future occupants.
3. To reduce the risk of flooding to the proposed development and future occupants.

CONDITION:

No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme must include details of how the scheme shall be maintained and managed after completion

REASON:

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Sustainable Transport

The proposed access arrangements are considered acceptable; there is no transportation objection to this proposal.

Highway Drainage

No objection in principle. The site lies in Flood Zone 3 and as such the Flood Risk Assessment should be sent to The Environment Agency for consideration.

Historic Environment

No objection



### Ecology

There are no ecological constraints to granting planning permission. A Condition should be attached relating to the works method statement forming Appendix D of the report.

### PROW

The public right of way alongside this site is a public bridleway, not a footpath as shown on the plans. Additionally, the plans are misleading showing the bridleway as a defined width because, in the absence of a width in the Definitive Statement, there is a presumption that the bridleway is boundary to boundary, regardless of the used or useable width. The applicant has erected temporary metal fencing outside the eastern boundary of the site and consequently I have had a meeting with him and others to discuss this. This fencing is not to be treated as the boundary fencing to the site and the proposed hedge on the eastern side of the site must be planted on the original hedge-line.

### The Open Spaces Society

No response

### Environmental Protection

No response

### Lower Severn Drainage Board

No response

## **Other Representations**

- 4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development 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 advises 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 Furthermore the acceptance in principle of the residential development of this site (albeit subject to certain conditions) for two detached dwellings, with separate accesses off Church Road, has previously been established, with the grant of outline consent PT12/4028/O.

- 5.3 Notwithstanding the above, the National Planning Policy Framework also advises that 'Local Plans should take account of climate change over the longer term, including factors such as flood risk... New development should be planned to avoid increased vulnerability to the range of impacts arising from climate change... Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk...' (Paragraphs 99 and 100.)
- 5.4 The Proposal  
The submitted plans show the erection of two detached dwellings; Plot 2 would align with the existing neighbouring property fronting Church Road with Plot 1 set back 2.5m into the site. The plans detail buildings with accommodation on the ground floor and within the roof space. The properties would include integral garages with parking/turning areas to the front. Each property would be served by a separate access off Church Road.
- 5.5 It should be noted at this point that members previously approved the outline application against the advice of the Environment Agency. It is evident from the minutes of the DC (East) Committee Meeting that Members considered the flood risk to be outweighed as, in their view, there were sufficient mitigating measures available to address this issue. In granting outline consent however and having regard to the flood risk issue, Members imposed a condition (no.5) to restrict the living accommodation of the dwellings to the first floor only.
- 5.6 Subsequent to the grant of the outline consent, the applicant, having had regard to Condition 5, sought to submit draft plans showing 3-storey buildings with the living accommodation on the first and second floors, insufficient floor space being available for accommodation on a single floor. A succession of officers however resisted at pre-application stage, this design solution, stating that 3-storeys was not in-keeping with the location.
- 5.7 Flood Risk  
The application site falls within Flood Zone 3a, which is identified as being at a high risk of flooding. Moreover, a dwelling is identified as a 'highly vulnerable' form of development (detailed within the Planning Practice Guidance).
- 5.8 As set out by the National Planning Policy Framework, (para. 100) inappropriate development in areas at risk of flooding should be avoided. As such, where a proposal for residential development in an area of high flood risk is considered, it is necessary to firstly satisfy the requirements of the 'sequential test'. As set out in the National Planning Policy Framework, the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. *'Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding'* (para 101, NPPF).
- 5.9 A Sequential Test has been received. This cites that *'The NPPF and the associated Planning Practice Guidance is silent on the geographical extent of a defined area that should be subject to the Sequential Test. It is therefore a matter of judgment given the precise nature of a development proposal and scale of development proposed. Given that this is for a modest infill scheme*

*within the Severn Beach Settlement Boundary it is considered entirely appropriate that the extent of the Sequential Test should relate to the settlement boundary of Severn Beach...*' Accordingly, given that the whole of Severn Beach falls within Flood Zone 3, it is concluded that there are no sequentially preferable sites (satisfying the sequential test). Officers' do not concur with this view given the need to steer development away from sites at risk of flooding and with the availability of sites within flood zone 1 within South Gloucestershire; there is objection to the application for this reason.

- 5.10 The submitted application addresses the Exception Test given that this must also be passed. *'For the Exception Test to be passed:*
- o *it must be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk, informed by a Strategic Flood Risk Assessment where one has been prepared; and*
  - o *a site-specific flood risk assessment must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*

*Both elements of the test will have to be passed for development to be allocated or permitted'* (para 102 NPPF).

- 5.11 The applicant's case in respect of the first issue rests on the need for additional housing (quoting the Inspector in respect of the Core Strategy Examination and concluding that *This particular scheme is on a site that is ideal, both in policy and character, for new housing development. In policy terms it is within the settlement boundary of Severn Beach where the current housing policy framework of the adopted South Gloucestershire Development Plan allows for new housing development within such settlement boundaries* (See Core Strategy Policy CS5).

- 5.12 In respect of the second issue, the Environment Agency has advised the following:

*'We note that the FRA interpreted the outputs of the Avonmouth & Severnside Strategic Flood Risk Assessment (SFRA), which indicates that the site could experience flood depths of up to between 1 and 2 metres by 2110 (i.e. within the lifetime of the development). However, we do acknowledge the presence of the Severn Beach defences, which protect the site. The reference to our Strategic document; 'Managing Flood Risk in the Severn Estuary' is valid, however, the wording of our document may be misleading as there are currently no firm plans to upgrade any defences along the Severnside coast and the development of any such project in the future will rely heavily on external funding. Therefore there is some uncertainty over the delivery of upgraded sea defences to 'keep pace with climate change'.*

*'However, we acknowledge that the previous application at this site was approved against our advice. Therefore, if the LPA are minded to approve this application against our recommendations the following conditions and informatives should be incorporated within the Decision Notice.'* – see para 4.2 above.

5.13 Officers consider that a key material consideration in the determination of this current application is the Council's previous stance regarding the sequential test and exception test. It is clearly recorded in the DC East Committee Minutes that Councillor Pat Hockey took the view that:

- The site is located within the settlement of Severn Beach which is entirely within Flood Zone 3a and where there is not any alternative location within the settlement that is in Flood Zone 1 or 2.
- Any development within this area will be at risk of flooding.
- The flood risk is outweighed as there are sufficient mitigations measures available to address the flood risk and that the development would provide a positive benefit to the local community.
- The development would provide a positive benefit to the local community.
- A condition could be imposed to require the living accommodation to be on the first floor level.
- A condition could be imposed to require details of slab levels to be agreed.

5.14 This was supported in the unanimous vote in favour of granting outline consent. Officers consider that to now take an opposite view on this issue could be interpreted as unreasonable which would leave the Council vulnerable to a cost claim in any subsequent appeal situation.

5.15 Moving to the issue of the previously imposed Condition 5, which prevented living accommodation on the ground floor; it is noted that the Environment Agency in consultation with the applicant's agent are now fully aware of the proposed range of flood risk mitigation measures. Whilst The Environment Agency have repeated their previous objection (given the circumstances it is their duty to do so) they have, in full knowledge of the previous outline consent, acknowledged that this current application is likely to also be approved and as such have suggested appropriate conditions. It is noted that a condition preventing accommodation on the ground floor is **not** requested by the EA although the requirement to set floor levels no lower than 7.0m above Ordnance Datum (AOD) is again required. This forms the basis of the applicant's current submission relating to two-storey accommodation with living space on both floors.

5.16 Officers are satisfied that in the light of the previous outline consent, the raft of flood risk mitigation measures proposed and the conditions requested by the EA, that the flood risk matters can be considered to be outweighed by the benefits of the scheme to the community.

5.17 Design/ Visual Amenity

The submitted plans provide details of two detached dwellings with the Design and Access Statement stating: *'By now adopting a two-story massing for the dwellings we have been able to achieve a design form that sits most comfortably with adjacent development. The design proposed shows two levels of accommodation, with the upper level contained*

*within the roof space to minimise the overall massing of the dwellings. The resulting form is very attractive and will harmonise most successfully with the existing domestic street scene in Church Road'. In response, it is noted that the pattern of development within the immediate area generally comprises of detached single-storey/ chalet style dwellings on the southern side of the road with two-storey semi-detached properties opposite, with the road benefiting from a relatively open spacious character. It is considered that the erection of the two detached dwellings as proposed would be reflective of this character and thus there is no objection to this full application on design/ visual amenity grounds*

5.18 Residential Amenity

The two dwellings are shown to stand alongside the existing property on the southern side of Church Road with their main outlook to the front and rear. Views towards the neighbouring dwelling would therefore be an oblique angle only that is not uncommon within a residential area. Further, the size of the plot allows adequate spacing. On this basis, it is considered that the plans received demonstrate that two dwellings can be accommodated without causing any significant adverse impact in residential amenity. As such, there is no associated objection to this current application.

