



**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. 02/14

Date to Members: 10/01/14

Member's Deadline: 16/01/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE – 10 JANUARY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK13/3677/F	Approve with Conditions	17-19 Cranleigh Court Road Yate South Gloucestershire BS37 5DQ	Yate North	Yate Town
2	PK13/3826/F	Split decision See D/N	Court Farm 49 Westerleigh Road Pucklechurch South Gloucestershire BS16 9RD	Boyd Valley	Pucklechurch Parish Council
3	PK13/3985/LB	Refusal	14 Hay Street Marshfield Chippenham South Gloucestershire SN14 8NL	Boyd Valley	Marshfield Parish Council
4	PK13/4058/LB	Split decision See D/N	Court Farm 49 Westerleigh Road Pucklechurch South Gloucestershire BS16 9RD	Boyd Valley	Pucklechurch Parish Council
5	PK13/4141/F	Approve with Conditions	25 Overhill Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
6	PK13/4158/F	Approve with Conditions	21 Lincombe Road Downend South Gloucestershire	Downend	Downend And Bromley Heath Parish Council
7	PK13/4192/F	Approve with Conditions	Land Rear Of 126/128 Soundwell Road Soundwell South Gloucestershire BS16 4RT	Staple Hill	None
8	PK13/4244/F	Approve with Conditions	12 Lancaster Road Yate South Gloucestershire BS37 5SU	Yate North	Yate Town
9	PK13/4264/F	Approve with Conditions	42 Park Road Staple Hill South Gloucestershire BS16 5LG	Downend	Downend And Bromley Heath Parish Council
10	PK13/4357/TRE	Approve with Conditions	21 Sandringham Park Downend South Gloucestershire BS16 6NZ	Downend	Downend And Bromley Heath Parish Council
11	PK13/4395/CLP	Approve with Conditions	24 Beechwood Avenue Hanham South Gloucestershire BS15 3QW	Hanham	Hanham Parish Council
12	PT13/3585/RVC	Approve with Conditions	Land At Morton Way Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
13	PT13/3957/F	Approve with Conditions	The Limes Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Charfield	Charfield Parish Council
14	PT13/4042/RVC	Approve with Conditions	Says Court Farm Badminton Road Coalpit Heath South Gloucestershire BS36 2NY	Westerleigh	Westerleigh Parish Council
15	PT13/4262/F	Approve with Conditions	1 The Common Frenchay Common Frenchay South Gloucestershire BS16 1LZ	Frenchay And Stoke Park	Winterbourne Parish Council
16	PT13/4368/CLP	Approve with Conditions	24 Penn Drive Frenchay South Gloucestershire BS16 1NN	Frenchay And Stoke Park	Winterbourne Parish Council
17	PT13/4408/CLP	Approve with Conditions	7 Matford Close Winterbourne South Gloucestershire BS36 1EB	Winterbourne	Winterbourne Parish Council
18	PT13/4483/F	Approve with Conditions	Land At Cutts Heath Road Buckover South Gloucestershire	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

<p>App No.: PK13/3677/F Site: 17-19 Cranleigh Court Road Yate Bristol South Gloucestershire BS37 5DQ</p>	<p>Applicant: Mr David Parkhill Date Reg: 25th October 2013</p>
<p>Proposal: Change of use from Retail (Class A1) to Hot Food Takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Installation of extraction flue to rear elevation.</p>	<p>Parish: Yate Town Council</p>
<p>Map Ref: 370601 182620 Application Category: Minor</p>	<p>Ward: Yate North Target Date: 17th December 2013</p>



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 100023410, 2008. **N.T.S.** **PK13/3677/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of letters of objection from local residents and Yate Town Council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the change of use of the ground floor of the building from retail (Class A1) to hot food takeaway (Class A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) at No. 17-19 Cranleigh Court Road, Yate. The applicant also submitted details of mechanical ventilation and environmental control equipment, planning support statement and further information regarding the ventilation and extraction including schematic plan as requested by the Council Environmental Health Officer
- 1.2 The building is a 3-storey building and is located to the east of Cranleigh Court Road Yate. The proposal is to change the ground floor of the building, which is a retail unit currently occupied by 'Model Warehouse' to a hot food takeaway. The business primarily sells railway models. The shop is in a terrace of six units and there is a single storey building, which is a convenience shop, at the end of the rank. The first floor and second floor of the unit appears to be used as a residential accommodation.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
- 2.2 South Gloucestershire Local Plan (Adopted) January 2006

T8	Parking Standards
T12	Transportation Development Control Policy for New Development
RT8	Small Scale Retail Uses within the Urban Areas
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses

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

- | | |
|------|-------------------------|
| CS1 | High Quality Design |
| CS14 | Town Centres and Retail |

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 P84/2462 Use of part of premises for grooming and clipping of pets. Approved 28.11.84
- 3.2 P94/2178 Change of use from pet shop to restaurant. Refused 15.01.97

3.3 P96/2687 Change of use to café with ancillary take away facility. Refused 15.01.97

4. **CONSULTATION RESPONSES**

4.1 Yate Town Council

Objection on the grounds that there are already an excessive number of takeaways already in Cranleigh Court Road.

4.2 Other Consultees

Transportation

No objection.

Environmental Protection

The Environmental Health Officer has considered the additional ventilation and extraction information including the schematic plan, and raised no objection to the proposal.

Other Representations

4.3 Local Residents

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

- There are already 2 fast food/restaurant premises on the rank which create cooking smells which drift around the local area, is there really a need for the third?
- The rank would end up similar to Abbotswood which attracts gangs of local youths leading to the area getting run down and not a nice place to visit.
- No reason for another Fish and Chip in the area, as the area now together with the restaurant plus one takeaway near by on Station Road. I feel the stench from the flue coming up would also impair on mine and my wife's health.
- There is already within the rank of shops a Chinese chip shop and a Restaurant serves take away meals also. The fact that this will be a British Fish and Chip is of no significant matter and could be politically incorrect.
- The flue from the proposed business will impact greatly on us as a small local charity, next door to the proposed take away. The community would benefit greater from another form of business needed in the area.
- After viewing the revised plans, for a hot food takeaway, the resident still feels the flue would cause extra smells of cooking within the area, of which we already have many, this would be one takeaway too many for such a small community.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy RT11 of the Adopted Local Plan seeks to protect local shopping parades and only permits the change of use where certain criteria are satisfied. Policy EP1 seeks to ensure that development does not have unacceptable environmental effect and Policy T12 seeks to ensure highway safety is maintained. Finally Policy CS1 of the Adopted Core Strategy seeks to ensure good standards of design are included. Although the applicant's planning statement indicates that the unit would be occupied by a traditional British fish and chip shop, the applicant applies for planning consent for hot food takeaway, which is A5 use, therefore officers only make the following assessment on the proposed A5, not just for a fish and chip shop.

5.2 Policy RT11

The change of use of existing retail premises within local shopping parades will only be permitted providing the criteria within the policy are satisfied. It is not necessary to satisfy all criteria however – an application must satisfy either A only OR B only OR C and D together. It is considered that the application satisfies criteria B.

Criteria B) There are satisfactory alternative retail facilities available in the locality;

The application site falls in the Cranleigh Court Road 'local centre'. This parade consists of seven shop units and is recognised as a 'local centre' in the adopted Local Plan and the Core Strategy. Of these seven units, two are currently in use as a hot food takeaway and a restaurant. The remainder of the units are in use as a hairdresser, a charity shop, a launderette, and a convenience store. The shop unit subject to this application is currently by a 'model shop' therefore a retail use is being lost to a 'non shop' use.

Officers acknowledge that the proposal would cause a loss of a retail unit within the rank and accept that there is indeed potential for other A1 uses to occupy the unit in future. A large convenience store that can provide sufficient retail facilities to cater for the locality remains in situ, as does a charity shop, and a hairdresser that give the parade vitality during daytime opening hours. The unit is currently used by a model shop selling primary railway models. It is considered that a model shop cannot be classed as a shop selling convenience goods and therefore this application is not considering the loss of an essential service that is unlikely to be used by local residents on a daily, even regular basis.

It is considered that the change of use of the retail unit to a takeaway would not result in the loss of local retail facilities to the detriment of the local community. A hot food takeaway can provide a complementary use that would act to reinforce the established local shopping parade. The applicant states that the proposal would create between 7-10 full time and part time jobs and this would have a positive impact on local employment thus satisfying the provisions of the National Planning Policy Framework. In addition, there are other retail facilities

along Station Road, which are approximately 120 metres from the application site, and are easily accessible by road, public transport and on foot and cycle. It is considered that the proposed A5 use of the property would not be to the detriment of the locality as there are satisfactory alternative retail facilities in close proximity to the application site.

Whilst it is acknowledged that there are objections regarding the excessive A5 units within the rank, officers considered that there would not be substantiated planning policy objection on the grounds of too many A5 units in the parade under Policy RT11.

5.3 Highway Issues

The subject of this application, the property known as 17 & 19 Cranleigh Court Road is located among a rank of shops in Yate and the applicant is seeking permission for change of use of his premise from retail (class A1) to hot-food takeaway (class A5).

There is designated on-street parking (in form of lay-by) in front of shops together with a car park in close proximity located to the rear of this premise. There is also vehicular access to the rear of the property and this facilitates the loading and unloading to the shop. The site is well accessible by foot as well as public transport facilities and as such its location is considered sustainable.

In view of the above therefore, there is no highway objection to this application. It is considered that the proposal complies with Policy T12 of the Local Plan.

5.4 Environmental Protection

The application site lies within an existing rank of shops that includes other hot food takeaway / restaurant. Although there are residential properties above and near the proposed take away, the principle of using the site as a take away is still considered possible. However, because of the location of the nearby residential properties, it is essential that full details of an appropriate extraction system are received at application stage. To address the officers concerns, the applicant submitted additional information of ventilation and extraction including schematic plan to adequately deal with the odour and smells arising from the proposed takeaway. Officers have carefully considered the information submitted and are satisfied that the system will adequately deal with smells etc. A number of planning conditions are therefore imposed to ensure the details of the grease traps and filters will be submitted to the Council for further consideration. In addition, planning conditions are imposed to ensure the ventilation and extraction system are installed and maintained satisfactorily.

5.5 Hours of Opening

The proposed hours of opening are 11.00 am to 11.00 pm every day. Both existing adjacent takeaway and restaurant have split opening hours during the day. The adjacent Chinese takeaway opens most of the week between 11.30am to 2pm and evenings 5pm 11pm on some days, and the restaurant opens Mondays to Sundays 12.00-2.30pm and Evening 5.30-11pm. As the proposed takeaway would have opening hours similar to that of the other

takeaway/restaurants and this is considered acceptable. These hours are not considered to be excessive in order to enable the shop to be viable.

Therefore there is no objection to the hours of opening as proposed.

5.6 Design / Visual Amenity

The only external alteration proposed is the addition of a flue to the rear elevation. There is already existing flue on the adjacent property. The proposed flue is comparatively smaller than the existing and less intrusive. The views would be limited from the public realm on Folly Bridge Close. Overall, it is not considered that the proposed flue would harm the visual amenity.

5.7 Other concerns

Officers acknowledge the concerns regarding the potential social gathering in the locality. It is considered that this would be related individuals behaviour and would not be planning material consideration and warrant a refusal of this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is approved 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. Prior to the first use of the unit for A5 purposes, the proposed schematic plan shall be fully carried out. The works shall be carried out in accordance with the approved details and shall be maintained satisfactorily thereafter.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the requirements of Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1, CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The use hereby permitted shall not be open to customers outside the following times 11.00am to 23.00pm Mondays to Sundays including bank Holidays.

Reason

To ensure that the hours of opening are similar to other takeaway uses in the vicinity and to protect neighbouring dwellings from additional unacceptable levels of noise and disturbance in accordance with the requirements of Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1, CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Prior to the first use of the site, full details of the proposed grease traps (Grease should be prevented entering the sewer by achieving compliance with BS En 1825 or other suitable means) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. The grease traps shall hereafter be retained in accordance with these approved details.

Reason

To ensure that a satisfactory means of drainage is provided and to protect the amenity of the neighbouring occupiers, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1, CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

5. Prior to the first use of the site, full details of the proposed grease filters to be used shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details. The filters shall be replaced and maintained in compliance with the manufacturer's recommendation.

Reason

To ensure that a satisfactory means of drainage is provided and to protect the amenity of the neighbouring occupiers, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1, CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

6. The maintenance / cleaning schedule of the proposed extraction and odour abatement system shall be carried out in accordance with the manufacturer's instructions.

Reason

To ensure that a satisfactory means of drainage is provided and to protect the amenity of the neighbouring occupiers, and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1, CS9 and CS14 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/3826/F	Applicant:	Mr J Nelmes
Site:	Court Farm 49 Westerleigh Road Pucklechurch Bristol South Gloucestershire BS16 9RD	Date Reg:	18th November 2013
Proposal:	Alteration to front pedestrian gateway. (Retrospective). Erection of detached garage and store.	Parish:	Pucklechurch Parish Council
Map Ref:	369937 176703	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	8th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule as objections have been received by the Parish Council contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for alterations to a front pedestrian gateway and the erection of a detached garage and store. As the works to the gateway have already been completed this is to be considered retrospective.
- 1.2 The application site relates to a grade II listed building situated within Pucklechurch Conservation Area and as such this application should be read in conjunction with PK13/4058/LB.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS9 Environmental Resources and Built Heritage

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L12 Conservation Areas
L13 Listed Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/4058/LB Application to retain the works already carried out for the alteration to front pedestrian gateway. Erection of detached garage and store. Pending
- 3.2 PK06/0792/LB Demolition of stone wall to facilitate the construction of vehicular access.
Refused 3.5.06

3.3	PK06/0785/F Refused	Creation of new vehicular access. 3.5.06
3.4	PK05/2805/F Refused	Creation of new vehicular access and 1.75m high pillars. (Resubmission of PK05/0683/F). 21.11.05
3.5	PK04/2188/RVC Refused	Removal of condition 3 of planning permission P88/1841 from incidental to dwellinghouse to separate residential unit. 10.9.04
3.6	PK03/2772/F Refused	Conversion of existing barn to form dwelling with associated alterations to external layout. 10.10.03
3.7	PK03/2764/LB Refused	Conversion of existing barn to form dwelling with associated demolition and alterations to the external layout. 9.10.03
3.8	P88/1842/L Approved	Demolition and reconstruction of outbuilding to provide additional residential accommodation 18.9.88
3.9	P88/1841 Approved	Demolition and reconstruction of outbuilding to provide additional residential accommodation 22.6.88
3.10	P86/2581/L Approved	Change of use of outbuildings from stables/store to dwelling. 26.11.86
3.11	P86/2580 Approved	Change of use of outbuilding from stables/store to dwelling. 26.11.86

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection:

Object to the alteration of the front pedestrian gateway works for the following reasons:

1. The raised level of the wall is a design feature that does not exist within the conservation area;
2. The wall and gateway are distinctive and contrary to the nature of the dwelling and area; and
3. The Bath stone quoins are completely different to materials and design used within the conservation area.

The gateway and wall should be returned to their original state.

No objection:

No objection to the garage and store but would also like the condition as requested by Sustainable Transport, that the garage never be sub-let or subdivided from the main dwelling.

4.2 Other Consultees

Conservation/Listed Building Officer

No objection to the gateway.

Objection to the garage

Archaeologist

No objection

Sustainable Transport

No objection.

There is no transportation objection to the proposals as submitted subject to a condition that the proposed garage building is kept for the storage of vehicles and is not sub-let or subdivided from the main dwelling at any time.

Highway Drainage

No objection

Other Representations

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposal is split into two elements: the retrospective work to the pedestrian gateway and the proposed new detached garage. These elements will be considered separately below. However, new development must comply with the criteria set out in the recently adopted Core Strategy under Policies CS1 and CS9 which indicates the importance of conserving, respecting and enhancing the character and distinctiveness of heritage assets in a manner appropriate to their significance. Given this it is considered that the proposed garage does not comply with policy requirements and this is discussed in more detail below.

5.2 Assessment

Court Farm is a large detached farmhouse dating from the late sixteenth century. The lower range to the right has a wind braced roof suggesting it is the earlier part of the building, built in the medieval period, which has been extended later in the sixteenth or early seventeenth century. At the rear is a substantial stair turret. The boundary to both the conservation area and the settlement follow the rear boundary of the garden.

5.3 The application includes two elements, the first being the replacement of the existing front boundary wall gateway piers with new piers and gate, and the second being a new detached garage building.

5.4 Gate piers

Photographs show that the piers that have been replaced were modest in size and design, with a narrow gateway. The new piers are higher, incorporating dressed stone and a capping stone. The boundary wall to either side of the piers has been increased and raked. The stonework within the increased walling is coursed as opposed to random although the stone to the far ends of the wall is also coursed so there is precedent for this. Court Farm is a large, high status house and therefore it is not considered that the piers would appear out of place in scale or design. It would have been preferable for less dressed stone to be incorporated and a better design of gate, however no historic fabric has been lost and on balance it is considered that the works have not harmed the significance of the listed building.

5.5 New garage building

The new building is physically attached to the pig sty. This disturbs the simple appearance and character of the pig sty, and results in an awkward relationship and junction. The garage building itself is excessive in size. It is proposed to be located within what is essentially the domestic garden, the historic farmyard being laid out to the north east of the farmhouse. The pig sty is located further south, however this was built at a comparatively late date in the sites history. Prior to around 1914 the site would have been orchards and garden, and the distinction between the farm yard, with farm buildings arranged around a courtyard, and the domestic garden, is clearly legible and an important element of the sites significance. There are currently good views from the house and garden to the open fields beyond, which contribute to the setting of the listed building, and an understanding of its historic context. Similarly, it is possible to view the building from the PROW to the north west, and from here the house and farmyard form an important group of buildings. The construction of a building of the size and location proposed would disturb these views and harm the setting of the heritage assets.

5.6 The Pucklechurch Conservation Area Appraisal, adopted July 2010, also identifies the area as one that makes an important contribution to the character and appearance of Pucklechurch and the setting of the historic buildings. It states that 'the infilling of the gardens, former fields and remaining vestiges of open space with new buildings has compromised the rural setting of the larger houses'. The Preservation and Enhancement Strategy states that the Council will:

Resist any further infill developments within the boundary of the conservation area that would harm the setting of historic properties or would adversely impact on the remaining open spaces.

5.7 It is regrettable that the conversion of the farm buildings did not better provide for the requirement for storage and garaging for the original farmhouse, however the addition of new garaging in the location and scale proposed is considered harmful and unjustified.

5.8 The proposals relating to the garage are considered harmful to the setting of the listed buildings and the conservation and should therefore be refused. It is however considered that the gate piers are on balance acceptable and this part of the application could therefore be approved.

5.9 Overall Design

The proposed structure would comprise two enclosed garages linked together by an open sheltered area running from the front to the back. The structure would have a central gabled roof, thereby facilitating the storage area on the first floor, and double garage doors on either side of this open entrance way. The structure would measure approximately 6.7 metres wide, 15 metres long with a ridge height of 6.4 metres. By comparison the pig sty/store area to which the new structure would be attached is approximately 2.8 metres wide, 11.6 metres long with a ridge height of 3 metres.

