



**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. 10/14**

**Date to Members: 07/03/14**

**Member's Deadline: 13/03/14 (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 your request, please contact 01454 863519, well in advance of the deadline, to discuss alternative arrangements to ensure your response can be received.
- When you refer an application, make clear what the planning reasons are for doing so. This will help the case officer and other members give attention to the specific issues you have raised.
- It may also allow officers to seek to negotiate with the applicant to overcome the Member's concerns and therefore removing the need for a Committee determination.

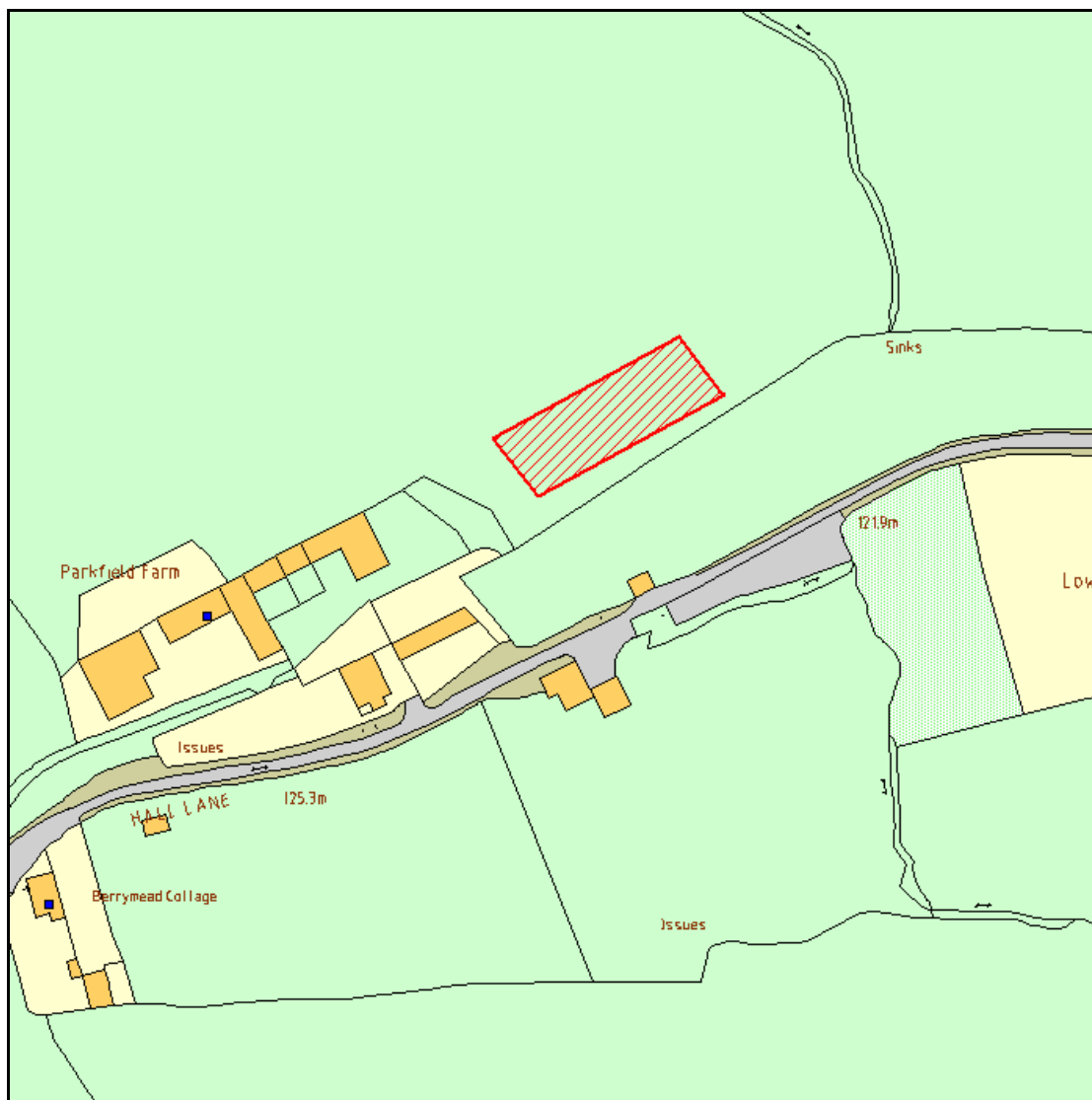
# CIRCULATED SCHEDULE – 7 MARCH 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/3599/F	Refusal	Parkfield Farm Hall Lane Lower Hamswell South Gloucestershire BA1 9DE	Boyd Valley	Cold Ashton Parish Council
2	PK13/4028/FDI	Approve	Land North Of Peg Hill Yate South Gloucestershire	Yate North	Yate Town
3	PK13/4355/F	Approve with Conditions	Land Adjacent To 147 High Street Kingswood South Gloucestershire BS15 4AQ	Kings Chase	None
4	PK13/4469/F	Approve with Conditions	Former Wapley House Care Home Kelston Close Yate South Gloucestershire BS37 8SY	Dodington	Dodington Parish Council
5	PK14/0091/F	Approve	25 Rathbone Close Coalpit Heath South Gloucestershire BS36 2TW	Westerleigh	Westerleigh Parish Council
6	PK14/0103/F	Approve with Conditions	39 Ducie Road Staple Hill South Gloucestershire BS16 5JZ	Staple Hill	None
7	PK14/0159/F	Approve with Conditions	102 Horse Street Chipping Sodbury South Gloucestershire BS37 6DD	Chipping	Sodbury Town Council
8	PK14/0171/F	Approve with Conditions	100 Canterbury Close Yate South Gloucestershire BS37 5TU	Yate North	Yate Town
9	PK14/0191/F	Approve with Conditions	161 Roundways Coalpit Heath South Gloucestershire BS36 2LU	Westerleigh	Westerleigh Parish Council
10	PK14/0192/F	Approve with Conditions	Four Acres Opposite Rudgeway Farm Ashwicke Road Marshfield Chippenham South Gloucestershire SN14 8AD	Boyd Valley	Marshfield Parish Council
11	PK14/0249/F	Approve with Conditions	296 North Road Yate South Gloucestershire BS37 7LL	Ladden Brook	Iron Acton Parish Council
12	PT13/4479/CLP	Approve with Conditions	Bristol Memorial Woodlands Old Gloucester Road Alveston South Gloucestershire BS35 3TA	Thornbury South And	Alveston Parish Council
13	PT13/4704/F	Approve with Conditions	112 Gorse Cover Road Severn Beach South Gloucestershire BS35 4NP	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT14/0039/RVC	Approve with Conditions	Grove House Stone Lane Winterbourne Down South Gloucestershire BS36 1DQ	Winterbourne	Winterbourne Parish Council
15	PT14/0115/PDR	Approve with Conditions	20 Hortham Lane Almondsbury South Gloucestershire BS32 4JL	Almondsbury	Almondsbury Parish Council
16	PT14/0282/CLP	Approve with Conditions	47 Rodway Road Patchway South Gloucestershire	Patchway	Patchway Town Council
17	PT14/0305/F	Approve with Conditions	Sita Short Way Thornbury South Gloucestershire BS35 3UT	Thornbury South And	Thornbury Town Council

## CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014

<b>App No.:</b>	PK13/3599/F	<b>Applicant:</b>	Mr And Mrs Cann
<b>Site:</b>	Parkfield Farm Hall Lane Lower Hamswell South Gloucestershire BA1 9DE	<b>Date Reg:</b>	3rd October 2013
<b>Proposal:</b>	Erection of haybarn/implement store	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	372889 171094	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th November 2013

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100023410, 2008. **N.T.S.** **PK13/3599/F**

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

This application has been referred to the Circulated Schedule as officers' recommendation is contrary to the consultation response.

### **1. THE PROPOSAL**

1.1 The application seeks full planning permission for the erection of an agricultural building at Parkfield Farm, Hall Lane, Lower Hamswell. Although the application form states that the proposal is to erect a hay barn / implement store, the Design and Access Statement clearly states that approximately 3 bays of the building will also be used as lambing shed when the flock is lambed in the spring. Therefore the description has been slightly changed to reflect the intended uses of the proposed building.

1.2 The proposed building is an open sided barn, which would measure 18.3 metres deep by .49 metres long and 4.8 metres to its eaves. The proposed building would have Farmscape Anthracite Roof – 4 rooflights per bay and there would be Yorkshire timber cladding above the eaves. The proposed building will be located to the east of the existing farm buildings.

1.3 The Design and Access Statement states that the proposed building will be used for the following purposes:

Hay Storage: The existing buildings are low and on sloping land with poor access. They are very small and unsuitable for use with modern handling equipment.

Implement Shed: The existing buildings are too small to accommodate modern machinery and implements and the applicants would prefer not store such items in open.

Lambing Shed: Approximately 3 bays of the building will be used as a lambing shed when the flock is lambed in the spring.

1.4 The whole site is located in the Cotswold Area of Outstanding Natural Beauty, an area having the highest status of landscape protection. The site is also located in the Green Belt. The Cotswold Way, which is a Major Recreational Route, passes east-west to the south on the other side of the valley in which the site is located.

1.5. The Design and Access Statement states that the applicant recently purchased Parkfield Farm which was a former livestock holding extending to some 29.5 hectares. The intention is to create a mixed agricultural enterprise together with racehorse training stables.

Parkfield Farm comprises a dwelling house together with a complex of traditional agricultural storage and livestock buildings and two relatively small steel framed and sheeted buildings. Currently some of these buildings are used for keeping 10-12 horses.

It should be noted that planning permission is required for the use of these buildings for keeping horses, therefore the current use of keeping horses on these buildings is unauthorised.

It should also be noted that previous planning permission, PK13/0117/F, was refused for the change of use of land and buildings from Agricultural to mixed use Agricultural and Equine Use. Erection of stables, formation of gallops and associated works, by the Development Control East Committee. The refusal reasons are as follows:

- The proposed gallop by reason of its siting, length, prominence in the landscape and engineered appearance causes substantial harm to the registered Lansdown Battlefield of the First Civil War of 1643 and as such the gallop is contrary to Policies L1, L2 and L10 of the Adopted South Gloucestershire Local Plan (adopted January 2006 and paragraphs 132 and 133 of the National Planning Policy Framework.
- The site is located within the Bristol/Bath Green Belt and in the open countryside. The proposed stables do not fall within the limited categories of development normally considered appropriate within the Green Belt and it is considered that the limited circumstances advanced in support of the application do not justify the granting of planning permission. The proposal is therefore contrary to the provisions of policy GB1 of the South Gloucestershire Local Plan (adopted January 2006) and section 9 of the National Planning Policy Framework.
- The long low stone building, which is an attractive non-designated heritage asset, contributes to the wider landscape and character of the AONB. Its removal and replacement with a larger, modern building is contrary to policies L1 and L2 of the South Gloucestershire Local Plan (adopted January 2006) and the National Planning Policy Framework.

1.6 In addition, the applicants also submitted a separate planning application, PK13/4178/F, for the erection of agricultural building (retrospective), which is currently being considered.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012

Section 1 Building a strong, competitive economy

Section 3 Supporting a prosperous rural economy

Section 7 Requiring good design

Section 9 Protecting Green Belt Land

Section 11 Conserving and enhancing the natural environment.

Section 12 Conserving and enhancing the historic environment

## 2.2 Development Plans

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

L1	Landscape protection and enhancement.
E9	Agricultural Development
EP2	Flood Risk and Development
L1	Landscape protection and enhancement
L2	AONB
L9	Species Protection
L10	Historic Parks and Gardens and Battlefields
L12	Major Recreational Route
T8	Parking Standards
T12	Transportation Development Control Policy for new Development

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

CS1	High Quality Design
CS9	Managing the Environment and Heritage
CS34	Rural Areas

## 2.3 Supplementary Planning Guidance

SG Landscape Character Assessment. Character Area LCA 3, Ashwicke Ridges.

Development in the Green Belt SPD adopted May 2007

South Gloucestershire Design Checklist (Adopted) 2007

## 3. RELEVANT PLANNING HISTORY

- 3.1 P89/2405 Conversion of agricultural barns to form two dwellings. Refusal of Full Planning
- 3.2 P90/2241 Conversion of redundant agricultural buildings to form two dwellinghouses (in accordance with amended plans received by the council on 10TH October 1990). Approval Full Planning A letter on file states that insertion of the drainage for the conversion and the discharge of condition seven is considered to represent the commencement of the development.
- 3.3 MODK12/0003 Modification of S106 Agreement attached to planning application P90/2241
- 3.4 PK12/3348/F Change of use of land and buildings from Agricultural to mixed use Agricultural and Equine Use. Erection of stables, formation of School for Exercising of Horses, siting of Horse Walker, formation of Gallops, resiting of access and associated works. Withdrawn 18.12.2012
- 3.5 PK13/0117/F Change of use of land and buildings from Agricultural to mixed use Agricultural and Equine Use. Erection of stables, formation of gallops and associated works. (Resubmission of PK12/3348/F). Refused 30.07.2013

## 4. CONSULTATION RESPONSES

4.1 Cold Ashton Parish Council  
The Parish Council supports the proposal.

### 4.2 Other Consultees

#### English Heritage

No objection. The application site lies just outside of the Registered Battlefield and terraced in at the bottom of a steeply sloping valley. This means it would not be prominent in views experienced from within the Battlefield or looking into or across the Battlefield. It is considered that the proposal would not result in a significant change in setting to the Registered Battlefield.

#### Archaeology

Archaeology Officer has no objection to this current application, but the applicant is advised that further applications across the site and around the farm will require the results of archaeological work in support of the application.

#### Drainage

No objection subject to a planning condition seeking no development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.

#### Landscape Architect

Objection.

There is no in principal objection to the proposed development, however there is a concern that the size of the barn is excessive and a robust agricultural justification is needed with regards to the size of the farm holding and the nature of the farm business in order for the application to be supported.

#### Highways

No objection

### Other Representations

#### 4.3 Local Residents

Two supportive comments were received in relation to the following points:

This barn is required for an agricultural enterprise. It will be well hidden behind a line of trees and is immediately adjacent to existing farm buildings.

This barn is essential to the agricultural business at Parkfield Farm. It is sited off the battlefield and behind a hedgerow with tall trees, thus concealing it from the Cotswold Way. It will not be obtrusive in the landscape.



It is essential that agricultural activity is supported in this valley to maintain the landscape and its very high value historical aspects. If Parkfield Farm were to cease to be agricultural, it would be given over to housing, with gardens, parking and paddocks: its historic field lines and landscape value would be destroyed, as would the possibility of public access to walk the Lansdown Battlefield.

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

This site is located in the open countryside of the Cotswolds AONB, within a Registered Battlefield and within the Green Belt. The NPPF seeks to be proactive in relation to development and seeks that planning policies should support economic growth in rural areas and as such some weight must be given to the economic development potential of this site. This weight needs to be balanced against the implications of such development.

Policy E9 of the Local plan deals with agricultural development and identifies that they will be permitted provided that

- A. They are sited on land which is in use for agricultural purposes and there are no existing suitable underused buildings available, and
- B. Adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard, and
- C. Development would not have unacceptable environmental effects, and
- D. The proposal would not prejudice the amenities of people residing in the area.

Nevertheless, as the proposed building would be located within the Bristol / Bath Green Belt, therefore an assessment in relating to the Green Belt need to be made before other policies in the local plan or within the National Planning Policy Framework can be considered.

### 5.2 **Green Belt**

The National Planning Policy Framework states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- 1. buildings for agriculture and forestry;
- 2. provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

3. the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
4. the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
5. limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
6. limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

5.3 The proposal is to erect a haybarn / implement store / lambing shed. During the course of the application, there have been a number of discussions and site meetings in relating to the scale of the proposed building and the current use of the existing buildings within the farm complex. The applicants submitted supporting statements to demonstrate their intention to introduce 250 ewes and lambs to the site. In addition, the applicants also declare they currently keep a farm holding in Devon, and their intention to transport hay crops from the holding in Devon to the proposed building.

Based on the submitted information, officers acknowledge the applicants have an intention to keep ewes and lambs on site, the agricultural land associated with this Farm would produce hay crops. In addition, storage spaces are required for keeping a number of agricultural plants and machinery on site.

Officers therefore consider that the principle of the proposed agricultural building would comply with one of the Exceptions development that allows in the National Planning Policy Framework.

#### 5.4 Agricultural uses

Whilst Officers consider that there is no in-principal objection to the proposed agricultural building, there are significant concerns over the size of the proposed building, which has a very large footprint, 18.3 metres by 49 metres, and this would be more than double the size of the existing footprint of the farm complex. Officers therefore consider that the size of the barn is excessive and a robust agricultural justification is needed with regards to the size of the farm holding and the nature of the farm business in order for the application to be supported.

A number of statements have been submitted to support the proposal. The applicants have indicated an intention to introduce 250 ewes and lambs on site. In addition, the agricultural land also produces hay which will be used by the applicants' own horses and sold to third parties. There are agricultural plant and machinery need to be kept on site. The statement also indicates that the existing Dutch barn and traditional stone buildings would not be able to provide satisfactory storage spaces due to the different ground levels and restricted openings.

Agricultural Consultant has considered that the use and the scale of the proposed building, including the applicants' submitted information regarding the agricultural and equestrian enterprise, the uses of the existing buildings including the potential replacement building (which is subject to current application, PK13/4178/F), the planning history of the site, the potential use of the existing stone buildings, which are currently occupied by approximately 12 horses.

The Consultant considers that the farming holding, which is approximately 29.5 hectares, would be adequate for stocking 250 ewes and lambs and the footprint of agricultural building of around 1,000sq m would be appropriate. This does not account for a workshop or farm office which could be provided in the more traditional buildings. The existing (currently used as stables) building to the far west is estimated to be around 300sq m in footprint (albeit on 2 levels) plus the adjacent barn of around 150sq m; a total of around 450sq m – this is sufficient for a 100 ewe lambing flock (plus some hay storage) but not for 250. The buildings are reasonably old and the levels make adequate drainage provisions however there is scope here to consider to demolish these existing modern agricultural buildings and to rebuild appropriate buildings (subject to separate planning applications) and in doing so make a more level site and therefore more suitable for future farming needs. The Consultant also took consideration the health and safety implications, which are referred to by the applicant – the loading and unloading of hay/straw etc and the Consultant considers that improvements should be made to minimise the risk.

Based on the submitted information, the Consultant therefore considers that the proposed 8-bays building, which is approximately 897 sq metres, would be excessive and unnecessary for the farm holding as the required spaces would only be around 550sq m, which is approximately a length of 5-bays building (based on 6.1m wide each bay and an 18.3m span), and your case officer agrees with the Consultant's views. It should be noted that if planning permission be granted for the retrospective agricultural building, which would give further 205sq m on site, then a maximum 4 bays would be reasonable.

Applicants have indicated that they need storage spaces for keeping the top quality hay crops that produced in Devon and it would be unsecure to store the crops in Devon as the applicants have moved from Devon and are living in Parkfield Farm. Officers however consider that these would not justify for the size of proposed building on this site.

Whilst proposed new agricultural buildings are supported in principle by Policy E9 of the Saved South Gloucestershire Local Plan, it is considered that the size of the agricultural building proposed is considered to be excessive for the needs of the holding. In particular, officers consider that there is inadequate and precise information and evidence to demonstrate why the existing buildings cannot be used for agricultural storage and lambing shed. As such, it is considered that the size of the proposed building would not be justified, and therefore the proposal is considered to fail to meet Policy E9A of the adopted Local Plan.

## 5.5 Visual Amenity

The proposed agricultural building is located within the AONB, Green Belt and is visible from the Cotswold Way and the Lansdown Battlefield. A large volume of material has been excavated from the site in order to create a level area for the building. Some of this material is currently stored in heaps on the surrounding farm land. Lowering the ground level will help to reduce the visibility of the building within the surrounding countryside. In the event of permission being granted the excavated slope will be predominantly screened by the proposed building and should be allowed to weather and colonised with vegetation naturally.

The building will be partially screened in views from the south by an existing overgrown hedge. This will help to soften the visual impact of the building in views from the opposite side of the valley, which includes views from the Cotswold Way and Lansdown Battlefield. As a section of hedge is much less dense that has opened up potential views of the barn. This section of hedge should be replanted in order to preserve and enhance the landscape character of the area.

The proposed construction materials are typical of modern agricultural buildings and will be in keeping with the rural character of the surrounding area. The building is associated with an existing complex of farm buildings, and there are buildings, both residential and agricultural scattered along Hall Lane. Most of these buildings have a more traditional construction, however there is a large complex of modern agricultural buildings to the east, and the proposed building will not therefore be introducing a new element into the valley.

The proposed location for the barn is considered optimal with regards to visual impact, and the lowered ground level and the existing hedge will help to screen it from views. However due to the sensitive nature of the surrounding countryside the size of the barn could have a detrimental impact on the character of the area and will need to have a robust agricultural justification. Given that there are inadequate and precise agricultural justifications, it is considered that the proposal would have an adverse impact upon the landscape character of the area. As such the scale of development would be harmful to the character and appearance of the special landscape area. The development is therefore contrary to the requirements of Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006, and South Gloucestershire Landscape Character Assessment: Character Area LCA 3 Ashwicke Ridges.

## 5.6 Archaeology

This application lies within an area of archaeological potential, with Parkfield Farm itself an undesignated heritage asset. Where there is the potential for survival of archaeology and in accordance with NPPF, a pre-determination assessment should be submitted.

In this instance a considerable amount of ground disturbance took place as part of the construction of this hay barn and in advance of the application, effectively destroying the archaeology that may have been present.

Although Officers could recommend refusal of this application because of the failure to produce an archaeological assessment and because damage to heritage assets can be ignored in the decision process, this would not restore the archaeology nor is there anyway to mitigate its loss. Therefore Officers have no objection to this current application, but the applicant is advised that further applications across the site and around the farm will require the results of archaeological work in support of the application. This is particularly important as two previously rejected schemes highlighted the archaeology of the farm and not just the battlefield.

#### 5.7 Transportation

Policy E9C requires adequate provision is made for access and manoeuvring of machinery and livestock to avoid the perpetuation, intensification or creation of a traffic hazard. Highway Officer has considered the proposal and raised no objection.

#### 5.8 Drainage

There is no drainage objection to this proposal. In event of the planning permission be granted, a planning condition is imposed to ensure sustainable drainage system to be installed.

#### 5.9 Residential amenity

The nearest residential property is situated opposite side of the lane. Planning permission, PK13/1540/F, was granted for the conversion of an agricultural building to a holiday let. It appears that no construction works has been carried out to this building.

The proposed building would be approximately 40 metres from this holiday let and therefore the proposal would have limited immediate impact on the residential amenity of the few surroundings neighbours as the proposal is sufficiently remote to cause a loss of privacy or cause an overbearing effect.

### 6. CONCLUSION

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

6.2 The recommendation to refuse permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report. Consideration has been given to whether the use of conditions could overcome the harm demonstrated by the above matters and it is felt that conditions would not overcome all of the harm.