5.19 Highway Safety

The submitted site plan shows two separate vehicular access points to the two dwellings from Church Road (as per those existing dwellings along Church Road). The Councils Highway Officer has raised no objection to this arrangement thus there are no associated highway safety objection to this proposal.

5.20 Ecology

The application site consists of an area of scrub/ruderal vegetation fringed by hedges; the site is not covered by any statutory/non-statutory nature conservation designations. However it immediately abuts Gypsies Platt Site of Nature Conservation Interest (SNCI) notable for its semi-improved neutral grassland and species-rich hedgerows although this site will not be affected by the current proposal.

5.21 Areas of rough grassland and scrub offer good habitat for a variety of wildlife, including hedgehogs, badgers and slowworms. Slowworms are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to conserve and enhance populations. Furthermore, hedgehogs are a Priority Species nationally and included on both the UK and South Gloucestershire Biodiversity Action Plans; and both badgers and their setts are protected under the Protection of Badgers Act 1992. Given this the application site has been surveyed and assessed for use by any of these species but none were found.

5.22 The report does however recommend a number of enhancements i.e. a wildlife corridor along the southern boundary together with bird nesting boxes, a reptile hibernacula and hedgehog house; all of which are now incorporated within the scheme and as with the previous outline consent could be secured by condition.

5.23 Archaeology

The Councils Historic Environment Officer has advised that the former church was one of a type known as tin tabernacles dating mainly from the late Nineteenth to early Twentieth century and that any archaeological structures or deposits remaining are unlikely to be of significance. As such, no objection has been raised to this application.

5.24 PROW

The Councils Public Right of Way Officer advises that the proposal may affect the nearest recorded public right of way that runs adjacent to the site. However, with the access proposed off Church Road, traffic would not directly affect the right of way once development is complete, but the applicant should be advised that during construction there must be no interference with public use of the path, that the safety of users of the path must be ensured at all times, especially during construction, and that no debris from the site encroaches onto the path. The boundary hedgerow on the proposed eastern boundary should be planted on the original hedgeline. It is considered that these issues could be addressed through an informative in the event that planning permission is granted.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

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

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

## **CONDITIONS**

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

3. No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the LPA. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme must include details of how the scheme shall be maintained and managed after completion

Reason

To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system. To comply with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The access, car parking and manoeuvring areas shall be implemented in full accordance with the details shown on the approved Site Plan Drawing No. LPC.3089.12.03, prior to the first occupation of the buildings hereby approved and retained for that purpose.

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of the NPPF.

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the land and details of any to be retained, together with measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hardsurfacing shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details. (For the avoidance of doubt the hedgerow to be planted on the eastern boundary shall be planted on the line of the original hedgerow and shall not encroach upon the adjacent Bridleway).

Reason

To protect the character and appearance of the area to accord with Policy L1 of The South Gloucestershire Local Plan (Adopted) January 2006 and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2013.

7. Prior to the commencement of development, full details in respect of the ground floor slab level are to be submitted to and agreed in writing by the Local Planning Authority. Thereafter, development shall strictly accord with these approved details.

Reason

In the interests of flood protection and to accord with Planning Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The development hereby approved shall strictly accord with the works method statement forming Appendix D of the approved ecological survey submitted as part of this planning application.

Reason

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

9. The development hereby approved shall be carried out in accordance with the Flood Risk Assessment submitted as part of this application and the subsequent letter from the author of the Flood Risk Assessment dated 4th January 2013 and the following mitigation measures detailed therein:
  - i. Limiting the surface water run-off generated by the 1:100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - ii. Flood-risk mitigation measures detailed on page 2 of the letter.
    - Waterproof foundations.
    - Walls up to ground floor cill level should be constructed in engineering brick. Walls at ground floor level should be plastered with sand/cement and not gypsum plaster. Sealed PVC external framed doors should be used.
    - Non return valves should be used on drainage connections.



- Water, Electricity and Gas meters should be located at first floor level. Electric ring mains should be installed at first floor with drops to dado level sockets to serve the ground floor rooms.

- The heating boiler should be located at first floor level.

iii. Finished floor levels are set no lower than 7.0 above Ordnance Datum (AOD).

#### Reason 1

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site to accord with Planning Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

#### Reason 2

To reduce the impact of flooding on the proposed development and future occupants to accord with Planning Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

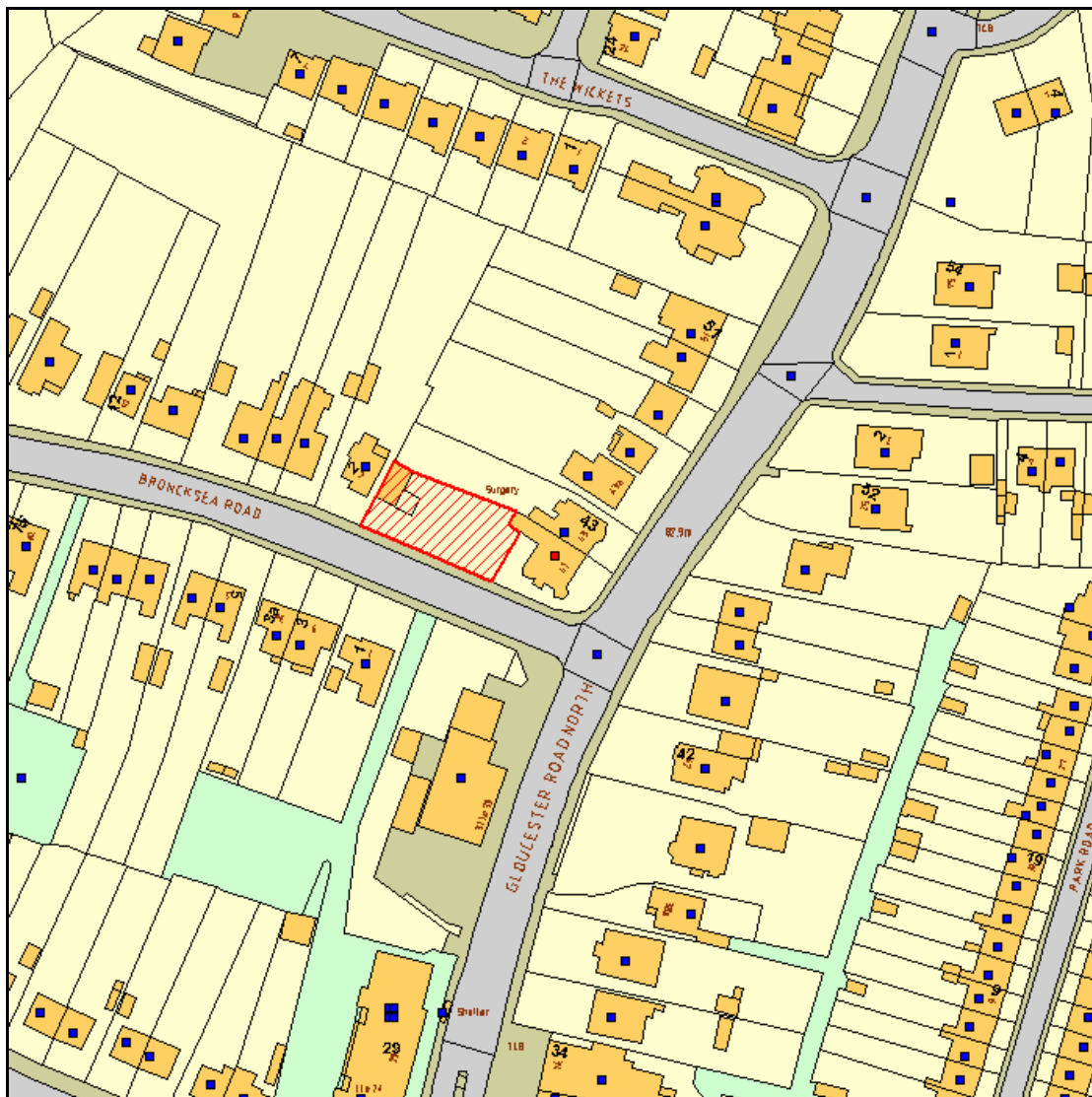
10. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F) other than such development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

#### Reason

To ensure the satisfactory external appearance of the development and having regard to the flood risk issues within the locality and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11 Dec. 2011.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT14/1161/F	<b>Applicant:</b>	Ms C Twine
<b>Site:</b>	Rowan Lodge 41 Gloucester Road North Filton South Gloucestershire BS7 0SN	<b>Date Reg:</b>	1st April 2014
<b>Proposal:</b>	Removal of existing garage. Erection of 2 no. semi detached dwellings with new access and associated works.	<b>Parish:</b>	Filton Town Council
<b>Map Ref:</b>	359905 178379	<b>Ward:</b>	Filton
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th May 2014



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 100023410, 2008. **N.T.S.** **PT14/1161/F**

## **REASONS FOR REFERRING THE APPLICATION TO CIRCULATED SCHEDULE**

This application is referred to the Circulated Schedule due to the receipt of local residents objections which are contrary to the officers' recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of an existing garage and the erection of 2 no. semi-detached dwellings with new access and associated works at the rear of No. 41 Gloucester Road North Filton.
- 1.2 The site is located within the existing urban area of north Bristol. It is not covered by any further statutory or non-statutory land designations.
- 1.3 During the course of the application, the applicant submitted a revised proposal to change the gable roof with a hipped roof and to change the style of the bedroom windows on the first floor side elevation.