In conclusion it is considered that the proposed garage/store building would be out of keeping in terms of its scale and massing with the setting and character of the main dwelling and its immediate surroundings. As such it would fail to accord with the principles of Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.10 Residential Amenity

The gateway is positioned to the front of the dwelling, facing the main road through Pucklechurch village. It is separated from the highway (B4465) by a footpath and grass verge and the existing old stone wall. It is not considered that the gateway impacts on the residential amenity of occupiers or nearby neighbours and is therefore acceptable.

5.11 With regard to the proposed store area, this would be situated within the rear garden of the dwellinghouse. The property benefits from a large garden laid mainly to lawn and with fairly open views to the countryside to the north west. The proposed garage would be positioned in an area currently used for open air car parking. The proposed building would be situated alongside a neighbouring barn that has recently been granted planning permission for an extension. This extension would involve the creation of windows at ground and first floor levels in the opposing elevation closest to the proposed structure, approximately 5 metres away. Notwithstanding the fact that no windows are proposed in the side elevation of the new structure, it is considered that its proposed height and proposed proximity to the neighbouring barn (and the approved extension) would create issues of overbearing and overshadowing that would impact adversely on the residential amenity of these neighbours. As such, the proposed garage would fail to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

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 for the detached garage and to **approve** the retrospective application for the gateway 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 a split decision be issued which **refuses** permission for the detached garage and **approves** the retrospective application for the gateway.

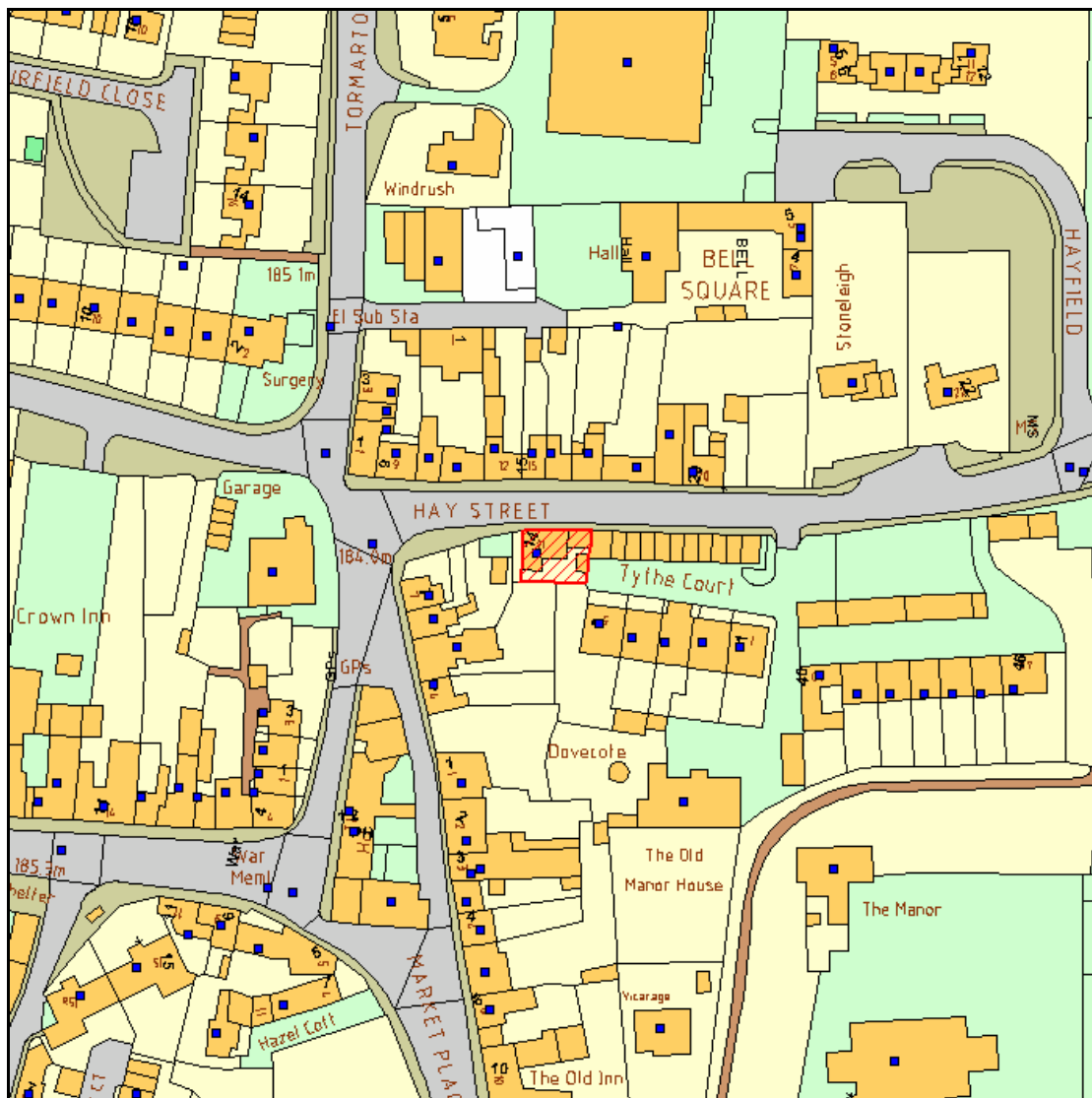
Contact Officer: Anne Joseph
Tel. No. 01454 863788

REASONS FOR REFUSAL

1. Court Farm is a grade II listed building within Pucklechurch conservation area. The proposed garage and store building, by virtue of its scale and location, would harm the setting of the listed buildings and the character and appearance of the conservation area, contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, saved policies L12 and L13 of the Adopted South Gloucestershire Local Plan and advice set out in the Adopted Pucklechurch Conservation Area SPD.
2. The proposed garage/store is considered by virtue of its scale, form, massing and proximity to result in overbearing and overshadowing to the detriment of a neighbouring dwellinghouse and as such is contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (adopted) 2013 and saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/3985/LB	Applicant:	Mr Richard Church
Site:	14 Hay Street Marshfield Chippenham South Gloucestershire SN14 8NL	Date Reg:	2nd December 2013
Proposal:	Application to retain the works carried out for installation of replacement windows, removal of external render and repointing with lime putty mortar, and replacement of areas of internal lime plaster with cement plaster.	Parish:	Marshfield Parish Council
Map Ref:	378135 173784	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	22nd January 2014



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PK13/3985/LB

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been referred to the circulated schedule due to the receipt of one letter of support from Marshfield Parish Council.

1. THE PROPOSAL

- 1.1 The applicant is seeking listed building consent for various works at 14 Hay Street, Marshfield. The work on the property has already been carried out.
- 1.2 The application property is a two storey dwelling that is Grade II listed.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Marshfield Parish Council
Support the proposal, the parish council states that whilst they cannot condone acting without the appropriate consent it is understood that the owner was unaware that the building was listed and undertook the works in good faith. The parish support the removal of the render and understand that this was the situation historically.
- 4.2 Victorian Society
Object to the proposal and state the following: The replacement of timber windows to a listed building with uPVC is unacceptable in almost all circumstances. The replacement in this case has a severely detrimental effect on the appearance of the building, not only are the materials wholly inappropriate, but the windows are much bulkier than the original and do not function as sashes. With regards to the works to both the external and internal wall finishes, the views of the Councils conservation officer are supported. The external lime render, almost certainly the original finish, should be reinstated, and the internal cement plaster removed and replaced with lime plaster.
- 4.3 Conservation Officer
Objects to the proposal

Other Representations

- 4.4 Local Residents
No response received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework seeks to ensure the desirability of sustaining and enhancing the significance of heritage assets. Section 16(2) of the Planning (Listed building and conservation area) act 1990 states that when determining a listed building application the local planning authority shall have special regard to the desirability of preserving the building or its setting and any features of special architectural or historic interest which it possesses.

5.2 Impact on the Listed Building

Number 14 is a detached cottage on the south side of Hay Street. It is attached at its eastern elevation to a high stone wall which in turn is attached to a long low stone single storey former agricultural building associated with The Old Manor House. The house is two storeys with (prior to the unauthorised works) 8/8 timber sliding sashes, two at each level arranged symmetrically around a central door. The roof is slate with raised, coped verges. The building was, prior to unauthorised works, lime roughcast rendered, although there is evidence that the front elevation had been patched with cement in the past, and the gable had been rendered with cement also.

The works applied for within this application have been carried out without listed building consent. The works that have been carried out are as follows:

- removal of predominantly lime render to the front elevation;
- replacement of the timber sash windows with uPVC
- replacement of an area of internal lime plastering with cement plaster

Although it has not been possible to view the timber sash windows as they are now replaced, from the photographs these appear to be nineteenth century windows, incorporating very narrow joinery sections, and of traditional sliding sash mechanism. The replacement of these windows would have resulted in loss of historic fabric. The replacement windows are push out upvc of crude and bulky profiles with applied glazing bars. These do not replicate a traditional sash window in design, mechanism or appearance and cause significant harm to the architectural and historic interest of the listed building.

Traditional lime roughcast renders are important and increasingly rare. Understanding of historic buildings in the district is that random rubble stonework such as this was typically finished with a lime render. This would have provided weather protection for the stonework but also a more aesthetically desirable finish. Rubble stone was considered inferior to dressed ashlar and the lime render would have provided a more 'finished' appearance. This was particularly true of 'polite' building styles, incorporating features sash windows, coped verges and panelled door. The timber lintels as opposed to dressed stone surrounds are further indication of the original finish. The physical presence of the lime render is however the best testament to its original finish. The maintenance of historic fabric and appearance is critical to preserving the historic and architectural interest of listed buildings.

The removal of cement render is advantageous as cement renders do not allow a building to breathe, however the cement was limited to a relatively modest portion of the original building. The appearance of the mortar pointing is made worse due to the recessed pointing, casting shadows between the joints. This is not traditional as it would have created joints which would have caught rain water.

The replacement of the internal lime plaster with cement plaster would not be considered appropriate as this would restrict the wall from breathing.

The works have had a harmful impact on the architectural and historic interest of the listed building, and as such it is recommended that the application should be refused.

6. CONCLUSION

- 6.1 The decision to refuse Listed Building consent has been taken having regard to the section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the National Planning Policy Framework.

7. RECOMMENDATION

- 7.1 That the application be refused for the following reasons:

Contact Officer: Kirstie Henshaw

Tel. No. 01454 865428

REASONS FOR REFUSAL

1. 14 Hay Street is a grade II listed building, the architectural and historic interest of which it is important to preserve. The proposed works would result in the loss of historic fabric, the introduction of windows of an alien appearance, materials and design and the elevations appearing unfinished and 'bare' following the removal of the render. The internal cement plaster would be detrimental to the buildings ability to breathe. The works are therefore considered to cause significant harm to the architectural and historic interest of the building, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance contained within the NPPF and Historic Environment Planning Practice Guide.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/4058/LB	Applicant:	Mr Jamie Nelmes
Site:	Court Farm 49 Westerleigh Road Pucklechurch Bristol South Gloucestershire BS16 9RD	Date Reg:	18th November 2013
Proposal:	Application to retain the works already carried out for the alteration to front pedestrian gateway.	Parish:	Pucklechurch Parish Council
Map Ref:	369937 176703	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	8th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule as objections have been received by the Parish Council contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for alterations to a front pedestrian gateway and the erection of a detached garage and store. As the works to the gateway have already been completed this is to be considered retrospective.
- 1.2 The application site relates to a grade II listed building situated within Pucklechurch Conservation Area. The application should also be read in conjunction with PK13/3826/F.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design
CS5 Location of Development
CS9 Environmental Resources and Built Heritage

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L12 Conservation Areas
L13 Listed Buildings

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3826/F Alteration to front pedestrian gateway.
(Retrospective). Erection of detached garage and store.
Pending
- 3.2 PK06/0792/LB Demolition of stone wall to facilitate the
construction of vehicular access.
Refused 3.5.06

3.3	PK06/0785/F Refused	Creation of new vehicular access. 3.5.06
3.4	PK05/2805/F Refused	Creation of new vehicular access and 1.75m high pillars. (Resubmission of PK05/0683/F). 21.11.05
3.5	PK04/2188/RVC Refused	Removal of condition 3 of planning permission P88/1841 from incidental to dwellinghouse to separate residential unit. 10.9.04
3.6	PK03/2772/F Refused	Conversion of existing barn to form dwelling with associated alterations to external layout. 10.10.03
3.7	PK03/2764/LB Refused	Conversion of existing barn to form dwelling with associated demolition and alterations to the external layout. 9.10.03
3.8	P88/1842/L Approved	Demolition and reconstruction of outbuilding to provide additional residential accommodation 18.9.88
3.9	P88/1841 Approved	Demolition and reconstruction of outbuilding to provide additional residential accommodation 22.6.88
3.10	P86/2581/L Approved	Change of use of outbuildings from stables/store to dwelling. 26.11.86
3.11	P86/2580 Approved	Change of use of outbuilding from stables/store to dwelling. 26.11.86

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection:

Object to the alteration of the front pedestrian gateway works for the following reasons:

1. The raised level of the wall is a design feature that does not exist within the conservation area;
2. The wall and gateway are distinctive and contrary to the nature of the dwelling and area; and
3. The Bath stone quoins are completely different to materials and design used within the conservation area.

The gateway and wall should be returned to their original state.

No objection:

No objection to the garage and store but would also like the condition as requested by Sustainable Transport, that the garage never be sub-let or sub-divided from the main dwelling.

4.2 Other Consultees

Conservation/Listed Building Officer

No objection to the gateway.

Objection to the garage

Archaeologist

No objection

Sustainable Transport

No objection.

There is no transportation objection to the proposals as submitted subject to a condition that the proposed garage building is kept for the storage of vehicles and is not sub-let or subdivided from the main dwelling at any time.

Highway Drainage

No objection

Other Representations

4.3 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application stands to be assessed against National Planning Policy Framework March 2012 and Planning (Listed Buildings and Conservation Areas) Act 1990.

5.2 Assessment

Court Farm is a large detached farmhouse dating from the late sixteenth century. The lower range to the right has a wind braced roof suggesting it is the earlier part of the building, built in the medieval period, which has been extended later in the sixteenth or early seventeenth century. At the rear is a substantial stair turret. The boundary to both the conservation area and the settlement follow the rear boundary of the garden.

5.3 The application includes two elements, the first being the replacement of the existing front boundary wall gateway piers with new piers and gate, and the second being a new detached garage building.

5.4 Gate piers

Photographs show that the piers that have been replaced were modest in size and design, with a narrow gateway. The new piers are higher, incorporating dressed stone and a capping stone. The boundary wall to either side of the piers has been increased and raked. The stonework within the increased walling is coursed as opposed to random although the stone to the far ends of the wall is also coursed so there is precedent for this. Court Farm is a large, high status house and therefore it is not considered that the piers would appear out of place in scale or design. It would have been preferable for less dressed stone to be incorporated and a better design of gate, however no historic fabric has been lost and on balance it is considered that the works have not harmed the significance of the listed building.

5.5 New garage building

The new building is physically attached to the pig sty. This disturbs the simple appearance and character of the pig sty, and results in an awkward relationship and junction. The garage building itself is excessive in size. It is proposed to be located within what is essentially the domestic garden, the historic farmyard being laid out to the north east of the farmhouse. The pig sty is located further south, however this was built at a comparatively late date in the sites history. Prior to around 1914 the site would have been orchards and garden, and the distinction between the farm yard, with farm buildings arranged around a courtyard, and the domestic garden, is clearly legible and an important element of the sites significance. There are currently good views from the house and garden to the open fields beyond, which contribute to the setting of the listed building, and an understanding of its historic context. Similarly, it is possible to view the building from the PROW to the north west, and from here the house and farmyard form an important group of buildings. The construction of a building of the size and location proposed would disturb these views and harm the setting of the heritage assets.

- 5.6 The Pucklechurch Conservation Area Appraisal, adopted July 2010, also identifies the area as one that makes an important contribution to the character and appearance of Pucklechurch and the setting of the historic buildings. It states that 'the infilling of the gardens, former fields and remaining vestiges of open space with new buildings has compromised the rural setting of the larger houses'. The Preservation and Enhancement Strategy states that the Council will:

Resist any further infill developments within the boundary of the conservation area that would harm the setting of historic properties or would adversely impact on the remaining open spaces.

- 5.7 It is regrettable that the conversion of the farm buildings did not better provide for the requirement for storage and garaging for the original farmhouse, however the addition of new garaging in the location and scale proposed is considered harmful and unjustified.

5.8 The proposals relating to the garage are considered harmful to the setting of the listed buildings and the conservation and should therefore be refused. It is however considered that the gate piers are on balance acceptable and this part of the application could therefore be approved.

6. **CONCLUSION**

6.1 The recommendation to **refuse** Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in PPS5 (Planning for the Historic Environment).

7. **RECOMMENDATION**

7.1 That a **SPLIT DECISION** be made. Consent is granted for the retrospective work to the pedestrian gateway and consent is **REFUSED** for the erection of a detached garage/store.

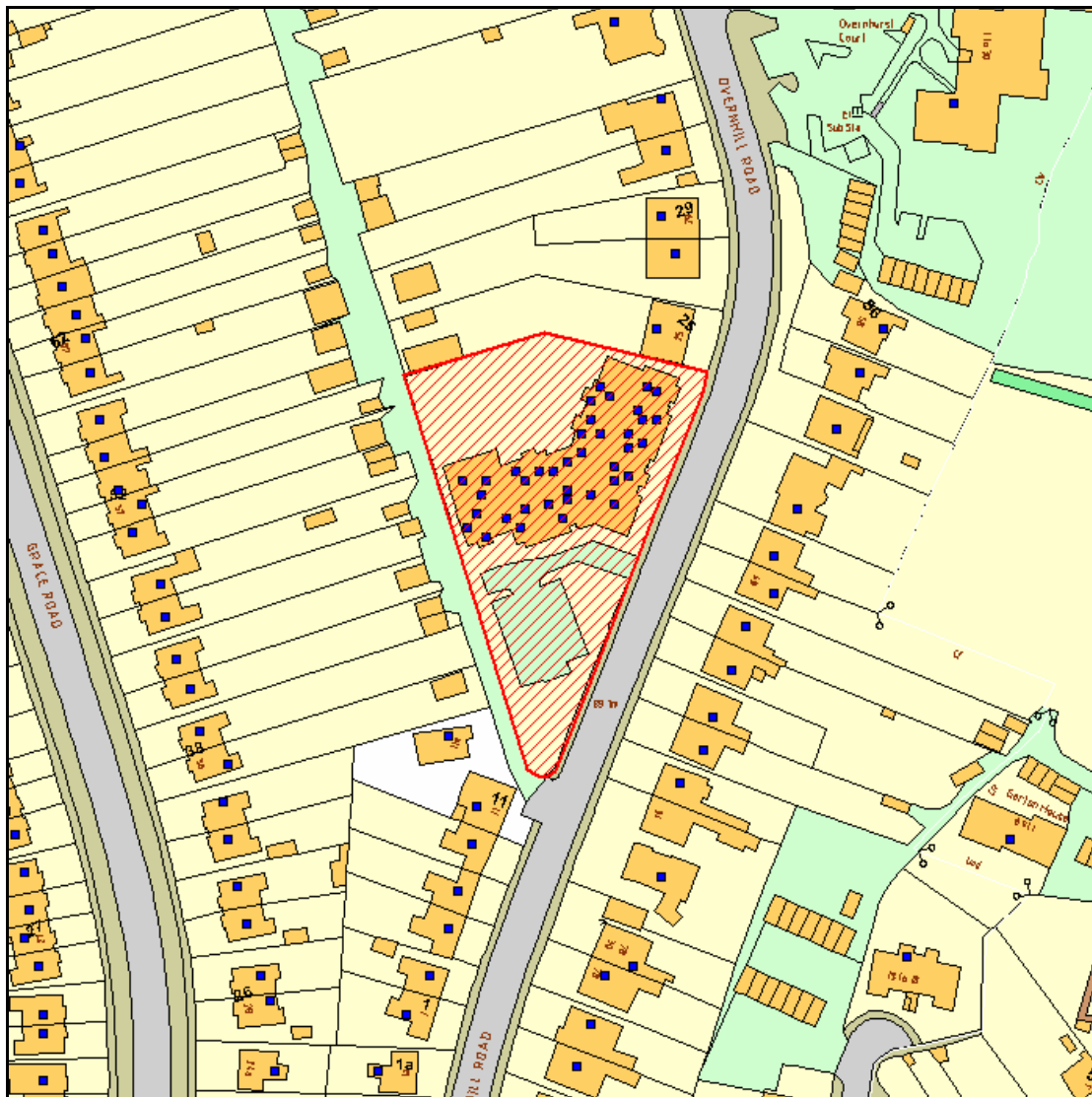
Contact Officer: Anne Joseph
Tel. No. 01454 863788

REASONS FOR REFUSAL

1. Court Farm is a grade II listed building within Pucklechurch conservation area. The proposed garage and store building, by virtue of its scale and location, would harm the setting of the listed buildings and the character and appearance of the conservation area, contrary to sections 66(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, saved policies L12 and L13 of the Adopted South Gloucestershire Local Plan and advice set out in the Adopted Pucklechurch Conservation Area SPD.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.: PK13/4141/F	Applicant: McCarthy & Stone Retirement Lifestyles Limited
Site: 25 Overhill Road Downend South Gloucestershire BS16 5DS	Date Reg: 13th November 2013
Proposal: Creation of 4no. additional car parking spaces. (Resubmission of PK13/2935/F).	Parish: Downend And Bromley Heath Parish Council
Map Ref: 364504 176244	Ward: Downend
Application Category: Minor	Target Date: 3rd January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of one letter of objection from a neighbour and one from the parish council.