### 7. RECOMMENDATION

7.1 Planning permission be refused for the following reasons:

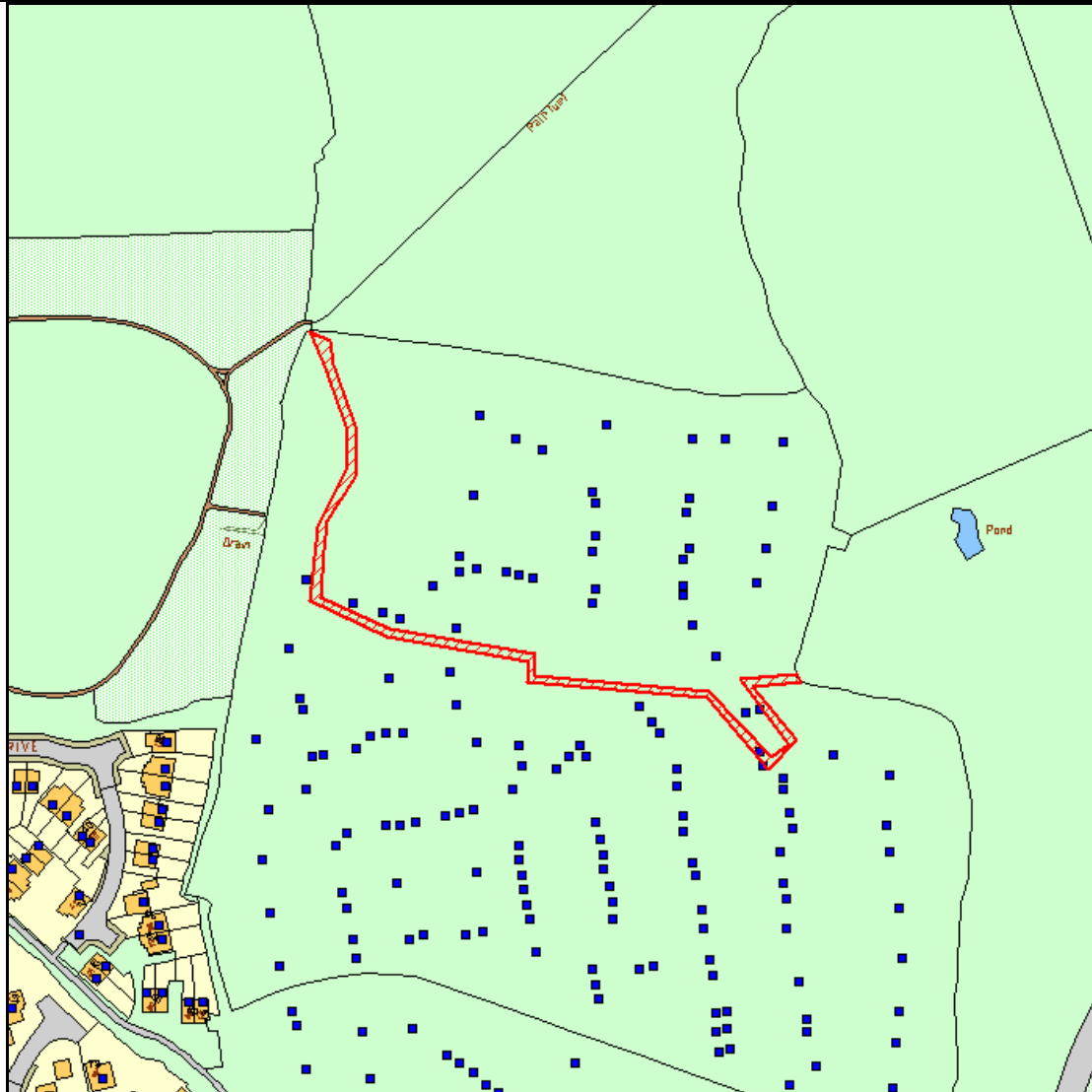
**Contact Officer: Olivia Tresise**  
**Tel. No. 01454 863761**

## **REFUSAL REASONS**

1. There are inadequate and precise information or evidence to justify the needs of such large scale hay barn / implement store/ lambing shed on site. In addition, the proposal fails to demonstrate alternative schemes have been considered to utilise the existing farm buildings within the complex to provide the required storage for agricultural enterprise and the accommodation for livestock. The proposal is therefore contrary to National Planning Policy Framework, Policy E9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS34 of the South Gloucestershire Local Plan:Core Strategy (Adopted December 2013).
2. By virtue of its large size the proposed hay barn / implement store / lambing shed would result in an unacceptable visual intrusion into the open countryside, the Bristol / Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty, contrary to National Planning Policy Framework, Policy L1, L2 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), and South Gloucestershire Landscape Character Assessment - Character Area LCA 3, Ashwicke Ridges.

## CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014

<b>App No.:</b>	PK13/4028/FDI	<b>Applicant:</b>	David Wilson Homes South West
<b>Site:</b>	Land North Of Peg Hill Yate Bristol South Gloucestershire BS37 7XE	<b>Date Reg:</b>	4th November 2013
<b>Proposal:</b>	Diversion of footpaths LYA/48/10 and LYA/49/10 in connection with planning application PK13/1185/RM.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371824 183936	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	25th December 2013



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 100023410, 2008. **N.T.S.** **PK13/4028/FDI**

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

The application appears on the Circulated Schedule as a representation was made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpaths LYA/48/10 and LYA/49/10 in connection with planning application PK13/1185/RM.
- 1.2 The proposal would see footpaths LYA/48/10 and LYA/49/10, which run through the site, diverted due to development approved under planning application PK13/1185/RM which granted permission for "Erection of 235no. dwellings on 8.99 hectares of land with landscaping and associated works including provision of open space. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK12/0429/O)."

### **2. POLICY CONTEXT**

2.1 National Guidance  
Circular 01/2009

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

LC12 Recreational Routes

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

Policy CS9 Environmental Resources and Built Heritage

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

- 3.1 PK12/0429/O Erection of up to 250 dwellings on 8.99 hectares of land with provision of open space and associated works. Outline application with access only. Approved 5<sup>th</sup> October 2012.
- 3.2 PK13/1185/RM Erection of 235no. dwellings on 8.99 hectares of land with landscaping and associated works including provision of open space. (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK12/0429/O). Approved 2<sup>nd</sup> August 2013.

### **4. CONSULTATION RESPONSES**

4.1 Yate Town Council

Object - insufficient information given to make a decision.



#### 4.2 Other Consultees

##### Public Rights of Way

No objection.

##### Crime Prevention

No objection.

##### Transportation

No objection.

#### **Other Representations**

#### 4.3 Local Residents

No response.

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

#### 5.1 Principle of Development

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

##### *Assessment of Proposal*

- 5.2 The proposed diversion will follow the existing footpaths LYA/48/10 and LYA/49/10 closely. The PROW Officer and Highway Officer have noted that para. 7.8 of Circular 01/2009 states “any alternative alignment should avoid the use of estate roads for the purpose wherever possible and preference should be given to the use of made up estate paths through landscaped or open spaces areas away from vehicular traffic”. Unfortunately, due to the nature of the planned built environment that is of a high density the avoidance of estate roads is not possible in this instance. The PROW will however run along a “living street”. This is a single multifunctional surface that has reduced vehicular priority as proposed and advocated in Central Governments adopted guidance, Manual for Streets (MfS) 1 and 2. As such, it is considered that users of the diverted PROW can be accommodated safely with associated vehicular movements.

5.3 The diversion is necessary to facilitate the development of the 235no. dwellings as approved at the reserved matters stage through application PK13/1185/RM.

5.4 Given the above, it is considered that the diversion is suitable in terms of amenity and reasonably necessary in the light of the current planning permission.

## **6. CONCLUSION**

6.1 The recommendation to raise no objection has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 set out above, and to all material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That no objection be raised to the proposed diversion of footpaths LYA/48/10 and LYA/49/10 in connection with planning application PK13/1185/RM.

7.2 That the Head of Legal and Democratic Services be authorised to make an Order under Section 267 of the Town and Country Planning Act 1990.

**Contact Officer: Will Collins**  
**Tel. No. 01454 863425**

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

**App No.:** PK13/4355/F  
**Site:** Land Adjacent To 147 High Street  
 Kingswood Bristol South Gloucestershire  
 BS15 4AQ

**Applicant:** Mr Dean Baldock  
**Date Reg:** 2nd December 2013

**Proposal:** Demolition of existing unit to facilitate the erection of 1 no. detached dwelling with associated works (Re submission of PK13/2181/F)

**Parish:** None

**Map Ref:** 365589 173785  
**Application Category:** Minor

**Ward:** Kings Chase  
**Target Date:** 22nd January 2014



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 100023410, 2008. **N.T.S.** **PK13/4355/F**

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

The application has been referred to the Circulated Schedule due to the receipt of an objection letter from a local resident.

### **1. THE PROPOSAL**

- 1.1 This is a resubmission application seeking full planning permission for the erection of one detached dwelling on a site that is currently occupied by a single storey unit. The proposal is for the erection of a four bedroomed dwelling that would be over two and half floors. The existing unit would be removed to make way for the development as proposed. The previous application was withdrawn.
- 1.2 The application site is within the established urban area and is surrounded by residential land uses.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS29	Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

T7	Cycle Parkings
T12	Transportation Development Control

- 2.3 Supplementary Planning Guidance  
South Gloucestershire Adopted Design Checklist  
Residential Parking Standards (Adopted) December 2013

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

- 3.1 PK13/2181/F Demolition of existing unit to facilitate the erection of 1 no. detached dwelling with associated works. Withdrawn 26.11.2013

### **4. CONSULTATION RESPONSES**

- 4.1 Town/Parish Council  
The area is un-parished

- 4.2 Councils Environmental Protection Team  
No objection subject to an informative in relating to precautionary measures during the construction period. It should be noted that the proposed development is approximately 50 metres from the boundary of the Kingswood

Air Quality Management Area. While the development in itself is not likely to contribute significantly to pollution levels due to the size and nature of the development, it is recommended that due consideration is given to minimising any potential adverse effects on air quality arising from this development, to lessen the cumulative impacts and further deterioration in local air quality

4.3 Highway Drainage

No objection subject to the attachment of a condition

4.4 Highway Officer

No objection provided that the boundary wall that owned by the applicant to be lowered under 0.9 metres.

4.5 Coal Authority

The applicant submitted the Coal Risk Assessment Report, and raised no objection subject to a planning condition seeking site investigation work to be carried out.

**Other Representations**

4.6 Local Residents

A letter of objection has been received, and the local resident raises the following concerns:

We feel that the revised plans do not in any way alleviate our initial concerns over the proximity of the proposed building regarding privacy and lack of light. As regard to parking and road access we also feel there is still not adequate space for 2 cars and visibility to the highway is not adequately safe.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework specifies 12 core principles, which it states that should underpin both plan-making and decision-taking. Whilst the core principles in the National Planning Policy Framework emphasises the efficient use of land and supporting sustainable economic development to deliver homes, it also places an emphasis on securing high standards of design and good standards of amenity for all existing and future occupants of land and buildings; it also states that planning should take into account the character of different areas and enhance and improve places in which people live their lives.

5.2 The main aims of the National Planning framework are broadly reflected in the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) by Policy CS1 and CS29 which allows for the principle of the proposed development. The main issues to consider are whether the appearance/form of the proposal is in-keeping with the character of the host dwelling and surrounding area, the environmental effects, the impact on the residential amenity of the neighbouring occupiers, and the transportation effects.

### 5.3 Layout and Design

The proposed dwelling would be approximately 6 metres wide by 12.6 metres long and approximately 9.2 metres above the ground level. The dwelling would be 2.5 storey and be mainly finished with a mix of render, reconstructed stone under a terracotta colour roof tile.

The proposed front elevation would have a gable, which reflects the frontage of the adjacent properties. Also, the new dwelling would be slightly lower than the adjacent properties to the south. The design including eaves height also reflects the change of the ground level.

On the proposed rear elevation, the new dwelling would have pitched roof dormers, a pitched roof two storey structure and a single storey flat roof structure. The design reflects the character of the adjacent properties in terms of the roof form and scale.

Officers consider that the design and external materials of the proposed dwelling are considered to be acceptable. The application therefore complies with Policy CS1 of the adopted Core Strategy.

### 5.6 Residential Amenity

Policy CS1 of the adopted Core Strategy states that development should not significantly prejudice the residential amenity of residents in the vicinity of the site and those of future occupiers of the development.

The proposed dwelling would have four bedrooms (three bedrooms and an office) over two and half storey, adequate area of amenity space is provided for the future occupiers.

Local residents raise concerns over the loss of privacy. There would be a number of windows on the rear elevation of the new dwelling.

The first floor structure at the rear would not project beyond the adjacent No. 147. No windows are proposed on either side elevations of the first or second floor. In addition, there would be boundary fence along the site boundary. Although the application site is located on an elevated ground, it is considered that the proposal would not cause significant overlooking issues upon the neighbouring properties.

There are four windows on the rear elevation of the first and second floor level. The first floor bedroom window would be approximately 9 metres from the corner of a private garden of adjacent property (approximately 13 metres from the rear elevation of the property) of Station Court. Whilst officers acknowledge that the new dwelling would overlook the garden area, it is considered that, on balance, the level of overlooking would not be significant given that (i) the site is located within an urban area, (ii) the neighbouring properties are already being overlooked by surrounding properties, and (iii) the new dwelling would sit at an angle from the properties of Station Court.

Residents also raise concerns in relating to the loss of light. Whilst officer noted that the first floor structure would be located at the proximity of the neighbour's window, the ridgeline of the proposed first floor building would only slightly higher than the neighbour's windows. It is therefore considered that the proposal would not cause significant overbearing impact upon this neighbouring property

Attention has been paid to the location of new dwelling regarding the projection beyond the front elevation of the adjacent property, No. 147 as concerns have been raised by a local resident.

Officers noted that the front projection beyond the neighbouring property would be approximately 3 metres, nevertheless it should be noted that the proposed dwelling would be approximately 3 metres from the side elevation of the neighbouring property. It is therefore considered that the proposal would not cause significant overbearing impact.

#### 5.7 Highway Issues

Planning permission has previously been sought to demolish the existing building on site to facilitate the erection of a detached dwelling.

The current submission seeks to erect a three storey dwelling which will provide three-bedrooms on the first floor and a home office on the second floor. There is currently a dropped kerb outside the site onto High Street, Kingswood but the vehicular access is currently not in use and is completely overgrown. It is proposed to provide two parking spaces off this access. This level of parking conforms with the Council's new residential parking standards.

Highway Officer was concerned over the visibility onto High Street. The Council requires a minimum visibility splay of 2.4 metres by 43 metres in both directions. This is measured from the edge of the carriageway. From looking at the recent aerial views of the site, it appears that the whole frontage of the application site and the adjoining property, No. 147 has a boundary wall with high trees behind.

The plans submitted do indicate that a boundary wall of 1.2 metres is proposed to the right and 1.4 metres to the left. This boundary needs to be lowered to a max height of 0.9 metres to provide adequate visibility.

A revised plan showing the visibility splay measured correctly, and the applicant has agreed to lower one of the boundary walls that is owned by the applicant. Highway Officer therefore consider that the submitted information have addressed the highway issues and raise no objection to the proposal.

#### 5.8 Unstable Land

The applicant has obtained up-to-date coal mining information for the proposed development site and has used this information to inform the Letter Report (3 February 2014), which now accompanies this planning application.

The Coal Authority considers that intrusive site investigation works should be undertaken following the demolition works on site in order to establish the exact

situation regarding coal mining legacy issues on the site, as these could potentially pose a risk to the proposed development.

The Coal Authority therefore recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these further site investigation works.

In the event that the site investigations confirm the need for remedial works to treat any shallow mine workings to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the new build elements of this proposal.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above condition.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

7.1 That the application be granted 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, G and H), or any minor operations as specified in Part 2



(Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1, CS5 and CS15 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1, CS5 and CS15 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the construction of the proposed dwelling hereby permitted, an intrusive site investigation works shall be carried out following the demolition works on site in order to establish the exact situation regarding coal mining legacy issues on the site, as these could potentially pose a risk to the proposed development. A full site investigation report with details of remedial works shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the new building elements of this proposal. In the event that the site investigations confirm the need for remedial works to treat any shallow mine workings to ensure the safety and stability of the proposed development, the remedial works identified by the site investigation shall be strictly carried out prior to commencement of the new build elements of this proposal.

Reason

To ensure the safety and stability of the proposed development and in accordance with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the first occupation of the development the first two metres of the existing boundary wall along the east boundary shall be lowered to less than 0.9 metres above the ground level.

Reason

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

6. 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 T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and Residential Parking Standards (Adopted) December 2013.

7. Notwithstanding the submitted block plan, the proposed boundary treatment shall not be more than 2 metres above the existing ground level.

Reason

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).

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

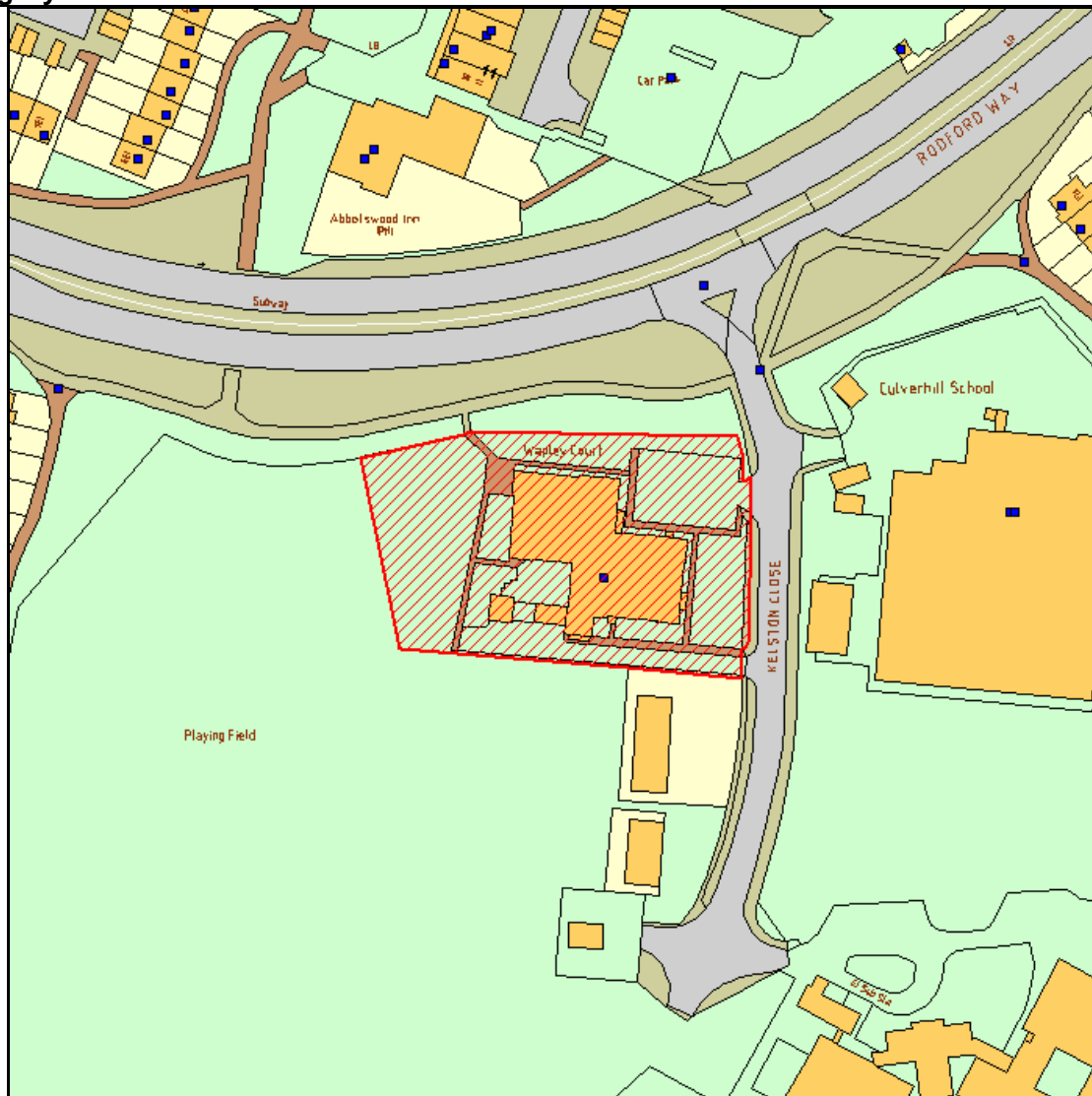
9. Prior to the commencement of the development, surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To minimise the effect of any flooding which may occur and to comply with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK13/4469/F	<b>Applicant:</b>	Greenhill Construction
<b>Site:</b>	Former Wapley House Care Home Kelston Close Yate Bristol South Gloucestershire BS37 8SY	<b>Date Reg:</b>	4th December 2013
<b>Proposal:</b>	Demolition of existing building. Erection of 14 no. dwellings and a block of 9 no. flats with new access and associated works.(Re Submission of PK13/2747/F)	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	370696 181082	<b>Ward:</b>	Dodington
<b>Application Category:</b>	Major	<b>Target Date:</b>	28th February 2014



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 100023410, 2008. **N.T.S.** **PK13/4469/F**

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

This application has been referred to the Circulated Schedule as a result of concerns raised by Doddington Parish Council and representatives of the adjacent Abbotswood Primary School and Phase V Pre-School; the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to the now vacant former Wapley Court Residential Care Home. The existing building lies within a 0.37 ha site located within Kelston Close, a short cul-de-sac off Rodford Way within the Abbotswood Estate, Yate. Opposite the site to the east is Culverhill School whilst at the southern end of the cul-de-sac is Abbotswood Primary School. Bounding the application site to the south is the Phase V Pre-School whilst the open expanse of QE II Playing Fields lies to the west and south-west; Rodford Way lies to the north. The existing vehicular access into the former Care Home is from Kelston Close.
- 1.2 It is proposed to demolish the existing Care Home building and erect 23 residential units to provide affordable houses and flats for Solon South West Housing Association (SSWHA). The mix of units would comprise:  
9no. 2 bedroom flats  
5no. 2 bedroom houses  
9no. 3 bedroom houses  
The vehicular access into the site would continue to be from Kelston Close.
- 1.3 The application is supported by the following documents:
- Design and Access Statement
  - Tree Survey
  - Ecology Report
  - Bat Surveys
  - Drainage Survey

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
The National Planning Policy Framework 27<sup>th</sup> March 2012.

- 2.2 Development Plans

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

CS1 - High Quality Design

CS4A – Presumption in Favour of Sustainable Development

CS5 - Location of Development

CS6 - Infrastructure and Developer Contributions

CS9 - Managing the Environment and Heritage

CS17 - Housing Diversity

CS18 - Affordable Housing

CS23 - Community Infrastructure and Cultural Activity  
CS24 - Green Infrastructure, Sport and Recreation Standards

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement  
L5 - Open Areas within the Existing Urban Areas and Defined Settlements  
L9 - Species Protection  
L11 - Archaeology  
EP2 - Flood Risk and Development  
EP4 - Noise-sensitive development  
T7 - Cycle Parking  
T8 - Parking Standards  
T12 - Transportation Development Control Policy for New Development  
LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)  
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)  
LC12 - Recreational Routes

South Gloucestershire Minerals and Waste Local Plan (Adopted) May 2002  
Policy 37 – Waste Management

2.3 Supplementary Planning Guidance

Trees on Development Sites SPG (Adopted)  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.  
Affordable Housing SPD Adopted Sept.2008.  
South Gloucestershire Council Residential Parking Standards (SPD) Adopted.

**3. RELEVANT PLANNING HISTORY**

- 3.1 N7697 - Extension to Dining Room.  
No objection 7 Oct 1981
- 3.2 PK13/2873//PND - Prior notification of the intention to demolish the former Wapley Court Residential Care Home.  
Objection Application Required 3 Sept. 2013
- 3.3 PK13/2747/F - Demolition of existing building. Erection of 16no. dwellings and a block of 9no. flats with new access and associated works.  
Withdrawn 23 August 2013

**4. CONSULTATION RESPONSES**

- 4.1 Doddington Parish Council  
The Council was in favour of the new layout of properties and the increased number of parking bays available for residents. Several of the comments we made on the original application (PK13/2747/F) still stand, which are replicated below for ease of reference:

- Highway concerns regarding access in and out of the site during 'school run' times and in this respect we request that a survey is carried out by SGC Highways department, during 'school run' times, to assess the impact that the new settlement will have on the area. Kelston Close is a relatively small cul-de-sac with limited capacity for vehicular movement at various times of the day.
- Our Council requests that this application is called in for a site visit by SGC's Planning Committee after the traffic survey has been completed when traffic movement statistics will be available.
- The Council would like to know what road closures will be required for new drainage works and how this will impact on our Council's QEII playing Field in Kelston Close.

#### Yate Town Council

No response

### 4.2 Other Consultees

#### Highway Drainage

No objection subject to conditions to secure a SUDS Drainage Scheme and a Coal Mining Report to ensure that no shafts or adits are grouted.

#### Sustainable Transport

No objection to the revised proposal subject to the following:

The applicant enters into a S106 agreement to secure the following

- Construct a 'raised table' as shown in principle at the junction between the new estate road with Kelston Close together with all associated works.
- Widen the footway on Kelston Close fronting the development site to 3m wide together with associated works.

There are existing yellow lines/markings i.e. waiting restrictions, on Kelston Close. These yellow lines would have to be amended as a result of the new development proposals. In this context therefore;

- The applicant is required to meet the Council's costs i.e. £10,000 towards alteration of the existing yellow lines as well as the costs associated with the necessary Traffic Regulation Order (TRO) for such waiting restriction on Kelston Close.

#### Environment and Community Services Trading Standards and Licensing Service

Yate and in particular the proposed development at the former Wapley House Care Home is surrounded by a variety of vehicle weight restrictions. Most noticeably and of direct concern are:

A432 Station Road, Yate 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction.

Westerleigh 7.5 tonnes heavy commercial vehicle except for access environmental weight restriction.

There are a variety of other vehicle weight restrictions that may have an indirect impact for operators and drivers of large goods vehicles attending the proposed development. These include, but are by no means all:

Heron Bridge, Heron Way 18 tonnes MGW weak bridge Chipping Sodbury 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction.

Church Bridge, Wickwar Road, Chipping Sodbury 18 tonnes MGW weak bridge.

Church Bridge, Church Road, Frampton Cotterell 13 tonnes MGW weak bridge.

Church Road, Frampton Cotterell 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction.