### **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
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS25 Communities of the North Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- T7 Cycle Standards
- T12 Transportation
- H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Residential Parking Standard (Adopted) December 2013

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

The site is subject to a number of planning applications in the past, the following are the most recent planning applications.

- 3.1 PT01/3278/F Change of use to residential care home for seven young adults with learning difficulties. Approved 11.02.02
- 3.2 PT02/3275/RVC Variation of condition 07 (use of property as guest house) attached to planning permission P90/2781 to use property as shared supported housing for single people. Withdrawn. 28.01.03

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

4.1 Filton Town Council  
No comments.

4.2 Sustainable Transport  
No objection

4.3 Drainage  
Request a SUDS condition and a number of informatives with respect to permeable block paving

#### **Other Representations**

4.4 Local Residents

3 letters of objection have been received and local residents raised the following concerns:

Design:

- The development is far too big for the site. (It appears initial advice sought from the SGC was for one property)
- The current building No 41, is a large property, and the current garden is appropriate for a property of that size. Should at any time in the future it ceases to be a HMO, it's future use would be severely restricted, if the garden and parking areas are removed from the property.
- The consultant says the development is on a similar building line to properties fronting onto Broncksea Road. My reading of the submitted plan is that it is significantly in front of the building line of the properties on that side of Broncksea Road.
- I'm not against some sort of Development, but what is proposed is far too big for the site. I would suggest it should be reduced to one 2 bed house or bungalow with the bedrooms in the roof space thus reducing the height.
- The garage wall is on our boundary/shared boundary which is what makes our house secure. When the garage is taken down our house will be wide open to this side. I am concerned that I have two large dogs that will be able to get out and one of the dogs is not friendly! There is nothing on the plans that I can see where any of the wall is going to remain. Ideally I would like the wall to remain 6ft high so my dogs cannot get out and harm someone.

Residential amenity:

- The new building will look directly over my property and into my lounge, which is on the first floor.

Highway issues:

- Car parking to existing Building. My understanding is that a HMO for 7 people requires 4 parking spaces not 3 as shown on the plan
- Currently there is only one drop kerb entrance to the site. The new plan will result in 3, thus reducing on street parking on Broncksea Road by 2 spaces. We already have parking problems with the adjacent HMO (No 43). only having 2 on site parking spaces rather than the 5 necessary for planning permission to be granted
- The access to the Electricity Sub-station is currently via the current drop kerb entrance. If a separate dedicated access is required (not shown clearly on plan) a further on-street parking space will be lost.
- There is already pressure on parking spaces, plus the re-development of the garage opposite into a Morrisons Store will only add to the shortage.
- Whilst the proposed development of the erection of two properties relates to the rear land of 41, Gloucester Road North all impact of additional cars/parking and access impacts entirely on Broncksea Road but the Planning Department do not feel to add an additional notification under Broncksea Road.

Other issues:

- I therefore ask that the current proposal be rejected and that the Owner of No 41 be advised to consult neighbours prior to submitting any revised proposals.
- What address will these properties have - first house in Broncksea Road is number 2?
- The height of the proposed building will interfere with the view from my lounge window of Blaise Estate.

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

This application seeks planning permission for a pair of semi-detached houses in Filton. Residential development in the urban area is supported in principle by Policies CS5, CS15, CS16, CS17 and CS25 of the adopted Core Strategy and Policy H4 of the adopted Local Plan subject to a detailed analysis of the proposed scheme. Therefore, this application is acceptable in principle subject to the following criteria be met.

### **5.2 Design**

Residents raise concerns over the size and the design of the proposal.

The proposed development is a pair of semi-detached three-bedroom houses that would front onto Broncksea Road. Whilst the proposed dwellings would set forward beyond the buildings of immediately properties, it is noted that other properties along Broncksea Road do not share a strong frontage and some

properties near the end of Broncksea Road also set forward beyond the adjacent properties.

The new dwellings would have a hipped roof with a gable details on the front elevation, which would be similar to the architectural character of the existing dwellings in this locality. Whilst it is acknowledged that bungalows may have less impact upon the neighbouring properties, it is considered that the single storey buildings would likely have a larger footprint and would not be in keeping with the general local character as most of neighbouring properties are two-storey buildings. It is considered that the proposal has demonstrated that the siting of new dwellings respect the size of the site and would also provide reasonable sized garden for the proposed dwellings. It is therefore considered that the proposal would not represent an over-development for the site.

Concerns are also raised with regard to the potential uses of the site if the HMO is to be ceased to operate. As every planning application is to be determined on its own merits, therefore the potential future uses of the site would not be material planning consideration.

Overall, an acceptable standard of site planning and design has been achieved that would not cause harm to the visual amenity of the area and accords with the Council's design standards.

### 5.3 Residential Amenity

Officers acknowledge residents' concerns over the proposal with respect to the residential amenity issues.

#### Overlooking issues:

The proposed dwellings would be located at the rear of No. 41 Gloucester Road North. Although they would be 2-storey buildings, there would be only bathroom windows on the north rear elevation. A number of living room and bedroom windows on the front elevation and these windows would be approximately 24 metres from the front elevation of the opposite building, No. 1 Broncksea Road. There is a bedroom window on the first floor side (west) elevation, which would be 14 metres from the side elevation of No. 2 Broncksea Road. In addition, there is also bedroom window, which would have a restricted opening, on the side (east) elevation looking over the amenity space and parking spaces for No. 41. On this basis, officers consider the proposal would not cause significant loss of privacy upon the neighbouring residents to warrant a refusal of this application.

Due to the siting of the proposed dwellings and the reasonable distance from the neighbouring properties, No. 41, No 43 Gloucester Road North and No. 2 Broncksea Road, it is considered that the privacy for the future occupiers would be reasonably secured.

#### Overbearing issues:

The proposed dwelling would be located at the rear of No. 41 Gloucester Road North and also would be located to the south of the garden of No. 43 Gloucester Road North. Unit 1 would be approximately 10 metres and 12

metres from the rear elevation of No. 41 and No. 43 respectively. Unit 2 would be approximately 14 metres from the side elevation of No. 2 Broncksea Road.

It is acknowledged that the proposed dwellings would cause some degree of overshadowing upon the neighbouring properties, however the impact would not be significant as the proposed dwellings would be approximately 5.5 metres from the shared boundary of No. 43 Gloucester Road North, which has a reasonable sized garden. Therefore, in this instance, it is considered that the overbearing impact or the loss of daylight or sunlight would not be significant to be detrimental to the living conditions of the neighbouring properties, No. 41 and No. 43 Gloucester Road North.

However, the application site is not large in size and any further increase in the size and footprint of the building may prejudice the retention of adequate amenity space for the proposed dwellings and also may have an adverse impact upon the neighbouring properties. It is therefore considered necessary to impose a restriction on the proposed dwellings' permitted development rights so that any further extensions can be fully assessed.

In addition, it is considered that it would be necessary to impose a condition to restrict the number and type of windows to be installed at these dwellings due to the siting and location of the proposal.

A concern is also raised with regard to the boundary treatment. A planning condition is imposed to seek details of the boundary treatment prior to the commencement of the development.

#### 5.4 Transport and Parking

The applicant seeks to erect two, 3 bed dwellings to the rear of 41 Gloucester Road North, Filton. 41 Gloucester Road North is a 7 bed dwelling currently being used as housing multiple occupancy.

The proposal would provide two off street parking spaces for each of the proposed 3 bed dwellings, with 3 off street parking spaces being retained for 41 Gloucester Road North, which is in line with South Gloucestershire Council minimum parking standards. The access for the existing and proposed dwellings is onto Broncksea Road, which is unclassified. Given that Gloucester Road North is a sustainable location and the South Gloucestershire Council parking standards are met, there are no transportation objections.

#### 5.5 Ecology and Environment

The site currently contains a detached garage. It is not located close to any natural habitat, instead being surrounded by residential gardens. An informative note is considered to suffice with regard to ecology and environmental considerations.

#### 5.6 Other Issues

A number of concerns are also raised by the local residents. The loss of views and the address of the new dwellings would not be material planning consideration.

With regard to the prior consultation, it would be the applicant's onus to carry out a prior consultation before the submission of this application. It should be noted there is no statutory requirement for the applicant to consult their neighbours prior to the submission of planning applications.