1. THE PROPOSAL

- 1.1 This application seeks full planning permission for the creation of 4 no. additional car parking spaces to serve the retirement flats approved under application PK11/0226/RVC. An NMA application for the creation of four spaces has previously been refused hence this full planning application. The area under consideration is part of the grounds of a Sheltered Apartment Scheme approved on appeal through Application No. PK07/1764/F and as amended through application PK11/0226/RVC. The proposal involves two pair of spaces (4.8m by 4.8m) close to the building. This involves alterations to the position of the refuse storage and cycle facility.
- 1.2 This application is the resubmission of a previously refused application (PK13/4141/F) to create five additional parking spaces on the site. This previous application was refused primarily because of the impact on trees protected by Tree Preservation Orders. In order to overcome the previous refusal reasons, the number of spaces has been reduced and a supporting letter from a tree consultant has been submitted.

2. POLICY CONTEXT

- 2.1 National Guidance
NPPF National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) – Saved Policies

- L1 Landscape Protection and Enhancement
T7 Cycle Parking Standards
T8 Parking Standards
T12 Transportation Development Control

South Gloucestershire Local Plan ; Core Strategy Adopted December 2013

- CS1 High Quality Design

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/2935/F Creation of 5no. additional car parking spaces
Refused October 2013
- 3.2 PK07/1764/F Demolition of 2 no. existing dwellings to facilitate the erection of 37 sheltered apartments for the elderly and 1 no. managers apartment with landscaping, access, parking and associated works. Allowed on appeal

- 3.3 PK10/1261/NMA Non-material amendment to application PK07/1764/F to alter elevations and footprint to comply with Code for Sustainable Homes level 3 (No objection)
- 3.4 PK10/2356/NMA Non material amendment to PK07/1764/F to alter car parking layout to provide 3no. additional parking spaces.(No objection)
- 3.5 PK11/0226/RVC Variation of condition 14 attached to appeal decision for PK07/1764/F to read 'The development hereby permitted shall achieve Level 3 of the code for Sustainable Homes. No more than 50% of the dwellings shall be occupied until a Final Code Certificate has been issued for the development certifying that Code Level 3 has been achieved.' (Approve with conditions)
- 3.6 PK11/2992/TRE Works to various trees as described in the Schedule of Works. Covered by Tree Preservation Orders KTPO 03/76 dated 7 June 1976 and KTPO (Approve with conditions)
- 3.7 PK13/0763/NMA Additional 4 car parking spaces.
Refused March 2013

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection but ask if two of the spaces could be re-aligned
- 4.2 Other Consultees
- Highway Drainage
No Objection
- Transportation Officer
No Objection in principle
- Other Representations
- 4.3 Local Residents
One letter of objection has been received from a local resident. A summary of the points of concern raised is as follows:
- The extra spaces will encourage more traffic on the road
 - Will impact negatively on the aesthetic look of the property
 - Will potentially damage shrubs, trees and grass
 - Removal of more green space to create yet more tarmac is destroying the environment
 - Impact on the view from the neighbours

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Policy CS1 of the Core Strategy requires all new development to be well designed and along with other criteria, respect and enhance the character,

distinctiveness and amenity of both the site and locality. Policy L1 seeks to ensure that features of the landscape are protected – in this case this includes the TPO'd trees on the site. Other issues relating to the provision of cycle storage and bin storage also need to be given due weight and attention. Finally, Policy T12 seeks to ensure that new development does not have any unacceptable impact on existing levels of highway safety.

5.2 Highway and Transport Safety

There is no objection to the principle of installing additional spaces within the site. The number of cycle stands will be reduced but given the nature of the accommodation, it is accepted that the cycle stands have a low level of use. The spaces as shown are all acceptable in terms of impact on highway safety.

5.3 Residential Amenity

The creation of 4 additional spaces will not impact on existing levels of residential amenity by means of overbearing, overshadowing or loss of privacy. Whilst it is accepted that a neighbouring property is concerned about the impact on their view, in terms of planning, there is no 'right to a view'. In comparison to the site as a whole, the four additional spaces are considered to have a negligible impact on existing levels of residential amenity.

5.4 Bin Storage

Unlike the previously refused application, details of sufficient bin storage to meet the needs of the development is shown on the plan.

5.5 Protected Trees

The additional proposed parking spaces all appear to lay within the Root Protection Areas (RPA) of existing trees on site - many of which are protected by tree preservation orders. In order to fully assess the feasibility of the extra development it was requested that an Arboricultural report be submitted to include a detailed arboricultural method statement for all works proposed to take part within the R.P.A which clearly shows how the additional parking and any additional hard standing to provide bin stores etc can be developed without causing harm to the roots of those existing trees.

5.6 Although no detailed arboricultural report has been submitted, a supporting letter from a tree consultant has been submitted confirming that it is indeed possible to create the four spaces without impacting on the roots of the trees providing a no dig solution is used. Subject to the attachment of a condition ensuring that all works are undertaken using a no-dig solution, it is unlikely that the proposed works will have any detrimental impact on the health of the protected trees. A condition will also be attached ensuring that the surface of the parking spaces is permeable to avoid altering the water available to the roots of the protected trees.

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 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. The surface of the additional four spaces hereby permitted shall be constructed of permeable materials.

Reason

To allow water permeation into the soil to ensure water is available to the roots of the protected trees to ensure their health and longevity and to accord with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted)

3. The four additional spaces and external refuse area as shown on drawing 01-1656-92B shall all be constructed using no dig techniques.

Reason

To avoid damage to the roots of the protected trees to ensure their health and longevity and to accord with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/4158/F	Applicant:	Mr A Maxwell
Site:	21 Lincombe Road Downend Bristol South Gloucestershire BS16 5UB	Date Reg:	20th November 2013
Proposal:	Erection of 1no. attached dwelling with access and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	364535 176574	Ward:	Downend
Application Category:	Minor	Target Date:	10th January 2014



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PK13/4158/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application relates to a three-bedroom, two-storey, end of terrace dwelling house, located on a corner plot at the junction of Lincombe Road and Lincombe Avenue, Downend. The location is suburban in character and is dominated by 1930's housing of similar scale and design. The existing property no. 21 has single-storey front and rear extensions.
- 1.2 It is proposed to erect a two-storey, attached, 3-bedroom dwelling on the side of no.21; the single-storey extension to the front of no.21 would be replicated on the proposed dwelling. The existing garden would be sub-divided to provide separate amenity areas for the existing and proposed houses. An existing garage would be demolished to provide two off-street parking spaces to serve the existing house (no.21) and these would be accessed from the private lane to the rear; two parking spaces would be provided within the site to serve the new dwelling and these would be accessed from Lincombe Avenue via a widened access.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework 27 March 2012

2.2 Development Plans

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

- CS1 - High Quality Design
- CS5 - Location of Development
- CS15 - Distribution of Housing
- CS16 - Housing Density
- CS17 - Housing Diversity
- CS18 - Affordable Housing

South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape Protection and Enhancement
- EP2 - Flood Risk and Development
- H4 - Development within Existing Residential Curtilages
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007.
Trees on Development Sites (SPG) Adopted Nov 2005.
The South Gloucestershire Residential Parking Standards (Adopted)
SG Landscape Character Assessment (Adopted Aug 2005) – Character Area
14, Kingswood.

3. RELEVANT PLANNING HISTORY

- 3.1 K504 - The provision of a porch over the front door.
Withdrawn
- 3.2 K504/1 - Single storey extension to provide additional kitchen area.
Approved 19 Oct 1977
- 3.3 K504/2 - Erection of two storey side extension to provide extended kitchen
with bathroom over.
Approved 3 May 1978
- 3.4 K504/3 - Single storey side extension.
Approved 26 June 1992
- 3.5 PK04/0908/F - Erection of 1no. detached bungalow with 1no. car parking
space.
Refused 16 April 2004 for the following reason:
- The siting of the proposed dwelling would result in a cramped form of
development to the detriment of the residential amenity of the neighbouring
property. The proposal would also be out of keeping with the spatial form,
character and appearance of the established settlement. The proposal is
therefore contrary to Policy KLP.67 of the Kingswood Local Plan and Policy H4
of the South Gloucestershire Local Plan (Revised Deposit Draft).*
- 3.5 PK10/0333/F - Erection of 2 storey and single storey side extensions to
facilitate the conversion of 1no. dwelling to 1no. dwelling and 2no. flats with car
parking, bin and cycle stores and associated works.
Withdrawn 16 April 2010
- 3.6 PK10/1010/F - Erection of two-storey and single-storey side extensions to
facilitate the conversion of 1 no. dwelling to 1 no. dwelling and 2 no. flats with
car parking, bin and cycle stores and associated works. (Resubmission of
PK10/0333/F).
Approved 6 August 2010

*This decision was made by the DC East Committee following a visit by the
SISC East.*

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection

4.2 Other Consultees (including internal consultees of the Council)

Highway Drainage

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

Environmental Protection

No objection subject to standard informatives relating to construction sites.

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

4no. letters/e.mails have been received from local residents, all objecting to the proposal. The concerns raised are summarised as follows:

- The proposed materials will not match.
- There are trees on the site.
- No landscaping drawing.
- No waste storage or bike store indicated.
- Loss of view.
- The roof should be hipped not gabled.
- Insufficient parking provision – increased on-street parking.
- Loss of privacy to neighbouring property from roof-lights.
- Increased noise.
- No right of way over the lane to the rear of no. 21.
- The parking spaces for no.21 will not be accessible.
- Inadequate sewers.
- Poor drainage.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Urban Area and being residential curtilage, there is no in-principle objection to the development of the site for residential use. The acceptance in principal of a large extension (albeit for flats) to the side of no.21 was established with the previous grant of planning permission PK10/1010/F in 2010 (see para. 3.6 above). It is now proposed to erect a similar scaled extension to provide an additional 3 bedroom house.

- 5.2 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.

5.3 Density

The NPPF seeks to make efficient use of land in the Urban Area for housing. The proposal is considered to make efficient use of the land in what is a

relatively sustainable location, close to the centre of Downend, within easy distance of the shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.

5.4 Scale and Design

Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

- 5.5 The existing dwelling is a 1930's building with rendered walls and a tiled roof. The proposed materials to be used to construct the new dwelling would match those of the existing building and this can be secured by condition. The fenestration and single-storey front extension would be replicated in the new dwelling. The existing dwelling has a hipped roof but it is proposed to incorporate a gable end to the proposed dwelling, which allows occupation of the roof space. The proposed roof ridge and eaves would be set at the same level as the existing house, thus continuing the existing terrace northwards. To some extent the proposed gable would unbalance the symmetry of the terrace but given the length of the terrace, the corner plot location and the presence of gables on the houses to the rear, officers do not consider that this feature would alone be so incongruous within the street scene as to justify refusal of the application.
- 5.6 The new dwelling would be 6.2m in width and be the same depth as no.21 which would conform to the existing front and rear building lines of the existing terrace. In relation to the existing house, the proposed dwelling is much the same size. Furthermore, as the new dwelling would be on the end of an existing terrace on a corner plot, there would be no terracing affect to result from in-filling gaps between detached or semi-detached houses.
- 5.7 There would generally be a 1m gap between the side elevation of the new house and the side boundary of the application site. Officers are satisfied that the proposed scale, form and design of the dwelling/extension would be sufficiently in-keeping with the locality; indeed the proposed dwelling is considered superior in design to extensions at nos. 37, 39 (flat roofed) Lincombe Road. Officers also consider that any slight concerns about the scale/form of the development and projection beyond the Lincombe Avenue building line; are in this case tempered by the overriding need to make efficient use of land in the Urban Area and the acknowledged need for housing provision in South Gloucestershire. The scale and design of the proposed built form is therefore considered to be acceptable and would sufficiently respect the character of the street scene, which accords with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5.8 Landscape

Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 seeks to conserve and enhance those attributes of the landscape, which make a significant contribution to the character of the landscape.

5.9 The development would lie wholly within the existing garden area, which is relatively large for a property of this size. Officers consider that the garden does not contain any significant landscape features. The garden currently has an open aspect to the front and side and there is a rough driveway to the rear that serves a number of neighbouring garages. Within the garden are a number of bushes and garden trees, which do to some extent make a positive contribution to the visual amenity of the street scene. These trees and bushes however are not afforded any statutory protection and would certainly not meet the criteria for Tree Preservation Order. As such, all of these trees/bushes could be removed without any recourse to planning control.

5.10 Whilst no information has been provided as to which of the trees/bushes are to be removed or retained, officers are satisfied that, in the event of planning permission being granted, a suitable condition could be imposed to secure the prior submission and written agreement of a comprehensive scheme of landscaping for the site.

5.11 There is a wide grass verge to the road frontage on Lincombe Road, which lies outside the site boundary. The verge is a landscape feature of the wider locality. An area of hard-standing for two parking spaces has already been introduced to the front of the house on this verge. As Lincombe Road is not classified, an access to the front garden of no.21 could be introduced under permitted development rights. There are however already many properties within the road that have front vehicular access as well as rear accesses. The potential therefore for introducing any further frontage access points in the street scene and significantly eroding the grass verge further would be very limited.

5.12 The site has been assessed against Policy L5 in relation to its value as an open space but officers consider that in this case the criteria attached to L5 do not apply as up to 50% of the garden area could be built upon using permitted development rights. On balance therefore and subject to the landscape condition suggested above, there are no objections on landscape grounds.

5.13 Transportation Issues

Two parking spaces would be provided to the rear of no.21 where currently there is a garage; it is proposed to access these spaces from the rough lane to the rear. The existing access off Lincombe Avenue would be widened to provide two further spaces for the new house incorporating the existing driveway. This level of parking provision complies with the new minimum standards listed in Appendix A of the South Gloucestershire Council Residential Parking Standards. Whilst officers consider that there would be adequate room within the site to provide cycle parking and bin stores, these details can be secured by condition. Both Lincombe Road and Lincombe Avenue are non-classified roads and as such the access could be implemented

under permitted development rights and cannot therefore be reasonably resisted.

- 5.14 Local residents have raised concerns about the accessibility of the spaces to the rear of no.21 and whether the applicant has right of way over the access lane thereto. It is noted however that neighbouring properties are able to access similar spaces/garages from the lane and the Council's Transportation Officer has raised no objection to the proposed arrangement. As regards rights of access, this is a civil matter to be resolved by the individual parties rather than through the Planning Act. The applicant has however submitted a copy of his Title Deeds for officers to view and these confirm that no.21 does in fact have right of access over the lane. In any event, should it transpire that the applicant cannot access the spaces to the rear of no.21, he still has the two spaces to the front of the house at his disposal. Subject therefore to conditions to secure the proposed access and parking facilities; hard surfacing of the parking areas; cycle and bin stores; prior to the first occupation of the new house, there are no highway objections.

5.15 Impact Upon Residential Amenity

The two-storey dwelling would not protrude beyond the rear of the main elevation of no.21 and would be set back fully 9.4m from the boundary with neighbouring no.19; the proposed dwelling is not therefore considered to have a significant overbearing impact for neighbouring occupiers. There would be 22m between the rear elevation of the proposed dwelling and the side elevation of no.14 Lincombe Avenue. As there are no significant habitable room windows in the side of no.14, there would be no loss of privacy from inter-visibility with this property. No windows are proposed for the north-eastern side elevation of the new dwelling and a condition could ensure that none would be inserted in the future thus preventing any inter-visibility with windows in the side of no.19.

- 5.16 Concern has been expressed about loss of privacy from overlooking of neighbouring no.23 Lincombe Road, but this would be from first floor windows and roof lights only and from an acceptable distance and angle. In any event, officers consider that some over-looking of neighbouring property within an Urban Area is only to be expected and should not necessarily be justification for refusal of planning permission, especially where efficient use of land is required.
- 5.17 Moving to the issue of amenity space, the layout of the scheme has been designed such that adequate amenity space would be provided for the existing and proposed dwellings. A timber fence would be erected to sub-divide the plot and provide privacy for no. 21. The erection of high fences next to the highway requires planning permission in its own right, nevertheless all boundary treatments could be controlled via the hard and soft landscaping scheme secured by condition. The soundproofing of party walls would be controlled under building regulations. Officers are therefore satisfied that there would be no significant loss of residential amenity to result from the scheme.

5.18 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. There are therefore no objections on environmental grounds. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme, to include Sustainable Drainage Systems (SUDS) for approval before development could commence. Any connections to the main sewers would need to be agreed with Wessex Water.

5.19 Affordable Housing

The proposal is for 1 house only, which is below the Council's threshold for affordable housing provision.

5.20 Education Service

The development comprises 1 house only and this is below the threshold (5) for contributions towards Education.

5.21 Community Services

The proposal is for 1 house only, which is below the Council's threshold (10) for contributions to Community Services.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling/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) Dec 2013.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with 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 Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is occupied.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policies EP2 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The approved vehicular access and car parking facilities, shown on the Proposed Site Layout Plan No. AL(0)120 hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwelling so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

To ensure the satisfactory provision of access and parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and The South Gloucestershire Council Residential Parking Standards SPD (Adopted).

7. The tiles to be used in the development hereby permitted shall match those of the existing building in colour, texture and profile.

Reason

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

8. No windows shall be inserted at any time in the north-east side elevation of the dwelling house hereby approved.

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.