High Street, Wickwar 18 tonnes heavy commercial vehicle except for loading environmental weight restriction.

North Road, Yate 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction.

In order to support business, it is advised that the applicant/developer be made aware of these vehicle weight restrictions to avoid inconvenience to local residents living in the confines of these weight restricted areas.

It would be diligent for the applicant/developer to make all drivers visiting/departing the development aware of the weight restricted areas.

To avoid a driver committing an offence, the applicant/developer may wish to liaise with South Gloucestershire Council New Developments team, prior to the commencement of any works at the site and agree a suitable route for large goods vehicles (and other plant machinery) to and from the site, should permission for the development of the site be granted.

I would like to draw your attention to the 7.5 tonnes heavy commercial vehicle except for loading environmental weight restriction on the A432 Station Road, which receives most complaints regarding drivers ignoring the vehicle prohibition and subsequently receives the most enforcement attention from South Gloucestershire Council Trading Standards Service and Avon & Somerset Constabulary.

More information about weight restrictions can be found in the Spring 2013 edition of our Trading Standards Newsletter <http://tinyurl.com/psqgmgr>

#### Landscape Officer

The flat block is located too close to the existing hedgerow and hedgerow trees, which form an important feature of the adjoining playing field and will screen the development from the pitches. The corner of the building is only 2m from the centre line of the hedge. In reality the hedge is a substantial feature with a root zone which will be affected by the development. It is necessary that the building is moved away from this pinch point. The removal of side parking to unit 6 would allow this to occur.

The boundary fences are inappropriate in some locations. Where the existing boundary hedge is intact along the main road frontage it is not necessary to provide a 1.8m close board fence. The hedge should just be maintained at a height sufficient to provide adequate privacy to the gardens. Adequate surveillance is offered by passing pedestrians on the pavement to discourage burglaries.

The frontage of unit 23, facing Kelston Close needs to be a wall, the close board fence is not suitable for a principal frontage. The amount of shrub planting and tree planting, within the scheme, needs to be increased in order to reduce the current dominance of parking within the scheme.

#### Ecology

There are no ecological constraints to granting planning permission subject to conditions to secure the mitigation measures recommended within the ecological survey and to secure an ecological and landscape management plan.

#### Environmental Protection

No objection subject to standard informatives relating to building sites.

#### Building Control Manager

No response

#### Wessex Water

No objection. A public surface water sewer runs close to the northern boundary of the site. There is adequate current spare capacity in the existing foul sewage network to accommodate the predicted foul flow from the proposed development.

#### Police Community Safety Officer

No response

#### Housing Enabling

The scheme is for 100% affordable housing. The scheme would be developed by Greenhill Construction and subsequently acquired and managed by Solon Housing Association.

The supporting text relating to Policy CS18 of the Core Strategy states the following:

‘On sites allocated solely for affordable housing, or where only affordable is proposed, there will be no requirement to deliver a percentage without public subsidy where the threshold is exceeded, as set out in this policy, providing that the proposed affordable housing meets identified need and complies with the requirements of the affordable Housing Supplementary Planning Document’

Despite being a 100% affordable housing scheme, as the scheme exceeds the urban threshold as set down under Policy CS18 of the Core Strategy, i.e 10 units or 0.33 hectares, the Council will secure 35% affordable housing as part of a Section 106 agreement.



### Community Services

The following contributions should be secured by a S106 Agreement:

Off-site POS provision/enhancement £49,724.13

Off-site POS maintenance £30,016.34

Library Service £1,012.38

### Children and Young People

No contributions required.

## **Other Representations**

### 4.3 Local Residents and Schools

Representations were received from Mrs Judith Burman of Abbotswood Primary School and from Mrs Diane Walters of Phase V Pre-School, who raised the following concerns:

- Possible conflict between works traffic, plant and machinery with traffic in Kelston Close.
- Concerns for safety of children and parents at times of dropping off and picking up i.e. 8-10a.m. and 2.45 – 4.00pm.
- Additional traffic in Kelston Close contractors during development phase and subsequently from new residents and their visitors.
- Increased on-street parking in Kelston Close and Rodford Way.
- Impact on traffic using Culverhill School located at the end of Kelston Close.
- Demolition next to Pre-School garden.
- Asbestos in the building.
- Access road next to Pre-School – will it be used by construction traffic?
- Will a privacy fence be erected on boundary with Pre-School?
- Main access off Kelston Close would be dangerous.
- Overlooking of Pre-School garden from new houses.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

This brownfield site lies within the Urban Area where the principle of residential development is acceptable.

5.2 The NPPF (para 14) states that; at the heart of the Framework is the presumption in favour of sustainable development. Sustainable development is defined in the Framework as having three dimensions, which lead to three roles – an economic role, a social role and an environmental role. The proposal, for social housing, would lie close to Yate Town Centre and would create job opportunities for the building trade; as such it complies with the stated aims and objectives of the NPPF. Furthermore The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein can now be afforded significant weight. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so

that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Council Officers have worked closely with the applicants to amend the scheme from its original proposal (see withdrawn application PK13/2747/F) to its current design.

- 5.3 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.4 Density  
The scheme would provide 23 units of accommodation on the 0.37ha site, which equates to 62.16 dph. The density would be marginally higher than that of the surrounding Abbotswood Estate, however this high figure for the density of the development merely reflects the small size of some of the individual units which includes flats. Having considered the size and configuration of the site, officers are satisfied that the proposed density would make the most efficient use of the site.
- 5.5 Scale and Design  
Kelston Close serves 2 schools and a nursery school. To the south and west of the site are playing fields. The development site itself is characterised by its vegetated edges and a number of trees surrounding the existing care home and car parking. The wider area is characterised by the wide verges alongside Rodford Way and 1960/70s Radburn style estate housing. These properties are mostly 2 storey terraces with some examples of later flats.
- 5.6 The scheme retains the one realistically viable entrance point at the mid point of the Kelston Close boundary. The layout shows a simple cul-de-sac arrangement serving individual blocks of semi-detached houses to either side and a larger block for the flats. Parking is to the front and side of units. The scheme has been designed to be compliant with Design and Quality Standards and Lifetime Homes where applicable and Part M of the Building Regulations.
- 5.7 The proposed housing blocks would be two-storey with accommodation in the roof space served by dormer windows, whilst the flats would be contained within a single three-storey block located in the south-western corner of the cul-de-sac. The scale of these buildings is considered appropriate for this location.
- 5.8 There is little in terms of traditional vernacular in the locality but the proposed dwellings do recognise the form and materials used locally i.e. mixed brickwork and render elevations and tiled roofs to add contrast.
- 5.9 The scheme as now proposed was designed in close consultation with the Council's Urban Design Officer and is now considered to meet his requirements

- in terms of scale, form, layout, style and materials used. The existing mature boundary hedges would be retained.
- 5.10 It is intended that the scheme will achieve at least Code for Sustainable Homes Level 3. The scheme is considered to have good natural surveillance and a full certification of Secure by Design approval would be sought.
- 5.11 Having regard to the above, the scheme is considered to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and The South Gloucestershire Design Check List (SPD) August 2007.
- 5.12 Transportation Issues  
In terms of access, it is proposed to retain the main point of access from Kelston Close; the existing service road and access that currently runs along the southern boundary of the site would not be retained, although it may be utilised during the construction phase. A visibility splay of 2.4m x 50m would be achievable to either side of the new access. The access would be shared with pedestrians, although a single gated pedestrian access would be retained through the boundary hedge on the northern boundary to serve the nearest dwelling. The proposed on-site car parking spaces are acceptable in both number and size to satisfy the minimum requirements of the adopted South Gloucestershire Residential Parking Standards SPD.
- 5.13 Given that Kelston Close is a route to school, it is essential that adequate traffic calming and road safety measures are provided. At officer request therefore a 'raised table' would be introduced at the junction between the new estate road with Kelston Close. Furthermore the footway on Kelston Close, fronting the entire development site, would be widened to 3 metres. These matters would be secured by a S106 Legal Agreement.
- 5.14 At present there are yellow lines within Kelston Close in the form of yellow zig-zags and the wordings 'school – keep clear'. These yellow lines occur along the whole eastern side of Kelston Close, up to and around the turning head at the end of the cul-de-sac. Similar yellow lines occur on the western side of Kelston Close from the Rodford Way junction to the existing main entrance of the Care Home. There is currently unrestricted parking directly outside the Care Home and the Pre-School on the western side of Kelston Close.
- 5.15 It should be noted however that at present these yellow lines are advisory only and as such are not mandatory restrictions on parking; this is because at present there is no Traffic Regulation Order (TRO) in place. Officers consider that the application provides the opportunity to formalise this situation through a new TRO.
- 5.16 In any event, some alteration to the yellow lining would be required in order to take account of the new access arrangements for the new estate and to secure the required visibility splays thereto. The costs i.e. £10,000 of altering the yellow lines as well as the cost of the new TRO would be met by the applicant and secured via the S106 agreement. Whilst these works may result in some rationalisation of the existing on-street parking within Kelston Close, any new TRO would be the subject of public consultation.

- 5.17 A number of highway concerns have been raised regarding traffic associated with the development phase; this is understandable given the sensitive nature of the location, with two schools and a pre-school in close proximity to the application site and all served by Kelston Close. There is clearly the potential for conflict between works traffic and parents and children during the school drop off and pick-up times.
- 5.18 Officers consider that these matters can be adequately addressed via a condition to secure a Construction Management Plan, which would need to be submitted to and approved in writing by the Council prior to any works (including demolition) taking place on the site. It is envisaged that the Construction Management Plan would include such matters as:
- Notwithstanding the wording of Condition 4 -Times of demolition e.g. it would be preferable if this were done during the school holiday.
  - Restrictions on delivery times of materials so as not to clash with the school run.
  - The location of construction compounds and wheel wash facilities.
  - The location and nature of any temporary fencing - to include a protection fence next to the Pre-School.
  - A restriction on all contractors' parking i.e. to be within the site only.
  - A possible routing plan for HGV's going to/from the site – taking into account the information provided by the Council's Trading Standards and Licensing Service in para. 4.2 above.
  - Details of any road closures required during drainage works.
- 5.19 Subject to the above S106 matters and conditions, officers consider that the concerns raised can be adequately addressed and that the scheme complies with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.20 Landscape Issues  
Further to the Council's Landscape Architect's comments (see 4.2 above), a revised Layout Plan has now been submitted to officer satisfaction. The plan shows the existing mature boundary hedgerows retained. These hedgerows would be protected during the demolition/construction phase and this can be secured by condition.
- 5.21 Several trees within the site would be lost, however a tree survey was carried out which identified several of these trees to be in poor condition; others were considered to be of little amenity value; none of the trees are considered worthy of Tree Preservation Order. Some of the existing higher value trees would be retained e.g. in plots 19, 20 and 23. The retained vegetation would be enhanced by a comprehensive scheme of soft planting. The site is not an open space of significant value within the Urban Area and as such the scheme complies with Policy L5 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.22 Hard landscaping has been designed to clearly define public and private areas and to provide defensible space to the dwellings. There would be a mix of railings and walls to the Kelston Close frontage set behind planting beds.

5.23 Officers are satisfied that there is no landscape objection in terms of Policies L1 and L5 of the adopted local plan and there is no 'in principle' landscape objection to development on the site.

5.24 Ecology

The application site consists of a former residential home for the elderly comprising a disused building, hedges, patio and gardens. The site is not covered by any statutory or non-statutory nature conservation designations. The application includes an Ecology Report comprising a Phase 1 survey and bat survey by Sturgess Ecology.

5.25 Semi-natural Habitat

The application site consists of a mixture of formerly mown amenity grassland (now unmanaged and reverting back to semi-improved neutral grassland), standard trees, patio, courtyard, car parking and a series of mixed shrub, broadleaved hedges on the boundaries but outside the application site. A dense wall of cypress trees screen a compost heap and a series of ornamental flower beds were recorded throughout the application site. An ornamental garden pond has been drained and did not contain either amphibians or fish.

5.26 Protected Species

Hedgehog

A single hedgehog was noted during the dusk bat survey. Hedgehog are a priority species nationally on the UK Biodiversity Action Plan and any suitable habitat to be cleared across the site should be subject to a destructive search immediately beforehand to avoid killing or injuring animals. Any hedgehogs found should be moved to a safe area of suitable habitat in another part of the site. This should form the basis of an appropriately worded planning Condition.

5.27 Reptiles (Slowworms)

Whilst the grounds would have previously been managed and unsuitable for use by reptiles, the rank grassland and recent lack of management means that the application site now offers suitable habitat for slowworms. However, the report considered that colonisation by the species was very unlikely, given that the habitat has only recently developed and the isolated nature of the site amid roads and built form and this is accepted.

5.28 Bats

No sign of the presence of bats was recorded during the internal and external inspections of the building. The dusk survey recorded a single common pipistrelle emerging from the south-eastern gable end of the building. Given the timing and lack of any other evidence of bats, the report considers that the building is likely to be used by small numbers of male bats as opposed to comprising a maternity roost.

- 5.29 A recent judicial review (*Woolley v East Cheshire Borough Council*) has directed that, to fully engage with the Directive/Regulations, where bats are present, planning authorities should be applying the same 'tests' that licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.
- 5.30 The ecology report indicates that, as the former residential building comprises a roost, further surveys should be scheduled to accurately appraise its status and use. Given this, as the report indicates that a European protected species licence will be required prior to development, the results of these surveys will be required prior to determining the application. (*These surveys have now been carried out and confirmed that the building is used by a maximum of two common pipistrelle bats*).
- 5.31 **Biodiversity Gain**  
The ecology report provides a series of measures and landscape planting to enhance the biodiversity value of the site. These are supported and should form the basis of an appropriately worded Condition.
- 5.32 Officers therefore conclude that there are no ecological constraints to granting planning permission. Conditions should be attached relating to bats, hedgehog and a landscape plan. Officers are satisfied that the application demonstrates how it will contribute towards the aims and targets of the South Gloucestershire Biodiversity Action Plan and how impact on protected species would be mitigated in accordance with Policy L9 of the adopted local plan.
- 5.33 Impact Upon Residential Amenity  
Despite lying within a residential estate, the site is relatively remote from residential properties, with only the two schools, the pre-school and the playing field being in close proximity. Even the nearest property on the opposite side of Rodford Way is a public house. As such the proposed development itself would have no adverse impact on residential amenity.
- 5.34 Whilst there may be disturbance for local residents during the demolition and construction phases, this would be on a temporary basis only. Normally such disturbance is mitigated by a condition to control the hours of working on the site. In this case officers consider that given the proximity of the Schools and the Pre-School to the site, that the completion of the development in as short a time as possible would be preferable, so some relaxation in the normal limits on working hours is justified. Officers are also mindful of the constraints likely to be imposed via the Construction Management Plan that would hinder progress for the developer. Officers therefore consider that some working later into the evening or throughout Saturday would not be unreasonable in this case (see Condition 4).
- 5.35 Concerns have been raised about overlooking of the neighbouring Pre-School garden from the proposed dwellings. Officers have noted that the Pre-School was previously overlooked from windows in the side elevation of the Care Home and from the footpaths adjacent to the site. There will no doubt be some overlooking on a temporary basis from contractors working on the scaffolding

- during the construction phase and subsequently from the rear windows of the new dwellings along the southern side of the site. These properties would be set back some 6 to 8 metres from the southern boundary compared to the 10m of the Care Home. It is however proposed to erect a 1.7m high close boarded fence, with 400mm trellis above, along the southern boundary with the Pre-School, which would enhance privacy levels for the Pre-School.
- 5.36 For future occupants of the proposed dwellings, the site is well enclosed and each property would be served by an adequate amount of private amenity space.
- 5.37 On balance therefore the impact on residential amenity would be acceptable.
- 5.38 Drainage  
Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th January 2006, require that proposed development ensures that foul and surface water disposal arrangements are acceptable and incorporate sustainable drainage principles. In addition, development will not be permitted where it could increase the risk of flooding. A schematic foul drainage layout plan has been submitted, nevertheless an appropriate condition to secure a SUDS drainage scheme would be imposed, should consent be granted. Subject to this condition the scheme would accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.39 Environmental Issues  
The site does not lie within an area at significant risk from former coal mining, neither is the site within a zone of risk from flooding; nevertheless the Drainage Engineer has requested a condition to secure a Coal Mining report to identify any shafts, adits or drainage levels that might be affected. Concerns have also been raised about the possibility of asbestos in the existing building and the risk of dust to the children attending the neighbouring schools. Officers consider it appropriate to impose a condition to secure the prior submission and approval of a Waste Management Audit. In the event of asbestos being found within the existing Care Home building, this would need to be disposed of under licence in consultation with the Health and Safety Executive; these matters are covered by legislation other than the Planning Act. Furthermore the developer would be recommended to register the site under the 'Considerate Contractors scheme'. The scheme would also be the subject of Building Regulation Control and controls embodied within The Environmental Health Act. The Council's Environmental Health Officer has raised no objections on Environmental Protection grounds.
- 5.40 Education  
In accordance with Core Strategy Policy CS23 consideration must be given as to the need for contributions towards education facilities within the locality. In this instance, no contributions towards education facilities have been requested.
- 5.41 Affordable Housing  
In accordance with Core Strategy Policy CS18, consideration must be given as to the need for an affordable housing requirement for this proposal. Despite

being a 100% affordable housing scheme; as the scheme exceeds the urban threshold as set down under Policy CS18 of the Core Strategy, i.e 10 units or 0.33 hectares, the Council will still secure 35% affordable housing as part of a Section 106 agreement.

#### 5.42 New Communities

In accordance with Core Strategy Policy CS24 consideration must be given as to the need for contributions towards open space provision and maintenance and library services etc. for this proposal. In this case the following contributions, to be secured by S106 Agreement, have been agreed with the applicant:-

Off-site POS provision/enhancement £49,724.13

Off-site POS maintenance £30,016.34

Library Service £1,012.38

## 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 proposal utilises a brownfield site in a sustainable location within the Urban Area. The scheme would make a significant contribution towards the affordable housing stock within South Gloucestershire as well as providing jobs for the building trade. This accords with the core aims and objectives of the NPPF.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
  - (i) A financial contribution of £10,000 to meet the Council's costs of altering yellow lines on Kelston Close and the costs associated with the associated Traffic Regulation Order for such waiting restrictions on Kelston Close
  - (ii) A financial contribution of £49,724.13 towards the provision/enhancement of off-site Public Open Space as close to the development as is feasible.



- (iii) A financial contribution of £30,016.34 towards the maintenance of off-site Public Open Space.
- (iv) A financial contribution of £1,012.38 towards local Library Services.
- (v) 35% of the approved dwellings i.e. 8 units, shall be delivered as affordable housing, as defined by the NPPF. Tenure split of 80% social rent and 20% intermediate housing, as identified by the West of England Strategic Housing Market Assessment (SHMA) 2009. The 8 units to comprise 5 x 2 bed houses (plots 17, 20, 21, 23 and 1) 3 x 3 bed houses (plots 16, 22 and 2).

#### Highway Works

- (vi) The footway on Kelston Close fronting the development site to be widened to 3m with associated works.
- (vii) The construction of a 'raised table' at the junction of between the new estate road hereby approved with Kelston Close (as shown on approved Site Layout Drawing No. SW59 (04) 01 Rev A) with all associated works.
- (viii) A S106 monitoring fee to the value of 4% of the total contributions i.e. £3,630.11p

The reasons for this Agreement are:

- (i) To provide safer facilities for pedestrians and to incorporate traffic management measures having regard to Policy T12(A) and T12(E) of the South Gloucestershire Local Plan (Adopted) 6th January 2006.
- (ii) To meet the needs of the increased population to result from the development and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- (iii) To meet the needs of the increased population to result from the development and to accord with Policy CS24 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- (iv) To meet the needs of the increased population to result from the development and to accord with Policy CS6 and CS23 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- (v) To ensure the provision of Affordable Housing in accordance with Policy CS18 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.
- (vi) To enhance pedestrian facilities in the vicinity of the development in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

(vii) In the interests of highway and pedestrian safety in Kelston Close in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

(viii) To cover the Council's costs of monitoring the S106.

(2) That the Head of Legal and Democratic Services be authorised to check and agree the wording of the agreement.

7.2 Should the agreement not be completed within 6 months of the date of the committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

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

### **CONDITIONS**

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

Reason

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

2. Prior to the first occupation of the dwellings hereby approved, all car parking plus turning areas shall be provided in accordance with the submitted and approved Site Layout Plan Nos SW59 (04) 01 Rev A received 23rd Jan. 2014 and such measures shall be maintained satisfactorily on site thereafter and used only in conjunction with the site's purpose.

Reason

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

3. Notwithstanding the details shown on the submitted and approved plans, development shall not begin until drainage details incorporating best management practices (SUDS) and the hydrological context of the development have been submitted to and approved by the Local Planning Authority; the scheme shall subsequently be implemented in accordance with the approved details.

Reason

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

4. The hours of working on the site for the period of demolition and construction of the development hereby approved, shall be restricted to 07.30 to 20.00 Monday to

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. During the demolition and construction phases, any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with the principles contained within the NPPF.

5. The boundary treatments shall be completed before the buildings hereby approved are first occupied. The development shall be carried out in full accordance with the details shown on the submitted and approved Site Layout Plan No. SW59 (04) 01 REV A and Boundary Treatments Drawing No. SW59 (04) 11 Rev A .

Reason

In the interests of security and to protect the residential amenity of adjoining occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

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

The approved works shall subsequently be carried out in accordance with the agreed details.

Reason

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

7. The development hereby approved shall be carried out in accordance with the mitigation measures for bats included in Section 5: Mitigation/Recommendations of the submitted and approved Bat Survey dated Jan 2014 by Sturgess Ecology.

Reason

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

8. Prior to the commencement of the development hereby approved, a mitigation strategy for hedgehogs shall be drawn up and agreed in writing by the Council. All works shall thereafter be carried out in accordance with the agreed strategy.

Reason

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

9. Prior to the commencement of the development hereby approved, an Ecological and Landscape Management Plan shall be drawn up and agreed with the Council in writing to accord with the provisions outlined in Section 5, Recommendations and Section 6, Ecological Constraints of the submitted and approved Ecology Report dated July 2013 by Sturgess Ecology. Thereafter the development shall be carried out in accordance with the approved Ecological and Landscape Management Plan.

Reason

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

10. Prior to the commencement of the development (including demolition) hereby approved, details of the nature and position of protective fencing for the retained trees and hedgerows on and around the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the protective fencing shall be erected in accordance with the approved details and retained as such for the entire duration of the demolition and construction phases of the development hereby approved.

Reason

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

11. All hard and soft landscaping of the development hereby approved shall be carried out in accordance with the details (including timescales) shown on the submitted and approved Site Layout Plan No. SW59 (04) 01 Rev A or to an alternative timescale to be agreed in writing by the Local Planning Authority.

Reason

To conserve and enhance the character, quality and amenity of the landscape in accordance with Policy L1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

12. Prior to the commencement of the development hereby approved, a coal miming report identifying any shafts, adits or drainage levels, within the site, shall be submitted to and approved in writing by the Local Planning Authority. In the event of a shaft, adit or drainage level being present, a means of mitigation shall be agreed with the Council. Thereafter the development shall be carried out in accordance with the agreed details.

Reason

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

13. Prior to the commencement of the development (including demolition) hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development (including demolition) shall be carried out in full accordance with the Construction Management Plan so approved.

For the avoidance of doubt the Construction Management Plan should include such matters as:

- The period of demolition e.g. it would be preferable if this were done during the school holiday.
- Restrictions on delivery times of materials so as not to clash with the school run.
- The location of construction compounds and wheel wash facilities.
- The location and nature of any temporary fencing - to include a protection fence next to the Pre-School.
- A restriction on all contractors' parking i.e. to be within the site only.
- A possible routing plan for HGV's going to/from the site - taking into account the information provided by the Council's Trading Standards and Licensing Service in para. 4.2 of the officer report.
- Details of any road closures required during drainage works.

Reason

To protect the amenity of the area and in the interests of highway safety to accord with Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2013 respectively.

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK14/0091/F	<b>Applicant:</b>	Mr S Blake
<b>Site:</b>	25 Rathbone Close Coalpit Heath South Gloucestershire BS36 2TW	<b>Date Reg:</b>	28th January 2014
<b>Proposal:</b>	Demolition of existing garage to facilitate erection of replacement garage (Retrospective)	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367192 180296	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st March 2014



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 100023410, 2008. **N.T.S.** **PK14/0091/F**

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

This application has been referred to the Circulated Schedule for determination to take into account the comments of objection received from the Parish Council and a number of residents. These comments are contrary to the Officer recommendation for approval. It should be noted that a number of comments of support have also been received and therefore this application would be due for determination through the Circulated Schedule regardless of the recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission to regulate the replacement garage constructed on this site without the benefit of planning permission.
- 1.2 Planning permission is required for the garage as it exceeds (in terms of ridge height and eaves height) that permitted under Part 1 Class E of the second schedule of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.3 As the garage has been substantially completed, this application is retrospective. The existing garage replaced a previous garage on the site. The garage is located within the residential curtilage of the property and the property is located within the defined settlement boundary for Coalpit Heath.