## **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 It is recommended to GRANT planning permission subject to the following conditions.

**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

### **CONDITIONS**

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, and G), 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 ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the proposed dwellings and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies.



3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the rear and side elevation of the proposed dwellings hereby permitted.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. The glazing on the first floor rear elevation shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided 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 CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies, and the Residential Parking Standard (Adopted) December 2013.

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

Reason

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

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

Reason

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

8. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are occupied. Development shall be carried out in accordance with the approved details.

Reason

In the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

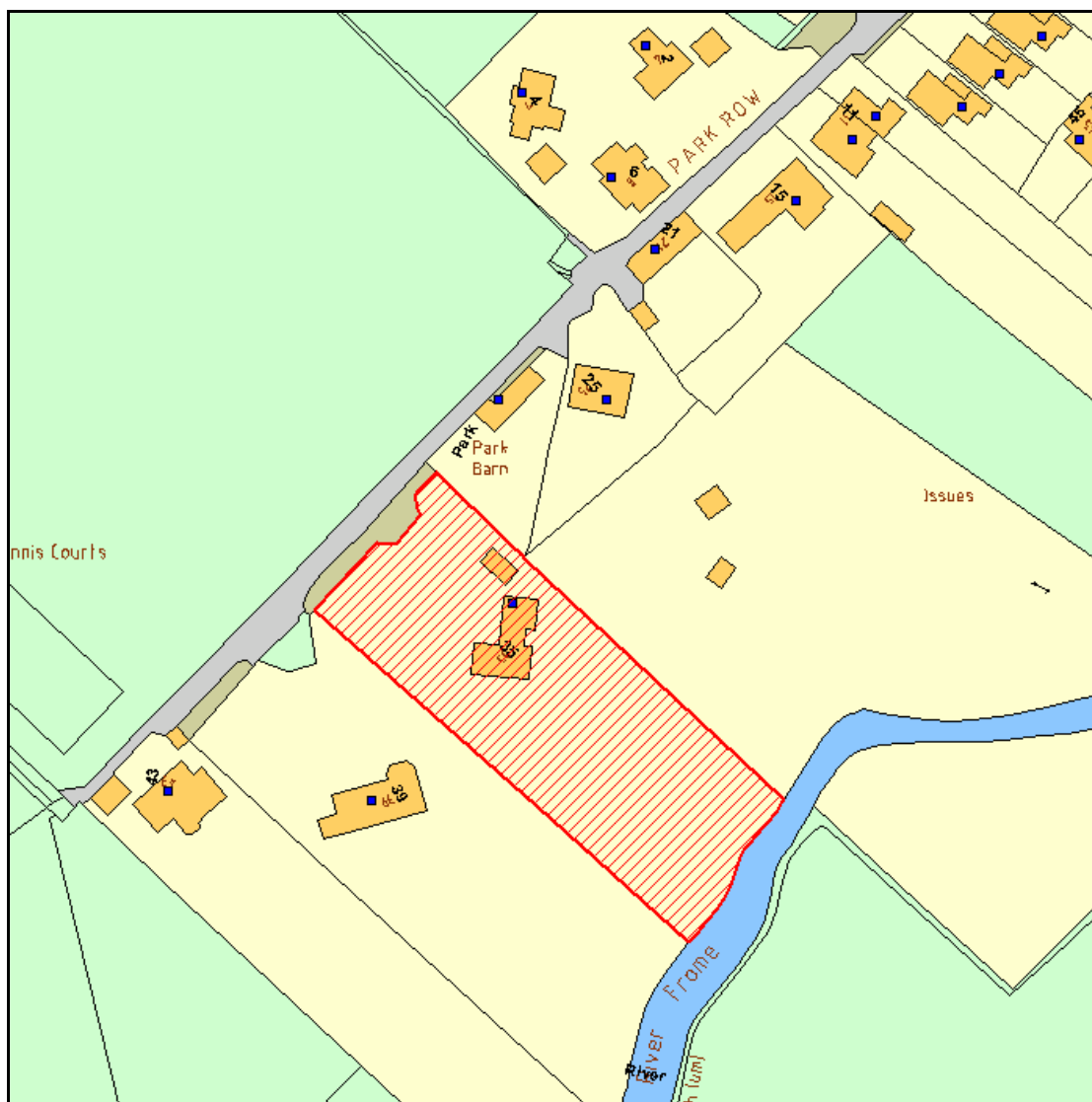
9. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Monday to Friday, 0830 to 1300 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of 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 amenity enjoyed by those living in the locality to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT14/1460/CLP	<b>Applicant:</b>	Mr And Mrs L England
<b>Site:</b>	35 Park Row Frampton Cotterell Bristol South Gloucestershire BS36 2BS	<b>Date Reg:</b>	7th May 2014
<b>Proposal:</b>	Application for certificate of lawfulness for the proposed erection of a single storey side extension and front porch.	<b>Parish:</b>	Frampton Cotterell Parish Council
<b>Map Ref:</b>	366337 181652	<b>Ward:</b>	Frampton Cotterell
<b>Application Category:</b>	Minor	<b>Target Date:</b>	26th June 2014



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 100023410, 2008. **N.T.S.** **PT14/1460/CLP**

## **REASON FOR SUBMITTING TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension and a front porch at 35 Park Row, Frampton Cotterell would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning Act 1990 (As Amended) 1990 section 192  
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

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

- 3.1 PT14/1524/PNH No objections 15/05/2014  
*Erection of single storey rear extension, which would extend beyond the rear wall of the original house by 8 metres, for which the maximum height would be 4 metres and for which the height of the eaves would be 2.2 metres*
- 3.2 N640 Approve with conditions 18/11/1974  
*Conversion of existing garage to living accommodation. Erection of 3 car garage.*

### **4. CONSULTATION RESPONSES**

#### **4.1 Frampton Cotterell Parish Council**

No objection.

#### **4.2 Other Consultees**

##### **Councillor**

No comment received.

##### **Highway Drainage**

No comment received.

Listed Building and Conservation Officer

No comment.

**Other Representations**

- 4.3 Local Residents  
None received.

**5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 Existing Side Plan (SP01): Existing Dwelling Floor Plans (01); Existing Dwelling Elevations (02); Proposed Side Extension & Alterations: Floor Plan (03); Proposed Side Extension & Alterations: Elevations (04); Proposed Site Plan: Side Extension & Front Porch (SP02); Email from agent re: materials, received 4<sup>th</sup> June 2014.

**6. ANALYSIS OF PROPOSAL**

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit, the application is based on the facts presented. The submission is not a application for planning permission and as such the development plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A and Class D of the GPDO (As Amended) 1995.
- 6.3 The proposed development consists of a front porch and a single storey side extension. The side extension would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the erection or construction of an extension to a dwellinghouse subject to the following:

**A.1 Development is not permitted by Class A if –**

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);** The proposed side extension and porch would not exceed 50% of the residential curtilage; no. 35 Park Row sits within a substantial plot. The proposal therefore meets this criterion.

- (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 side extension has a height of 4 metres, which is lower than the highest part of the existing dwellinghouse.
- (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 eaves of the proposal is lower than the eaves of the existing dwellinghouse, and therefore 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 porch fronts onto a highway and extends beyond the principle elevation of the property, however the porch can be considered under Class D of the GPDO instead. The side extension meets this criterion, as whilst it does extend beyond a side elevation, it does not front a highway.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**  
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**  
(ii) **exceed 4 metres in height;**  
The proposal has a single storey and does not exceed 4 metres in height. It does not extend beyond the rear wall of the dwellinghouse. The proposal therefore meets the above criteria.
- (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 is not within 2 metres of the boundary.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**  
(i) **exceed 4 metres in height**  
(ii) **have more than one storey, or**  
(iii) **have a width greater than half the width of the original dwellinghouse; or**  
The proposal is single storey, and is 4 metres in height exactly. The side extension has a width of 8.4 metres, which is less than half the width of the existing dwellinghouse. The proposal meets the above criteria.

- (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.

**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 on article 1(5) land.

#### **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 agent has confirmed that the materials will match the existing dwelling.
- (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.

6.4 The front porch would fall under the criteria of *Schedule 2, Part 1, Class D*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the erection or construction of a porch to an external door of a dwellinghouse subject to the following:

**D.1 Development is not permitted by Class D if-**

**(a) The ground area (measured externally) of the structure would exceed 3 square metres;**

The porch footprint does not exceed 3 square metres, and meets this criterion.

**(b) Any part of the structure would be more than 3 metres above ground level ; or**

The porch is 3 metres exactly in height, and therefore meets this criterion.

**(c) Any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.**

The porch is over 2 metres from the boundary to the highway, and meets this criterion.