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

Reason

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

10. Prior to the first occupation of the development hereby approved full details of the refuse storage facilities and cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwelling hereby approved and shall be retained as such thereafter.

Reason

In the interests of the amenity of the locality and to accord with Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 respectively.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.: PK13/4192/F
Site: Land Rear Of 126/128 Soundwell Road
 Soundwell Bristol South Gloucestershire
 BS16 4RT

Applicant: Mr M Evans
Date Reg: 15th November 2013

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

Parish: None

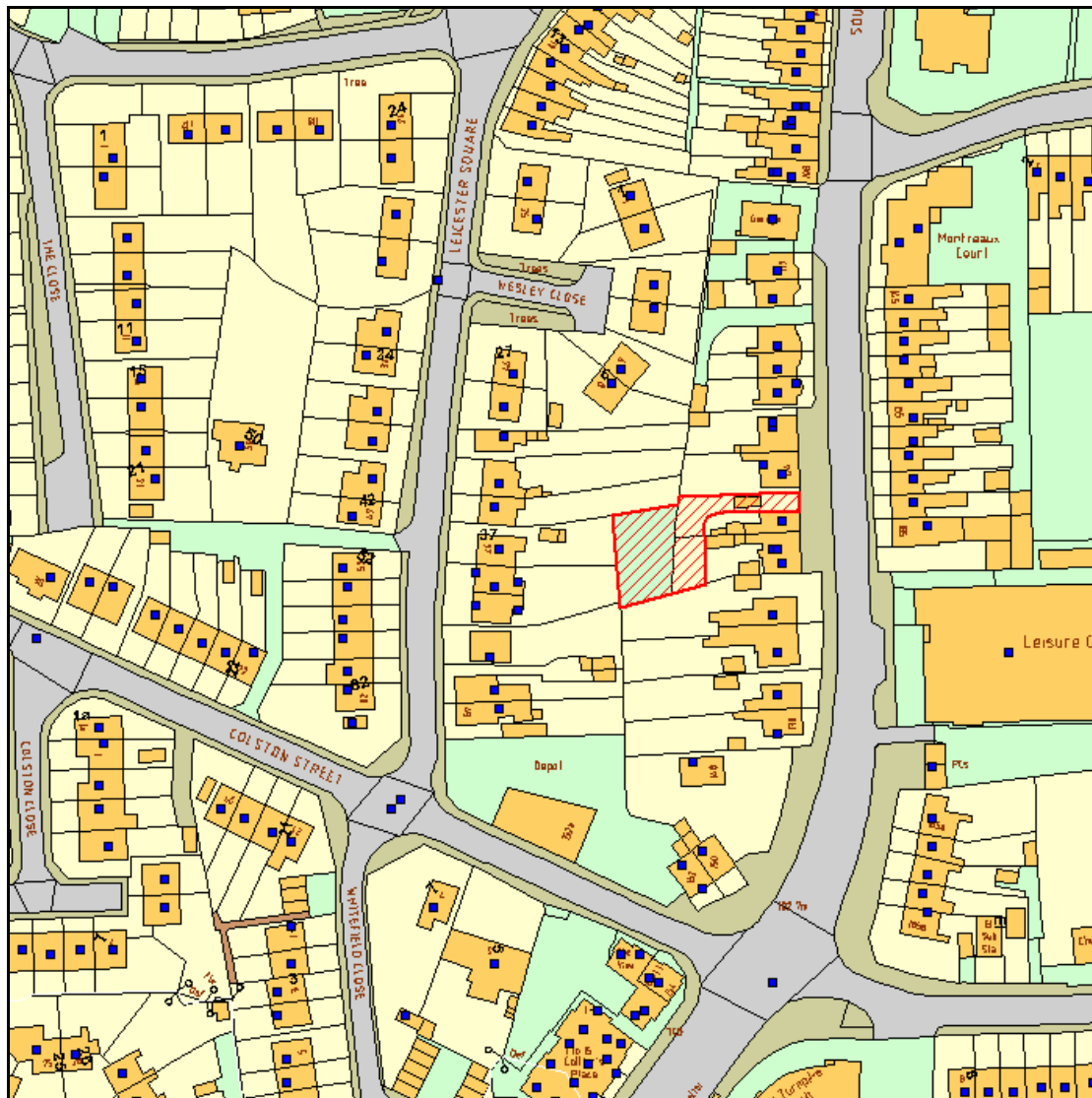
Map Ref: 364791 175093

Ward: Staple Hill

Application Category: Minor

Target Date: 8th January 2014

Category:



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 100023410, 2008. **N.T.S.** **PK13/4192/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule to the receipt of objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of 1 no. detached bungalow at the rear of No. 126-128 Soundwell Road, Soundwell. The land at the rear is overgrown and the existing buildings, No. 126-128, are two-storey semi-detached buildings, which are residential properties, except that the ground floor of No. 126 is used as a shop. The existing single storey side extension is to be demolished to make way for the proposed development.
- 1.2 Previous planning application PK11/2504/F was refused and subsequently dismissed by the Planning Inspector for the following reasons:

The proposed development would fail to provide adequate living conditions for the future residents of the proposed development and would harm the living conditions of existing residents. Additionally, as a consequence of the cramped nature of the development, it would create a potential risk to highway safety.

The Inspector also raised the following issues:

- *I consider that the usable garden are would be inadequate for a small family house, they would be considerably smaller than the gardens of other family housing in the locality.*
- *Although there is some degree of mutual overlooking of garden between the properties in Leicester Square, I consider an overlooking window in the proposed house would be unacceptable in terms of its impact on 39 Leicester Square. It would result in further loss of privacy to the garden, and also introduce overlooking of the rear of the property. Whilst obscure glazing and a window with restricted opening would avoid direct overlooking, there would still be a perceived loss of privacy for the neighbouring occupiers.*
- *The introduce of a wall in excess of 5 metres high close to the rear boundary of 37 and 39 Leicester Square would also have an overbearing impact when seen from the gardens of these properties and would adversely affect the outlook from no. 39 in particular.*
- *The two north facing bedroom windows would directly overlook the eastern portion of the rear garden of 35 Leicester Square and obliquely overlook the western end of the rear garden of 124 Soundwell Road.*
- *The proposals make provision for turning facilities to allow cars to exit the site in a forward gear. The arrangement would not be particularly satisfactory in terms of the amenity of the future occupier of Plot 2. These shortcomings are a consequence of the overall lack of space around both proposed dwellings.*
- *I do not consider that the proposal would lead to an unacceptable loss of outdoor amenity space for the accommodation which would remain within 126 and 128 Soundwell Road.*

- *Due to the constrained nature of the site, I consider it likely that the turning area shown on the approved plans would be used for parking should the two houses generate more than three cars in total.*
- *The cramped nature of the development would increase the likelihood of additional vehicles reversing into Soundwell Road.*
- *I do not consider, given the mix of styles, age and external appearance of the properties in the area that the character and appearance of the area would be unduly harmed by the development.*

1.3 The major differences of the current proposal are: the proposed dwelling is a single storey bungalow, which would only provide 2 bedrooms. Furthermore, a turning space and a parking space are provided within the site. During the course of the application, the applicant submitted a revised plan showing the omission of the carport in order to provide bigger private amenity space for the future occupiers.

2. **POLICY CONTEXT**

2.1 National Guidance

National Planning Policy Framework 27 March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
H4	Development within Existing Residential Curtiages, Including Extensions and New Dwellings
T7	Cycle Parking
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
CS9	Managing the Environment and Heritage
CS16	Housing Density
CS17	Housing Diversity

2.3 Supplementary Planning Guidance

Design Checklist 2008

Residential Parking Standards Adopted December 2013

3. **RELEVANT PLANNING HISTORY**

3.1 PK10/2751/O Erection of 3 no. terraced dwellings (outline). All matters reserved. Withdrawn 10.02.2011

126 Soundwell Road:

K3085 Erection of kitchen diner extension at rear of shop. Approved Jan 80.

- A224 Display of internally illuminated projecting sign to read 'Silk Cut' in yellow letters on purple and white background. Approved November 1980
- A224/1 Display of an illuminated fascia panel to read 'C.J. & C. BARTER, NEWSAGENTS, CONFECTIONERS – SILK CUT. Approved January 1981.

Members are advised that there is no planning history showing the existing shop was originally a dwelling.

128 Soundwell Road:

- K1121 Change of use of existing shop premises to office. Approved November 1975.
- K1121/1 Installation of shop front. Approved August 1989.
- K1121/2 Single storey rear extension to provide office accommodation. Refused May 1991.

- 3.2 PK11/2504/F Erection of 2 no. detached dwellings with access and associated works. Refused and subsequently dismissed.

4. **CONSULTATION RESPONSES**

- 4.1 Parish/Town Council
The site is not within a parished area.

4.2 Other Consultees

Sustainable Transport

No objection to the revised proposal.

Street Care (Drainage)

No objection provided that a planning condition is imposed to seek sustainable drainage system to be in place.

Ecologist

Survey for protected species together with a mitigation measures needs to be carried out.

Coal Authority

No objection, recommended to impose a planning condition seeking site investigation works prior to the commencement of development.

Other Representations

- 4.3 Local Residents
2 no. letters of objection have been received and the resident raised the following concerns:

The lack of boundary fencing would leave neighbouring property open to people walking from Soundwell Road as the boundary lining will not be solid as it currently has large gaps where a grown person can easily walk through. It is

suggested to provide 5ft solid fencing boundary topped with a 1ft trellis, as this is known to be the best preventative structure.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework was published on 27th March 2012 to replace all Planning Policy Guidance and Statements (PPGs and PPSs) and emphasises the protection of environment, such as Green Belt and the promotion of sustainable economic growth. The Framework highlights that 'Development' that is sustainable should be approved, however, this does not change the statutory status of the development plan as the starting point for decision-making. As such development that accords with an up-to-date local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Although the National Planning Policy is recently published, the adopted South Gloucestershire Local Plan and Core Strategy also seek to achieve better sustainability. The key objective of the adopted Local Plan and Core Strategy is to accommodate development, which makes the most effective use of land, transport and other services and in particular involves the re-use of previously developed land.

This application stands to be assessed against the policies listed above, in the light of all material consideration. The site is an overgrown land, which is a brownfield site and within the urban area and therefore, subject to the following assessment is acceptable in principle for residential development and Policy CS1, CS16 and CS17 of the adopted Core Strategy, Policy H4 and T12 of the adopted Local plan and the adopted Residential Parking Standards apply.

5.2 Design / Visual Amenity

The proposed dwellings are located at the rear of No. 126-128 Soundwell Road, and would be accessed via a driveway to the side of the existing buildings.

The application site is surrounded by a group of residential properties, which are mainly two-storey buildings with a pitched roof. Officers also noted that the site is located within an urban area, and there are also a mix of styles, form and building materials along the main road between Kingswood and Staple Hill. Although there is a linear development along this part of Soundwell Road, it does not represent a very strong character of the area.

The proposed bungalow would have a dual pitched roof, which would reflect the character of the area. In addition, the proposed materials would echo existing building materials in the area, and these would help to integrate the new dwellings with other surrounding properties. It is therefore considered that the design of proposed dwelling would be acceptable in this location.

Furthermore, the site would be screened by the surrounding properties, and would not be visible from the public domain. Officers therefore consider that

the design of the proposed dwelling would not have a detrimental impact upon the visual amenity of the area and the proposal has addressed the inspector's concerns.

5.3 Environmental Effects

The site is surrounded by a group of residential properties, and abuts neighbours' gardens. Therefore it is not subject to unacceptable levels of noise disturbance, air pollution, smell, dust or contamination.

i. Drainage

The Council Street Care (Drainage) considered the proposal including drainage details, and the Council Drainage Engineer has no objection in principle provided that a planning condition is imposed to ensure sustainable drainage would be installed and permeable materials would be used for the construction of hard standing area.

ii. Protected Species

The site consists of an overgrown plot of land to the rear of existing properties and is not covered by any statutory or non-statutory nature conservation designations. The proposal is to demolish the existing single storey structure to provide an access.

Some species of bats are known to characteristically utilise the roof voids and/or roof structure to domestic properties, even in urban situations. Overgrown areas of scrub and rough grassland can provide excellent habitat for reptiles such as slow-worms. Domestic gardens and areas of scrub and rough grassland can provide excellent habitat for hedgehogs.

Given that the site would provide a suitable habitat for these protected species, a planning condition is therefore imposed to seek a detailed ecological survey and a mitigation strategy. The survey will need to be carried out prior to the commencement of development.

iii. Historic mining activities

The applicant submitted a Coal Mining Risk Assessment and the Coal Authority concurs with the recommendation of the Assessment that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site. A planning condition is therefore imposed to require the site investigation works recommended within the Coal Mining Risk Assessment to be undertaken prior to commencement of the development. In the event of the site investigations confirm that the need for remedial works, these works shall be undertaken prior to commencement of the development.

5.4 Transportation Effects

Planning permission has previously been refused to erect two new dwellings on this area of land (PK11/2504/F). The decision was appealed and later dismissed by the Inspector.

This current application seeks to erect a two-bed bungalow on the same area of land. Although the revised proposal would result in only one parking space for this 2 bedrooms dwelling, officers consider that the site would be large enough to allow more parking within the site.

It is proposed to use the existing vehicular access off Soundwell Road. Due to the location of the access close to a pedestrian crossing, it is important that any vehicles entering and leaving the site can do so in forward gear. A turning area has been incorporated within the design. Subject to a condition that the parking and turning area is kept for the purposes as shown on the plan, there is no transportation objection to the proposed development.

5.5 Residential Amenity

Officers acknowledge there is a concern regarding the lack of solid boundary treatment along the west boundary of the site. Officers consider that it would be necessary and reasonable to impose a planning condition to seek details of boundary treatment along the west boundary treatment to safeguard the security of the neighbouring properties.

The proposed dwelling would be single storey, and most of the windows would be overlooking its turning space at the front of the new dwelling. 2 no. high level windows are proposed at the south elevation and a number of roof lights are also proposed on the building. The new dwelling would be set back from the south and west boundary between 1 to 4 metres. A parking space would be provided to the north of the building. Your case officer therefore considers that the proposal, due to its appropriate design and modest scale, would not cause significant overbearing impact or overlooking issues upon the neighbouring properties.

Regarding the residential amenity of the future occupiers, officers consider the original proposal would fail to provide adequate private amenity space. To address the concerns, the applicant submitted a revised proposal to remove the carport, and the proposal would provide private amenity space measuring 5.8 metres by 9 metres as a result. It is considered that the proposed amenity space would be acceptable for this 2 bedroomed dwelling.

Officers therefore consider that the proposal would overcome the Inspector's concerns, and would not cause detrimental impact upon the residential amenity of the neighbouring residents and future occupiers.

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 planning permission 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, C, 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 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. 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.

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 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 08.00 to 18.00 Mondays to Fridays and 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 Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of the development details of boundary treatment along the west boundary of the site shall be submitted to and approved in writing by the Local Planning Authority. All hard and soft landscape works including the proposed boundary treatment along the west boundary shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development.

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) and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

To ensure that a satisfactory means of drainage is provided and to prevent non-point source pollution and flooding, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. The proposed turning and off-street parking facilities 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 Standard adopted December 2013.

8. The proposed vehicular access, turning and off-street parking facilities shall be constructed of permeable bound materials and shall be maintained as such thereafter.

Reason

In the interests of highway safety, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and to prevent non-point source pollution and flooding, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

9. Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority in respect of measures to:
- (i) Identify, through site survey, of protected wildlife species and their habitat at present (as designated under the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992).
 - (ii) Protection, as required, of wildlife species, and/or their habitat referred to under (i) above and as identified through the site survey. The approved measures shall be implemented in full unless the Local Planning Authority gives written consent to any variation.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife and their habitats and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013)

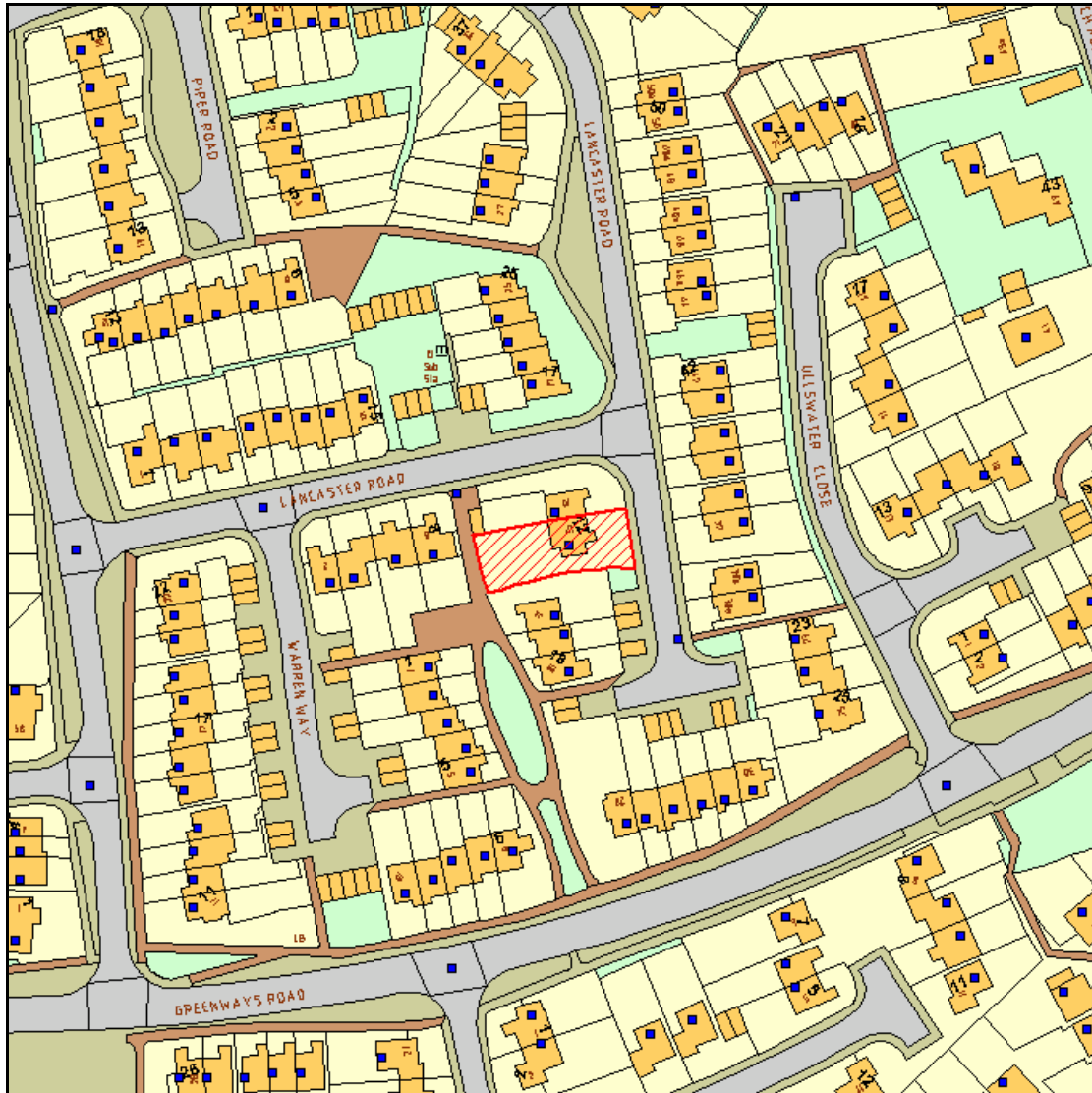
10. Prior to the commencement of the development hereby approved, a site investigation works within section 4.0 of the Coal Mining Risk Assessment shall be undertaken, and a full report shall be submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings, and/or any other measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works shall be undertaken prior to the commencement of the development hereby approved, and shall be strictly carried out in accordance with the approved details.