### **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  
CS8 Improving Accessibility  
CS9 Managing the Environment and Heritage  
  
South Gloucestershire Local Plan Adopted January 2006 Saved Policies  
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**

- 3.1 PT11/3080/F                      Approved with Conditions                      10/11/2011  
Erection of single storey rear extension to include alteration to roofline.  
Installation of 2 no. front dormer windows to facilitate loft conversion.

## 4. CONSULTATION RESPONSES

### 4.1 Westerleigh Parish Council

Objection: The garage is overdevelopment of the site. The existing garage was sufficient for the dwelling. No additional services should be installed.

### 4.2 Drainage

No comment

### 4.3 Network Rail

Initial objection as application included within the ownership of Network Rail, no drainage details had been submitted, and location in proximity to Network Rail fence should be clarified.

Following revised plans and reconsultation Network Rail have removed their objection but have requested a number of informatives.

## Other Representations

### 4.4 Local Residents

3 comments of objection have been received which raise the following points –

- Action should be taken by the Council to remove the garage
- Approval of garage would be undemocratic
- Building includes a soil and vent pipe and mains drainage
- Garage is imposing
- Garage is located on higher ground
- Installation of a wc in the garage would preclude the parking of vehicles in the garage
- Position of soakaway is not shown accurately on the plan
- Window allows for overlooking into garden

5 comments of support have been received which raise the following points -

- Building work undertaken has been to a high standard
- Bungalow required major refurbishment
- Garage fits in with the existing dwelling and the locality
- Garage has stopped wind tunnel effect in garden
- Garage is unobtrusive and does not affect light
- Garage provides secure building to a high standard
- It would be unjust for the garage to be demolished
- New garage has improved the appearance of the bungalow
- Previous garage was in a terrible state and needed to be replaced
- The building is visually attractive
- The building would add value to neighbouring properties



## 5. ANALYSIS OF PROPOSAL

5.1 This application seeks retrospective planning permission for a residential garage in Coalpit Heath.

### 5.2 Principle of Development

Although the erection of a detached garage can be permitted by Class E of Part 1 of the Second Schedule to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) ('GPDO'), this garage exceeds the overall height and the ridge height that is permitted by this Order. This is because the building is within 2 metres of the boundary of the curtilage and the eaves height is very marginally over 2.5 metres. Therefore a planning application is required.

5.3 Development within existing residential curtilages is managed using policy H4 of the Local Plan. This policy is supportive of development subject to an assessment of design, amenity and transport and this development is acceptable in principle.

### 5.4 Design

As this is a retrospective application, the design can be assessed in reality rather than from plan. The garage building has the visual appearance, functionality, and layout of an ancillary structure. A vehicular door is located in the front elevation with a personal door and window in the side elevation and a further window located in the rear elevation. The garage is constructed from blockwork and has a rendered finish to match that of the bungalow.

5.5 Although the garage exceeds the height of that prescribed in the GPDO, the building is not overly tall or imposing. It is true that the garage is located on land higher than the dwellinghouse, but this is due to the slope of the land at the base of the railway embankment. In terms of site layout, the location of the garage, at the end of the driveway yet providing access to the rear garden is appropriate and is a common location for garages within the built form.

5.6 The design of the garage is simple in character and appearance. Appropriate materials have been selected that match the existing house and accord with the general character and appearance of the area. The garage building has been informed by the existing site layout, design and materials and it is not harmful to the visual amenity of the site or the locality. As such, an acceptable standard of site planning and design has been reached that accords with policies CS1 and H4.

### 5.7 Amenity

Development should not prejudice residential amenity. The property which is most likely to suffer a reduction in residential amenity is no.23 which has an adjoin site boundary adjacent to the garage building. Despite being in close proximity to the site boundary, the garage building is not imposing over the rear garden and does not dominate the area. The treatment along this boundary is limited and there are views between the gardens. The garage helps to prevent views of the areas immediately behind the rear elevation of both properties to

maintain privacy. The development is not considered to prejudice the amenity of no.23 and is acceptable.

- 5.8 Located on the opposite side of the site from the development, no.25 would be less likely to be affected by the development. A timber boarded fence runs along the boundary between the two properties which restricts views in and out of the site. Whilst the side window in the garage does allow some view into the neighbouring site, this is limited due to the fence. Additionally, as the garage is an ancillary structure and not a habitable room, the degree of any intervisibility is considered to be minimal and certainly not harmful to residential amenity. The distance of the garage from the site boundary prevents any overbearing or dominating effect.
- 5.9 The garage not considered to impact upon residential amenity. Amenity levels are preserved and the development accords with policy.
- 5.10 Transport  
In terms of transportation, the garage should be assessed with regard to its ability to house a vehicle. The Residential Parking Standard sets an internal space measurement of 3 metres by 6 metres for single garages to count as providing vehicular parking. At 3.8 metres by 8.9 metres the garage provides adequate space for the parking of a vehicle and ancillary domestic storage.
- 5.11 Adequate off-street parking is retained at the property to meet the needs arising from the development and therefore there is no objection to the proposal in terms of transportation.
- 5.12 Other Matters  
Public comments have been received that do not fall into the determination criteria for this application. A response to these points is provided below.
- 5.13 In relation to the comments of support –
- The standard of work or the need to undertake major refurbishment is not relevant to determining this application;
  - Property values and the affect of development on property value are not material considerations when determining a planning application.
- 5.14 In relation to the comments of objection –
- The application has been referred to the circulated schedule under the Council's approved scheme of delegation and therefore the recommendation and determination of the application will be subject to due democratic process;
  - Any action regarding the removal of the garage is a matter for planning enforcement and is not part of determining this planning application;
  - No evidence that a soil and vent pipe has been installed was available on the Case Officer's site visit;
  - The application must be assessed as submitted (i.e. for a garage) and there is no evidence that the building will be used for additional living accommodation;

- Soakaway information has been shown to satisfy the request of Network Rail. The Council's drainage engineer has been consulted on the application and has made no comment;
- The garage exceeds the minimum internal space standard of a garage and internal alterations, including the installation of a wc, may not require planning permission and may not preclude the use of the garage for parking.

## **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 garage has been assessed against the policies listed above and has been found to accord with the provisions of these policies. An acceptable standard of site planning and design has been reached and the garage has little effect on residential amenity and would not prejudice the provision of adequate off-street parking or highway safety.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

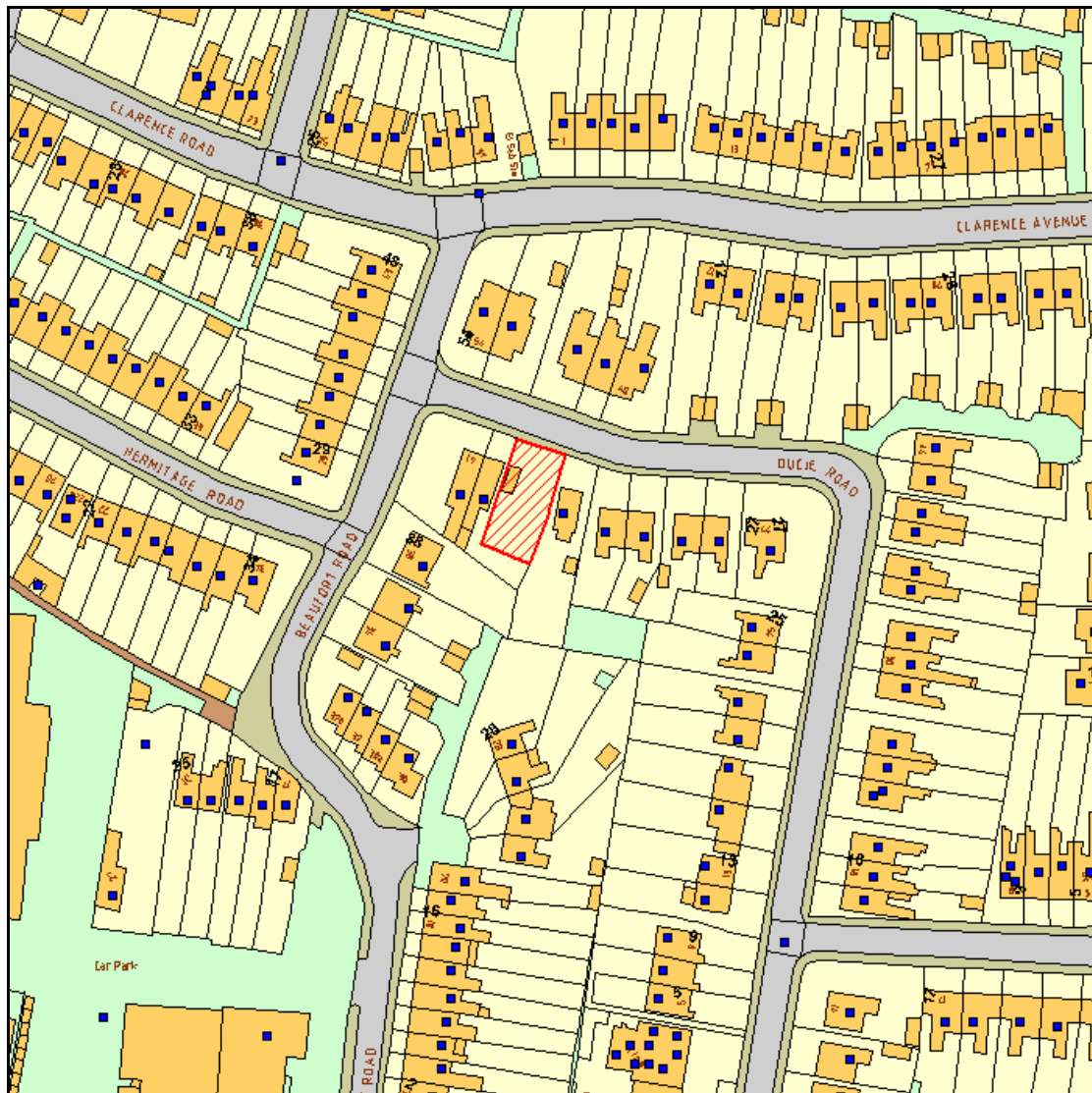
## **7. RECOMMENDATION**

- 7.1 It is recommended that this application be APPROVED.

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

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK14/0103/F	<b>Applicant:</b>	Mr Norman Candy
<b>Site:</b>	39 Ducie Road Staple Hill Bristol South Gloucestershire BS16 5JZ	<b>Date Reg:</b>	21st January 2014
<b>Proposal:</b>	Erection of 2no. semi-detached dwellings with access and associated works.	<b>Parish:</b>	None
<b>Map Ref:</b>	365110 176087	<b>Ward:</b>	Staple Hill
<b>Application Category:</b>	Minor	<b>Target Date:</b>	14th March 2014



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

This application appears on the circulated schedule due to the receipt of a letter of objection from a neighbouring resident.

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of a pair of semi detached dwellings in the large side garden on No 39 Ducie Road. Each of the dwellings would have two bedrooms.
- 1.2 The application relates to a large garden plot in a residential area of Staple Hill. Part of the garden will be retained for the existing dwelling and off street parking would be provided.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

#### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS17 Housing Diversity

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Residential Parking Standards SPD

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

- 3.1 No relevant history on this site.

### **4. CONSULTATION RESPONSES**

#### 4.1 Town/Parish Council

The area is unparished

#### 4.2 Other Consultees

Highways

No objection subject to the attachment of conditions

Technical Services (Drainage):

No objection subject to the attachment of a condition

**Other Representations**

4.3 Summary of Local Residents Comments

Two letters of objection have been received from neighbouring residents. A summary of the points of concern raised is as follows:

- Would create a narrow passage between the proposed house and No. 37
- Loss of light into kitchen of No. 37
- Loss of light into study of No. 37
- Make No, 37 less attractive to potential buyers
- The kitchen windows in the side of the new property would face the neighbours kitchen resulting in loss of privacy.
- Noise and pollution during construction
- Overlooking of the rear garden on No. 38 Beaufort Road
- Foxes need to be displaced

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

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

5.3 Design/ Visual Amenity

The application seeks full permission for the erection of a pair of semi-detached dwellings. The dwellings would be identical mirror images of one another with casement windows and bay windows to the front. Both dwellings would have a single storey rear element looking like an extension. Both dwellings would be finished in painted render with double roman roof tiles.

- 5.4 The proposed new dwellings would be located on a residential street surrounded by residential dwellings. There is a great mix of dwelling styles, sizes and designs in the locality and a wide range of materials used. However, none of the neighbouring dwellings are finished in painted render and so this is not considered to be a suitable finish for the exterior of the dwellings. As such, a condition will be attached to ensure the submission of sample materials are submitted. The proposed new dwellings take their design cues from the surrounding properties particularly noted by the bay windows on the front elevation and the style of casement windows proposed.
- 5.5 In light of the assessment above, subject to the attachment of conditions, it is not considered that the new dwellings will appear out of keeping with the surrounding area and they will not have a detrimental impact on the street scene or character of the area. Instead they will integrate fully with the street scene, building line and character of the area. The design and visual impact of the proposal therefore is deemed to be acceptable.
- 5.6 Residential Amenity  
Objections have been received from Number 37 to the side of the application site and also from No. 38 to the rear. The impact on each of these dwellings will be discussed in turn.
- 5.7 No 37 Ducie Road is an unusual detached dwelling on the plot immediately adjacent to the application site. It was granted planning permission in 2011 to be extended. There is one bathroom window at first floor level facing the application site and a study and kitchen window at ground floor level. There are two very small kitchen windows proposed in the side elevation of the new dwelling facing towards No, 37 but any issues of intervisibility could easily be addressed by erecting two metre boundary fence.
- 5.8 In terms of overshadowing of No. 37, No 37 lies to the southeast of the proposed new dwellings and therefore is unlikely to suffer any additional overshadowing. It is accepted that there are three non primary non habitable room windows in the side elevation of No. 37 facing towards the new dwellings. The distance between No, 37 and the new dwellings will be just over 3 metres. Given the fact that the side windows are not primary habitable room windows, given the separation distance of 3 metres and also being mindful of what could already be erected under permitted development rights, it is not considered that the impact on No. 37 would be of sufficient concern to warrant the refusal of the application.
- 5.9 In terms of No 38 Beaufort Road to the rear of the application site, it is true that the windows in the rear elevation of the proposed new dwellings will face out towards this dwelling. The relationship that would be created is not unusual in a sub-urban setting. The rear garden of No. 38 is already overlooked by a certain degree by the existing two storey dwellings that surround it – most notably from No. 36. It is not considered that the additional level of overlooking from one bedroom window in each of the proposed new dwellings facing towards No, 38 would have any significant detrimental impact over and above the existing situation.

5.10 In addition to the above, adequate amenity space will be provided to serve the existing dwelling and the proposed new dwelling. Although amenity space is limited and includes a dog-leg, it is so sufficient to meet the needs of the dwellings. In order to protect the limited amount of amenity space provided, the permitted development rights for all three dwellings will be removed.

5.11 Highway Safety

The plans show the provision of two off street parking spaces for the existing dwellings and three parking spaces for the proposed new dwellings. This is in accordance with the residential parking standards SPD. On this basis, the Councils Highways Engineer has raised no objection to this current application.

**6. CONCLUSION**

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

6.2 The recommendation to 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 Planning Permission is approved subject to the following conditions;

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

**CONDITIONS**

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

Reason

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

2. Notwithstanding the submitted details, prior to the commencement of development details and samples of the 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. For the avoidance of doubt, the use of painted render will not be considered acceptable.



Reason

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

3. 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 and E), other than such development or operations indicated on the plans hereby approved, shall be carried out at either of the proposed new dwellings or the existing dwelling known as 39 Ducie Road without the prior written consent of the Local Planning Authority.

Reason

Because of the small amount of residential amenity, further consideration would need to be given to any increase in the floor area of the dwellings to ensure that adequate private and useable amenity space would remain in accordance with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

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

5. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 Monday to Friday and 09.00 to 13.00 on 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 amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The off-street parking facilities shown on the plan hereby approved shall be provided before either dwellings are first occupied, and thereafter retained for that purpose. The proposed parking areas shall all be surfaced with a bound material and the new vehicle cross overs shall be constructed in accordance with the Council's standard construction details which can be obtained from the Streetcare Manager.

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 the requirements of South Gloucestershire Adopted Residential Parking Standards SPD.

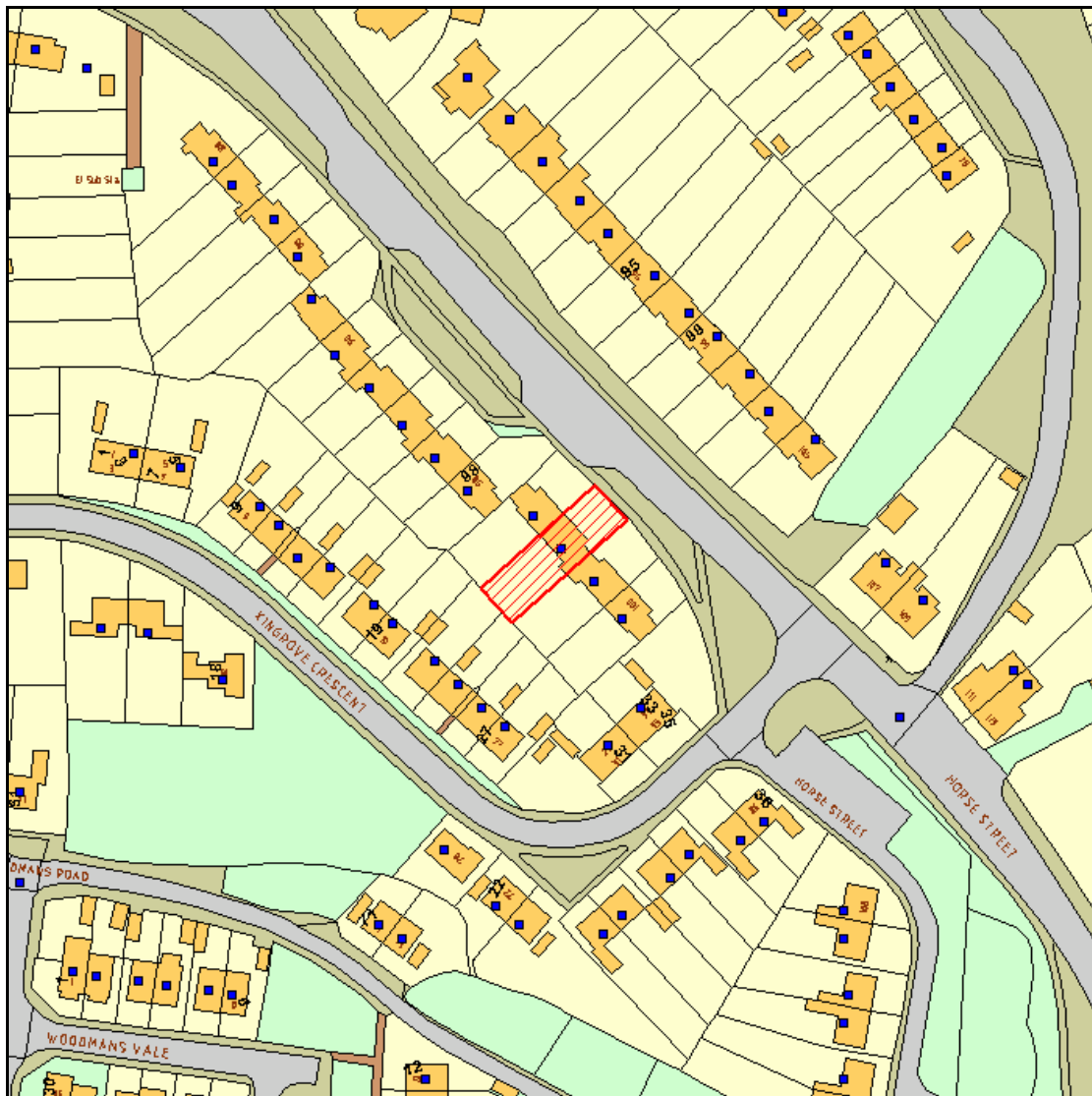
**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

**App No.:** PK14/0159/F  
**Site:** 102 Horse Street Chipping Sodbury Bristol  
 South Gloucestershire BS37 6DD

**Applicant:** Mr Scott Welfare  
**Date Reg:** 22nd January 2014

**Proposal:** Creation of vehicular access (retrospective)  
**Map Ref:** 373254 181948  
**Application Category:** Householder

**Parish:** Sodbury Town Council  
**Ward:** Chipping Sodbury  
**Target Date:** 17th March 2014



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

The application is referred to the circulated schedule as representations have been received which are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the formation of a new vehicular access to serve 102 Horse Street, Chipping Sodbury. The access has already been created albeit without the driveway and hardstanding for parking and as such the application seeks retrospective approval to regularise the existing development.
- 1.2 The application relates to a linked semi-detached dwelling situated within a residential area of Chipping Sodbury. The access crosses an area which was previously laid to grass forming part of an area designated as common land.
- 1.3 During the course of the application revised plans have been submitted clearly demonstrating the extent of the hardstanding area and the grass verge that has been replaced with tarmac. Additionally, as the access has been formed on land outside of the applicant's ownership certificate B of the application form has been signed and 21 days notice has been served on the land owner. This notice period expired on 4<sup>th</sup> March 2014.

### **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

CS8 Improving Accessibility

CS9 Managing Environment and Heritage

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)

H4 Development within Existing Residential Curtilages

L5 Open Areas within Existing Urban Areas

T12 Transportation Development Control Policy

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

South Gloucestershire Design Checklist SPD (Adopted) 2007

Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 P87/2681 – 104 Horse Street - Construction of vehicular access and hardstanding. Approved 18<sup>th</sup> November 1987

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

4.1 Sodbury Town Council

No objection was raised by the Planning Committee on 23/1/14 to creation of a vehicular access. Following review, revised plans and a site visit, the Council object to the whole of the grassed area being tarmacked.

4.2 Transportation DC

No objection subject to conditions

4.3 Highway Drainage

No objection. Informative recommended

4.4 Community Spaces

No objection in principle to the creation of a driveway however the land is designated as common land.

#### **Other Representations**

4.5 Local Residents

Four letters of objection (some duplicates) have been received from the adjacent neighbour (no.104 Horse Street). The comments are summarised as follows:

- Work completed in Jan 14<sup>th</sup> without planning permission or notification to neighbours.
- Drive of no.104 has been levelled and tarmac extends beyond boundary line.
- Driveway to no.104 has been spilt, kerb stones broken.
- Previously agreed layout not been undertaken.
- Un-neighbourliness.
- Request for grassed area to be restored –drawings included received 6<sup>th</sup> Feb.
- No permission to undertake work from neighbours or landowners.
- Owner of 102 will have to reverse across a public footpath to reach the road.
- Poor visibility e.g. a person pushing a pram.
- No.104 has a turning area.

4.6 One letter of general correspondence has been received on behalf of the landowner confirming receipt of notification from applicant and matters relating to the common land.

4.7 The applicant has provided correspondence in relation to the reasoning for the complete loss of the grass verge and makes reference to the requirements of the Council's Street Care department. It is confirmed that the whole verge was removed in the interest of maintenance.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The application seeks retrospective approval for the formation of a new vehicular access to 102 Horse Street from a classified highway, crossing an area of common land previously laid to grass. The application stands to be assessed against saved policy T12 of the South Gloucestershire Local Plan (Adopted) 2006, and policies CS1 and CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) 2013. Policy T12 states that new development will be permitted provided it provides adequate, safe, convenient, attractive and secure access and facilities for pedestrians, cyclists and people with disabilities. Additionally, policy L5 states the development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality.

### 5.2 Highway Safety

The application seeks retrospective approval to regularise a new vehicular access from Horse Street, Chipping Sodbury, which is a Class 2 public highway. The adjacent property to the southeast has an existing access approved within application ref. P87/2681. The site is located on a straight stretch of road where there is good forward visibility. There is also a footway and large verge/open space in front of the site which also provides visibility for approaching vehicles. A number of other dwellings on this road already have vehicular accesses. Although the comments of the local residents relating to a turning area and visibility are noted, it is confirmed that the Council's Transport Officer has assessed the proposal and has raised no objection to the development as proposed subject to conditions relating to the crossover construction and the surface of the parking area.