**7. RECOMMENDATION**

7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason;

Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**



**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT14/1509/CLP	<b>Applicant:</b>	Mr A Williams
<b>Site:</b>	32A Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JL	<b>Date Reg:</b>	8th May 2014
<b>Proposal:</b>	Application for Certificate of Lawfulness for the proposed erection of a single storey rear extension.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	362180 184450	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th June 2014



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## 1. **THE PROPOSAL**

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a single storey rear extension.
- 1.2 The application site comprises a recently constructed two-storey detached property, which was granted planning permission by virtue of application PT13/0650/F. The property is situated on the southern side of Hortham Lane.

## 2. **POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning (General Permitted Development) Order 1995 (as amended)  
Planning Practice Guidance – Lawful Development Certificates

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 PT12/3769/F, erection of detached dwelling and garage with access and associated works, refusal, 04/01/13.
- 3.2 PT13/0650/F, erection of detached dwelling and garage with access and associated works, approval, 19/04/13.

## 4. **CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No comments received

### **Other Representations**

- 4.2 Local Residents  
Four letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- Further loss of space and privacy;
- Cannot understand the applicants need to extend their newly built house;
- Noise and disturbance caused during construction;
- The existing dwelling is an eyesore and is out of keeping with other properties;
- The proposal will be seen from my house therefore, there will be a loss of outlook;
- The extension will have a negative visual impact given its size;
- Why was the extension not included in the original planning application;
- Ground works have already started;
- The application should go to Committee;
- The original decision notice forbade the addition of extra windows;
- Neighbours have been adversely affected during the construction of the application dwelling due to noise, disturbance and damage to property;

- The dwelling has just been put for sale and negates the reason for the original build;
- Issues relating to the parking arrangements at the site;
- Highway safety issues during construction of the dwelling.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The applicant is seeking a Certificate to state that the proposed development is lawful. The responses received indicates that there is some confusion with regards to the nature of the application, as objections have been received relating to planning matters such as loss of privacy, outlook etc. However, to clarify, this is not a planning application where the relative merits of the scheme are assessed against planning policy; it is purely an evidential test of whether it would be lawful to proceed with the proposal without planning permission.

5.2 The Planning Practice Guidance states that *“Planning merits are not relevant at any stage in this particular application or appeal process”*.

5.3 The key evidential test in this case is whether the proposal conflicts with any conditions in the original consent and, if not, whether it falls within the permitted development rights afforded to householders. The applicant has submitted plans and elevations in support of the proposal.

### 5.4 Would the proposal be in conflict with any conditions?

An objection relates to the fact that condition no.3 in the original consent restricts new windows in the property; however, it is considered that the spirit of this condition is to restrict the insertion of new windows in the property as built under application PT13/0650/F. On the balance of probability it is not considered that the proposal would be in breach of any conditions in the original consent of the property. Accordingly, a review of the conditions indicates, on the balance of probability, that the permitted development rights are in-tact for the property, and the proposal would not be in conflict with any extant conditions on the original consent.

Accordingly, the main issue is whether the proposal falls within the criteria of Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Class A (The enlargement, improvement or other alteration of a dwellinghouse).

### 5.5 Does the proposal fall within permitted development regulations?

Class A allows for the enlargement, improvement or other alteration of a dwellinghouse. Development is not permitted by Class A if:

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 plans submitted show that the proposed extension and existing garage represent approximately 8% of the total area of the curtilage.**

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 plans submitted demonstrate that the height of the extension will not exceed the height of the highest part of the roof of the existing dwellinghouse.**

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 plans submitted demonstrate that the height of the eaves will not exceed the height of the eaves of the existing dwellinghouse.**

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 plans submitted show that the extension proposed is located on the rear elevation of the dwelling and would not front a highway.**

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 plans submitted demonstrate that the dwelling is detached dwelling and the extension projects approximately 3.9 metres from the rear wall of the original dwellinghouse, and is approximately 3.4 metres in height.**

The enlarged part of the dwellinghouse would have more than one storey and-

- (i) Extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
- (ii) Be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

**The plans submitted demonstrate that the extension proposed is single storey.**

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 plans submitted demonstrate that the eaves are less than 3 metres in height.**

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 plans submitted demonstrate that the proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.**

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 plans submitted demonstrate that the extension proposed does not comprise any of the above and will not alter any part of the roof of the dwelling.**

In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if-

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, 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 application dwelling is not on article 1(5) land; therefore, this criterion is not relevant.**

#### 5.6 Conditions

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 applicant has clarified that the extension will be finished using materials to reflect the vernacular of the existing building.**

- (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 plans demonstrate that the extension is single storey; therefore, this criterion is not relevant.**

- (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 plans demonstrate that the extension is single storey; therefore, this criterion is not relevant.**

#### 5.7 Further Matters

It was noted on site that the footings for the extension had already been laid. However, this will only be an issue if an application for the proposed extension is refused. Having visited the site, it is considered that the approved planning permission has been implemented.

Any discrepancies relating to parking or materials is a matter for the Council's Enforcement Team to investigate, and cannot be considered under this application.

## **6. RECOMMENDATION**

- 6.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that, on the balance of probability, the proposed development is permitted development by virtue of Schedule 2, Part 1, (Development within the curtilage of a dwellinghouse), Class A (The enlargement, improvement or other alteration of a dwellinghouse) of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT14/1597/TRE	<b>Applicant:</b>	Mr Popep
<b>Site:</b>	42 Chatsworth Park Thornbury Bristol South Gloucestershire BS35 1JF	<b>Date Reg:</b>	2nd May 2014
<b>Proposal:</b>	Works to 1no. London Plane to crown reduce by 5 metres covered by Tree Preservation Order TPO29 dated 4 May 1972.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364220 190950	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>		<b>Target Date:</b>	12th June 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 a member of the public contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for works to 1no. London Plane to crown reduce by 5 metres. The tree is covered by Tree Preservation Order TPO29 dated 4<sup>th</sup> May 1972.
- 1.2 The tree is growing on a small grass area to the front of no.42 Chatsworth Park, within the established residential area of Thornbury.
- 1.3 According to the applicant, the works are required to contain the size of the tree in relation to the location of the owners property and neighbouring properties and public highway and footpath.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The Town and Country Planning Act 1990  
The Town and Country Planning (Tree Preservation) (England) Regulations 2012

### **3. RECENT PLANNING HISTORY**

- 3.1 No recent planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Thornbury Town Council  
No objection
- 4.2 Tree Officer  
No objection

### **Other Representations**

- 4.3 Local Residents  
One letter of objection and two letters of support have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- Reducing the crown by 5 metres will have a detrimental effect on the visual amenity of the tree and may damage it;
- The works proposed are unnecessary;

The following is a summary of the reasons given in support:

- The tree has grown to a size out of keeping with its surroundings;



- The works are necessary in the interests of health and safety;
- The growth has lead to a poor and unkempt shape;
- The works would allow more light to the front of out house;
- The tree roots are affecting an underground electricity cable.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The only issue to consider in this application is the effect on the health and amenity of a tree, which makes a significant contribution to the character and visual amenity of the area.

### 5.2 Consideration of Proposal

The proposal relates to a large London plane tree which is growing on a small grass area to the front of no.42 Chatsworth Park. The tree is prominent from views from the surrounding area due to its size, and its large dome-shaped crown, and the concerns raised by a neighbouring occupier regarding the effect of the works on the visual amenity of the tree are noted. However, material weight is given to the fact that Council's Tree Officer has raised no objections to the proposed 5 metre crown reduction. It is considered that the works will improve the access under the tree canopy, and will not adversely affect the health and visual amenity of the tree, or the visual amenity of the area.