Reason

To protect the amenities of the area and to accord with Policies CS1 and CS9 of South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/4244/F	Applicant:	Mr T Worrall
Site:	12 Lancaster Road Yate Bristol South Gloucestershire BS37 5SU	Date Reg:	21st November 2013
Proposal:	Erection of two storey side extension and single storey front and rear extension to provide additional living accommodation,	Parish:	Yate Town Council
Map Ref:	371324 183209	Ward:	Yate North
Application Category:	Householder	Target Date:	13th January 2014



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PK13/4244/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received, contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission to erect a two storey side extension, along with single storey front and rear extensions to provide additional living accommodation. The host dwelling is semi-detached, built of golden brick, with hanging tiles at first floor, under a brown double Roman tiled roof and stands on an estate, in a cul-de-sac. The houses to the south of the site, further into the cul-de-sac are set back, with their front building lines similar to the site's rear building line. The site has forecourt parking for three vehicles.
- 1.2 The proposal would see two bedrooms over the existing garage. The garage would be extending forward slightly, to match in with the porch, creating a continuous roof with it. To the rear, a lean-to, 3.5 metre deep, almost full width extension would form a new kitchen and sun room. All new windows would face front and rear.
- 1.3 Amended plans were requested and received which show the proposed side extension to be subservient to the host dwelling, with a slight set back from the front wall and a reduced apex height.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 House extensions
T12 Highway Safety

South Gloucestershire Local Plan Core Strategy (adopted December 2013)
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
Residential Parking Standards (adopted December 2014)

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Other Consultees
Transportation
No objection

Other Representations

- 4.3 Local Residents

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

- Loss of light and heat from the sun into adjacent conservatory
- The extension being built close to a fence will prevent maintenance of that fence from the applicant's side
- The extension may be used for running a business
- A large concrete foundation, recently laid at the end of the garden, has not been included on the block plan
- The proposed extension over the garage and to the south of the property will not affect the neighbour directly
- Disruption during construction phase
- Parking problems caused recently by workmen involved with refurbishment of the site, also having an impact on light and heating costs
- With the number of workmen at the site, has there been a change of use?
- Noise from the recent refurbishment has been affecting residential amenity next door, resulting in petrol and meal costs as the occupants have had to get away from the house to avoid it
- House price would be devalued

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issues to be resolved are essentially the impact of the proposed development on visual amenity and existing levels of residential amenity. Parking provision is a further issue as well as issues brought up through the consultation process. Some of these are relevant to the determination of this planning application and others are not.

5.2 Design and Visual Amenity

As mentioned at 1.3 above, amended plans have been received which show that the extension would be subservient to the host dwelling. This is considered important, particularly as the width of the extension proposed is about 40% of the width of the host dwelling and at this scale it is considered essential to create a visual break in the frontage. The proposed front extension would match the projection of the existing porch and is considered to be in scale with the host dwelling as a result. The rear extension would not be readily visible but is again considered to be in proportion to the host dwelling. The materials proposed are specified on the application forms to match those of the existing house and overall it is considered that there would be no harm to visual amenity. The proposal is considered to accord with policy CS1 of the adopted Core Strategy.

5.3 Residential Amenity

The proposed side extension would be two storey and would extend almost to the edge of the property, although space would be left for a gate and side access path to the rear. The impact of this extension would be greatest on No. 14 next door, which is set back behind the two storey part of the extension. This has a regular window array facing the street. The dwelling itself is set back and so the relationship between the windows and the proposed extension is at around 45 degrees, further offset by the side gardens of each property. As a result of these factors, there is considered to be no overbearing impact that

would occur on habitable room windows in No. 14 that would warrant the refusal of this proposal. A condition is recommended below preventing the later insertion of side windows which would potentially overlook No. 14's front garden.

The front extension would enlarge the garage, at single storey and is not considered to have any overbearing impact, as it would merely form a continuation of the present porch.

The proposed rear extension is considered to be of a suitable scale to prevent any overbearing impact. It is shown as single storey, with a lean-to roof and a depth of less than 3.5 metres. With such a limited projection it is not considered to be overbearing, its impact being reduced with the fall of the roof next to the common original rear building line from 3.5 metres to 2.7 metres. This impact has to be read against the existing boundary treatment shown on the plans. The neighbour has commented that there will be loss of light and heat as a result of the proposal in their conservatory. Although the extension would be to the south of this conservatory, its impact in terms of loss of light would be very limited, with the light loss only occurring when the sun is low in the sky and in line with the tallest part of the extension.

Regarding the point raised about disruption during the construction phase, a condition has been recommended below to limit the times of building to normal working hours. It should be noted that this can only limit works within the scope of the planning permission.

5.4 Transportation

The proposed side extension would increase the width of the garage and take it beyond the minimum 6 metres by 3 metres required by the parking standards to count as a parking space. This is backed up by further off street parking to the front of the dwelling and meets the requirement for a five bedroom dwelling which the extension would create, as the first floor study is most likely to be retained as a bedroom, as it currently is shown. The parking provision therefore meets the requirement of the recently adopted standards and as the access situation would remain unchanged, it is also considered to meet the requirements of Local Plan policy T12.

The parking problems caused by the workmen at the site at present is not considered to be relevant to this proposal. There is no planning control over the use of the public highway and any such problems would be limited to the construction phase in connection with this proposal.

5.5 Other Matters

The issue that was raised over maintenance to the boundary fence would not be a reason to refuse the application. The only people with rights to access the site and the landowners and while it is acknowledged that maintenance would be difficult to achieve, it is not relevant to the determination of this planning application. The point that the extension may be used for running a business is not part of this proposal. If that proves to be the case, depending on the scale and nature of the business activities, it would require planning permission and could be assessed at such a stage. The presence of workmen at the site for the

current refurbishment of the property does not constitute a material change of use of the site. The large concrete foundation, recently laid at the end of the garden, that has not been included on the block plan, is similarly not part of this application. The claimed devaluation of the adjoining property is not a planning matter.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is approved, subject to the conditions shown below.

Contact Officer: Chris Gosling
Tel. No. 01454 863787

CONDITIONS

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

Reason

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

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

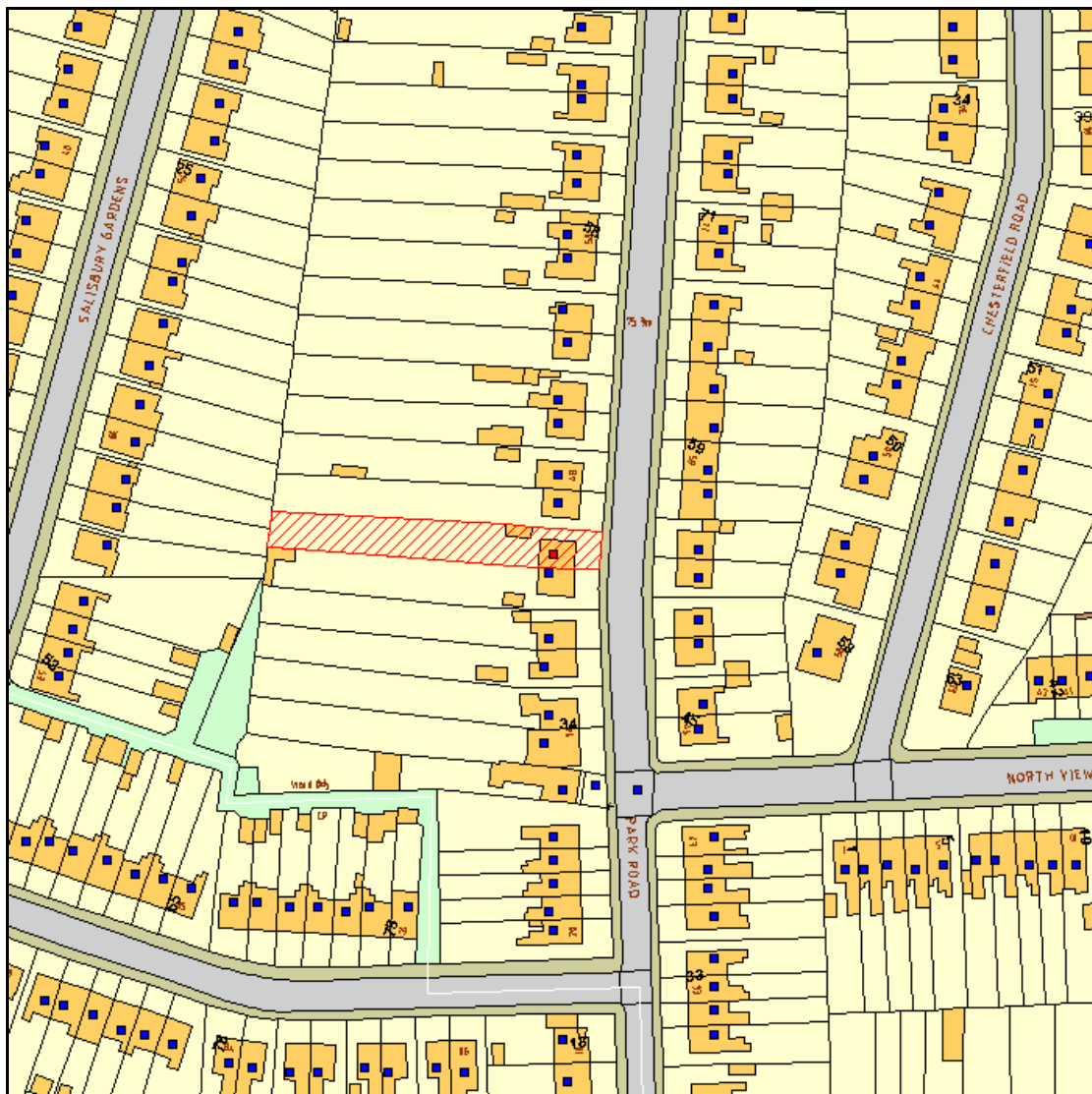
3. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Mondays to Fridays and 0900 to 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/4264/F	Applicant:	Ms Monique Davies
Site:	42 Park Road Staple Hill Bristol South Gloucestershire BS16 5LG	Date Reg:	27th November 2013
Proposal:	Erection of detached timber framed mobile home for use as residential annexe. (Resubmission of PK13/3087/F).	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365313 176309	Ward:	Downend
Application Category:	Householder	Target Date:	17th January 2014



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PK13/4264/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a detached timber framed mobile home for use as a residential unit. The proposed unit would measure approximately 4.75 metres wide, 11 metres in length and 3.6metres at its maximum height. It has been established that the proposed annex would be to accommodate a family member and thereby allow three generations to live on site.
- 1.2 The application site relates to a two-storey semi-detached property situated within the established residential area of Downend. The proposed timber framed mobile home would be situated at the bottom of the rear garden associated with No. 42 Park Road, Downend. The garden is long and thin and accessed via a path along the northern side of property.
- 1.3 This application is a re-submission of a recently withdrawn scheme.

2. POLICY CONTEXT

2.1 National Guidance

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

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

H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

T12 Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/3087/F Erection of detached timber framed mobile home for use as residential annexe.
Withdrawn 7.10.13

3.2	PK05/2500/F	Erection of two storey side extension to form additional bathrooms (resubmission)
	Approved	16.9.05
3.3	PK05/1812/F	Erection of two storey side extension to form additional bathrooms
	Withdrawn	9.8.05
3.4	K6802	Retention of two storey and single storey rear extension
	Approved	14.12.90

4. **CONSULTATION RESPONSES**

4.1 Downend and Bromley Heath Parish Council

No objection as long as a condition is attached to ensure that the occupier of the proposed annexe is tied and linked to the occupation of the first dwelling. We question why, in a 1 bedroom dwelling, there is a need for 2 bathrooms.

4.2 Other Consultees

Sustainable Transport

No objection subject to a condition.

Environmental Protection

No objection subject to an informative

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points are:

- effectively add the equivalent of a new bungalow to what is already a fully populated urban area
- be overbearing in relation to my own property in that the proposed dwelling will be near to the adjoining fence and stand nearly two metres above the level of the fence thereby resulting in loss of outlook
- the proposed dwelling may lead to some loss of daylight in my garden
- there may be some noise disturbance and/or cooking smells from the proposed dwelling into my garden
- If this application were to be approved there would be little to prevent the applicant or future occupiers of the property from using this building for other purposes/dwellers
- The question must be raised as to why such a small building with only 1 bedroom should need 2 bathrooms
- may well create a precedent for more dwellings in gardens
- not a suitable purpose for a garden building

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity. Policy D1 of the Local Plan requires all new development to be well designed and along with other criteria, respect and enhance the character, distinctiveness and amenity of both the site and locality. Saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety. New minimum standards are expressed in the Residential Parking Standards SPD (to be adopted along with the Core Strategy).

The proposal is considered to accord with the principle of development.

5.2 Design and Visual Amenity

The existing dwellinghouse is a two-storey semi-detached property situated in an area of similar post war types houses. A driveway positioned to the north leads to the rear garden but an existing side extension to the main property prevents vehicles passing along the full length of the driveway. A set of gates prevents general access into the garden.

The proposed annex would be a timber framed structure measuring approximately 11 metres by 4.75 metres. It would have openings in three elevations: north, east and south. It would have an unusual roof line split into two mono-pitched roofs of differing heights. Internally the annex would have all the characteristics of an independent unit which includes: a lounge/kitchenette, office, bathroom and bedroom with en-suite. Comments have been received from a local resident and from the Parish Council regarding the internal configuration and the proposed two bathrooms. Internal layouts cannot be a concern the determination of planning applications as individuals are permitted to change these layouts to suits their differing needs. It is, however, noted that the proposal is large and does contain all the potential elements for independent living. A condition attached to the decision notice will therefore ensure the annex can never be a unit separate of the host property and will remain ancillary to it.

The proposed annex would be appropriate at single storey height and thereby of a suitably subservient order to the surrounding housing. The annex would continue to share the amenity space of the host dwelling (no division of the site is shown) and the occupiers of the annex would use the access currently

shared by the host dwelling and parking would be to the front on a shared driveway.

As such the proposal accords with Policy CS1 of the South Gloucestershire Local Plan:Core Strategy (Adopted) 2013.

5.3 Residential Amenity

The proposed annex would be positioned at the end of the garden of No. 42 Park Road. Neighbours to the north and south are separated from the application site by fencing of 1.8 metres in height. To the west the site is separated from Nos. 41 and 43 Salisbury Gardens by fencing of approximately 1.5 metres. No openings are proposed in this opposing elevation and given the distance from these properties of approximately over 30 metres there can be no issues of inter-visibility or overlooking to address. Furthermore, concerns have been expressed by one of these neighbours regarding loss of outlook, loss of daylight and the overbearing nature of the proposal. Similarly, given the distance and the orientation of the proposed annex, Officers consider there would be little negative impact on the residential amenity of neighbours to the west.

Properties along the western side of Park Road benefit from long, thin rear gardens. It is acknowledged that the proposed annex by being approximately 1.8 metres at its maximum height above that of the dividing fences, would create changes in the garden of No. 44 Park Road. However, given the overall size of the gardens here, the proposal is considered not to impact on the neighbours to such a degree as to warrant a refusal of the application.

Given the long gardens with the main houses located approximately 40 metres to the east it is considered there would be no issues of overbearing, overshadowing or inter-visibility resulting from the annex. Sufficient amenity space would remain to serve the main house and its proposed annex. As such the proposal accords with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.4 Sustainable Transport

Planning permission has previously been sought to erect a mobile home on land to the rear of No 42 Park Road (PK13/3087/F). Transportation objection was raised to this proposal due to lack of information on available vehicular parking within the site boundary.

This current proposal again seeks to erect a detached one-bed building to the rear of the site. No detail has again been submitted on the available vehicular parking within the site boundary. However, the Design and Access Statement indicates that three parking spaces are currently available.

Subject to condition that the new building is not sublet or sub-divided from the main dwelling at any time, there is no transportation objection to the proposed development.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

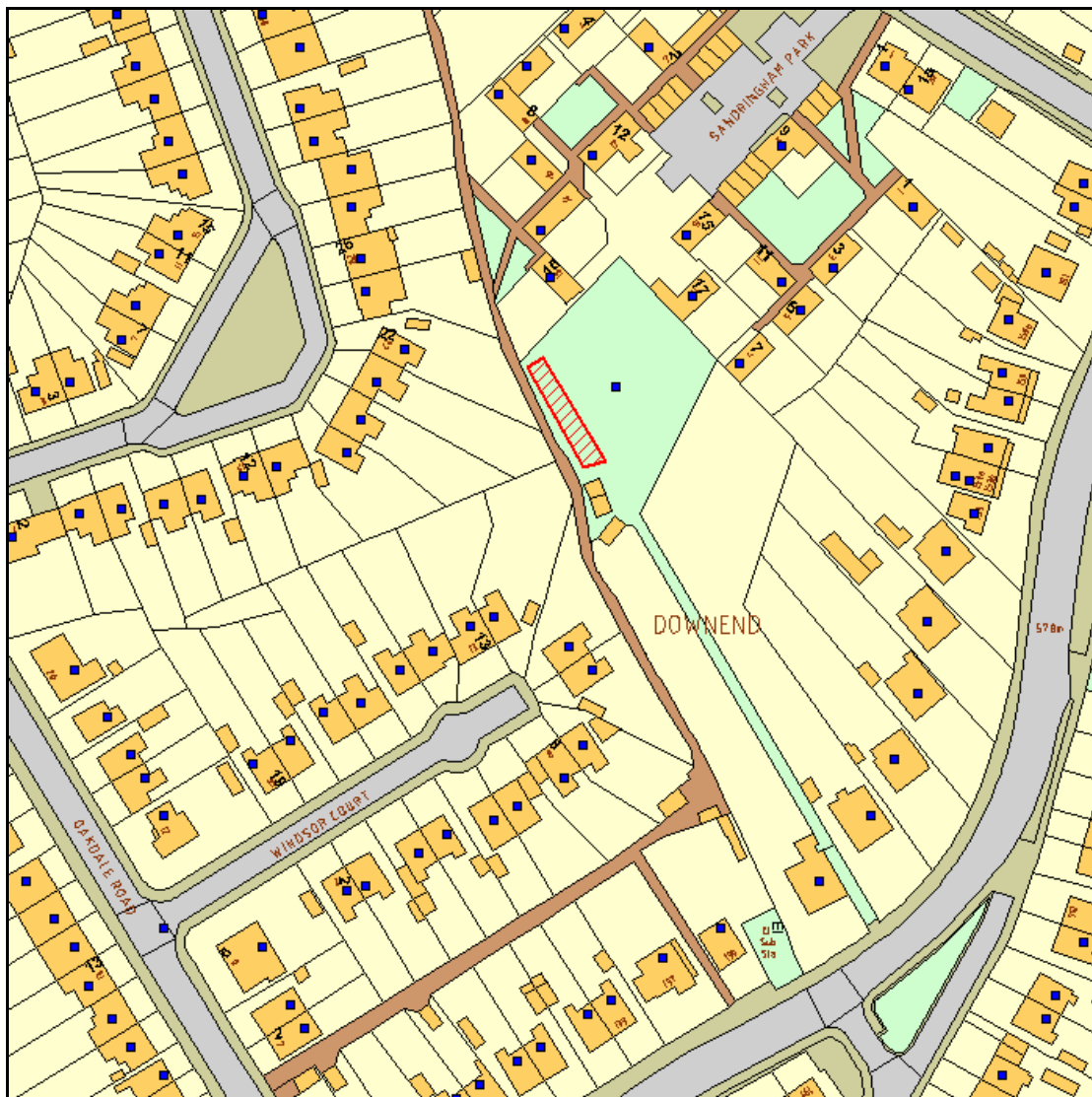
2. The annex hereby permitted shall not be occupied at any other time other than for single family purposes as part of the main residential use of the dwelling known as No.42 Park Road, Staple Hill, Bristol BS16 5LG. For the avoidance of doubt this permission does not grant planning permission for use of the annex as a separate residential unit.