### 5.3 Visual Amenity

The development has resulted in the loss of a grassed area to the front of the site which has been replaced with tarmac. Revised plans confirm the full extent of the tarmacked area however Officers confirm that this has also been viewed on site. A number of concerns have been raised by the neighbouring residents and the Parish Council in relation to the loss of the verge and the replacement with a hardstanding. These comments are noted however it is considered that the development has not had a detrimental impact on the character or distinctiveness of the street scene. The open area remains albeit now as a hardstanding and as such the visual break in the street scene remains. Although the loss of a grassed area is regrettable it is noted that this was a requirement of the Council's street care department in the interests of future maintenance. It is considered that if a triangle grassed area remained between the new access and the access to no.104 it is unlikely to have made much difference visually to the street scene due to the limited size of it. The proposal is not considered to prejudice the character, amenity or distinctiveness of the locality.

### 5.4 Residential Amenity

The access and proposed parking area to the front of the dwelling would not have any impact on the residential amenity of neighbouring occupiers.

## 5.5 Other Matters

A number of additional concerns have been raised during the consultation period. These refer mainly to land ownership and notification to neighbouring occupiers. It is highlighted that land ownership is not a planning matter and should instead be dealt with as a civil matter. The correct ownership certificate has now been signed and the 21 day notice period has expired and as such there are no constraints to determining the planning application in this respect. Comments relating to the correct agreements with the landowner and the common land status are noted but this does not affect the determination of the application. The applicant is advised to liaise with the land owner in order to gain the correct legal rights.

5.6 The retrospective nature of the application is also noted however the applicant has now regularised the development by submitting this application. No further action is required at this stage in this respect. Notification to neighbouring occupiers by the applicant is a civil matter and is not a material consideration of this application, Correct procedures have been followed by the Council in accordance with the statement of community involvement.

## 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## CONDITIONS

1. The vehicular crossover hereby approved shall be constructed in accordance with the Council's adoptable standards which can be obtained from the Street care manager.

Reason

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

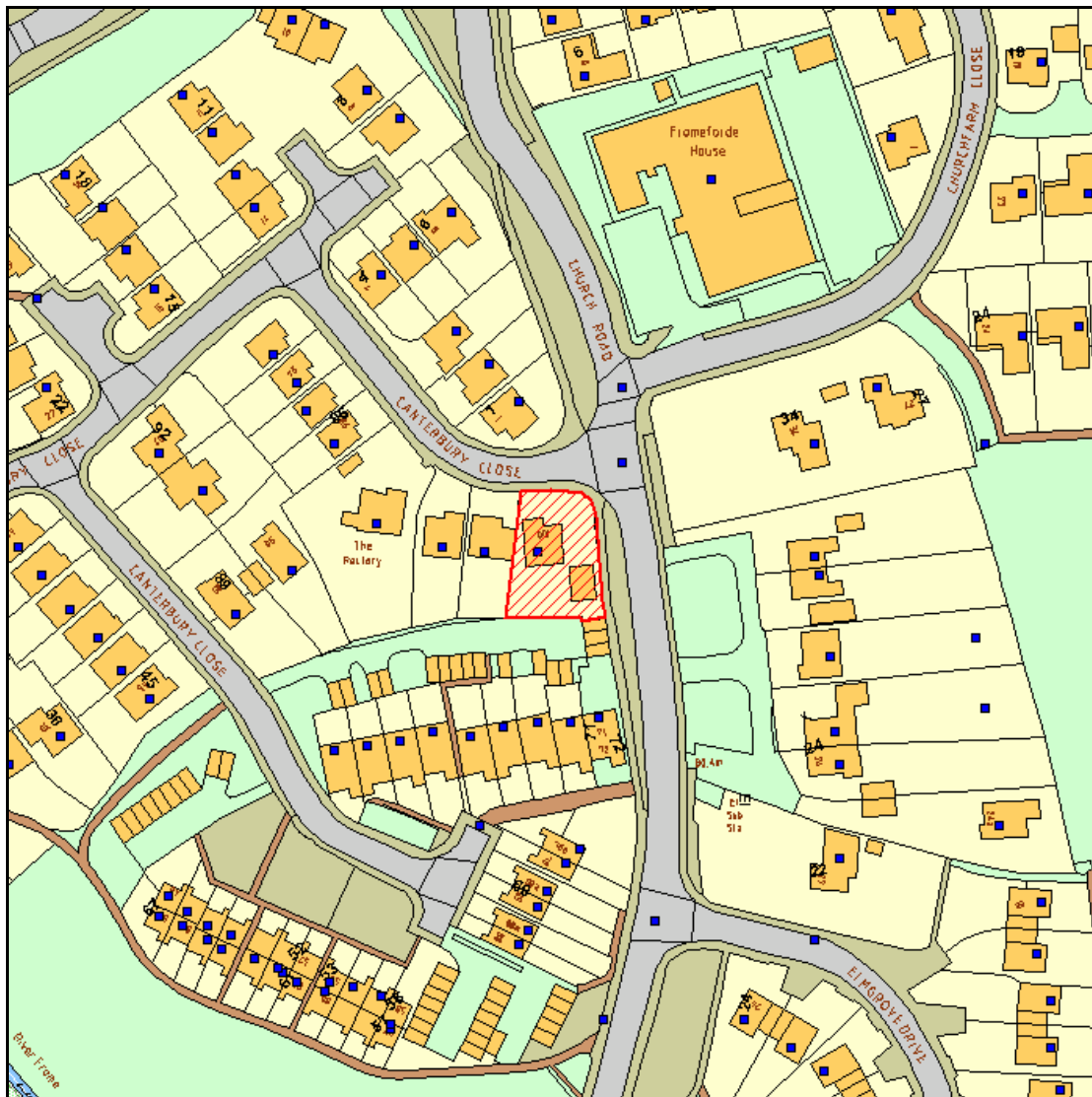
2. The proposed hardstanding area to the front of the dwelling shall be constructed in a permeable bound surface and thereafter maintained as such.

Reason

To prevent loose material from tracking onto the highway and to prevent surface water run off, in the interests of highway safety and satisfactory drainage, and to accord with saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK14/0171/F	<b>Applicant:</b>	Mr Oliver Nelson
<b>Site:</b>	100 Canterbury Close Yate Bristol South Gloucestershire BS37 5TU	<b>Date Reg:</b>	22nd January 2014
<b>Proposal:</b>	Erection of single storey side extension to form garage and additional living accommodation	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371548 183067	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	14th March 2014



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a single storey side extension to form a garage and additional living accommodation.
- 1.2 The application relates to a detached dwelling situated on a corner plot at the entrance to Canterbury Close in Yate, which is an established residential area.

### **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  
  
South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 P86/1585 - Erection of detached building for use as snooker room. Approved 4<sup>th</sup> June 1986

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection.
  - o Layout and density on a prominent corner.
  - o Design and visual appearance.
  - o Highway issue, vehicular access - there should be no change to the access from road to property.
- 4.2 Transportation DC  
No objection
- 4.3 In response to the Town Council's comments the applicant has provided the following comments:
  - o As the plans show the 'prominent corner' will remain as it is.

- o There will be minimal impact on the visual appearance. The majority of the hedge will remain and the proposed extension will be single story built in the same materials as the existing building.
- o With regard to point 3 – ‘Highway issue, vehicular access’. There will be no change to the present access layout as shown in the plans. The access to the property will remain as it is now.

## **Other Representations**

### 4.3 Local Residents

No comments received.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application seeks permission for the erection of a single storey side extension. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

### 5.2 Residential Amenity

The application site consists of a detached dwelling situated on a corner plot adjacent to the junction of Church Road and Canterbury Close. The proposal is for an extension to the east elevation of the dwelling adjacent to Church Road. There are no direct neighbouring properties to the east of the site and the properties to the front and rear remain a sufficient distance to remain unaffected. There are no concerns in terms of loss of mutual privacy and adequate private amenity space would remain to serve the host dwelling. Accordingly there are no concerns in terms of residential amenity. In order to avoid disruption to neighbouring occupiers during construction a condition will be attached to restrict construction hours.

### 5.3 Highway Safety

The application proposes an attached double garage to the east elevation. It is noted that the garage does not fall within the Council's minimum size standards and as such cannot be considered to contribute towards parking provision. However, the proposal would not remove any of the existing off street parking provision and would not result in an increase in bedroom space. There are no proposed changes to the current access arrangements. Accordingly the proposal does not raise any concern in terms of highway safety or parking provision.

### 5.4 Design

The application proposes a single storey side extension with a front gable. The proposal would result in the loss of some vegetation to the side boundary replacing the existing boundary wall. The application site is situated on a corner plot at the entrance to a relatively modern estate constructed in brick. There is an existing outbuilding to the rear of the site adjacent to the east boundary and the proposal would extend this. In terms of visual amenity the most prominent

elevation will be there east elevation when viewed from Church Road and the entrance to the housing estate. Views of the front elevation would be less prominent in the public realm.

- 5.5 In terms of design it is considered that the proposal is wide in comparison to the original dwelling and this is exacerbated by the gable end. However, it is noted that views to the front elevation are less prominent and the proposal would not prejudice or detract from the character or distinctiveness of the site or the street scene. The proposal would result in the addition of along blank elevation to the footpath on the side of Church Road. Although this blank elevation is not desirable it is considered that this would not be significantly different from the current situation and largely reflects the current layout and appearance of the site. Although the comments of the Parish Council are noted Officers consider that provided materials match the original dwelling the proposal would not have a detrimental on the character or distinctiveness of the street scene.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

**Contact Officer: Sarah Fordham**  
**Tel. No. 01454 865207**

## **CONDITIONS**

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

Reason

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

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

Reason

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

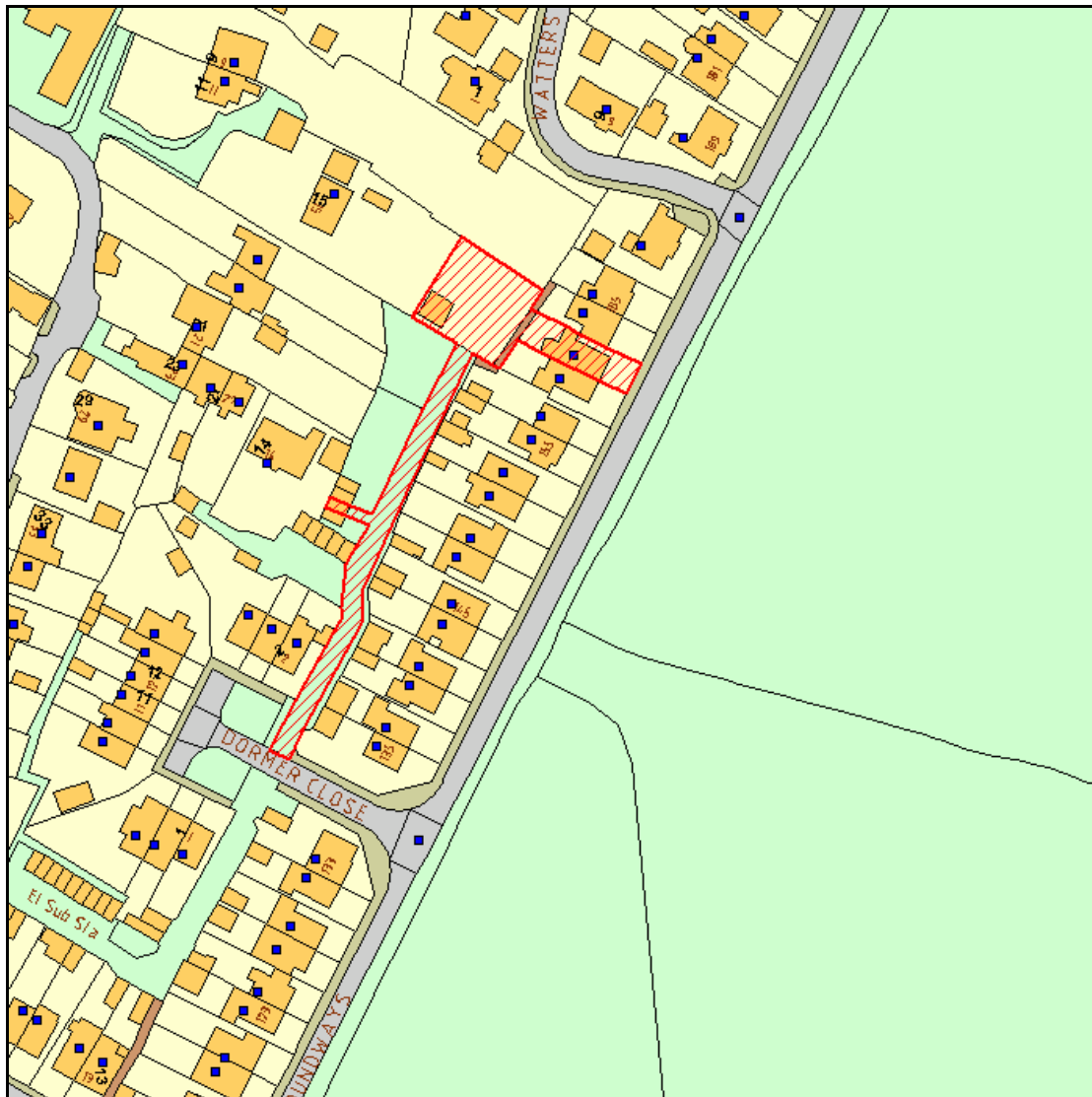
3. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday (inclusive), 08:00 to 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK14/0191/F	<b>Applicant:</b>	Mr David Norris
<b>Site:</b>	161 Roundways Coalpit Heath Bristol South Gloucestershire BS36 2LU	<b>Date Reg:</b>	24th January 2014
<b>Proposal:</b>	Demolition of existing garage/workshop and erection of single storey residential annexe ancillary to the main dwelling.	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	367699 180833	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Householder	<b>Target Date:</b>	19th March 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 Westerleigh Parish Council and a neighbouring occupier contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of an existing garage/workshop and the erection of a single storey residential annex ancillary to the dwelling.
- 1.2 The application site comprises garden land associated with no.161 located on the western side of Roundways within the established residential area of Coalpit Heath. Vehicular access is to the rear of the property off a long access drive via Dormer Close.
- 1.3 A right of way providing rear access to neighbouring properties extends through the application site.

### **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  
CS9 Managing the Environment and Heritage  
CS17 Housing Diversity
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 PT11/2075/EXT, Demolition of existing garage to facilitate erection of 1 no. dwelling and integral garage with associated works. Consent to extend time limit implementation for PT08/2775/F, approval 26/08/11.
- 3.2 PT08/2775/F, Demolition of existing garage to facilitate erection of 1 no. dwelling and integral garage with associated works (Re-Submission of PT08/0946/F), approval, 23/01/09.
- 3.3 PT08/0946/F, Demolition of existing garage to facilitate erection of 1 no. detached dwelling with associated works, withdrawn, 21/05/08.

- 3.4 N4816/1, Erection of a first floor side and rear extension to provide two enlarged bedrooms, approval, 25/03/82.
- 3.5 N4816, Erection of a side porch, approval, 17/08/78.

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

- 4.1 Westerleigh Parish Council  
Objection. Parking is an issue and the access lane is a very confined space for those houses to access their garages. The Council consider there is insufficient access space.
- 4.2 Drainage Officer  
No objection subject to condition
- 4.3 Coal Authority  
Objection
- 4.4 Transportation DC Officer  
No objection

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:
- Access is unsuitable;
  - The access lane is poorly constructed and the increase in traffic will lead to further decay quickly;
  - Detrimental to the safety of users of the lane;
  - Insufficient turning space.

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

- 5.1 Principle of Development  
It is noted that there is extant consent at the site for the erection of 1no. dwelling, and the proposed annex is relatively large and would allow for an occupier to live separate to the main dwelling. Consideration is required as to how the proposal should be assessed i.e. whether it is tantamount to a new dwellinghouse. However, weight is given to the fact that the agent states that the building is required for residential accommodation for a family member of the applicant and it is intended that the building and extended garden remain under the same ownership as no.161. This indicates that the building would likely function as ancillary and the proposal will therefore, be accessed as an extension to the main dwelling as opposed to a new dwelling. Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of residential development within existing residential curtilages.

- 5.2 Planning policy CS17 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 allows for building on gardens where it would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable transportation effects and where there is adequate private/semi private amenity space.
- 5.3 Accordingly, the principle of the development is acceptable subject to considerations regarding the appearance/form and effect on the character of the area; the residential amenity effects; and transportation impacts.
- 5.4 Appearance/Form and Impact on the Character of the Area  
The proposed annex is single storey in scale and comprises a simple dual pitched form. It is located adjacent to the western boundary of the site and will front onto garden and parking areas for the annex proposed and the existing dwelling. The applicant has proposed brickwork for the walls with course detailing at windows and door heads, and cast stone for the window sills; slate roof tiles; cast stone; and aluminium faced timber framed windows/sliding doors. It is considered that the proposal would have less of an impact on the character of the surrounding area than the two-storey dwelling previously approved at the site. It is not considered that any trees that make a significant contribution to the character of the area will be affected by the proposal.
- 5.5 Residential Amenity  
It is considered that the proposed single storey annex would have less of an impact on the residential amenity of neighbouring occupiers than the previously approved dwelling at the site. Accordingly, it is considered that all neighbouring properties are located at a sufficient distance from the proposal to ensure that occupiers would not be significantly adversely affected through loss of natural light or privacy. A sufficient amount of private amenity space will be left to serve the main dwelling.
- 5.6 Transportation  
Objections have been received with respect to the access arrangements of the proposal and the effect on highway safety and the condition of the surface of the lane. The existing access that serves the existing dwelling is to be used for the proposal and given that the proposal is for an ancillary annexe it is not considered that the proposal will result in a materially greater increase in vehicular traffic than the existing situation. Weight is also given to the fact that there is an extant consent at the site for the erection of a new dwelling. It is considered that a new dwelling would be likely to generate a significantly greater number of vehicular trips than the proposed ancillary annexe. Weight is also given to the fact that the proposal would be an improvement in terms of parking than the previously approved scheme. Accordingly, there are no objections to the proposal.
- 5.7 Environmental Effects  
Land Stability  
The Coal Authority has objected to the development proposed on the basis that the site is located in a high risk area and insufficient information has been provided to demonstrate that the site is safe and stable to accommodate the development. Notwithstanding this, substantial weight is given to the fact that



there is an extant permission at the site for the erection of a dwellinghouse. Accordingly, a refusal on the basis of land stability issues, when the applicants could lawfully erected a new dwelling at the site, is not considered to be sustainable.

#### 5.8 Further Matters

The concern raised regarding the effect on the surface of the lane is noted. However, this is not considered to be strictly relevant to the proposal and therefore, cannot be given significant weight. Notwithstanding this, it is not envisaged that the proposal would generate a significantly greater amount of vehicular trips than the existing situation.

### 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 annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 161 Roundways.

Reason

The building has been assessed as an ancillary annex. The occupation of the building as a separate planning unit will require further consideration by the Local Planning Authority in the interests of the amenities of the area and highway safety and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy

(adopted) December 2013; and saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

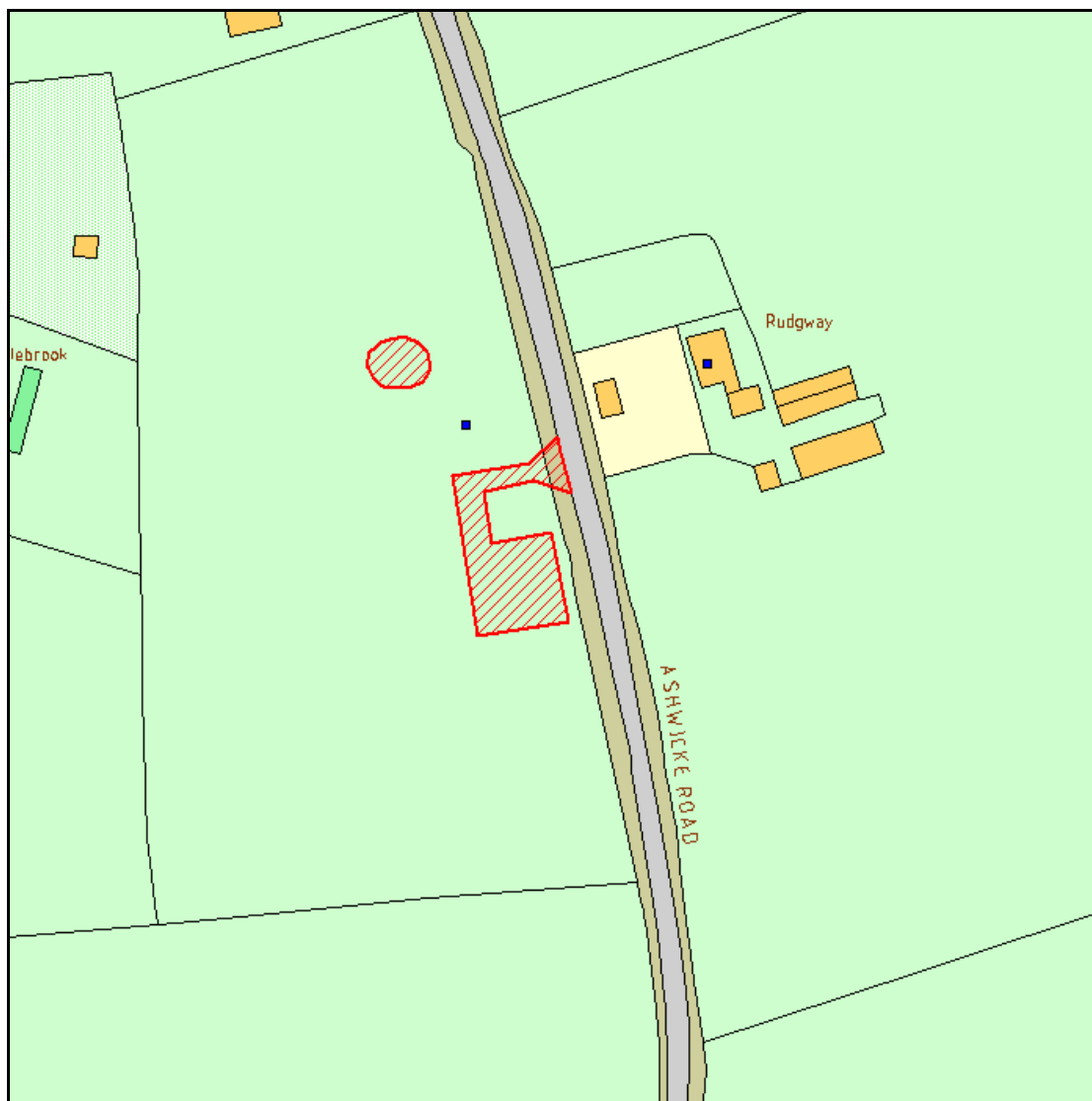
3. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

To ensure a satisfactory means of drainage and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK14/0192/F	<b>Applicant:</b>	Mr And Mrs Eric And Susan Gdras
<b>Site:</b>	Four Acres Opposite Rudgeway Farm Ashwicke Road Marshfield Chippenham South Gloucestershire	<b>Date Reg:</b>	23rd January 2014
<b>Proposal:</b>	The erection of 1no. barn and associated hardstanding and the stationing of horsewalker and mobile horse shelter (retrospective).	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377754 172631	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	17th March 2014



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

This application has been referred to the circulated schedule due to the receipt of an objection from Marshfield Parish Council.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking full planning permission for the erection of a 1no. barn and associated hardstanding at the field opposite Rudgeway Farm, Ashwicke. Retrospective consent is also sought for the stationing of a horsewalker and a mobile field shelter.
- 1.2 The application site comprises of a field approximately 1.55 acres in size to the West of Ashwicke Road. The site lies in open countryside and within the Bristol/Bath Green Belt and Cotswolds Area of Outstanding natural Beauty. A 3 box stable building and a manege are positioned along the eastern boundary of the site.
- 1.3 During the course of the application amended plans were requested to include the mobile field shelter and the fencing that currently subdivides the field. These aspects would not normally require planning permission however conditions were attached to previous planning consents, reference PK11/0087/F and PK10/2098/F restricting the erection of jumps, fences, gates or other structures for accommodating animals.

### **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)
  - L1 Landscape Protection and Enhancement
  - L2 Cotswolds Area of Outstanding Natural Beauty.
  - E10 Horse related development
  - LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
  - T12 Transportation  
South Gloucestershire Local Plan Core Strategy Adopted December 2013
  - CS1 High Quality Design
  - CS5 Location of Development
  - CS9 Environmental Resources and Built Heritage
  - CS34 Rural Areas
- 2.3 Supplementary Planning Guidance  
Development in the Green Belt (SPD) Adopted June 2007  
The South Gloucestershire Design Checklist (SPD) Adopted August 2007

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

- 3.1 PK10/2098/F Change of use from agricultural land to land for the keeping of horses. Erection of stable block.  
Approved November 2010
- 3.2 PK11/0087/F Construction of manege and erection of 1.2 high post and rail fencing  
Approved March 2011

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
Object as it is considered to be unacceptable and inappropriate development in the open countryside.
- 4.2 Landscape Officer  
No objections to revised plans
- 4.3 Highway Drainage  
No objections subject to the attachment of a SUDs condition.