## 6. RECOMMENDATION

6.1 Consent is GRANTED subject to the following conditions.

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

### CONDITIONS

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

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

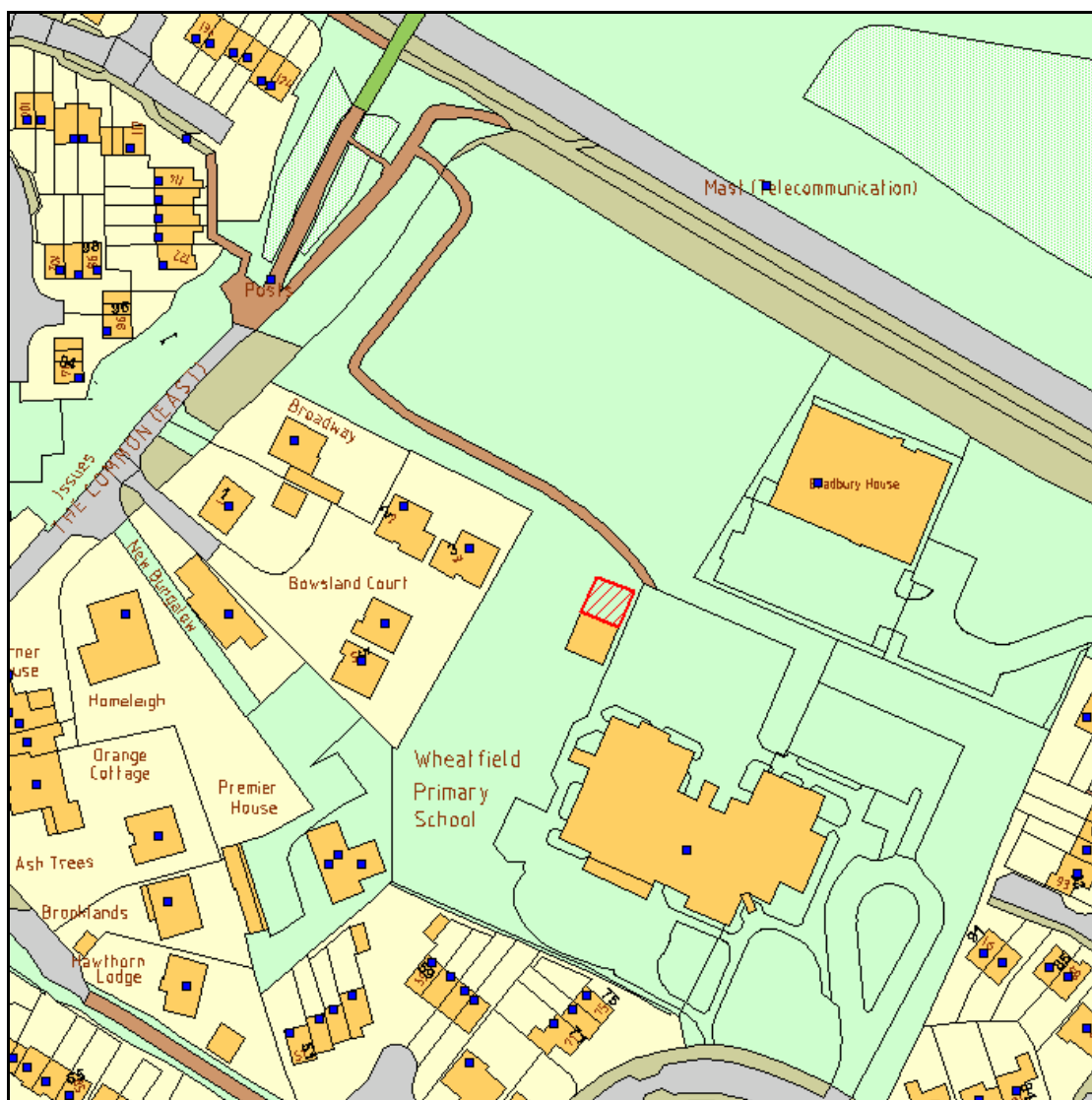
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT14/1612/R3F	<b>Applicant:</b>	Wheatfield Primary School
<b>Site:</b>	Wheatfield Primary School Wheatfield Drive Bradley Stoke South Gloucestershire BS32 9DB	<b>Date Reg:</b>	28th April 2014
<b>Proposal:</b>	Erection of Elliott building with link to existing Elliott Building.	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	361653 182395	<b>Ward:</b>	Bradley Stoke Central & Stoke Lodge
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th June 2014



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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of an Elliott building with a link to an existing Elliott building.
- 1.2 The application site comprises Wheatfield Primary School, which is access off Wheatfield Drive. The site is located within the established residential area of Bradley Stoke.

### **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)  
T12 Transportation Development Control Policy for New Development  
LC4 Proposals for Educational and Community Facilities within Existing Urban Areas  
L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage

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

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

- 3.1 PT03/0340/R3F, erection of one Elliott classroom, approval, 07/04/03.

### **4. CONSULTATION RESPONSES**

- 4.1 Bradley Stoke Town Council  
No objection on condition that planning permission is granted for no longer than 3 years.
- 4.2 Transportation DC Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
No comments received.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Planning policy LC4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the development. The main issues to consider are the appearance/form of the proposal and the effect on the visual amenity of the area; the transportation effects, including whether the site is accessible by non-car modes of travel, and the off street parking effects; the effect in terms of residential amenity; and the environmental effects.

### 5.2 Appearance/Form and Impact on the Visual Amenity of the Area

The proposal is for a new Elliott building to be linked to an existing Elliott building. The proposal measures approximately 6 metres in width and 8.5 metres in height. It is encompassed by a flat roof with an apex of approximately 3.5 metres. The applicant has specified that the materials used will match the appearance of the existing building. A link to the existing Elliott building will allow the existing ramped access and disabled w.c. to be utilised. The proposed building is located to the north of the existing school building, and will be relatively well screened by existing built form and vegetation, and will not be prominent from views from the surrounding area.

5.3 The proposal will require the removal of 3no. trees. It is not considered that the trees make a significant contribution to the character and visual amenity of the area; therefore, it is not considered that the removal of the trees will adversely affect the character of the area.

5.4 Whilst there is no objection in terms of appearance/form a permanent consent cannot be contemplated due to the temporary nature of the building. Whilst the comments made by Bradley Stoke Town Council are noted, a condition for the building to be removed after a period of 5 years is considered reasonable, if permission is granted, in the interests of high quality design.

### 5.5 Transportation

According to the applicant the proposal is to provide additional teaching accommodation for the existing pupils. There are no plans to increase the number of pupils or staff at the site. Whilst the Local Planning Authority will have not control over pupil numbers, given the scale of the scale of the building proposed, it is not considered that there will be a significantly adversely greater effect in terms of levels of vehicular traffic or on-street parking to the detriment of the amenities of the area and highway safety. The site is located in a sustainable location with good access to non car modes of travel. Weight is given to the fact that the Council's Transportation Officer has raised no objection to the proposal.

### 5.6 Residential Amenity

The building is located within an existing school site; therefore, it is not considered that there will be a materially greater impact in terms of noise or disruption to the detriment of neighbouring residential occupiers. There is a separation distance of approximately 20 metres between the proposed building and the closest neighbouring property.

This level of separation is considered to be sufficient to ensure that neighbouring occupiers will not be significantly adversely affected through loss of natural light or privacy.

5.7 Environmental

The main issue in terms of the environmental impacts is the loss of 3no. trees. However, it is not considered that the trees to be removed make a significant contribution to the character of the area; therefore, there is no objection to the proposal.

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. The building hereby permitted shall be removed and the land restored to its former condition within 5 years of the date of this consent.

Reason

Given the temporary nature of the building in the interests of high quality design and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

<b>App No.:</b>	PT14/1616/F	<b>Applicant:</b>	Mr And Mrs Phelan
<b>Site:</b>	82 Dragon Road Winterbourne Bristol South Gloucestershire BS36 1BJ	<b>Date Reg:</b>	28th April 2014
<b>Proposal:</b>	Erection of 1no. dwelling with access and associated works. (Re Submission PT14/0046/F).	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	364810 180034	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th June 2014



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100023410, 2008.

**N.T.S.**

**PT14/1616/F**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 1no. dwelling with access and associated works.
- 1.2 The application site comprises approximately 0.0392 square metres of garden land associated with the property no.82 Dragon Road, which is situated on the western side of the street. The site is located within the defined Winterbourne settlement boundary and is outside of the defined Green Belt. The rear (western) boundary of the site forms the settlement and Green Belt boundary.
- 1.3 Planning permission has been granted at the site previously under appeal (PT11/2910/F) for the erection of a dwelling at the site. This previous consent is extant and expires on 8<sup>th</sup> March 2015.
- 1.4 The proposal is set back approximately 8.5 metres from the street with vehicular parking and turning space to the front; access is off Dragon Road. The dwelling is two-storeys in height from the front but three storeys at the rear due to the topography of the site, which slopes down steeply from the front of the site to the rear, which allows for a basement area. The dwelling comprises 4no. bedrooms, one with ensuite. The applicant has specified red/brown concrete interlocking roof tiles; natural stone finish to the front elevation and rear lean-to with white render elsewhere; the windows are to be white uPVC.

### **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

T7 Cycle Parking

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

L9 Species Protection

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

CS34 Rural Areas

- 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 PT14/0046/F, Erection of 1no. dwelling with access and associated works, withdrawn, 07/03/14.
- PT11/2910/F, Erection of 1no. detached dwelling with access and associated works (Resubmission of PT11/1343/F), refusal, 26/10/11. Appeal allowed on 8<sup>th</sup> March 2012.
- 3.2 PT11/1343/F, erection of 1no. detached dwelling with revised access and associated works. Erection of detached garage block for four vehicles, withdrawn, 16/06/11.
- 3.3 PT07/2842/F, erection of 1no. detached house and garage. Formation of new pedestrian access with associated works, withdrawn, 08/10/07.
- 3.4 N6685, erection of dwelling and garage together with the construction of a new pedestrian access (outline), refusal, 03/07/80.