Reason

To allow the Council to consider the impact of subdivision on parking and amenity space and to accord with saved Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/4357/TRE	Applicant:	Mr Tom Moody
Site:	21 Sandringham Park Downend South Gloucestershire BS16 6NZ	Date Reg:	28th November 2013
Proposal:	Works to crown reduce by 3.5 metres and crown lift by 4 metres 3no. Ash trees and 1no. Sycamore tree covered by Tree Preservation Order SGTPO 26/06 dated 26 January 2007.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365251 177482	Ward:	Downend
Application Category:	Works to trees	Target Date:	20th January 2014



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 100023410, 2008. **N.T.S.** **PK13/4357/TRE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as representations have been made which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks consent for works to crown reduce by 3.5 metres and crown lift by 4 metres 3no. Ash trees and 1no. Sycamore tree covered by Tree Preservation Order SGTPO 26/06 dated 26 January 2007
- 1.2 The trees are located to the boundary of no.21 Sandringham Park, Downend, which was approved under application ref. PK12/3951/F. The trees are adjacent to the access to a new dwelling approved under application ref. PK13/1543/F.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK13/2198/F - Amendment to the garden wall to plot 2 originally approved in application PK12/3951/F. Approved 6th September 2013
- 3.2 PK13/1543/F - Erection of 1 no. detached dwelling with double garage and associated works. Approved 5th July 2013
- 3.3 PK12/3951/F - Erection of 2 no. detached dwellings with garages and associated works. Approved 15th February 2013

4. CONSULTATION RESPONSES

- 4.1 Parish Council
Objection. The proposed works are too excessive in our view. Interested to hear what the South Glos Tree Officer has to say.
- 4.2 Tree Officer
No objection

Other Representations

- 4.3 Local Residents
Six representations have been received outlining general non-committal comments in response to this application. The comments are summarised as follows:
 - There should be no cutting of branches pointing along the fence line or on the Oakdale side and do not remove ivy.

- Why is there an application? – This has already been passed when the two houses were granted planning permission.
- Not aware of the application.
- If there is no need to do extensive pruning then the application should be rejected.
- The group of trees are listed but in reality they are in poor condition. Individually they are not worthy of their TPO status.
- The multi stemmed tree which is growing out of the wall - it's in a very poor condition completely encircled with ivy and has destroyed the stone wall which it's grown on. Its only support is the root system which has grown away from the wall. This tree should not be touched until the sap is rising. If pollarded now there is a good chance that the tree would suffer from disease. We are approaching the winter months so best left alone.
- The main concern must be safety and the trees well being.
- Alistair Rankine's report was spot on and this has been approved so I would say stay with it. As a precaution get the councils tree officer to visit the site and give his recommendation.

- *Comments stating that amendments have been agreed as follows:*
 - o Avoid circumferential crown reduction and lifting but instead concentrate on removing only those branches that cause a problem. These branches are 4 specific branches pointing outwards towards 21 Sandringham. Crown branches at the top of the tree (Sycamore) reduce by up to 3.5m, i.e. the tree is 'flattened'.
 - o Branches that point laterally along the fence line or towards Oakdale Close (West) should be left untouched. Please leave the ivy.
 - o Safety: If it is thought necessary to reduce the Western Sycamore limb, we would want it retained up to and including the first major branch. This would remove most of the weight and, more important, leverage during wind, but it retains a lot of screening from that first branch. Agree to removal of dead branches if that is thought wise.
- Support application if works are amended as outlined above and in accordance with document received 18th December 2013 (*available to view on the public website*)

- *It should be noted that during consultation process some representations have been made to request a change in the description of the proposed works. This description has not however been confirmed by the Agent of the application, and no other written confirmation has been given. The application is therefore determined on the originally submitted description of works.*

5. **ANALYSIS OF PROPOSAL**

5.1 **Principle of Development**

The only issue to consider in this application is whether the proposed works will adversely affect the health and appearance of the tree, which makes a significant contribution to the character and visual amenity of the area.

- 5.2 The application relates to 3no. ash trees and 1no. sycamore tree situated within the curtilage of 21 Sandringham park on the west boundary adjacent to the rear of 22 Oakdale Close. The trees are adjacent to the access to a new dwelling to the south of 21 Sandringham Park approved under application ref. PK13/1543/F.
- 5.3 The application seeks consent for works to crown reduce by 3.5 metres and crown lift by 4 metres 3no. Ash trees and 1no. Sycamore tree covered by Tree Preservation Order SGTPO 26/06 dated 26 January 2007.
- 5.4 The Tree Officer confirms that the trees in question have been previously pruned. There is evidence of poor branch unions within the trees. The proposed works can be seen as on-going management and is appropriate given the condition of this group and the proposed works will relieve the stresses on the poor branch unions. The works as proposed are considered to be in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and should not prejudice the health or visual amenity of the tree.
- 5.5 The request for the retention of the ivy is noted but it is advised that removal of ivy is useful in as much as it enables a full assessment of the area beneath it. Clearly the Ivy will cover the main stem and primary unions which are areas where decay can be present.
- 5.6 Other Matters
It should be highlighted that although representations imply that an alternative description has been agreed, there has been no formal request in writing from the Agent to confirm alternative works. The Tree Officer has assessed the proposed works outlined within the application form and an assessment has been made on this basis. The Tree Officer considers the works to be acceptable and in accordance with the Town and Country Planning (Tree Preservation) (England) Regulations 2012 and an approval is recommended on that basis.
- 5.7 It should also be noted that neighbour disputes relating to the proposed works should be dealt with separately as a civil matter. The applicant will not be able to undertake any works to branches overhanging or requiring work from land outside of their ownership without the land owner's permission.
- 5.8 Comments made in relation to screening are not a consideration of this application for tree works.

6. RECOMMENDATION

- 6.1 That consent is GRANTED subject to the conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

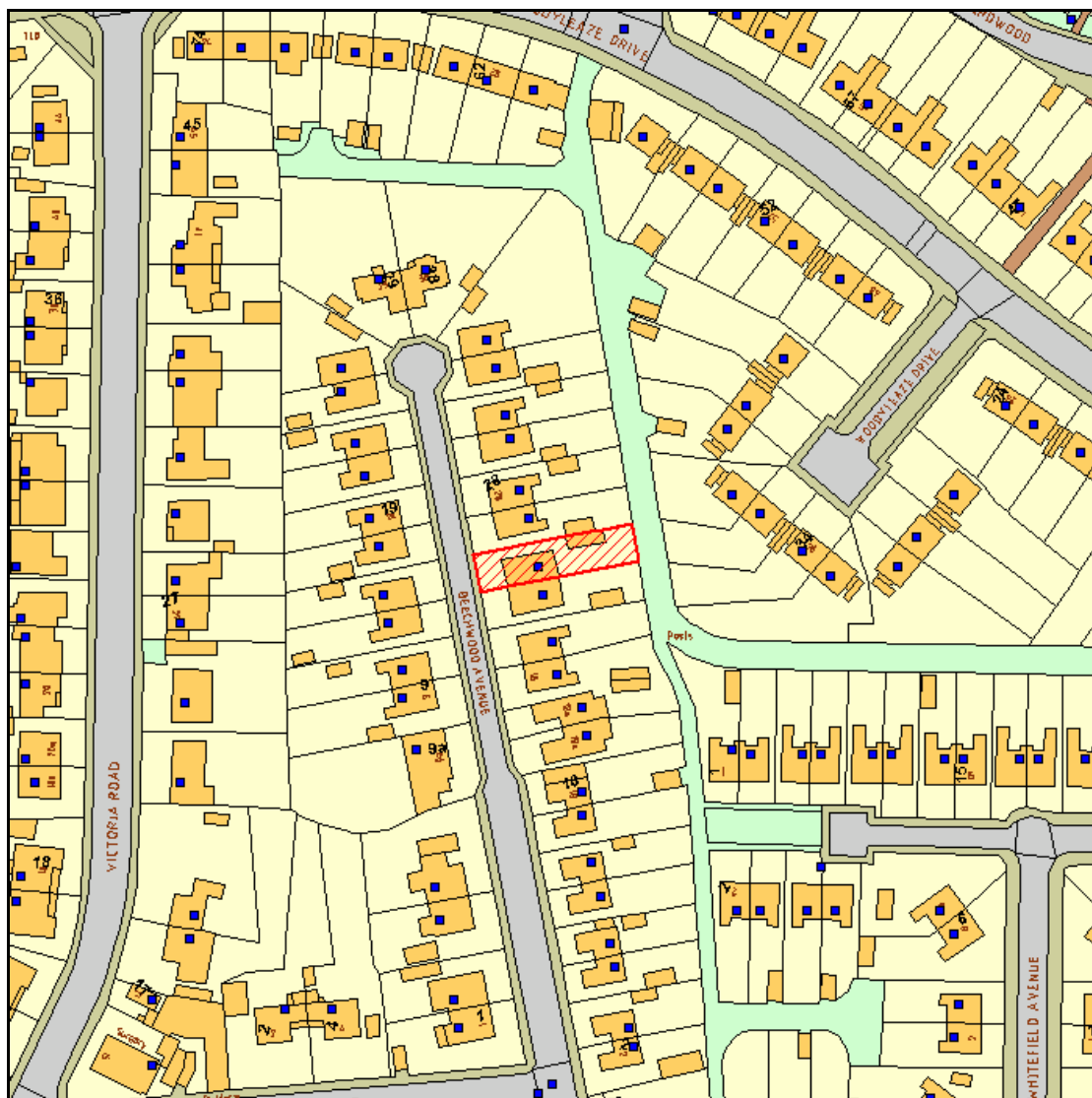
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PK13/4395/CLP	Applicant:	Skyline Loft Conversions
Site:	24 Beechwood Avenue Hanham Bristol South Gloucestershire BS15 3QW	Date Reg:	29th November 2013
Proposal:	Application for certificate of lawfulness for the proposed installation of 1no. rear and 1no. side dormer to facilitate loft conversion.	Parish:	Hanham Parish Council
Map Ref:	364575 172433	Ward:	Hanham
Application Category:	Minor	Target Date:	21st January 2014



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 100023410, 2008. **N.T.S.** **PK13/4395/CLP**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations.
- 1.2 The proposed development consists of the erection of one rear and one side dormer window.
- 1.3 Having reviewed the planning history on this site, it would appear that permitted development rights have not been restricted and are therefore exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations listed below.
- 2.2 The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site.

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
None received
- 4.2 Drainage
No comment

Other Representations

- 4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE

- 5.1 The following evidence was submitted to the Local Planning Authority on 26 November to support the application:

- Site Location Plan,
- Drawings: AZ-1683-001, AZ-1683-002, AZ-1683-003, AZ-1683-004, AZ-1683-005, AZ-1683-006, AZ-1683-007, AZ-1683-008, and AZ-1683-009

6. ANALYSIS

6.1 This application is seeking a certificate of lawfulness for two proposed dormer windows and three roof lights at a semi detached property in Hanham.

6.2 Principle of Development

An application for a certificate of lawfulness must be determined solely on an assessment of the evidence submitted, to establish whether the proposed development would be implemented lawfully without the need to apply for planning consent. The decision is based on a test of the evidence presented. Should the evidence submitted demonstrate, on a balance of probabilities, that the proposal is lawful then a certificate must be issued accordingly.

6.3 To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 Class B (for the dormer window) and Schedule 2 Part 1 Class C (for the roof lights) of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

6.4 Assessment of Evidence: Dormer Windows

Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

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 plans submitted indicate that the proposed dormer windows will sit flush with the ridge of the main dwelling but not exceed this height.

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

The only alteration to the plane of the roof slope that forms the principal elevation and fronts a highway is the insertion of two roof lights. These need to be considered under Part 1 Class C.

- (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 application site is a semi-detached dwelling and therefore can be subjected to an increase of up to 50 cubic metres.

The proposed dormer windows amount to 30.2 cubic meters and are within the permitted development allowances.

- (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;**

The proposed development does not consist of or include any of the items listed above in (d)(i) or (d)(ii).

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

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

6.5 Development is only permitted by Class B subject to the following conditions:

B.2

Development is permitted by Class B 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 applicant has indicated on the submitted drawings that the exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing house. Therefore this condition is satisfied.

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

The edge of the enlargement to the roof is a minimum of 40 centimetres from the eaves of the original roof and therefore this condition is satisfied.

- (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.**

The submitted plan indicates that the side window will be obscure glazed and fixed shut. On that basis, this condition has been satisfied.

6.6 The proposed rear and side dormer windows are considered to comply with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

6.7 Assessment of Evidence: Roof lights

Schedule 2 Part 1 Class C allows for any other alteration (than that permitted by Class B) to the roof of a dwellinghouse, subject to meeting the following criteria:

C.1

Development is not permitted by Class C if –

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

The submitted drawings do not show the projection of the roof lights. It has been indicated by the applicant that this is because the roof lights will not project beyond the tile profile and that the depth of the roof light can be altered during installation.

On that basis, it is considered that the roof lights will not project further than 150 millimetres from the plane of the roof and will therefore be permitted development.

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

The proposed roof lights sit in the central section of the roof; they are not higher than the highest part of the original roof.

- (c) it would consist of or include –**

- (i) the installation, alteration or replacement of a chimney, flue or soil vent pipe, or**
(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposed development does not consist of or include any of the items listed above in (c)(i) or (c)(ii).

6.8 Development is permitted by Class C subject to the following conditions:

C.2

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be –

- (a) obscure glazed; and**
(b) 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 window is proposed in the roof slope forming the side elevation of the dwellinghouse. Therefore this condition is not relevant.

- 6.9 The proposed roof lights are considered to comply with Schedule 2 Part 1 Class C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are therefore permitted development.

7. CONCLUSION

- 7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.2 The erection of a rear dormer window and a side dormer window has been found to comply with the criteria of Schedule 2 Part 1 Class B of the abovementioned Order. The proposed development is considered to be permitted development.
- 7.3 The installation of a number of roof lights has been found to comply with the criteria of Schedule 2 Part 1 Class C of the abovementioned Order. The proposed development is considered to be permitted development.

8. RECOMMENDATION

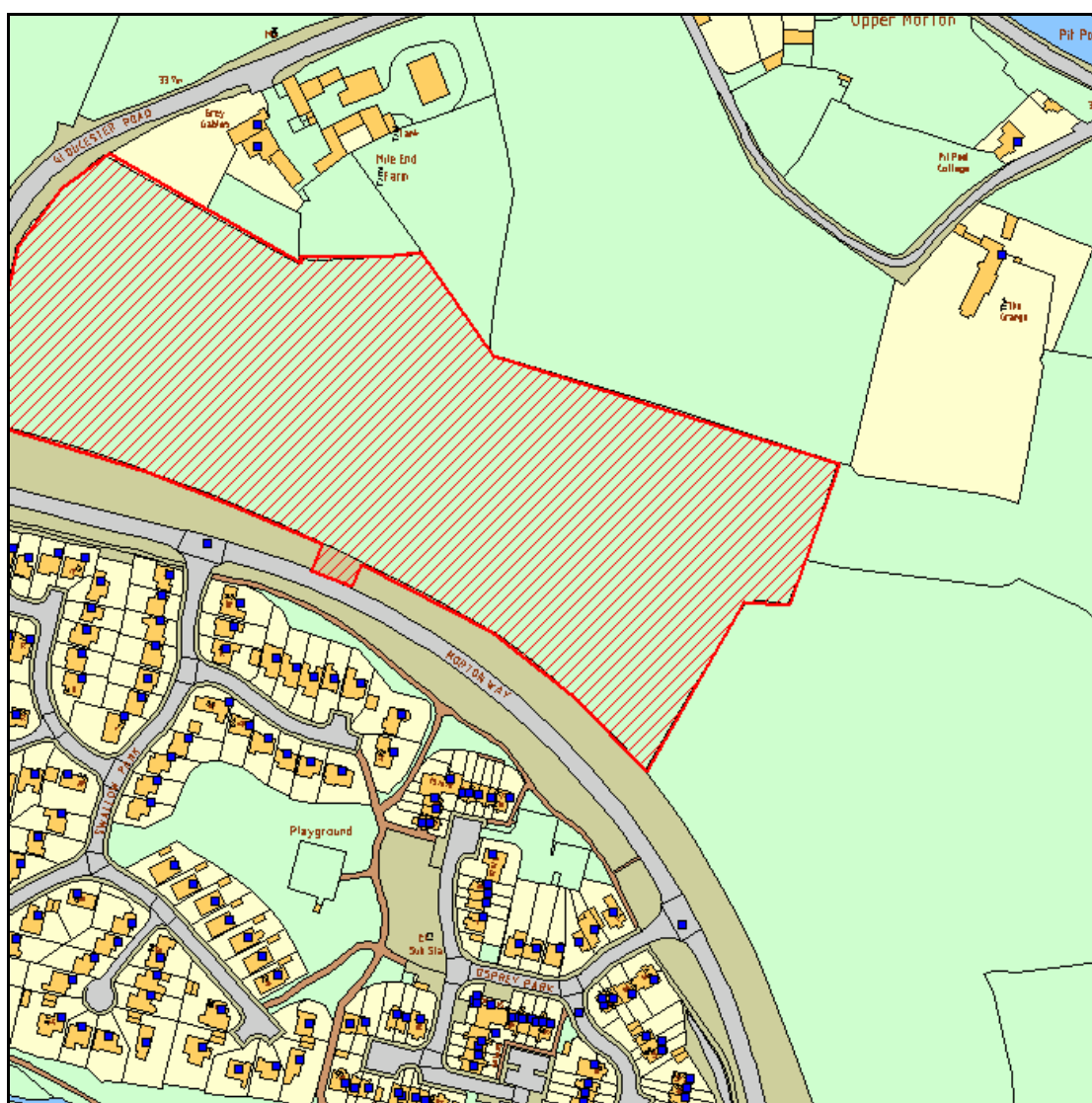
- 8.1 It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:

Evidence has been provided that demonstrates, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and is considered permitted development.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PT13/3585/RVC	Applicant:	Bloor Homes Ltd
Site:	Land At Morton Way Thornbury South Gloucestershire	Date Reg:	2nd October 2013
Proposal:	Variation of condition 23 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development.	Parish:	Thornbury Town Council
Map Ref:	364479 191294	Ward:	Thornbury North
Application Category:	Major	Target Date:	30th December 2013



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100023410, 2008.