#### **Other Representations**

- 4.4 Local Residents  
No response received

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

- 5.1 Principle of Development  
The National Planning Policy Framework (NPPF) attaches a great importance to Green Belts and highlights their fundamental purpose of keeping land permanently open. The NPPF outlines a limited number of forms of development that are considered appropriate in the Green Belt, included in this list is buildings for the provision of appropriate facilities for outdoor recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Policy CS1 of the Core Strategy seeks to ensure proposals are of a high standard in design. Policies CS9 and CS34 seek to protect, conserve and enhance the natural environment, in particular, the designated Green Belt and Cotswold Area of Outstanding Natural Beauty.

Policy E10 of the South Gloucestershire Local Plan outlines that horse related development will be permitted provided that the proposal would not have any unacceptable environmental impacts or prejudice the amenities of neighbouring occupiers. Also of relevance is Policy LC5 which allows for proposals for outdoor sport and recreation outside of the existing settlement boundaries. Policies L1 and L2 of the South Gloucestershire Local Plan seek to ensure that the character, distinctiveness, quality and amenity of the landscapes and Areas

of Outstanding Natural Beauty within South Gloucestershire are conserved and enhanced.

## 5.2 Impact on the Green Belt

There are four aspects to the current proposal, the erection of a barn for the storage of agricultural equipment including a tractor and the retrospective application for a horse walker, mobile field shelter and fencing.

The NPPF allows for the provision of appropriate facilities for outdoor sport and recreation in the Green Belt. The South Gloucestershire Development in the Green Belt SPD states that the erection of horse related structures such as stables, fences, and jumps can fall within the definition of appropriate Green Belt development provided that they are small in scale.

The proposed horse walker is basic in design and relatively small in scale given the size of the field. The horse walker has a post and rail fence measuring 1.5 metres in height and has a diameter of 11 metres. The proposed field shelter is currently situated opposite the entrance of the site, perpendicular to Ashwicke Road. This shelter is a mobile structure that provides shelter for the ponies on site as they are not routinely stabled during the summer months. This structure will be moved to various positions on the site throughout the year. There is also existing post and rail fencing which subdivides the field into three separate pastures.

The proposed barn would measure 13.7 metres in length by a maximum of 7.6 metres in depth with a height to eaves of 3.5 metres and a maximum height to ridge of 4.5 metres. The proposal would be open on the west elevation and constructed of concrete panels with timber cladding to the upper sections and a corrugated roof. Hard standing from the existing access would continue across the front of the proposed barn. In order for this aspect of the proposal to be considered as 'appropriate development' in the Green Belt the proposal must be considered to be of an appropriate scale and necessary for the equine use of the site. The agent has submitted justification for the barn stating that it is required for the storage of hay, flax bedding, grassland management equipment and the applicants horse box trailer. During the course of the application Officers requested that the scale of the barn be reduced. No reduction in scale was forthcoming however, the justification for the scale of the barn seems reasonable. Whilst the proposed barn would inevitably impact on the visual amenity of the Green Belt, given the siting of the proposal adjacent to the boundary of the field it is not considered that the barn would have any significant impact on the openness of the Green Belt.

Cumulatively it is accepted that there are a number of structures on a relatively small site. All the structures are related to the equine use of the land and whilst it is accepted that not all the items could be considered essential it is considered that they are all genuinely required by the owners for the equine use of the land. The structures are all situated to the eastern side of the site which minimises the overall impact of the proposal. Furthermore, the location of the barn and stable adjacent to the eastern boundary planting means that the site reduces the potential for the site to appear visually cluttered. Overall, it is

considered that the proposal accords with the guidance contained within the NPPF.

### 5.3 Impact on the Visual Amenity of the Landscape in General

The application site is located to the south of Marshfield, it is within the Cotswold Area of Outstanding Natural Beauty (AONB). In an area with an intact rural character. The surrounding countryside has a good network of hedgerows, although some of the hedges on the boundaries of the site itself are in need of maintenance. Ashwicke Road is on the eastern boundary of the site, it is set well below the level of the field and has hedgerows on both sides. There is a section of hedge along-side the manege which is very gappy and a lap board fence has been erected. The hedges on the northern, western and southern boundaries are robust and screen the site in views from the surrounding area.

Due to the road being located below the level of the field the manege is not highly visible, however the post and rail fencing can be seen through the hedge. The lap board fence is not in keeping with the rural character of the area and should be removed in order to be in accordance with Policy L1 and L2. The agent has amended to the plans to show that the lap board fencing will be removed in accordance with Landscape Officers advice and a condition would be attached to any permission to ensure the fencing is removed. It is recommended that maintenance should be carried out to the hedge at this location, to enhance its appearance and thicken it up. If the stems of the shrubs within the hedge are not too old maintenance could include traditional laying of the hedge and inter-planting with new shrubs. In addition, the hedge along side the proposed barn is in a poor state of repair and in need of some maintenance. Improvements to the hedge through traditional hedge laying and inter-planting with native shrubs will enhance the landscape character of the area and help to screen the proposed barn. Works to the hedge have been confirmed on the amended block plan and an appropriately worded condition would ensure that these works would be carried out.

Overall, with the exception of the hedgerow along Ashwicke Road there are robust hedgerows on the boundary of the plot which screen views of the horse paraphernalia in views from the surrounding area. Due to the lower level of Ashwicke Road and intervening buildings and vegetation the horse walker and existing stables are predominantly screened in views from the surrounding area.

In order to further screen the various structures proposed and enhance the landscape character to be in accordance with policy L1 and L2 a condition is considered necessary, requiring a five year maintenance plan for the hedgerow along Ashwicke Road. A brief management plan has been annotated on to the block plan however it is considered that further detail is required on this matter. The management plan should detail how the robustness of the hedge will be restored and include time scales for the proposed works.

#### 5.4 Environmental Impacts

Given the location of the proposed barn, set away from any residential properties, there are no concerns regarding noise, dust and disturbance during construction, furthermore, no additional lighting is proposed on site. Overall there are no objections on environmental grounds. In addition, the Councils drainage officer has no objections to the proposal subject to the attachment of the standard SUDs condition.

#### 5.5 Impact on Residential Amenity

The nearest residential property is located to the east of the site, at Rudgeway Farm. Given the distance from the application site to this neighbouring dwelling, it is not considered that the scheme would impact upon the existing levels of residential amenity.

#### 5.6 Parking and Highway Safety

The plans show that there will be concrete to the front of the barn and it is proposed that the existing field access would be utilised for pedestrian and vehicular access to the barn. It is considered that there is ample space for vehicles to enter and leave the site in a forward gear as such there are no objections to the proposal with regard to highway safety.

### 6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

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

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**



## **CONDITIONS**

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

### Reason

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

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

### Reason

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

3. Prior to the commencement of development the lap board fencing along the eastern boundary of the site shall be removed.

### Reason

To ensure the natural beauty of the Cotswolds Area of Outstanding Natural Beauty is conserved and enhanced and to accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

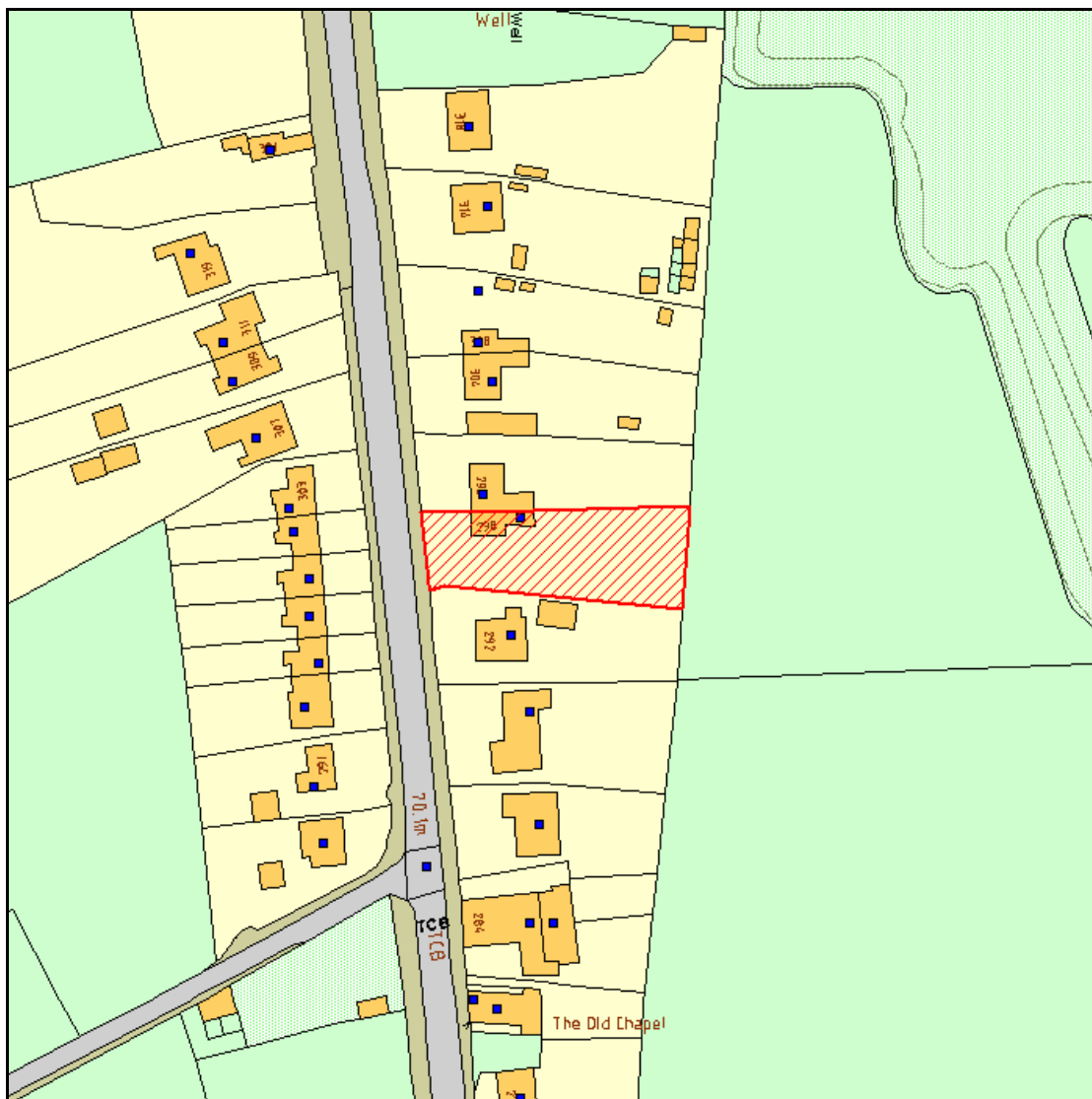
4. Prior to the commencement of development a schedule of management for the eastern boundary hedge for a minimum period of 5 years shall be submitted to the Local Planning Authority for approval. The schedule shall include timescales and details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

### Reason

To ensure the natural beauty of the Cotswolds Area of Outstanding Natural Beauty is conserved and enhanced and to accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PK14/0249/F	<b>Applicant:</b>	Mrs Karen Law
<b>Site:</b>	296 North Road Yate Bristol South Gloucestershire BS37 7LL	<b>Date Reg:</b>	24th January 2014
<b>Proposal:</b>	Erection of two storey and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Iron Acton Parish Council
<b>Map Ref:</b>	369879 184102	<b>Ward:</b>	Ladden Brook
<b>Application Category:</b>	Householder	<b>Target Date:</b>	18th March 2014



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

This application has been referred to the Circulated Schedule as comments of objection have been received from the adjacent neighbour. These are contrary to the Officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a two-storey rear extension and a single storey rear extension at a semi-detached property on North Road, Engine Common.
- 1.2 The proposed rear extension will be located on an existing two-storey side extension; the single storey element of the proposal will be located on the rear elevation of the original dwelling.
- 1.3 The development will enable the provision of additional living accommodation and bedrooms.
- 1.4 Located within the defined settlement boundary of Engine Common, the site is not covered by any restrictive land designations.

### **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  
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

T12 Transportation  
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance  
Residential Parking Standard (Adopted) December 2013

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

- 3.1 P92/1450                      Approved with Conditions                      15/04/1992  
Erection of two storey side extension to form ground floor lounge and dining room and two first floor bedrooms. Erection of front porch and detached garage; construction of vehicular access.

### **4. CONSULTATION RESPONSES**

4.1 Iron Acton Parish Council

No observations

4.2 Drainage

No comment

4.3 Transport

No objection

**Other Representations**

4.4 Local Residents

Three comments of objection, all from the same neighbour, have been received. These comments raise the following points –

- Allowing upstairs windows would set precedence for others to do the same
- Extension would result in overlooking of a private garden
- Increased size of dwelling would result in extra pressure on the drainage ditch to the rear of the property and is likely to result in flooding
- Overdevelopment of the site
- Proposed windows at first floor level would change the character and façade of the property and would be out of keeping with the character of the four properties of which no.296 is one fourth
- Proposed windows would compromise privacy
- Request that the side window be obscure glazed or be 1.7m above floor level
- Revised plans do not address concerns raised
- Upstairs window would allow direct view into ground floor bedroom
- Upstairs window would be visible from the public highway

**5. ANALYSIS OF PROPOSAL**

5.1 This application seeks consent a two-storey and single-storey rear extension at a semi-detached property in Engine Common.

5.2 Principle of Development

Located within the curtilage of an existing dwelling, policy H4 applies and establishes the principle of development. This policy allows for extensions and alterations to existing dwellings subject to an assessment of design, amenity and transport. Therefore, the proposed development is acceptable in principle but should be determined against the analysis set out below.

5.3 Design

In considering the design of the proposal, it is important to bear in mind that only the development subject to this application can be considered for its merit. The existing dwelling has already been subject to a two storey side extension that elongated the front elevation and disrupted the proportions and form of the dwelling. As this previous extension is part of the existing built form, the impact of it on visual amenity cannot now be considered in determining the current

- planning application. To that extent, the focus on design is restricted to the extensions to the rear of the dwellinghouse.
- 5.4 Two distinct elements are proposed; the first is the two-storey rear extension, the other is the single-storey rear extension. Turning first to the two-storey part, this extension is located towards the southern boundary of the site. The side elevation of the proposed extension will sit flush with the side elevation of the existing extension, meaning that there will be no further elongation in the width of the property. A hipped roof over this extension is proposed which enables the extension to link into the existing building in a manner which does not dominate or unbalance the current design or site layout.
- 5.5 The extension will project 5.4m beyond the existing rear elevation. Whilst this is a sizable distance from the rear of the property it should be noted that this is not as far as the front elevation of the detached garage building (at approximately 6.6m from the rear elevation) and it does not extend beyond the existing single storey rear element of the property which projects 6.1m from the rear of the dwellinghouse.
- 5.6 Whilst the proposed two-storey section has a depth of 5.4m, it only has a width of 5.1m. This leaves a gap of 5m between the inside edge of the proposed extension and the party wall boundary to the adjoining semi-detached house. Within this section is located the single-storey element of the proposal. A flat roof link will be erected between the two storey section and the existing single storey projection.
- 5.7 Overall, the site layout and design are acceptable. The extensions to the building are located behind the existing extension and therefore only have a limited impact on visual amenity. The resulting massing of the building is considered to be proportional with the existing built form and the layout of the plot is considered to make an efficient use of the site. In terms of materials, a condition will be attached that stipulates that materials should match those used in the existing house.
- 5.8 Amenity  
Concern has been raised that the proposed extensions will have a prejudicial impact on residential amenity. For the proposed development to warrant refusal on the grounds of harm to residential amenity, that harm would have to be proven, significant, and prejudicial.
- 5.9 Amenity should be considered in terms of the impact on the application site and any nearby occupier. The proposed development is not considered to prejudice the amenity of the application site. Adequate private amenity space is retained to meet the needs of the extended property.
- 5.10 Although located to the south of, the proposal is not considered to impact on the amenity of no.298 to a demonstrable extent. Sufficient space is left between the extension and the site boundary and the use of a hipped roof reduces the form and shape of the building to lessen any impact.

- 5.11 The proposed extension would have the most impact on no.292, but this impact is not considered to be prejudicial to the residential amenity of this property. The two-storey extension is the element of development closest to this site. The new built form would be located 5.8m away from the site boundary which leaves a considerable gap between the boundary and the development and cannot be considered overbearing. Furthermore, the development is to the north of no.292 and therefore it would have little impact on the availability of light and would not cause significant shadow.
- 5.12 It is stated that the first floor window in the side elevation would have a material impact on privacy, particularly upon one of the bedroom windows to no.292 (which is located in the side elevation of the bungalow).
- 5.13 The proposed first floor window is located in a position where the view it affords is a view which is mostly available from the public realm. Only glimpses of the rear garden of no.292 would be possible as the roof line of the bungalow and the garage screen a significant amount of the garden. The level of overlooking that might be possible is not materially more harmful than a general level of overlooking that occurs within a built up area or than can be achieved from the existing rear window.
- 5.14 It is a similar situation with the reported view into the downstairs bedroom window; this window faces onto the driveway to the property and is screened by some minor landscaping. There is a distance of approximately 5.4m between the side elevation of no.292 and the site boundary. From the site boundary to the side elevation of no. 296 is a further 5.8m creating a distance between the two properties of 11.2m. This distance would be acceptable between a window and a blank elevation, the assessment therefore needs to determine how much visibility would be between the proposed window and the existing fenestration of the adjacent property.
- 5.15 The proposed first floor window is in an elevated position and the angle from which a view into the adjacent property is limited. From this height and angle, any view would be limited to the lower part of the window, window cill, and potentially the floor immediately by the window; the position and angle of the window would not afford a clear view into the adjacent property.
- 5.16 A timber panel fence runs along the boundary between the two properties with notable planting within the curtilage of no.292. Additional planting is located along the side boundary of no.292 and the window in question is screened from the application site. It is therefore considered that there is much less of a view between the two elevations in reality than the distances and plan drawings may suggest and the extent of the view afforded would not be prejudicial to the amenity of either site.
- 5.17 Taking all of the above into account, whilst there may be some impact on residential amenity in the vicinity, the impact is not harmful to the extent that it can be considered prejudicial and therefore the application should not be refused on the basis of residential amenity.
- 5.18 Transport

When assessing development within a residential curtilage with regard to the impacts on transportation, the assessment relies on the provision of adequate off-street parking. The development will result in a 4/5-bedroom dwelling. A house of this size would require the provision of three parking spaces. As existing, the property benefits from hardstanding within the curtilage and a double garage. This already provides more than three off-street parking spaces and therefore adequate parking is provided to meet the requirements of the Residential Parking Standard SPD.

- 5.19 No new access is proposed and the existing vehicular access is considered to be satisfactory to provide for the needs of the site. There is no objection to the proposed extension in terms of transportation.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed extension has been assessed against the policies listed above. The design is acceptable and is in keeping with the character of the dwelling. The impact on residential amenity is not considered to be prejudicial to the residential amenity of the locality. Adequate parking is provided and there is no transportation objection to the proposal. Therefore the development is considered to accord with the policies listed above.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 It is recommended to GRANT permission subject to the conditions listed below.

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

## **CONDITIONS**

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

Reason

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

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

Reason

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

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

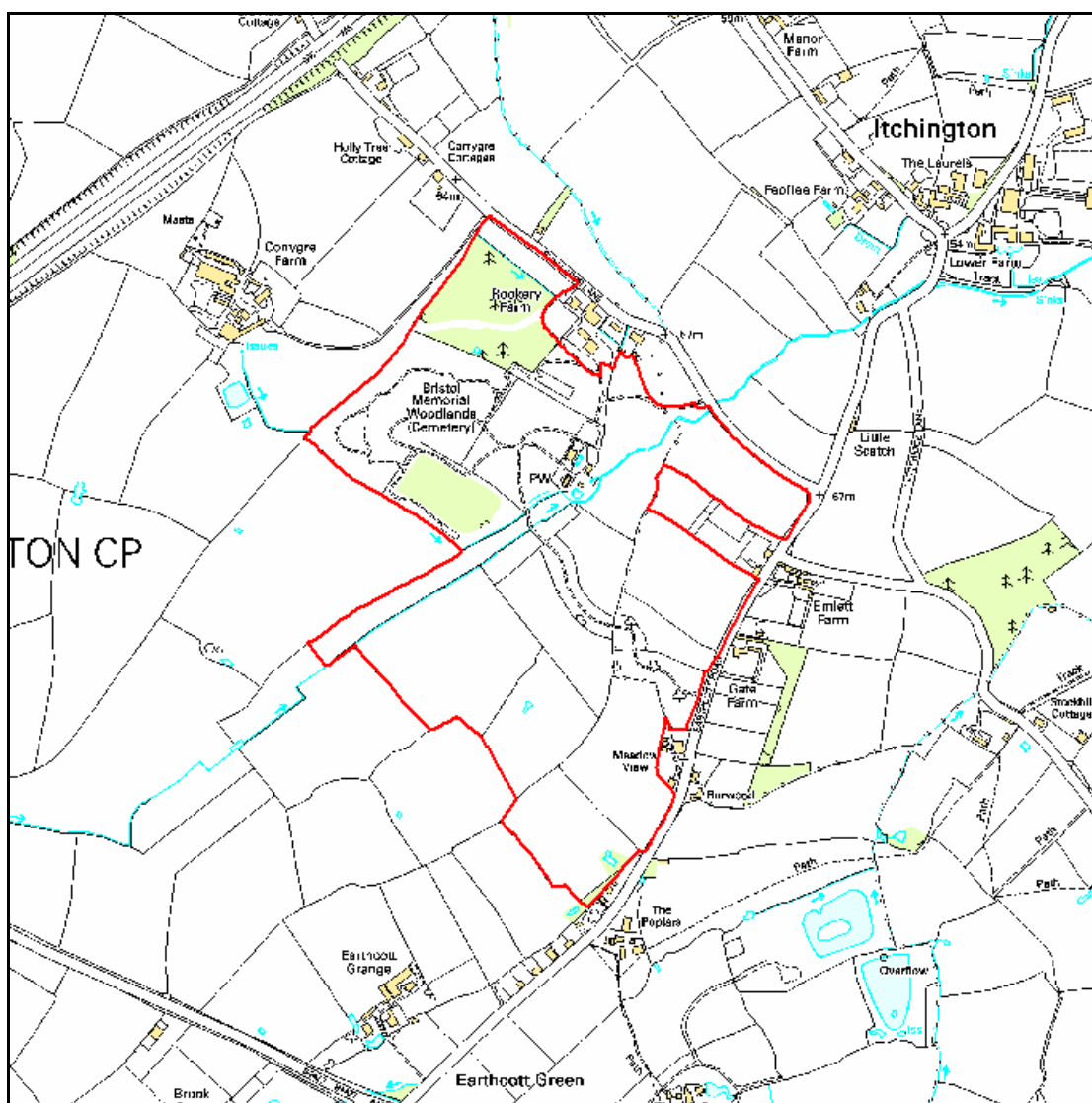
Reason

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



**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PT13/4479/CLP	<b>Applicant:</b>	Bristol Memorial Woodland Ltd
<b>Site:</b>	Bristol Memorial Woodlands Old Gloucester Road Alveston Bristol South Gloucestershire BS35 3TA	<b>Date Reg:</b>	9th December 2013
<b>Proposal:</b>	Application for certificate of lawfulness for the carrying out of up to 12no. funerals a day within the lawful use as a cemetery granted planning permission by P97/2095 dated 12 March 2001	<b>Parish:</b>	Alveston Parish Council
<b>Map Ref:</b>	365356 186407	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th January 2014



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 100023410, 2008. **N.T.S.** **PT13/4479/CLP**

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

This application is for a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Schedule procedure. Additionally, Representations have been made by local residents and the Parish Council which are contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 The applicant is seeking a formal decision to determine whether the carrying out of 12no funerals a day can be undertaken at Bristol Memorial Woodlands within the lawful use as a cemetery, which was granted permission under P97/2095 dated 12<sup>th</sup> March 2001
- 1.2 The application site consists of Bristol Memorial Woodlands, which has an authorised cemetery use and wedding ceremony use (sui generis) approved within applications P97/2095 and PT04/0222/F. An application to extend the cemetery was approved on 26<sup>th</sup> June 2013 under application ref. PT13/1010/F.
- 1.3 The red line shown on the Site Location Plan incorporates both the existing and extended cemetery and the land and buildings associated with the wedding ceremony use.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning Act 1990  
Town and Country Planning (General Procedures) Order 1995

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

- 3.1 PT13/1010/F - Change of use of agricultural land to cemetery (Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). (Re submission of PT12/3221/F). Approved 26<sup>th</sup> June 2013.