### 4. **CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
Objection as for the application PT14/0046/F. The property is on the junction of Mill Road and Dragon Road which is a very busy junction access and egress and is dangerous. The windows are not aesthetically pleasing.
- 4.2 Transportation DC Officer  
The applicant is requested to amend the garage to comply with the standards or alternatively prove that he has 2no. off street car parking spaces that can be accessed and egressed in a forward gear.
- 4.3 Environmental Protection Officer  
No objection in principle
- 4.4 Highway Structures  
Details of excavations and the temporary support that is to be provided during construction are to be submitted to satisfy the highway authority that support to the highway is provided at all times.
- 4.6 Tree Officer  
No comments
- 4.7 Ecological Officer  
No objection subject to condition



#### 4.8 Landscape Officer

A plan should be provided showing some soft landscaping to the front of the site.

### **Other Representations**

#### 4.9 Local Residents

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

The dwelling should adjoin the main sewerage system.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 (SGLPCS) states that in the rural areas....outside the Green belt...small scale development may be permitted within the boundaries of villages defined on the policies map. Given that the proposal is for a single dwelling it is considered to be of sufficiently small scale to comply with policy CS5.

5.2 Policy CS17 of the SGLPCS states that the building on gardens will be allowed where this would not adversely affect the character and amenity of the area and bring about highway issues.

5.3 The principle of the development is acceptable by virtue of policies CS5 and CS17 of the SGLPCS. The main issues to consider are the appearance/form of the proposal and the effect on the character of the area; the effect on the residential amenity of neighbouring occupiers, and whether there is sufficient semi/private amenity space provision; the environmental effects; whether the proposal makes efficient use of land; and the transportation impacts, including the effect on local congestion and parking.

5.4 Weight is also given to the fact that there is already extant permission for a dwelling at the site and this holds material weight when considering the proposed scheme. The principle of the development is acceptable subject to considerations regarding the appearance/form of the proposal; the impact on the residential amenity of neighbouring occupiers; the environmental impacts; and transportation effects.

### 5.5 Appearance/Form

Compared to the previous scheme allowed at appeal; the proposal offers a significant improvement in terms of appearance and form. The materials proposed of red/brown concrete interlocking tiles, natural stone for the front elevation and rear lean-to and chimney, and white thru colour render and the side elevations and rear first floor elevation, and painted/treated timber eaves will ensure a high quality standard of appearance in keeping with the character of the surrounding built form.

5.6 Although the proposed dwelling is set further back than the neighbouring properties either side, it is not considered that it will appear adversely out of keeping with the siting of the surrounding built form.

5.7 Environmental Effects

The majority of the vegetation has been cleared from the site. Accordingly, there are no significant issues regarding ecology of trees. Whilst the Ecological Officer has recommended a condition with regards to a mitigation strategy to avoid harm to slow worms and hedgehogs, weight is given to the fact that the Planning Inspector did not include such a condition in the previously approved consent for a dwelling at the site. A dwelling could therefore, be erected without a slow worm or hedgehog mitigation strategy being submitted. The site has also been cleared of vegetation. Accordingly, such a condition is considered to be unreasonable.

5.8 Transportation

The proposal is broadly identical to the previous scheme allowed at appeal. However, since the appeal was decided the Council has introduced minimum parking standards, which for a 4 bed dwelling requires a minimum of 2no. off-street car parking spaces. For a garage to be considered a car parking space it needs to have a minimum internal dimension of 3 metres by 6 metres. At present the garage does not meet the provisions set out in the standards and the applicant has not acceded to Officers requests to increase the size of the garage. The proposal does not have adequate off-street parking and is therefore, contrary to the guidance contained in the Council's adopted Minimum Parking Standards SPD. Notwithstanding this material weight is given to the fact that there is an extant permission at the site whereby the fall-back position would be broadly similar to the proposed parking arrangement (the appeal decision was decided before the Council's adopted parking standards SPD came into existence). Therefore, in this instance a refusal reason on the basis of insufficient parking would be untenable.

5.9 Residential Amenity

There is extant planning permission for a dwelling at the site; however, the proposed dwelling is set further back than the previously approved scheme and would result in a 6 metre long two-storey wall being just 2 metres from the shared northern flank boundary. The enclosing effect on neighbouring occupiers would be exacerbated by the fact that the proposed dwelling is directly south of the neighbouring property. It is considered that there would be an unreasonable loss of light to the windows in the rear elevation of no. 82 to the detriment of the residential amenity of occupiers. It is noted that planning permission has been granted for extensions to the rear of no.82, which would help to offset the impact of the proposed dwelling; however, the previous application was refused on the basis that this extant permission did not appear to have been implemented; therefore, there was no guarantee that the scheme would be carried out. However, the applicant has subsequently submitted a building regulations submission relating to the extensions to no.82, and Officers consider that it is extremely likely that the extensions at no. 82 will be carried out. Accordingly, it is considered that the extensions approved to no.82 would adequately mitigate against the effect of the proposed dwelling and the

proposal will not have a significant adverse effect in terms of loss of outlook/natural light to the detriment of occupiers.

- 5.10 The plans indicate that windows in the side elevations of the proposed dwelling will be obscure glazed. Accordingly, it is not considered that the privacy of neighbouring occupiers will be significantly adversely affected. A condition is recommended, if permission is granted, to ensure that obscure glazing is retained at all times.
- 5.11 Balconies are proposed to the rear of the property at ground and first floor level to take advantage of views across the countryside. Provided that appropriate privacy screens are erected and retained at the sides of the balconies at all times then it is not considered that the privacy of neighbouring occupiers would be significantly adversely affected. A condition is recommended on this basis if permission is granted. Whilst there is likely to be overlooking into neighbouring gardens from the balcony staircase, it is not considered that this part of the proposal will be used for outdoor living accommodation for any length of time and any views into neighbouring gardens will primarily be only glimpses and will not materially affect the privacy of neighbouring occupiers.
- 5.12 Further Matters  
The comments made in objection to the scheme from the neighbouring occupier are noted; however, it is considered that it is not unreasonable to consider that an acceptable means of drainage could be provided at the site. Weight is given to the fact that there is extant permission for a dwelling at the site. If permission is granted, a condition is recommended for further drainage details to be agreed.

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

## **7. RECOMMENDATION**

- 7.1 Planning permission is GRANTED for the reason 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. 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 an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

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

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

4. The integral garage shall be kept available for the parking of motor vehicles at all times. The garage shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and permanently retained as such thereafter.

Reason

To ensure there is adequate turning and parking provision at the site and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

5. The building shall not be occupied until the area shown as a turning area on drawing "site plan" No. 02 has been drained and surfaced in accordance with details submitted to and approved in writing by the Local Planning Authority, and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason

To ensure there is adequate turning and parking provision at the site and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

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

Reason

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; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

7. Prior to the first occupation of the dwelling hereby permitted, and at all times thereafter, the proposed windows in the side elevations shall be glazed with obscure glass to level 3 standard or above with any opening part of the windows being above 1.7m above the floor of the room in which it is installed.

Reason

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

8. No windows other than those shown on the plans hereby approved shall be inserted at any time in the side elevations of the property.

Reason

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

9. Notwithstanding the details submitted, prior to the commencement of the development details of the design, size and location of privacy screens to the balcony areas to the rear of the property shall be submitted to and agreed in writing by the Local Planning Authority. The privacy screens shall be provided in accordance with the agreed details prior to the first occupation of the dwelling hereby approved and retained thereafter.

Reason

To achieve an acceptable standard of external appearance and in the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 23/14 – 6 JUNE 2014**