N.T.S.

PT13/3585/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 23 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the Morton Way development.
- 1.2 Application PT12/2395/O was granted planning permission on appeal. The application description was as follows: "Residential development across 22.43 hectares of land comprising up to 300 new dwellings (Use Class C3) and a local shop (Use Class A1) with supporting infrastructure and facilities including vehicular access from Morton Way, public open space and landscaping. Hybrid application comprising full planning application for 109 new dwellings, outline application with all matters reserved except access for up to 191 new dwellings and a local shop."
- 1.3 This section 73 application seeks to vary condition 23. 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 allow amended house types, materials and minor variations to the layout of phase 1 of the development, which relates to 109 no. dwellings. The applicant has also taken the opportunity to submit information in pursuance of condition 21 (which requires revised details in respect of the proposed elevations of plot Nos. 14-20, 33, 39-46, 53, 58, 59, 68, 69, 70-73, 75-78 and 79-82 on phase 1 of the development) so that it will not have to be transferred onto the decision notice of this application.
- 1.4 Following negotiations with the developer, amended plans were submitted to the Council on 24th December 2013.

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

L1	Landscape Protection and Enhancement
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection

L11	Archaeology
EP2	Flood Risk and Development
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
E6	Employment Development in the Countryside
H3	Residential Development in the Countryside
LC1	Provision of 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 Local Plan: Core Strategy (Adopted) 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS6	Infrastructure and Development Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS15	Distribution of Housing
CS16	Housing Density
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS32	Thornbury
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/015/SCR Screening Opinion for an outline permission for the development of up to 500 new homes, new access roads from Morton Way and associated works. EIA not required.
- 3.2 PT12/2395/O Residential development across 22.43 hectares of land comprising up to 300 new dwellings (Use Class C3) and a local shop (Use Class A1) with supporting infrastructure and facilities including vehicular access from Morton Way, public open space and landscaping. Hybrid application comprising full planning application for 109 new dwellings, outline application with all matters reserved except access for up to 191 new dwellings and a local shop. Appeal Allowed 23rd May 2013.
- 3.3 PT14/002/SCR Screening opinion for variation of condition 23 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development. EIA not required.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

- One of Council's objections to the original planning application was the omission of the provision of a play area in Phase 1 of the development and this situation has not changed.
- Rather than building affordable housing in blocks, they should be 'peppercotted' throughout the development.
- There appears to be no measures included within the original planning application and the amended one to provide a safe crossing from the development across Morton Way. To access the town centre, schools, health services etc. all residents will have to cross Morton Way, a busy thoroughfare with a 40 mph speed limit. It is imperative that a controlled crossing is provided to ensure the safety of residents of all ages on the Bloor Homes development.

4.2 Other Consultees

Affordable Housing

No objection.

Conservation Officer

No objection.

Ecology

No objection raised.

English Heritage

No objection raised.

Drainage

No objection raised.

Landscape Officer

No objection raised.

Office for Nuclear Regulation

No objection raised.

Transportation

No objection raised.

Public Rights of Way

No objection to revised plans.

Urban Design Officer

No objection.

Other Representations

4.3 Local Residents

One letter of objection received raising the following concerns:

- Large increase in vehicular traffic and roads will not cope
- Highway safety concerns for pedestrians crossing Morton Way
- Surface water drainage and foul water/sewerage provision not adequately addressed

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 23 attached to planning permission PT13/3585/RVC to vary this list of approved plans and documents to allow amended house types, materials and minor variations to the layout of phase 1 of the development, which relates to 109 no. dwellings. This condition was put on by the Inspector for the reason “For the avoidance of doubt and in the interests of proper planning”. As the proposal primarily relates to amended housing types and materials the application will be acceptable subject to consideration of Policy CS1 (High Quality Design) of the South Gloucestershire Local Plan: Core Strategy 2013. It should be noted that since the Inspector issued the original decision on 23rd May 2013 the Core Strategy has been fully adopted and as such is given full weight in accordance with the NPPF. The Core Strategy 2013 identifies Morton Way as an allocated site that will help contribute towards South Gloucestershire’s housing supply over the plan period. The relevant “saved” policies from the 2006 Local Plan, meanwhile, are listed in paragraph 2.2 of this report. The remaining conditions will also need to be assessed in accordance with all of the policies listed in section 2 of this report and issued on the decision notice if necessary.

5.2 Assessment of Proposal

Application PT12/2395/O consisted of a hybrid application for residential development comprising 300 dwellings, a local shop, public open space and landscaping, and included full details for the first 109 dwellings (phase 1).

Condition 21

- 5.3 Condition 21 of the approved scheme required agreement of elevational treatment (including external finish) to plots 14-20, 33, 39-46, 53, 58, 59, 68-69, 70-73, 75-78 and 79-82. The purpose was to introduce more locally distinct details to ensure the development responds to local character in accordance with the National Planning Policy Framework (NPPF) paragraph 56 and with the South Gloucestershire Local Plan: Core Strategy 2013 policy CS1. A series of amendments were recommended by the Council's Urban Design Officer to the aforementioned plots and these have been adhered to in this submission allowing condition 21 to be omitted from the decision notice.

Condition 23

- 5.4 An amended layout and materials plan (including boundary treatments) has been submitted along with amended planning housing types, elevations, floor plans, a site layout plan and streetscenes. These amended plans are to the satisfaction of the Council's Urban Design Officer and Conservation Officer. The plans have ultimately addressed some of the Council's key concerns that arose when this application was first submitted in regard to use of red brick boundary walls throughout the site, use of too much brick and lack of natural stone as external facing material, garage materials not matching associated dwelling, and inappropriate tiles being used on house types. The use of natural stone in particular on key buildings throughout the site, along with a good mix of brick, render and recon stone, ensures the development reflects local character and distinctiveness as specified in the applicant's Design & Access Statement. The specific type of natural stone can be agreed with the Council through an amended condition 6 which requires samples of all external facing materials and specifically sample panels of stone work and render. As such, condition 23 can be varied to include an updated version of all the plans submitted as part of this application.

Planning Conditions

- 5.5 The remaining 21 conditions are all still relevant to the implementation of the scheme and will therefore be transferred on to the reissued decision notice. This includes a condition relating to a surface water drainage scheme that was raised as a concern by a local resident.

5.6 Other Matters

Thornbury Town Council and a local resident raised concerns regarding the omission of a play area in phase 1, the building of affordable housing in blocks, an increase in vehicular traffic movements and the lack of a crossing point

across Morton Way. This section 73 application can only consider existing conditions that were put on by the Inspector on his appeal decision notice. The Council cannot make fundamental alterations to the scheme at this stage. 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 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is **GRANTED** subject to the following conditions.

Contact Officer: Will Collins
Tel. No. 01454 863425

CONDITIONS

1. The development for phase 1 of the scheme (full/detailed permission) comprising 109 new dwellings, including 38 affordable units and associated infrastructure, shall begin not later than three years from the date of this decision.

Reason

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

2. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in respect of phases 2 and 3 of the development (outline permission) comprising 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular accesses from Morton Way, shall be submitted to and approved in writing by the Local Planning Authority before either of these phases of development begin. The development shall be carried out as approved.

Reason

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

3. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.

Reason

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

4. The development for phases 2 and 3 of the scheme (outline permission) comprising 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular accesses from Morton Way, public open space and landscaping shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason

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

5. The reserved matters shall be based upon the information contained within the Design & Access Statement dated November 2012 and the Addendum dated April 2013.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

6. Prior to the commencement of the relevant phase of the development representative sample panels of: stonework of all of the stone types to be used, each of at least one metre square showing the stone, coursing, mortar and pointing; render of all of the types of render to be used, of at least one metre square showing the texture and colour; and brickwork of all of the brick types to be used, each of at least one metre square showing the brick, bonding and pointing; shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panels shall be kept on site for reference until the relevant work is complete. Details and samples of all roofing 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 agreed details and samples.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

7. Prior to the commencement of the relevant phase of the development, details of any external lighting, including measures to control light spillage, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

8. Prior to the commencement of phase 1 of the development a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority. This and the landscaping details required as part of the reserved matters for phases 2 and 3 shall include details of: all existing trees and hedgerows on the land, including those trees growing on land immediately adjoining the site; details of those trees and hedgerows to be retained, together with measures for their protection during the

course of the development; proposed planting, including new tree planting; a timetable for planting; boundary treatments and areas of hardsurfacing. The development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and to ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

9. No development shall commence in respect of phases 2 or 3 until details of a 'Home Zone Scheme' has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

10. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.

Reason

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

11. Prior to the commencement of development schemes for mitigating the impact of the development upon local populations of hedgehogs, slow-worms, bats and badgers shall be submitted to and approved in writing by the Local Planning Authority (LPA). Such mitigation shall be based upon the recommendations contained within the various fauna surveys undertaken by WYG in support of the application. In the event of development not commencing by the dates specified within the WYG surveys for the validity of those surveys, updated fauna surveys shall be undertaken (including identification of any new/additional mitigation) and shall be submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved schemes.

Reason

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

12. The development shall not commence until a foul water drainage strategy, which shall include a timetable/scheme of implementation, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason

To ensure that a satisfactory means of drainage is provided in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

13. Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of the dwellings shall be a minimum of 150mm above the ground level of the surrounding ground, as set out in the conclusions of the amended WYG Flood Risk Assessment dated September 2012.

Reason

To minimise the effect of any flooding which may occur in accordance with policy EP2 of the South Gloucestershire Local Plan 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

14. No development shall commence until a surface water drainage scheme for the site (including a timetable for implementation and details for the future management/maintenance of the scheme) has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles (where possible) and an assessment of the hydrological and hydrogeological context of the development. The development shall be carried out and managed thereafter in accordance with the approved scheme.

Reason

To ensure that a satisfactory means of drainage is provided in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

15. No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with any contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):

- i) a preliminary risk assessment which has identified all previous uses, any potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site;
- ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;
- iii) the results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;
- iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in
- v) (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to the above components shall require the written consent of the LPA. The scheme shall be implemented in accordance with the approved strategy.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land in accordance with policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority [LPA]) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land in accordance with policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

17. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

Reason

To safeguard the living conditions of neighbouring residents in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

18. The hours of working on site during the construction period shall be restricted to 07:30 hours to 18:30 hours Monday-Friday and 08:30 hours to 13:00 hours on Saturdays, with no work taking place on Sundays or Public/Bank 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/clearing work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site.

Reason

To safeguard the living conditions of neighbouring residents in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

19. No development shall take place on either the detailed element of the scheme (phase 1) or the relevant reserved matters element of the scheme (phases 2 and 3) until a Waste Management Audit has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Audit.

Reason

To limit the amount of waste from the site in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

20. No development shall commence on the construction of any of the dwellings until the Local Planning Authority (LPA) has been provided with, and has approved in writing, a Pre-Assessment of the development carried out by a BRE Licensed Code for Sustainable Homes (CSH) Assessor, proving a minimum CSH Level 3 achievement for all residential units. Each residential unit shall be subject to a post completion CSH assessment by a BRE Licensed CSH Assessor and a final Code Certificate of compliance for each dwelling shall be submitted to and confirmed in writing by the LPA prior to the first occupation of the dwelling.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

21. Prior to the commencement of the second phase of the development details of the proposed shop shall be submitted to and approved in writing by the Local Planning Authority (LPA). This shop shall be provided in accordance with the details shown on the approved plans and prior to the commencement of the third phase of the development unless otherwise agreed in writing by the LPA.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

22. The development shall be carried out in accordance with the following approved plans:

151069/UD/PP/PHASE1 - red line site boundary;
A076588_A_03 - proposed access arrangements;
SW002-SL-01H - site layout;
SW002-SL-01H - site layout (colour);
SW-002-SL-02 REV D materials and boundary treatment layout;
151069/UD/IMP A illustrative master plan;
151069/UD/PP/BDP A building density plan;
151069/UD/PP/BHP A building heights plan;
151069/UD/PP/LUP A land use plan;
151069/UD/PP/M&AP A movement and access plan;
151069/UD/PP/SLA A strategic landscape plan;
SW002-SL-03A window styles plan;
SW-0002-12-STSC-0.1 COL B street scenes;
ME-0006-11-STESC-0.2 A street scenes;
SW-002-12-STSC-0.2 COL REV A street scenes;
SW-0002-12-STSC-0.3 COL B street scenes;
SW-0002-12-STSC-0.4 COL A street scenes;
1200 A - finished floor levels phase 1;
SW-002-12-2B4P.02;
SW-002-12-2B4P.03;
SW-002-12-2B4P.06;
SW-002-12-2B4P.07;
SW-002-12-2B4P.08;
SW-002-12-2B4P.09;
SW-002-12-2B6P.01;
SW-002-12-3B5P.01;
SW-002-12-415.01;
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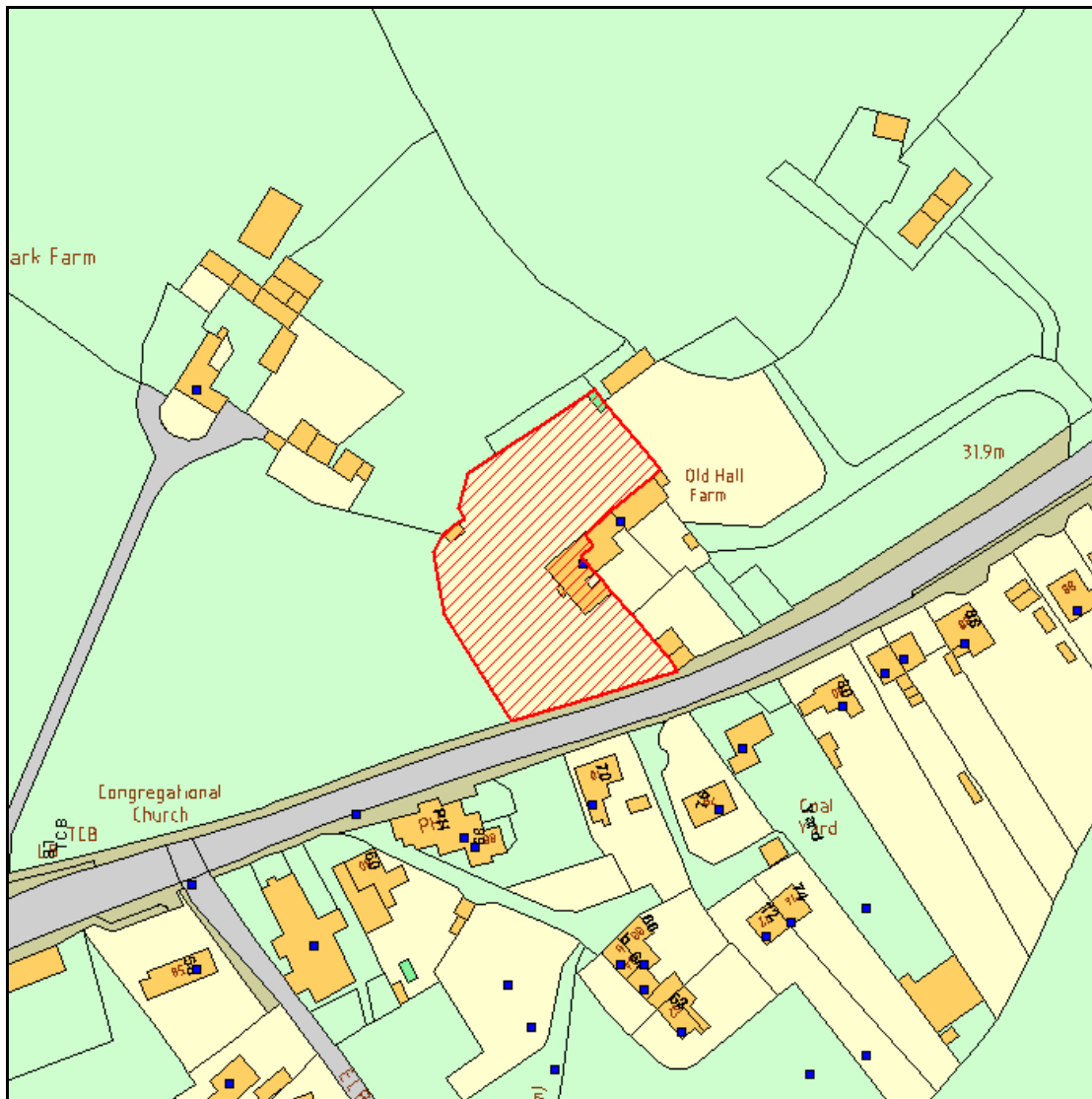
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SW-002-12_417.01
SW-002-12_417.02
SW-002-12_BS4

Reason

For the avoidance of doubt and in the interests of proper planning and to ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PT13/3957/F	Applicant:	Dr David Cottrell
Site:	The Limes Wotton Road Charfield Wotton Under Edge South Gloucestershire GL12 8SR	Date Reg:	21st November 2013
Proposal:	Erection of two storey side extension with first floor balcony to provide additional living accommodation. Resubmission of PT13/2605/F.	Parish:	Charfield Parish Council
Map Ref:	372628 192445	Ward:	Charfield
Application Category:	Householder	Target Date:	15th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as comments have been received from neighbouring occupiers.

1. THE PROPOSAL

- 1.1 The applicants seek planning consent for a two-storey and single storey side extension with a balcony on the first floor at the Limes. Wotton Road Charfield, which is also a locally listed building.
- 1.2 This is a resubmission application and the applicant withdrew the previous application to address issues raised by officers. The scale of the current proposal has been reduced. The proposed two storey extension would measure 4.5 metres wide by 7.8 metres in depth and 8.4 metres to its height. The proposed single storey extension would be approximately 2.3 metres (max) by 7.4 metres deep and 3.5 metres (max) to its ridge. There would be a 1.8 metres high timber screening above the single storey extension.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages

T12 Transportation

L15 Locally listed building

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

CS1 High Quality Design

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

(a) South Gloucestershire Design Checklist (Adopted) August 2007

(b) Residential Parking Standards (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P85/2170 Change of use of existing building from barn to dwelling house. Construction of new vehicular access. Approved 23/10/85
- 3.2 P96/1015 Erection of single storey rear extension to provide utility room and w.c. Approved.05/02/96
- 3.3 PT09/0785/F Erection of 1 no. detached double garage. Approved 24.06.09

- 3.4 PT11/0423/NMA Non material amendment to planning permission PT09/0785/F to change position of garage door and window. Approved 24/02/2011
- 3.5 PT13/2605/F Erection of two storey side extension with first floor balcony to provide additional living accommodation. Withdrawn 06.09.13

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No objection.
- 4.2 Highway Drainage
No comment
- 4.3 Highway Officer
No objection
- 4.4 Archaeology Officer
No objection
- 4.5 Conservation Officer
No objection subject to the suggested conditions
- 4.6 Tree Officer
No comments

Other Representations

- 4.4 Local Residents
One letter of objection has been received and the local residents raised the following concerns:
- Loss of privacy – the balcony will overlook the area in front of the neighbour house and entrance drive. Although there would be a timber screen but there is no guarantee that this could not be removed at any time. It also overlook a no. of properties on the opposite side of Wotton Road.
 - Overbearing impact
 - Out of character – the balcony is out of keeping with the character of other building in Charfield
 - What supports the balcony – the ground floor plan shows a partial wall but no such wall is shown in the northeast elevation.
 - Loss of light and outlook – the extension is extremely massive both in width and height and will have severe impact on daylight / sunlight reaching neighbour's land and on the outlook from the land.
 - The opening concertina windows / door around the pool area will result in considerable noise from poolside activities.