Cond.7: No burials shall take place at this site between the hours 16:00 to 09:30.

Reason

In the interests of the residential amenity of neighbouring occupiers and to accord with policy S4 of the South Gloucestershire Local Plan (adopted) January 2006.

Cond. 16:

Prior to the commencement of the development an operational management plan shall be submitted to and agreed in writing by the Local Planning Authority. (For the avoidance of doubt this should set out the maximum number of events per day and client routing information). The development shall be carried out in accordance with the agreed details.

Reason

In the interests of highway safety and the amenity of neighbouring occupiers and to accord with policies T12 and S4 of the South Gloucestershire Local Plan (adopted) January 2006.

- 3.3 PT12/3221/F - Change of use of agricultural land to cemetery (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Withdrawn 23<sup>rd</sup> January 2013
- 3.4 PT07/2354/RVC - Variation of Condition 5 attached to planning permission PT04/0222/F dated 02 April 2004 to allow the temporary use of land for up to 28 days a year. Refused 31<sup>st</sup> August 2007
- 3.5 PT04/2858/F - Use of land for cemetery with associated parking, and formation of new vehicular access.  
Cond. 6: The use of land for funerals hereby authorised shall take place only between the hours of 9.30am and 4.00pm daily.  
  
Reason: In the interests of highway safety, and to accord with policy RP1 of the adopted Northavon Rural Areas Local Plan; and Policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).  
  
Cond.10: The number of burials within the site edged in red in any calendar year shall not exceed 8.  
  
Reason: For the protection of Controlled Waters and to comply with conditions RP1 of the Rural Areas Local Plan; and Policies L17 and L17A of the South Gloucestershire Local Plan (Revised Deposit Draft).
- 3.6 PT04/0222/F - Use of land and buildings for wedding ceremonies in addition to the existing use. Approved 2<sup>nd</sup> April 2004  
Cond.3: The use of the site for wedding ceremonies and associated receptions shall take place only between the hours of 9.30am and 4.00pm.  
  
Reason: In the interests of residential amenity, highway safety and the character of the area and to accord with policy RP1 of the adopted Northavon Rural Areas Local Plan; and Policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).
- 3.7 P97/2095 - Change of use of land from agricultural to woodland cemetery. Conversion and extension of buildings for ancillary use. Construction of vehicular access on to Earthcott Road, South of Gate Farm. Approved 21<sup>st</sup> April 2001.  
Cond.11: The use of the site for funerals hereby authorised shall take place only between the hours of 9.30 am and 4.00 pm daily.  
  
Reason: In the interests of highway safety.
- 3.8 P95/2102 - Change of use of land from agriculture to Woodland Cemetery. Conversion of building to uses ancillary to cemetery; erection of store and

greenhouse; construction of vehicular and pedestrian access; ancillary works.  
Refused 18<sup>th</sup> December 1995

- 3.9 P93/1019 - Change of use of agricultural land to woodland cemetery; Change of use of barns to chapel, store and reception rooms; formation of vehicular access (In accordance with amended plans received by the Council on 26 May 1993). Withdrawn 7<sup>th</sup> July 1995

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

4.1 Alveston Parish Council

The Parish Council object to PT13/4479/CLP on the grounds of significant increase of traffic as inappropriate for rural roads in the surrounding area.

4.2 Transportation DC

There is no transportation comment on this application as it refers to a legal test of evidence.

4.3 Highway Drainage

No comment.

#### **Other Representations**

4.4 Local Residents

Seven letters of objection and one letter of support have been received from local residents. The letters of objection are summarised as follows:

- The actual phrasing on the application calls for 12 funerals per day. PT13/1010/F states that the permission is for 12 events per day. This includes ceremonies, receptions, services and social events connected to funerals and weddings. The present wording could be construed as these events being additional to funerals.
  - Increase in traffic and highway safety.
  - Pollution.
  - The proposed use has not started – for either existing or extended site.
  - The business advertises funerals followed by a reception. I am sure that as this is an option provided by the business that a number of funerals would include such a reception following the service (i.e. two events).
  - For the existing use to be lawful there would need to be a quantifiable figure and evidence to support it – no evidence provided.
  - Such a certificate would not be in keeping with the Operational Management Plan which refers to 12 events whereas the Certificate may result in up to 24 events or more being held.
  - Permitting 12 funerals / day, over the allowable working day of 0930 to 1600, implies a maximum time interval between successive funerals or ~35 minutes.
- 
- An increase in the allowable frequency of funerals to 12 / day will lead to a growth in traffic on the local approaches to the Bristol Memorial Woodlands site and that this should be analysed and assessed, objectively and

quantitatively, for its impact relative to current traffic levels before approval is considered.

- Previous comments relating to traffic growth need to be re-analysed.

The letter of support is summarised as follows:

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

- 5.1 Site Location Plan; Letter from LPC (Trull) dated 2<sup>nd</sup> December 2013; Decision notice P97/2095; Decision notice PT13/1010/F – all received 5<sup>th</sup> December 2013

## **6. EVALUATION**

- 6.1 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 decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 The site subject to this application is Bristol Memorial Woodlands, which is situated on Earthcott Road. The lawful use of the site is as a cemetery and wedding ceremony venue. The original cemetery was granted planning permission under application P97/2095 in 2001. Planning permission was also granted under application PT04/0222/F in 2004 to use the land and buildings for wedding ceremonies. Restrictions were applied to both permissions to restrict hours to between 9:30am and 4:00pm under condition 3 of PT04/0222/F and condition 11 of P97/2095. There are no conditions relating to either of these planning permissions that restrict the number of events that can be undertaken in any one day, but the number of events that can take place is naturally constrained by the time restrictions.
- 6.3 On 26<sup>th</sup> June 2013 planning permission was granted to extend the cemetery site under application ref. PT13/1010/F. Conditions of relevance in this instance are condition 7, which states that burials cannot take place between the hours of 16:00 and 09:30, and condition 16, which relates to an operational management plan. Condition 16, which is sited in para. 3.1 above, states that the maximum number of events per day must be included within the operational management plan. Condition 16 was discharged on 7<sup>th</sup> November 2013 following the submission of a 'Revised Operational Management Plan' dated November 2013. Section 4.0 of the operational management plan relates to the control of events and reads as follows:

*4.1 Notwithstanding that there are at present no limitation or restrictions on the number of events that may be lawfully undertaken at the site, the operators commit to hold no more than 12 events a day, in*

*accordance with this Operational Management Plan. For the avoidance of doubt an 'event' will be interpreted as follows:*

*"Events include any ceremony, reception, service or social event relating to funeral or wedding use but do not include family visits to the cemetery or visitors to the office."*

- 6.4 When considering whether the proposed use of the site for the carrying out of 12no. funerals a day is lawful consideration is given to the wording of the 4.1 and the interpretation provided. The wording is clear in that it relates to an 'event' but the actual definition an 'event' is slightly ambiguous. It is noted that comments received from local residents read the interpretation as meaning that a ceremony, reception, service or social event each constitute a single event and as such each funeral or wedding could potentially have four separate events. Although these comments are noted Officers are of the opinion that the purpose of the interpretation is not to separate a ceremony, reception, service or social event into individual events but instead describe the type of functions that could be associated with each funeral or wedding use – i.e. '*events include any ceremony, reception, service or social event relating to funeral or wedding use but do not include family visits to the cemetery or visitors to the office.*'. It is also noted that the purpose of the condition and the associated control of events is not to restrict the number of services that each funeral and wedding can have but is instead to control how many people come and go from the site – i.e the number of full events that can take place. The operational management plan states that operators commit to holding no more than 12 events a day. Therefore, on the balance of probability, it is considered that in theory 12 funerals could be carried out a day within the lawful use of the site. If 12 funerals were to take place no other event such as a wedding could take place as the maximum limit would have been reached.
- 6.5 During the consultation process a number of concerns have been raised by local residents and the Parish Council in relation to the potential increase in traffic movements and subsequent impact on highway safety. These comments are noted however matters relating to traffic are not a consideration of an application for a certificate of lawfulness. The application for a certificate of lawfulness is purely an evidential test and a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. There is no consideration of planning merit: the decision is based on the facts presented. The evidence provided suggests that, on the balance of probability, 12 funerals could be undertaken in any one day. As such the Local Planning Authority must issue a certificate to confirm this.
- 6.6 Additional comments have been received stating that the carrying out of 12no. funerals is not an existing use and that no evidence has been provided to confirm that it is. It is noted that this application is for a certificate of lawfulness for a proposed use. It is seeking confirmation that there is already scope within the existing planning permission to carry out 12 funerals. The application is not seeking confirmation that an existing use is lawful by virtue of the amount of time that it been carried out for.

6.7 Further comments have been received stating that the certificate will allow an increase in the number of funerals undertaken each day thus impacting traffic. Although it acknowledged that the site may not carry out 12 funerals a day at present this does not mean that it could not. It is also acknowledged that funerals could overlap and as such the site could be used more intensively than currently used but the evidence suggests that there has already been scope to do this. The evidence suggests that on the balance of probability 12 funerals could be undertaken each day within the existing planning permission. This certificate does not give planning permission but instead legally confirms that it could already potentially take place. The site will continue to be restricted by the time restrictions outlined in the planning history. It is also highlighted that if 12 funerals took place then no additional events (i.e. weddings or additional funerals) could be carried as the 12 event limit would have been reached.

6.8 Summary

It is considered that on the balance of probability, upon review of the planning history and associated planning conditions, at the time of this decision the carrying out of 12no. funerals a day may be lawfully undertaken within the site outlined in red on the site location plan received 5<sup>th</sup> December 2013.

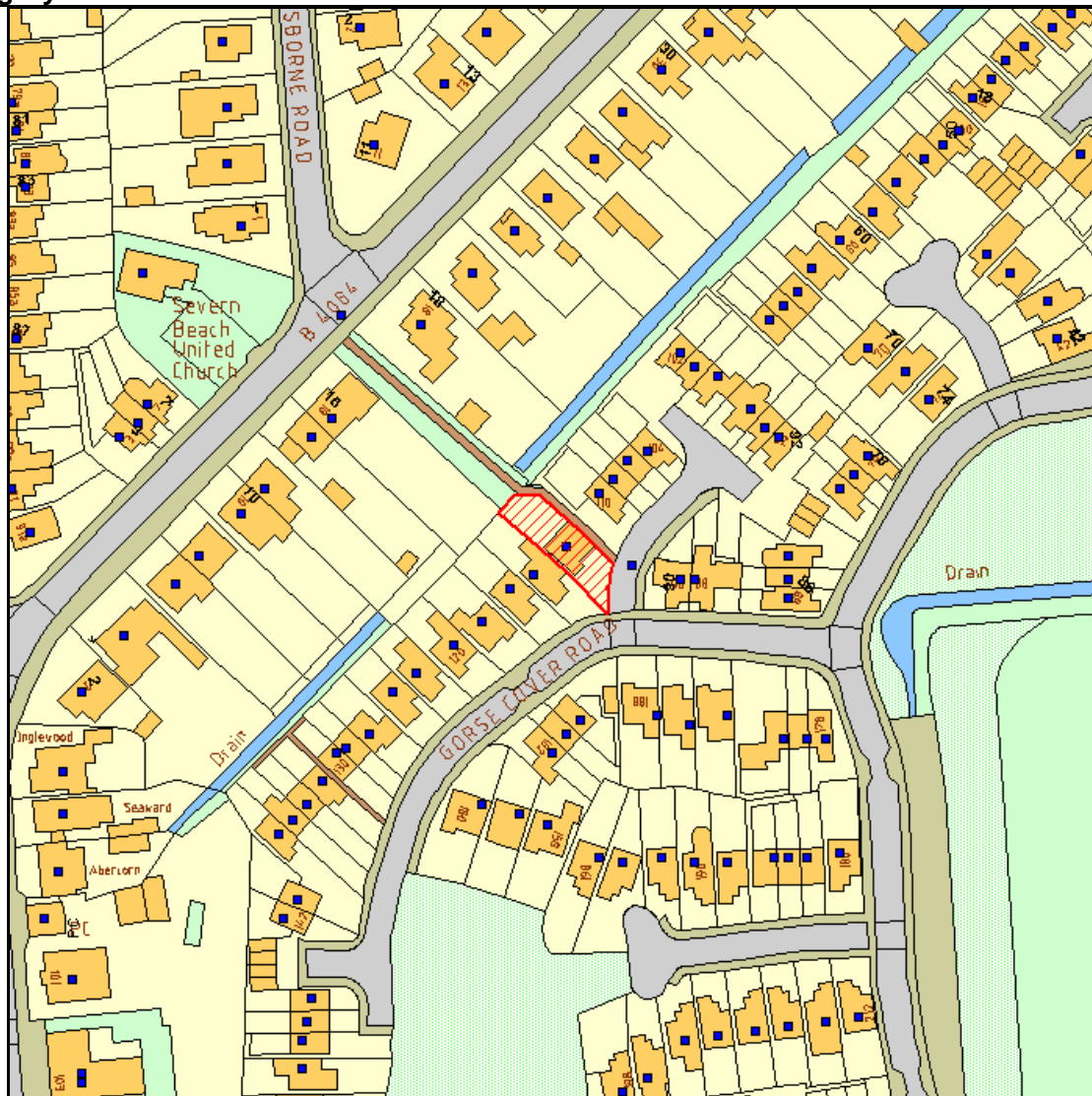
7. **RECOMMENDATION**

7.2 That a Certificate of Lawful Development is **GRANTED**.

Contact Officer: Sarah Fordham  
Tel. No. 01454 865207

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PT13/4704/F	<b>Applicant:</b>	Mr And Mrs Steve Fowler
<b>Site:</b>	112 Gorse Cover Road Severn Beach Bristol South Gloucestershire BS35 4NP	<b>Date Reg:</b>	8th January 2014
<b>Proposal:</b>	Erection of two storey and single storey rear extension to form additional living accommodation.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354062 185052	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	3rd March 2014



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## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

This application appears on the Circulated Schedule due to comment received from the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks consent for the erection of a two storey and single storey extension to the rear of the existing dwellinghouse.
- 1.2 The application site relates to a detached dwelling within the residential cul-de-sac of Gorse Cover Road.

### **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

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

CS1 High Quality Design  
CS5 Location of Development

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist Supplementary Planning Document (Adopted) August 2007

Residential Parking Standards SPD

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

#### 4.1 Pilning and Severn Beach Parish Council

Feel that this extension is large for the size of the existing square footage of the house and that further plans showing the isometrics would be useful.

#### 4.2 Drainage Comments

No Objection given that a householder FRA has been submitted

### **Other Representations**

- 4.3 Local Residents  
None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Extensions to existing properties are controlled through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Extensions to existing properties are generally considered favourably by the Council, subject to detailed consideration of the listed criterion of each policy. As such the main areas to consider as to whether the proposed development is acceptable are design and amenity.

### 5.2 Design and Visual Amenity

Design quality is a material consideration through both policy H4 and the Core Strategy. To be acceptable, the design of all elements of the proposed development must: respect the massing, scale, materials, and overall design of the existing dwelling; protect the character and appearance of the street scene, dwelling, and surrounding area; and not prejudice the amenity of nearby occupiers or the locality. In addition, adequate off street parking to meet the standards as set out in the Residential Parking Standards SPD must be provided.

The proposed rear extensions are considered to be in keeping with the scale and design of the host dwelling and surrounding properties. The two storey rear extension will have a hipped roof with a pitch to match the existing. The single storey rear extension will then be attached onto the rear of the two storey element and will incorporate a lean too style roof of simple design that is considered being in keeping with the scale and design of the host dwelling. All elements of the extension will be finished in materials to match the existing further encouraging their successful integration.

The two storey element will have a depth of 3 metres with the single storey element projecting one metre out further than this. Despite the comments from the parish Council, large extensions are also found on some of the neighbouring dwellings, the proposed extension is not considered to be excessively large. In addition, the plans are sufficiently clear and precise to allow for the determination of the application without the need to request any further isometric plans.

### 5.3 Residential Amenity

As mentioned above, the two storey element of the proposal will project 3 metres out from the rear of the existing dwelling with the single storey element having a depth of 4 metres. This is not considered unusual for a detached property. In addition, the proposed extension will be located to the north east of the neighbouring dwelling No 114 Gorse Cover Road further reducing any possible impact by means of overshadowing on this neighbour.

To the other side of the proposed extension lies a public footpath dividing the site from property No. 110 Gorse Cover Road meaning the impact on this dwelling will be negligible.

Given the above, the impact on residential amenity is considered acceptable and as such the proposal is deemed to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Transportation

Ample space remains on the site to provide two off street parking spaces sufficient to meet the needs of the extended family dwelling.

5.5 Other Issues

A householder flood risk assessment has been submitted confirming that the floor levels within the extension will be no lower than the existing and that flood proofing will be incorporated. The extension will therefore be suitably protected from flooding.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 It is recommended that this application be approved subject to the conditions on the decision notice.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

**CONDITIONS**

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

Reason

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

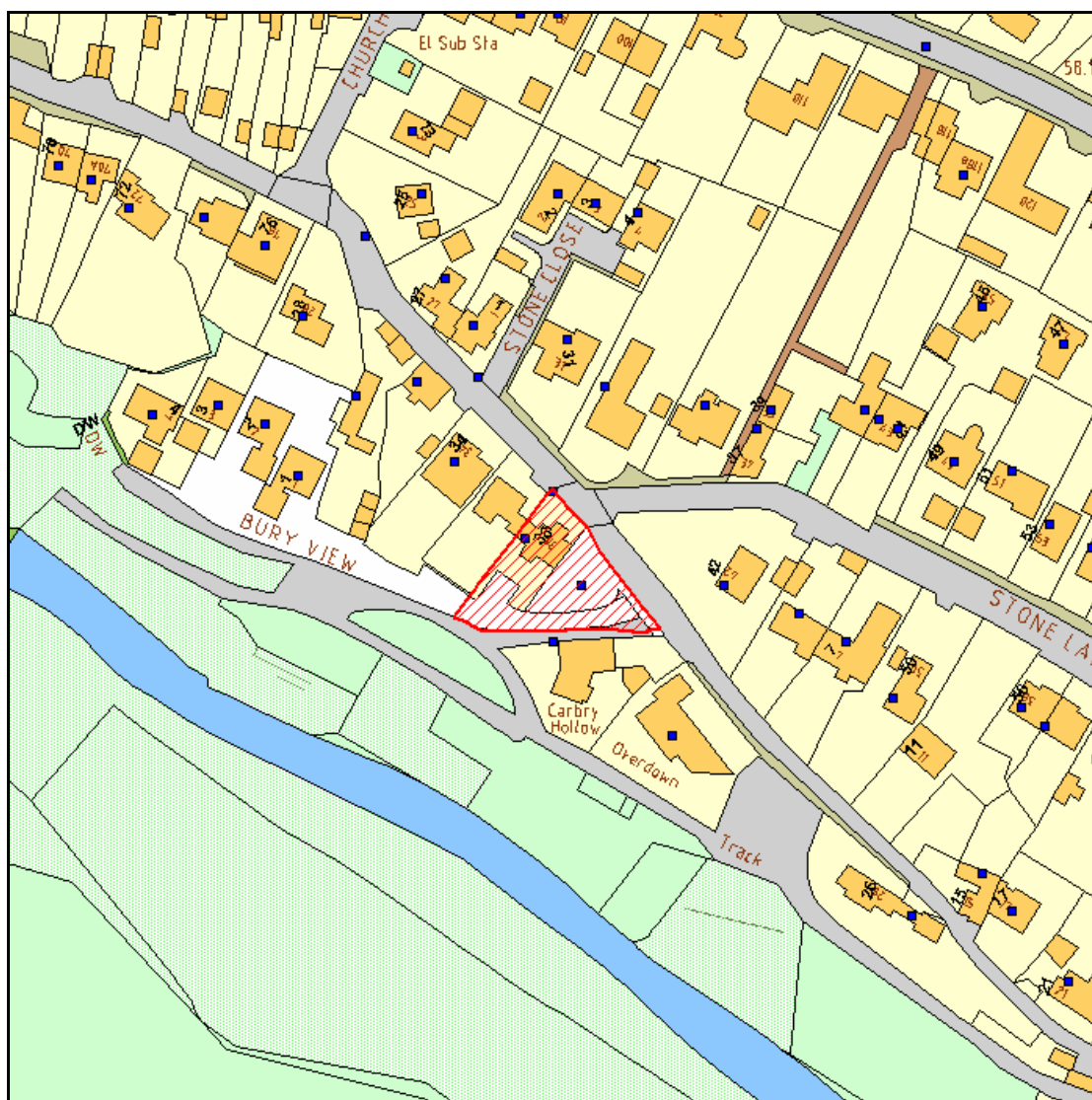
2. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Reason

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

## CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014

<b>App No.:</b>	PT14/0039/RVC	<b>Applicant:</b>	Mr And Mrs T Giles
<b>Site:</b>	Grove House Stone Lane Winterbourne Down Bristol South Gloucestershire BS36 1DQ	<b>Date Reg:</b>	21st January 2014
<b>Proposal:</b>	Variation of Condition 2 attached to appeal decision APP/PO119/A/12/2187357 to substitute drawings A585-PL-02 , A585-PL- 03B, A585-PL-04b and A585-PL-05B with drawings A585-PL-02a , A585-PL-03c, A585- PL-04c and A585-PL-05c to regularise changes to design.	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365378 179552	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th March 2014



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**N.T.S.**

**PT14/0039/RVC**

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

This application appears on the Circulated Schedule as representations have been made contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

1.1 The applicant seeks a variation of condition 2 attached to the appeal decision in order to substitute drawings for the approved named drawings. This would regularise some fenestration alterations at both Grove House and 38 Stone Lane, facilitate the use of render instead of cedar at 38 Stone Lane and regularise altered floor plans in 38 Stone Lane. The variations to the permitted scheme include:

- a) Change of a rooflight to a dormer window (rear elevation Grove House)
- b) Change of a first floor window to a set of doors and installation of a Juliet balcony. (rear elevation Grove House)
- c) Omission of a roof light. (front elevation Grove House)
- d) Front door glazed screen changed to a smaller window. (front elevation Grove House)
- e) Replacement of cedar cladding with render (38 Stone Lane).
- f) Floor plan changes (38 Stone lane)
- g) Bathroom window alterations (side and rear elevations at 38 Stone lane)

1.2 Application PT12/1881/F was granted planning permission on appeal. The application description was as follows: Demolition of existing dwelling to facilitate the erection of 2no. detached dwellings with access and associated works.

1.3 This section 73 application seeks to vary condition 2. This condition lists all of the plans that were approved by the Inspector in the appeal process. The applicant seeks to vary this list of approved plans and documents to regularise the unauthorised development undertaken at the site.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework 2012  
Technical Guidance to the National Planning Policy Framework 2012  
Circular 11 / 95 Use of Conditions in Planning Permission  
Greater Flexibility for Planning Permissions 2009

#### **2.2 Development Plans**

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

H4	Development within existing residential curtilages
L1	Landscape Protection and Enhancement
L11	Archaeology
EP2	Flood Risk and Development

T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
LC12	Recreational Routes

South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

CS1	High Quality Design
CS9	Managing the Environment and Heritage
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007  
Residential parking standards SPD adopted December 2013.

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT13/0096/PND Prior notification of the intention to demolish an existing dwelling. No objection 07.02.2013
- 3.2 PT12/3709/F Erection of 2.5 metre high wall to form garage with terrace over Approved 07.05.2013
- 3.3 PT12/3700/F Demolition of existing dwelling to facilitate the erection of 2no. detached dwellings with access and associated works (Resubmission of PT12/1881/F). Approved 07.05.2013
- 3.4 PT12/3396/F Demolition of existing dwelling. Erection of 1 no. detached dwelling with new access and associated works Approved 23.01.2013
- 3.5 PT12/2864/F Construction of 2.5m high retaining walls and hardstanding to facilitate two parking spaces to the rear of the property (Retrospective) 19.10.2012.
- 3.6 PT12/1881/F Demolition of existing dwelling to facilitate the erection of 2no. detached dwellings with access and associated works. Refused but allowed on appeal 10 April 2013.

In this allowed appeal the inspector considered that there were two main issues: the first was whether the proposed scheme would offer an acceptable level of private amenity space for future occupants, and the second was the effect of the proposed house on the character and appearance of the area. The inspector acknowledged that 'because of the possibility of overlooking neighbouring properties from this prominent corner location, it is necessary to require prior approval of additional windows or roof lights' and, together with other conditions removed permitted development rights for new windows.