**App No.:** PT14/1720/F  
**Site:** 10 Oakwood Gardens Coalpit Heath  
 Bristol South Gloucestershire  
 BS36 2NB

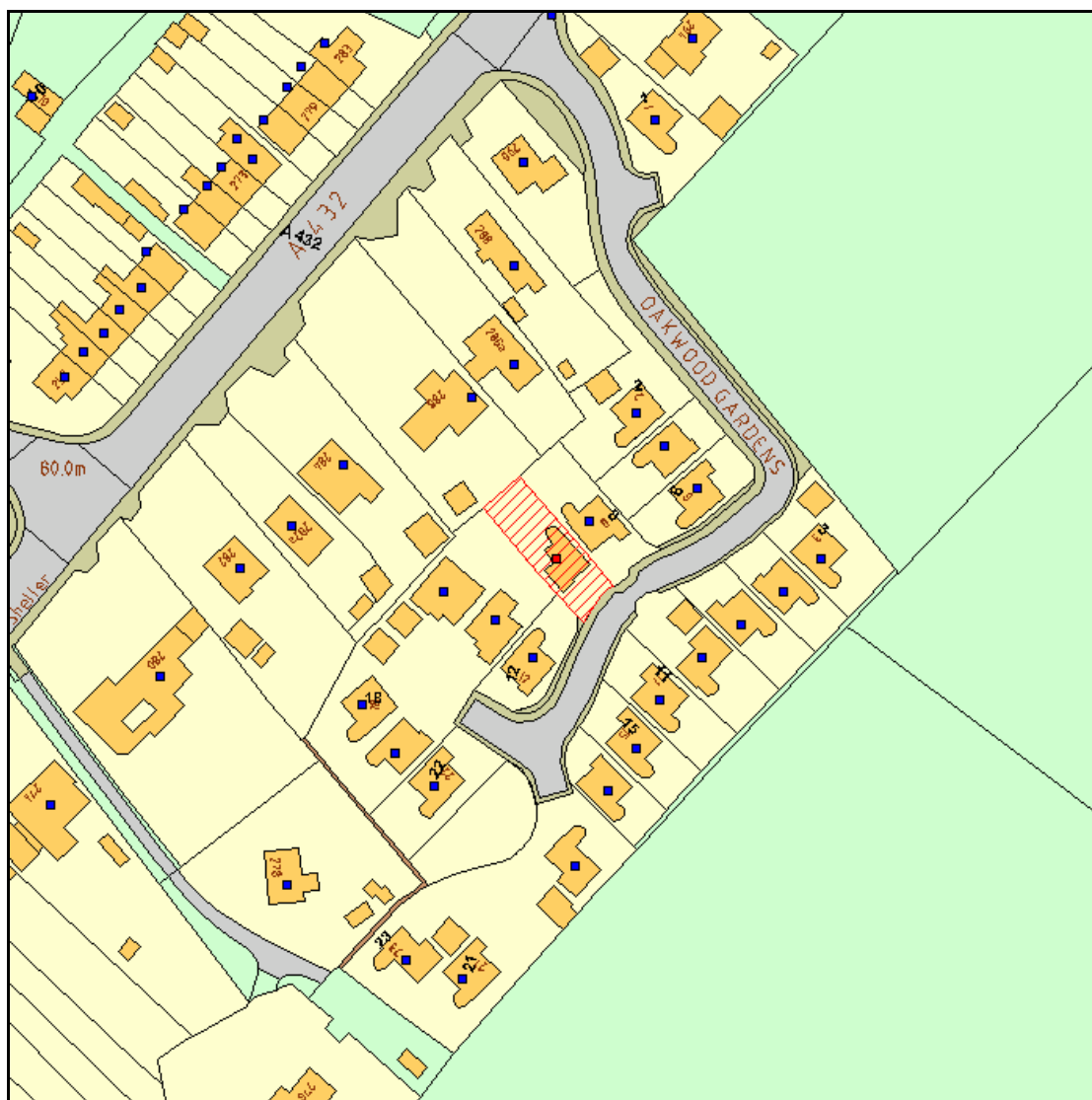
**Applicant:** Mr Larry Fedrick  
**Date Reg:** 9th May 2014

**Proposal:** Erection of two storey rear and first floor side extension to provide additional living accommodation.  
 Erection of rear conservatory.

**Parish:** Westerleigh Parish Council

**Map Ref:** 368061 181405  
**Application Category:** Householder

**Ward:** Westerleigh  
**Target Date:** 25th June 2014



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

This application appears on the Circulated Schedule because objections have been received from neighbouring occupiers contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey rear and first floor side extension to provide additional living accommodation and the erection of a rear conservatory.
- 1.2 The application site comprises a two-storey detached property located on the northwestern side of the cul-de-sac Oakwood Gardens within the defined Coalpit Heath settlement boundary.

### **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 No relevant planning history.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection
- 4.2 Transportation DC Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
Three letters of objection have been received from neighbouring occupiers. The following is a summary of the reasons given for objecting:

- The dwelling was originally design with a reduced gable to reduce the impact on the outlook of neighbouring occupiers;
- Overbearing loss of outlook and loss of daylight due to the proximity of the resulting two-storey gable close to the boundary;
- The extension will dominate the surrounding area;
- Loss of privacy;
- A mining shaft is at the rear of the property of no.10 and could cause ground fracturing, which could affect out boundary wall;
- Proposal would not be in-keeping with other properties.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

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

### 5.2 Appearance/Form

The proposal extends the existing ridge and eaves across for approximately 2.8 metres so that the extension would be flush with the main front and rear elevations of the existing dwellinghouse. Whilst the extension will not appear subservient to the main dwelling it is considered that it is acceptably in-keeping with the character of the dwelling and surrounding properties and will not bring about any significant issues to the streetscene.

5.3 The proposed rear extension replaces an existing conservatory and extends the full width of the existing rear elevation of the dwelling. It extends approximately 4.3 metres into the rear garden and it is encompassed by a pitched gabled roof. There were concerns that the scale of the extension would dominate the rear elevation of the dwelling and would appear out of-keeping with its character; however, weight is given to the fact that this part of the scheme will be well screened from views from the public realm and will not affect the principal elevation of the dwelling. Moreover, the applicant has highlighted similar extensions that have been approved by the Local Planning Authority (PK14/1012/F & PT08/2292/F). As such, a refusal on this basis would be unreasonable.

5.4 A glazed hipped roof conservatory approximately 4.3 metres in length would infill the space between the rear extension and side extension. This part of the scheme is considered to be acceptably in-keeping with the character of the host dwelling and surrounding properties and will be well screened from views from the public realm. The applicant has specified that all materials will match the existing dwellinghouse; a condition on this basis is therefore, not required if permission is granted.

### 5.5 Residential Amenity

#### Effect on no.8

This neighbouring property is located to the northeast of the application site; therefore, given the two-storey scale of the extension and its relatively long



length (4.3 metres), careful consideration is required regarding the effect on the amenity of neighbouring occupiers. The host dwelling is set forward of the neighbouring property by approximately 1.4 metres, which will mitigate some of the impact of the proposal. The neighbouring property also benefits from a rear conservatory, which will help to offset some of the impact of the proposal. The proposed extension will overhang the main rear elevation of the neighbouring property by approximately 3 metres given the respective siting of the host and neighbouring properties. Whilst it is noted that there is likely to be some loss of light to neighbouring occupiers, given the detached nature of the site, and the fact that there will be a separation distance of approximately 2 metres between the host and neighbouring property, on balance, it is not considered that this will significantly adversely affect the residential amenity of neighbouring occupiers. Weight is given to the fact that amended plans have been received which have hipped the roof of the extension to reduce its massing and to lessen the effect on neighbouring occupiers in terms of loss of light. It is not considered that the proposal will adversely prejudice the outlook of neighbouring occupiers. An additional ground floor double window is proposed in the northeastern side elevation of the property. Given its ground floor position it is not considered that it will adversely affect the privacy of neighbouring occupiers.

#### 5.6 Effect on nos.12, 14 and 16

It is noted that the outlook from the rear windows and garden of the neighbouring properties 12, 16, and no.14 in particular will be affected, as the proposal will result in a two-storey gabled wall being just 1 metre (approx.) from the shared boundary, and extend the full width of the neighbouring garden of no.14. However, material weight is given to the fact that the siting of the host dwelling already affects the outlook of the neighbouring properties. On balance, it is not considered that the proposal, which moves the two-storey gabled wall of the main dwelling approximately 2.7 metres closer to the flank boundary will have a significantly adversely greater effect on the residential amenity of occupiers than the existing situation. It is not considered that the resulting relationship will be significantly unusual for a relatively high density residential area. For example, the resulting relationship between the host and neighbouring property would be similar to the relationship between no.8 and no.4. In this instance weight is also given to the fact that nos. 12, 14 and 16 are located to the southwest of the application site; therefore, it is not considered that occupiers will be significantly adversely affected in terms of loss of natural light. The only windows proposed at first floor level in the southwestern side elevation are narrow high level windows. Provided that these windows are located high enough up the flank wall, which can be ensured by condition if permission is granted, it is not considered that the privacy of neighbouring occupiers will be significantly adversely affected. Windows proposed in the rear elevation of the extension will only allow for views into neighbouring gardens at an oblique angle. It is not therefore, considered that any overlooking would have a significant adverse effect on the privacy of neighbouring occupiers.

#### 5.7 All other neighbouring properties are located at a sufficient distance from the site to ensure that occupiers will not be significantly adversely affected. An adequate amount of private amenity space will be left to serve the dwelling.

## 5.8 Transportation

The level of off-street parking at the property is adequate to serve the proposed extension. The Highway Authority has raised no objections to the proposal.

## 5.9 Further Matters

The objection on the basis of the potential mine shaft is noted. However, this is a matter that can be dealt with under building regulations. If permission is granted, an informative note is recommended to notify the applicant that the site is located in a place where coal mining has taken place in the past and that additional information/mitigation measures may need to be provided for building regulations approval. Damage to neighbouring properties through development is outside the scope of the planning process and is a separate civil matter. Further guidance can be found in the Party Wall Act 1996.

## 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 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 narrow first floor windows proposed in the southwestern side elevation, and shown on the plan "proposed elevations" no. P3 received by the Local Planning Authority on 4th June 2014 shall be located no lower than 1.8 metres above the floor of the room in which the windows are installed.

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2014.