**4. CONSULTATION RESPONSES**

- 4.1 Winterbourse Parish Council

The comments of the Parish Council are Strong Objection. The proposal relates to replacing a velux window with a dormer window and changing a window into a patio door. The Parish Council feels that this is completely unnecessary and both of these changes will result in an invasion of the privacy of the neighbours property. As these works have already been carried out the Parish Council would like the amendments refused and the property returned to what was approved at appeal. Mr & Mrs Rogers from the neighbouring property attended the meeting to raise their objection.

#### 4.2 Other Consultees

##### Drainage

No objection raised.

##### Transportation

No objection raised.

##### Public Rights of Way

No objection – will not affect public footpath which is also the Frome Valley walkway.

#### **Other Representations**

#### 4.3 Local Residents

Two letters have been received from the occupiers of Carbrey Hollow with regard to the following matters:

- Concern at being overlooked and that other people have agreed with them.
- Concern that this is a retrospective application and the builder assumes that he can get approval.
- The application was approved at appeal so perhaps this scheme should go back to the Inspector to decide this.
- The changes result in an increase in overlooking of the writer's private garden area resulting in an invasion of his personal space and an infringement of his human rights.
- The pair of glazed patio doors are superfluous.
- Consideration should be given to obscure glazing the window or a panel of horizontal louvers fitted beneath the window sill. This would reduce the downwards view into the writers garden.
- The patio has also been extended and proposals need to be agreed to ensure overlooking from the deck area is reduced to a minimum.
- No part of the original Grove House overlooked the writer's garden. In the event that the application is referred to Sites Inspection sub-committee the writer requests that Members view the site from his garden.



## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Under government guidance “Greater Flexibility for Planning Permissions 2009” it was recommended that a condition should be included listing approved plans in decision notices. Applicant’s can therefore apply to make “minor material amendments” by varying the relevant condition. The applicant seeks consent for the variation of condition 2 attached to planning permission PT12/1881/F to vary this list of approved plans and documents to allow the five changes listed at 1.1 above. As the proposal relates to amendments to design and privacy considerations Policy CS1 (High Quality Design) of the South Gloucestershire Local Plan: Core Strategy 2013 and policy H4 (Development within existing residential curtilages) of the Local Plan are relevant. It should be noted that since the Inspector issued the original decision on 10 April 2013 the Core Strategy has been fully adopted and as such is given full weight in accordance with the NPPF. The Core Strategy 2013 replaces policy D1, formally the design policy but policy H4 remains the main policy for consideration of residential amenities as it was “saved” for use in association with the Core Strategy. The remaining conditions will also need to be assessed with regard to their relevance now that the build process is being undertaken and the conditions attached can be amended or reapplied to the decision notice if the conditions are still necessary.

### 5.2 Design

The design of the proposals were found to be acceptable such that the Inspector allowed the appeal and granted full planning permission for these two houses. The proposals seek modest alteration to the front entrance door and glazed panel and for the removal of a rooflight at high level on the house known as Grove House. These houses do not fall into any rhythm within the street scene and as such these alterations have no material impact on the overall appearance of the house known as Grove House. The insertion of a dormer window to replace a rooflight and the elongation of a first floor window to create a Juliet balcony within the first floor bedroom is not considered to be out of character with the approved house nor intrusive in the streetscene as these items are seen only from the rear and are well proportioned in relation to the scale and other similar features on the house.

5.3 Similarly the use of render on 38 Stone Lane does not harm the overall appearance of the streetscene or wider area. Alterations have been made to the internal layout of 38 Stone Lane which have resulted in two small bathroom windows on either side of the house and the removal of a larger rear bathroom window.

### 5.4 Residential Amenity

The insertion of the dormer window and Juliet balcony window at Grove house is of particular concern to the residents at Carbyr Hollow, directly south of Grove House. These windows are located approximately 12m from the house and garden belonging to Carbyr Hollow. The elevational form of Carbyr Hollow is such that fenestration faces east along the valley rather than north toward

the site. The owners of Carbry Hollow have raised concerns regarding the loss of privacy in their garden as a result of the proposed changes to fenestration at Grove House. Further to a site inspection where officers were allowed to look out of the relevant dormer window and Juliet balcony window, your officers noted that there would be no material change to the view which might have been expected from the permitted scheme. Further the dormer is reasonable proportioned and located within the first floor roofspace. The other amendments are not considered to harm the residential amenity of Carbry Hollow or other neighbours and are considered to accord with policy H4 of the Local plan.

5.5 With regard to privacy and amenity however it was noted on site that an additional area of decking has been established at the rear of Grove House and this will need to be considered as part of a revised boundary treatment/landscaping scheme.

#### 5.6 Planning Conditions

5.5 When a planning application is amended by alteration of a condition it is important to assess whether the remaining conditions are all still relevant to the implementation of the scheme. If so they can be transferred onto the reissued decision notice. In this case conditions 4 (facing materials), 6 (boundary treatment to be agreed), 7 (management plan for demolition and construction) and 10 (waste management audit) had all been discharged for PT12/1881/F. As such a new condition referring to the details previously agreed for conditions 4, 7 and 10 can adequately bind the development to those previously agreed details. The boundary treatment condition however needs to be reapplied as alterations have been made to the decking at the rear of Grove house which will affect the relevance of the boundary fencing.

5.6 A condition regarding off street parking remains relevant, as is a condition to prevent further windows without prior consent and as such these are reapplied.

5.7 Regarding the original drainage condition – the council is awaiting final details of the scheme and as such the drainage condition needs to be reapplied.

#### 5.6 Other Matters

Winterbourne Parish Council and local residents have been concerned that alterations have taken place without the benefit of planning permission. Whilst it is recognised that this is infuriating and upsetting to neighbours in particular it is not in itself a reason to refuse a scheme where there is no material harm caused by the unauthorised works. As such, it is considered that these matters have been addressed in application PT12/2395/O.

## 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 Core Strategy set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That condition two is varied and planning permission is **GRANTED** subject to the following conditions.

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

## CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Reference Description

A585-LOC Location and Block Plan

A585-EX-01 Existing Site Plan

A585-EX-02 Historical Site Plan

A585-PL-01b Proposed Site Layout Plan

A585-PL-02a 38 Stone Lane Proposed Plans

A585-PL-03c 38 Stone Lane Proposed Elevations

A585-PL-04c Grove House Proposed Plans

A585-PL-05c Grove House Proposed Elevations

A585-PL-06a 38 Stone Lane Street Elevation

Reason

To comply with Government guidance "Greater Flexibility for Planning Permissions 2009".

2. Prior to the commencement of development details of drainage proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted to the Local Planning Authority for approval in writing. 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 Core Strategy (Adopted) December 2013.

3. The details supplied for the discharge of conditions 4 (facing materials), 7 (management plan for demolition and construction) and 10 (waste management audit) on application PT12/1881/F shall apply equally to the approval for the changes to elevational treatment hereby approved.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity, to protect the residential amenity of the neighbouring occupiers to reduce the amount of waste produced at the site and to accord with Policies CS1 and CS9 of the South Gloucestershire Core Strategy (adopted) December 2013 and policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. The hours of working on site during the period of construction shall be restricted to Monday to Friday 0730 - 1800, Saturday 0800 - 1300 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of this condition, include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

5. 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 in writing. Development shall be carried out in accordance with the approved details. The boundary treatment shall be completed before the first occupation of the dwellings hereby approved and retained as such thereafter.

Reason

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed.

Reason

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

7. The off-street parking facilities (for all vehicles, including cycles) shown on the Proposed Site Layout drawing PL-01b, 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 Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014

<b>App No.:</b>	PT14/0115/PDR	<b>Applicant:</b>	Mr Davies
<b>Site:</b>	20 Hortham Lane Almondsbury Bristol South Gloucestershire BS32 4JL	<b>Date Reg:</b>	22nd January 2014
<b>Proposal:</b>	Erection of 1.8m high close boarded fence with two gates.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	362102 184462	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Householder	<b>Target Date:</b>	17th March 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 neighbouring occupier contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of a 1.8 metre high close boarded fence with two gates.
- 1.2 The application site comprises a large two-storey detached property situated within the open Green Belt and outside of any defined settlement boundary. The site contains two trees that are protected by Tree Preservation Orders (TPOs).
- 1.3 Retrospective planning permission has been refused for a garage erected at the site. An appeal submitted by the applicant is currently in progress.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

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

L1 Landscape Protection and Enhancement

GB3 Redevelopment of the Major Developed Site in the Green Belt at Hortham Hospital, Almondsbury

H3 Residential Development in the Countryside

H4 Residential Development in Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

##### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS34 Rural Areas

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

The South Gloucestershire Residential Parking Standards SPD (adopted)

The South Gloucestershire Development in the Green Belt SPD (adopted)

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

- 3.1 N3356 , erection of Woolaways bungalow. No objection 23 March 1977.

- 3.2 P96/2363, erection of building for use as child psychology clinic, construction of new access and car parking. Approved 31 December 1996 but never implemented.
- 3.3 PT06/0865/F, demolition of existing buildings. Erection of 270 dwellings on 34.17 hectares of land to include new access, landscaping bunds, public open space, landscaping details associated work to Hortham Lane and Hortham Lane/A38 junction, approval, 29/03/07.
- 3.4 PT08/2994/F, change of use from hospital unit (Class C2) to residential use (Class C3). Approved 11 December 2008.
- 3.5 PT11/2939/TRE, work to 1no. Pine tree to raise canopy by 5m, 15% crown reduction to reshape and remove dead wood. Refused 09/11/11.
- 3.6 PT11/3250/F, demolition of existing dwelling. Erection of replacement dwelling, detached double garage and associated works, approval, 09/02/12. (This application was recommended for refusal by the Officer but approved by Committee).
- 3.7 PT13/2236/F, erection of detached garage (retrospective). (Amendment to scheme previously approved under PT11/3250/F). Refusal, 01/10/13. Appeal in progress.

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

- 4.1 Almondsbury Parish Council  
No objection
- 4.2 Drainage Officer  
No comment
- 4.3 Tree Officer  
No objections to the proposal with the condition that a method statement is submitted to ensure minimum disruption to the TPOd tree. This should include the use of careful hand-digging and the storage/mixing of toxic building materials away from the tree.

#### **Other Representations**

- 4.4 Local Residents  
One letter of objection has been received from a neighbouring occupier. The occupier raises concern that the fence would be out of keeping with the character of the area and adversely affect the health of a protected tree. The occupier also states that a 1.8 metre high fence was considered inappropriate in a previous application at the site (PT11/3250/F).

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

The proposal is for the erection of a 1.8 metre high boundary fence. Fences under 2 metres which are not adjacent to a highway can normally be erected without planning permission. However, permitted development rights were removed in the original consent for the dwelling PT11/3250/F in the interests of the character and visual amenity of the area and to preserve the openness of the Green Belt.

5.2 Given the height of the fence (1.8 metres) it is not considered that there will be a significant adverse effect on the openness of the Green Belt than the existing situation. Weight is given to the fact that the fence is viewed in conjunction with existing built form which has a significantly greater effect on the openness of the Green belt such as the host dwelling and the Hortham Hospital development to the rear of the site. The fence appears sturdy and is domestic in character; it is not considered that it is adversely out of keeping with the character of the area. The proposal will not therefore, have a significant adverse effect on the openness of the Green Belt and is not in conflict with the purposes of including land within the Green Belt.

5.3 Saved policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of the 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; the transportation effects and environmental impacts.

### 5.4 Appearance/Form and Impact on the Character of the Area

The fencing appears sturdy and well built; it is not considered to be adversely out of keeping given the domestic context of the site. The neighbouring occupiers comments are noted; and although Hortham Lane is relatively open and green, the fencing proposed is located approximately 16 metres back from the street and therefore, it would not appear adversely intrusive to the detriment of the character of the streetscene. The fencing considered in the previous application (PT11/3250/F) and deemed inappropriate was located on the front boundary of the site and therefore; would have had a greater effect on the streetscene. Permitted development rights have been removed at the site; therefore, the Local Planning Authority will be able to control any further incremental development at the site.

### 5.5 Residential Amenity

Given the scale and siting of the proposed fence it is not considered that it will have a significant adverse effect on the residential amenity of neighbouring occupiers.

### 5.6 Transportation

The proposed fence is situated well clear of the public highway and therefore, will not introduce any significant adverse highway safety issues. The proposal will not materially affect existing parking arrangements.



## 5.7 Environmental Issues

### Effect on Trees

The site contains 2no. trees that are protected by way of Tree Preservation Orders. The tree closest to the proposed fence is a large Yew tree. The fence proposed is located within the Root Protection Area (RPA) of the tree; however, subject to a condition for a method statement to be submitted to ensure minimum disruption to the root area, it is not considered that the proposal would adversely affect the health of the protected tree.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the 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).

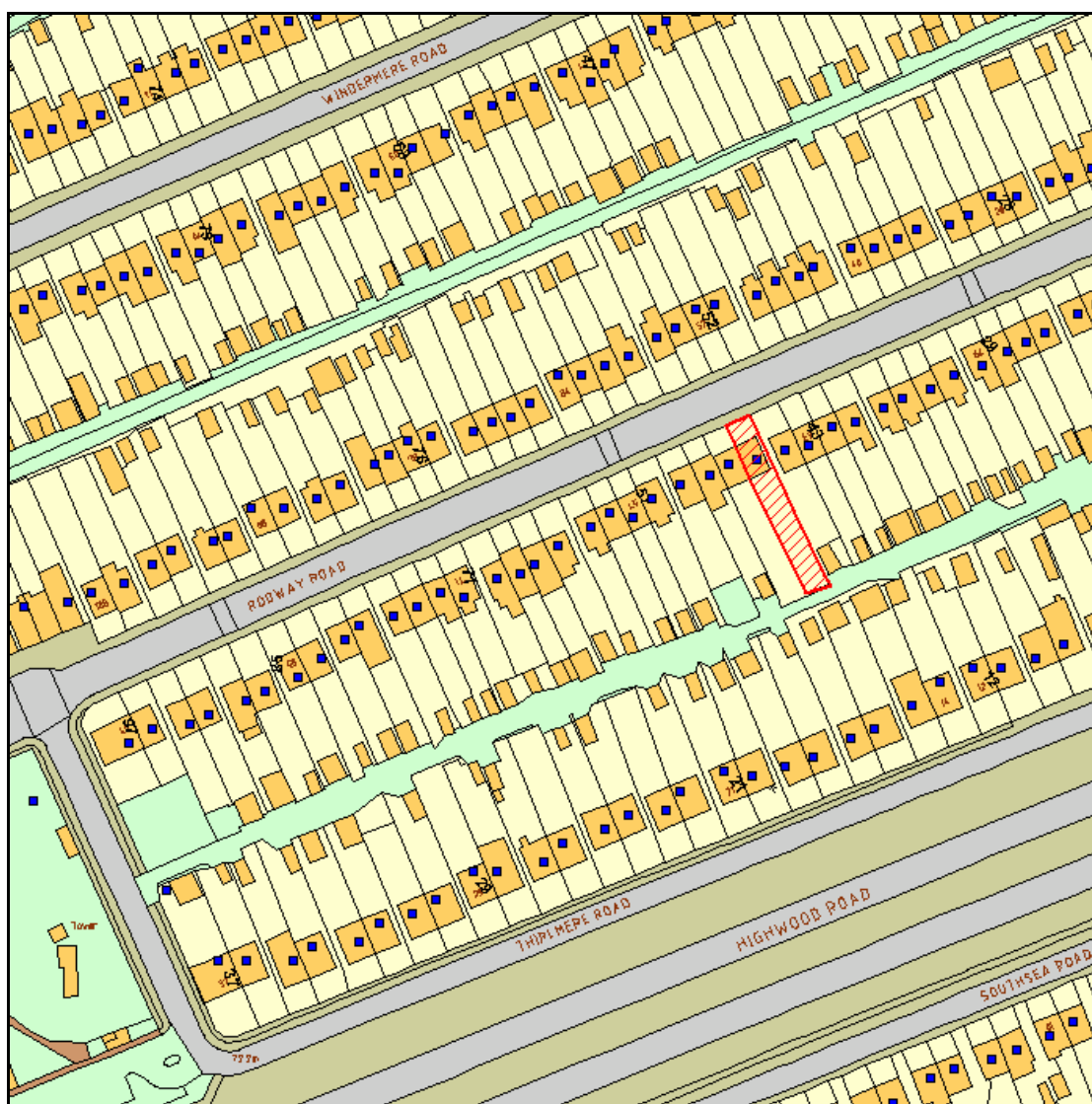
2. Prior to the commencement of the development a method statement for the erection of the fence in the Root Protection Area (RPA) of the tree shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (For the avoidance of doubt the method statement shall include the use of careful hand-digging and the storage of building materials away from the tree).

### Reason

In the interests of the health and visual amenity of the tree 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; and policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PT14/0282/CLP	<b>Applicant:</b>	Mr Adam Dodd
<b>Site:</b>	47 Rodway Road Patchway Bristol South Gloucestershire BS34 5PH	<b>Date Reg:</b>	29th January 2014
<b>Proposal:</b>	Application for certificate of lawfulness for proposed installation of rear dormer to facilitate loft conversion.	<b>Parish:</b>	Patchway Town Council
<b>Map Ref:</b>	360317 181649	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st March 2014



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

This application has been referred to the Circulated Schedule in accordance with the standard procedure for the determination of Certificate of Lawfulness applications.

### **1. THE PROPOSAL**

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to alterations of the roof to facilitate the installation of a rear dormer and gable end at 47 Rodway Road, Patchway. The property is a two storey end terrace dwelling and is located within the residential area of Patchway
- 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 Schedule 2, Part 1, Class B and Class G of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008
- 2.2 Statutory Instrument 2013 No.1101 The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Patchway Town Council  
No response received

#### **Other Representations**

- 4.2 Local Residents  
No response received

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

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

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

5.2 The proposed development consists of front roof lights and side and rear dormers to facilitate a loft conversion. This development would fall under the criteria of Schedule 2, Part 1, Class B and Class C, of Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 1995 (The enlargement of a dwellinghouse consisting of the addition or alteration to its roof) and (Any other alteration to the roof of a dwellinghouse). Developments which fail any of the following criteria would not be permitted:

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

**(a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;**

The alterations to the roof would not exceed the ridge height of the existing roof.

**(b) Any part of the dwellinghouse would as a result of the works, extend beyond the plane of any roof slope which forms the principal elevation of the dwellinghouse and fronts a highway**

The dormers would be located on the side and rear elevations of the dwelling, these are not the principle elevation nor do they front a highway.

**(c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-**

**(i) 40 Cubic metres in the case of a terrace house, or**

**(ii) 50 Cubic metres in any other case:**

The property is a end terrace dwelling and it has been calculated that the combined volumes of the proposed extension would have a cubic content of 39.85 cubic metres. The proposal therefore meets this criterion.

**(d) It would consist of or include-**

**(i) The construction or provision of a veranda, balcony or raised platform, or**

**(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe; or**

The proposal does not include any of the above..

**(e) The dwellinghouse is on article 1(5) land.**

The dwelling is not located on article 1(5) land.

**Conditions**

**B.2 Development is permitted by Class B2 subject to the following conditions**

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

The proposed dormer would have a flat roof and would have hanging tiles to match the main roof of the dwelling. The proposed hip to gable conversion would have tiles to match the main roof and would be rendered to match the main house. These details have been confirmed on the submitted proposed

plans. As such it is considered that the exterior of the proposed dormer would be similar in appearance to the main dwelling house.

- (b) Other than in the case of a hip-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20 centimetres from the eaves of the original roof; and**

The proposed rear dormer would be located over 20cm from the eaves of the original roof, therefore this condition is met.

- (c) Any window inserted on 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.**

No side elevation windows are proposed. As such this condition is met.

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

- (a) The alteration would protrude more than 150mm beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof:**

Three rooflights are proposed which fall under this Class. The rooflights would not protrude more than 150mm as such this criterion is met.

- (b) It would result in the highest part of the alteration being higher than the highest part of the original roof:**

The rooflights would be inserted within the roof slope lower than the ridge height.

**5.3 Conclusion**

It is therefore considered that the proposal does fall within the categories of development which are permitted development, and therefore planning permission is not required.

**6. RECOMMENDATION**

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

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

**Contact Officer: Kirstie Henshaw**  
**Tel. No. 01454 865428**

**CIRCULATED SCHEDULE NO. 10/14 – 7 MARCH 2014**

<b>App No.:</b>	PT14/0305/F	<b>Applicant:</b>	Mr Mike Greslow
<b>Site:</b>	Sita Short Way Thornbury Bristol South Gloucestershire BS35 3UT	<b>Date Reg:</b>	28th January 2014
<b>Proposal:</b>	Installation of 2 no. television cameras and poles.	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	364045 189273	<b>Ward:</b>	Thornbury South And Alveston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	21st March 2014



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 100023410, 2008. **N.T.S.** **PT14/0305/F**

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

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

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 2no. television cameras and poles.
- 1.2 The application site comprises a recycling centre, which is accessed off Short Way within Thornbury Trading Estate. The site consists of a recycling centre and a re-use shop with an access road around the perimeter of the site. The site is located just within the defined Thornbury settlement boundary and outside of the Green Belt. The southeastern and southwestern boundaries of the site form the settlement and Green Belt boundaries.
- 1.3 Open fields are located to the southeast and south west of the site; access roads and industrial buildings associated with the trading estate are located to the northeast and northwest. A public right of way extends adjacent to the southwestern boundary of the site.
- 1.4 According to the applicant, the cameras will provide real time traffic feeds which can be viewed by local residents from their home computer or mobile phone. The aim is for the service to reduce levels of traffic during peak periods.

### **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)  
E3 Employment Development within Urban Areas and Defined Settlement Boundaries  
T12 Transportation Development Control Policy for New Development  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS12 Safeguarded Areas for Economic Development  
CS32 Thornbury
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

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

- 3.1 PT13/2670/F, change of use of storage shed (sui generis) to a re-use shop (A1) with associated parking (retrospective); approval, 18/09/13.

- 3.2 PT11/1962/MW, variation of condition 3 attached to planning permission PT04/2688/F to extend the opening hours from 08:00 to 18:30 Mondays to Sunday (including Bank Holidays), approval, 04/08/11.
- 3.3 PT06/1069/RVC, variation of condition 3 attached to planning permission PT04/2688/F to allow for the extending of opening and operating hours on public holidays to 16:00 and 16:15 respectively, approval, 17/05/06.
- 3.4 PT04/2688/F, use of former dairy for household recycling centre. Formation of access, approval, 06/12/04.

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

- 4.1 Thornbury Town Council  
No comments received
- 4.2 Drainage Officer  
No comment
- 4.3 Public Rights of Way Officer  
The proposal will not affect the public footpath that runs to the east of the site.

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a member of the public. The member of the public objects as he cannot foresee any reason why anyone would want to view the amount of traffic at the 'Sort It' site before going, people don't view Tesco garage before driving there to fill up with petrol etc. This is an underhand way of Sita spying on residents using the South Gloucestershire Council owned site and should not be allowed under this guise.

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

- 5.1 Principle of Development  
The proposal is not considered to be in conflict with the aims of policy CS12 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 as the proposal will not be detrimental to the employment use of the site. Saved policy E3 of the South Gloucestershire Local Plan (adopted) January 2006 allows for the principle of employment development in urban areas and safeguarded employment sites. The main issues to consider are the effect on the visual amenity of the area; the effect on the residential amenity of neighbouring occupiers; the transportation effects; and the environmental effects.
- 5.2 Visual Amenity  
Camera no.1 would be installed onto the front of a modern industrial style building used as a re-use shop at a height of approximately 3 metres. Camera no.2 would be erected on an existing lighting column on the site office at a height of approximately 3 metres.



- 5.3 The cameras proposed are regular in terms of appearance and enclosed in a neutral coloured protective casing. Each camera measures approximately 303mm in length, 122mm in width and 82mm in height. It is not considered that the cameras proposed would appear adversely out of keeping given the commercial context.
- 5.4 Given the relatively small scale of the cameras, their appearance and proposed installation height, it is not considered that they would be significantly prominent from views from the surrounding area to the detriment of the character and visual amenity of the area.
- 5.5 Residential Amenity  
The site is within an established commercial area where there are no residential properties within close proximity. Therefore, it is not considered that the proposal would bring about any significant adverse residential amenity issues. An objection has been received from a member of the public on the basis that it is a way of spying on residents. However, the cameras would only be focused across the site and towards the access and would not therefore, be unreasonably intrusive in terms of the privacy of members of the public. The reason for the need of the cameras to try to reduce the volume of traffic at peak times is considered logical.
- 5.6 Transportation  
The cameras are located well clear of the public highway and will not obstruct vehicular and pedestrian movements around the site. The main purpose of the cameras is to reduce the volume of traffic at peak times by allowing members of the public to monitor the situation at the recycling centres. Accordingly, there are no transportation objections.
- 5.7 Environmental Effects  
Given the siting of the proposed cameras it is not considered that they will have a significant adverse environmental effect.

## **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 condition.

**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).