5. **ANALYSIS OF PROPOSAL**

This application seeks consent for a two-storey and single storey side extension with a first-floor balcony.

5.1 Principle of Development

Development at existing residential properties is managed through policy H4 of the Local Plan. This policy is supportive of development, and therefore establishes the development as acceptable in principle, subject to an assessment of design, amenity and transport. The expected design standard for the district is set by Policy CS1 of the adopted Core Strategy.

5.2 Design on this locally listed building

The Limes is a semi-detached house by virtue of the rear wings and attached buildings being a separate residence. It is located outside Charfield settlement boundary and included on South Gloucestershire's list of buildings of local character and distinctiveness – the Local List. It is a good sized Victorian house, the principal elevation being of stone with brick dressings to the first floor sash windows. The windows are arranged symmetrically around a central projecting open porch with columns. At ground floor are two canted sash bay windows. The building has been extended to the northwest elevation with an octagonal conservatory extension, however other than this retains a good level of traditional architectural character.

The application proposes a two storey side extension to the south east elevation, which is the prominent elevation when entering the site. The extension is full height but set down from the eaves and ridge level of the main house. It is proposed to have stone facing walls. The form and scale of the extension are considered to be acceptable.

The side elevation is relatively private and well screened by the large tree at the entrance. In term of the design of the fenestrations, the proposal shows more traditional patterns, Officers therefore consider that the proposed extension is in keeping with the character, appearance and overall design of the house and accords with Policy CS1 of the adopted Core Strategy and Policy H4 of the Local Plan.

5.3 Residential Amenity

Officer acknowledged that the neighbouring occupiers of Old Hall Farm raise a number of objections to the proposal.

The neighbouring property is a two-storey link-detached dwelling with a single storey front extension to the south of the property. The single storey addition provides a living room linking to a dinner room (and a kitchen at the rear). There is a window on the south elevation and a patio door on the east side elevation of the living room. There is also a dinning window, which is adjacent to the rear elevation of the applicant's host dwelling, looking onto the small courtyard. Furthermore, it should be noted that the neighbours have no rear

garden as the rear elevation of the dwelling abuts the applicant's private garden.

The proposed two storey extension and single storey extension would be located at the south west of the neighbour's single storey addition. The proposed two storey extension would be approximately 0.8 metres lower than the ridge of the host dwelling and the ridge of the gable end at the rear would be further set down. A feature stone round window is located at the first floor rear elevation at high level. The proposed two storey extension would project the neighbour's front extension by approximately 4 metres.

The proposed single storey extension would be approximately 3.5 metres (at the rear elevation) in height and the balcony above would be approximately 1.8 metres in height.

Officers acknowledge that the proposed extension would cause some degrees of overbearing and loss of daylight upon the neighbour's living room window. As there are patio doors in living room looking over the front garden and the neighbours have a south east facing garden, officers consider that the proposal, on balance, would not cause significant loss of daylight / sunlight to warrant a refusal of this application.

Regarding the neighbours' dining room window, officers acknowledge there is only one window in the dining room, it however should be noted that the window is already significantly screened by the existing single storey extension and the applicant's existing dwelling, which is two and half storey in height. Officers therefore consider that the proposed extensions, would not cause significant material adverse impact upon the neighbouring property.

Given that the proposed extensions would be set back from the rear boundary, the siting of the proposed extensions, the design of the proposed extensions, the number and the location of the habitable windows, it is considered that the proposed extensions, on balance, would not cause significant loss of daylight or overbearing impact to warrant a refusal of this application.

Furthermore the timber screening would be set at angle from the neighbouring property, and the single storey extension would be modest in scale, it is considered that the proposed extension and the screening would not cause significant overbearing impact or loss of light upon the neighbouring property.

The proposed timber screening, due to its design and height, would help to provide privacy for both applicants and the neighbouring occupiers, therefore there are no issues of overlooking. A planning condition is imposed to ensure the timber screening would be maintained.

Other new windows or rooflights would be overlooking the applicant's private garden or driveway, and the featured window on the first floor rear elevation would be installed at high level, therefore there are no issues of overlooking.

5.4 Transport

The Council has recently introduced a new residential minimum parking standard. This requires a certain number of parking spaces to be provided commensurate with the size (i.e. number of bedrooms) of a property.

The development will result in a six-bedroom property. The existing garage and a large hard standing at the front garden would provide adequate parking spaces to meet the parking standard. The property already provides this level of parking and therefore the development is not required to provide additional spaces.

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 The recommendation is to GRANT permission subject to the conditions listed below.

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. Prior to the commencement of development a representative sample of natural stone facing walling, of at least one metre square showing the stone, coursing, mortar and pointing, shall be erected on site and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed sample.

Reason

In order that the development serves to preserve the architectural character of the locally listed building in accordance with the National Planning Policy Framework and Policies D1 and L15 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

3. Prior to the commencement of development a representative sample of roofing tile shall be submitted and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the agreed sample

Reason

In order that the development serves to preserve the architectural character of the locally listed building in accordance with the National Planning Policy Framework and Policies D1 and L15 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

4. Prior to the commencement of development the detailed design of the following items, including materials and finishes, shall be submitted and approved in writing by the local planning authority. The details shall be at a scale of 1:5, including sections, and the works shall be completed in accordance with the approved details.
 - a. All new windows (including cill, head and lintel details)
 - b. All new doors
 - c. Eaves, verges and ridges
 - d. New railings and timber screen
 - e. Rooflights (for the avoidance of doubt the rooflight shall be a metal conservation rooflight)

Reason

In order that the development serves to preserve the architectural character of the locally listed building in accordance with the National Planning Policy Framework and Policies D1 and L15 of the Adopted South Gloucestershire Local Plan and Adopted Local List SPD.

5. No windows other than those shown on the plans hereby approved shall be inserted at any time in the northeast rear elevation of the proposed extension hereby approved.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PolicyH4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

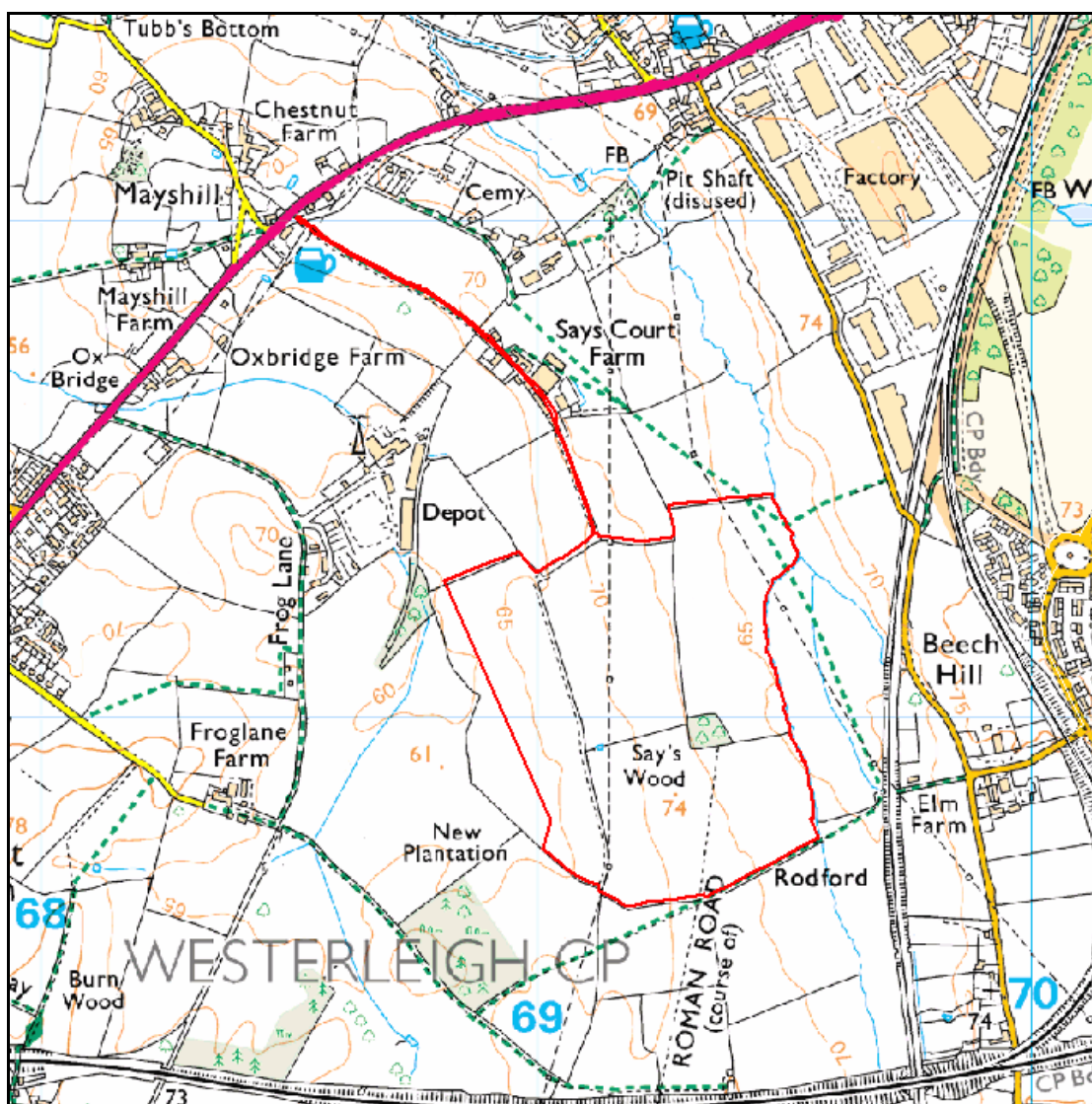
6. The proposed timber screening above the single storey extension shall be constructed prior to the occupation of the proposed development hereby permitted and the said screening shall be maintained satisfactorily thereafter.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with PolicyH4 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. 02/14 – 10 JANUARY 2014

App No.:	PT13/4042/RVC	Applicant:	AEE Renewable UK 31 Ltd
Site:	Says Court Farm Badminton Road Coalpit Heath South Gloucestershire BS36 2NY	Date Reg:	6th November 2013
Proposal:	Removal of condition 17 attached to planning permission PT13/1082/F	Parish:	Westerleigh Parish Council
Map Ref:	368918 181732	Ward:	Westerleigh
Application Category:	Major	Target Date:	31st January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there are comments raising objection which are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The site is located to the North of Westerleigh Village and to the West of Yate and East of Coalpit Heath. Iron Acton is located to the North of the site. The area of land is not subject to specific landscape designation; however, the site is within the Green Belt. The area is made up of agricultural land enclosed within established field hedges. Nibley Lane runs close to the East of the site and Frog Lane runs close to the West edge. Says Court Farm itself is located to the North of the site. The site is located within Flood Zone 1.

1.2 Planning Permission (PT13/1082/F) was granted on 1st October 2013 for the development of the site for a large scale commercial Solar Farm capable of generating 17.28 MW of electricity (or more). This followed the resolution to grant consent subject to conditions by the Development Control (West) Committee on 26th September 2013. This application seeks to revise the planning permission such that condition 17 is removed.

1.3 Condition 17 reads as follows;

Within three months of the date of the installation of the approved development and in the event that Network Rail (or any train operating company using the rail network in this locality) identifies incidents of glare which (in its opinion) has the potential to interfere with a train drivers vision or signal sighting, then the developer and/or operator of the development hereby approved shall identify appropriate mitigation of the identified occurrence of glare with the written agreement of Network Rail. Thereafter, the development shall continue in accordance with the agreed mitigation measures and shall be retained as such.

Reason

In the interests of public safety and to ensure the safe operation of the rail network.

1.4 This condition was applied following comments made by Network Rail in the interest of the railway asset and the safety of its users.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework

Planning Practice Guidance for Renewable and Low Carbon Energy

(this document replaces PPS22 (Renewable Energy) Technical Annex)

National Policy Statement for Energy (EN-1)

National Policy Statement for Renewable Energy Infrastructure (EN-3)

Written Ministerial Statement on the revocation of the North West, West Midlands, South West Regional Strategies (27th March 2013)

2.2 Development Plans

South Gloucestershire Core Strategy incorporating Inspector Findings and Draft Main Modifications September 2012

CS1	High Quality Design
CS3	Renewable and Low Carbon Energy Generation
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

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

GB1	Green Belt
D1	Achieving Good Quality Design In New Development
L1	Landscape Protection and Enhancement
L3	The Coastal Zone
L12	Conservation Areas
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
EP5	Renewable Energy Installations
T12	Transportation Development Control Policy for New Development

2.3 Supplementary Planning Guidance

Development in the Green Belt (Adopted)

South Gloucestershire Design Checklist (Adopted)

South Gloucestershire Landscape Character Assessment (Adopted) Yate Vale Landscape Character Area; Area 8

2.4 Other Material Considerations

Report on the Potential for Renewable and Low Carbon Energy Supply in South Gloucestershire June 2010 (AECOM Report)

South Gloucestershire Climate Change Strategy – Low Carbon South Gloucestershire Plan 2012 to 2015 (adopted).

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1082/F Construction of 17.28 MWp solar farm, including substation, transformer stations, access roads and 2.0m high perimeter fence and associated works.

Approved 1st October 2013

4. CONSULTATION RESPONSES

- 4.1 The following is a summary of the relevant comments received from the general public, parish councils, internal and external consultees.

4.2 Parish Councils

Westerleigh Parish Council

Object; and make the following comment;

If the company are confident that there is no glare problem then after the three month period it will be proved by the terms of the condition. Council therefore feel there is no need to remove the condition and it should stay in force as a necessary safeguard.

Yate Town Council

No Objection

Frampton Cotterell Parish Council

Did not comment

Iron Acton Parish Council

Did not comment

Doddington Parish Council

Did not comment

4.3 Internal Consultees

Environment and Climate Change Officer

No comment

Environmental Health Officer

No comment

Trading Standards

No comment.

Highway Development Control Officer

No comment

Public Rights of Way Officer

No comment

Archaeology Officer

No Objection.

Conservation Officer

No comment

Landscape Officer

No comment

Ecology Officer

No comment

Drainage Engineer

No comment

4.4 External Agencies

Environment Agency

No comment

Natural England

No objection.

Coal Authority

No comment

Network Rail

Comment as follows;

These comments have been based on meetings and site visits to discuss our previous concerns.

Whilst there is no objection in principle to the removal of condition 17 we would however suggest an advice note be included on the decision notice that the applicant should continue dialogue with Network Rail's Route Asset Manager Western (Signalling) during construction and post installation.

Other Representations

4.5 Local Residents

7 sets of comments have been received in relation to this application. The comments are made in objection. Generally, there is concern that the condition was imposed in order to protect the safe operation of the nearby railway network from incidents of 'glare'. It is also argued that, if there is unlikely to be any glare problems occurring, then there is no need to remove the condition; and as such the condition should be retained.

5. ANALYSIS OF PROPOSAL

5.1 The application is to remove condition 17 from planning consent PT13/1082/F dated 1st October 2013. The consent details the construction of 17.28 MWp solar farm, including substation, transformer stations, access roads and 2.0m high perimeter fence and associated works.

5.2 Principle of Development

The development is approved under planning permission PT13/1082/F and the permission remains extant. On this basis, the principle of the development is established. The consideration of this application to remove condition 17 of the consent can only consider the purpose of applying that condition and whether or not there continues to be a need to comply with that condition. This application should not re-address the proposal to install a Solar Farm as a whole. This is addressed below.

5.3 Impact of Glare on the nearby Railway Infrastructure

The issue relating to glare from the solar farm development on the general surrounding area was considered at the Development Control Committee meeting on 26th September 2013. The officer report to that committee sets out that instances of glare are subject to many coincidental factors such as the time of day/year and weather condition.

5.4 Condition 17 (PT13/1082/F) was imposed following initial concerns raised by Network Rail who were concerned to protect the safe operation of the rail network and infrastructure close to this site. Essentially, Network Rail were concerned that glare could result in drivers having difficulties observing signals at the nearby railway junction. At that time, there was not sufficient information provided that would act to alleviate those concerns such that the condition was not required.

5.5 Following the granting of the planning consent (PT13/1082/F) the applicant has engaged directly with Network Rail in order to demonstrate that there is no material impact resulting from glare on the safe operation of the railway network. The applicant has provided a comprehensive assessment of the development and its relationship with the nearby railway line. This assessment has been prepared in close consultation with Network Rail signalling engineers responsible for this section of railway track. The applicant was also able to use experiences of the installation of other Solar Farms installed close to railway lines within this region. Network Rail have now confirmed that the information provided by the applicant (and forming part of this planning application) is sufficient to override the need to impose condition 17.

5.6 The Tests for Applying Planning Conditions

Circular 11/95 provides the six tests for considering the imposition of conditions relating to planning consents. The circular sets out that conditions should only be imposed where they would satisfy all of the tests. The tests are as follows;

- i) necessary;
- ii) relevant to planning;
- iii) relevant to the development to be permitted;
- iv) enforceable;
- iv) precise; and
- v) reasonable in all other respects.

5.7 As set out earlier in this report, the condition was originally imposed to satisfy the requirements of Network Rail in respect of the protection of the railway infrastructure. Following further discussions between the applicant and Network Rail, it has been agreed (by Network Rail) that there is no longer a need to impose the condition as the concerns have been adequately addressed. On this basis, officers are satisfied that the condition is no longer necessary and as such does not satisfy the 'tests' set out in circular 11/95. It is therefore appropriate to remove the condition.

- 5.8 The original planning consent includes an informative setting out that development should not compromise the safe operation of the railway. The informative provides relevant contact details at Network Rail. This informative remains relevant and should be retained on any revision of Planning Permission PT13/1082/F
- 5.9 Since the approval of the original application under PT13/1082/F, a number of conditions have been discharged prior to the consideration of this application to vary that consent (and these relate to landscape and ecology issues). The details discharged previously continue to be relevant and as such any variation of the original planning consent should include compliance conditions to ensure that the development is implemented in accordance with the agreed details.

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 Condition 17 is removed from Planning Permission PT13/1082/F

Contact Officer: Simon Penketh
Tel. No. 01454 863433

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 development hereby approved shall be removed not later than 25 years from the date that electricity from the development is first exported to the National Grid; or within 3 years of the cessation of the exportation of electricity to the grid, whichever is the sooner; and the land shall be returned to its former condition within 12 months of the removal of the solar farm equipment. Such renovation of the landscape shall be carried out in consultation with the Local Planning Authority and shall be agreed in writing. The renovation shall continue in accordance with the agreed details and shall be retained as such.

Reason

In order to ensure that the approved development does not remain in situ beyond the projected lifetime of the equipment so installed in the interests of the visual amenity and character of the surrounding landscape; and to accord with Policy EP5, GB1, D1, L1, and L13 of the South Gloucestershire Local Plan (Adopted) 2006.

3. The developer shall notify the Local Planning Authority within 21 days of such time that electricity from the development is first exported to the National Grid.

Reason

In order to allow the Local Planning Authority to adequately monitor the time scale of the development; and conditions contained in this decision notice.

4. Within 2 months of the date that electricity from the development is first exported to the National Grid, the temporary construction compound as shown upon the approved Construction Management Plan shall be taken up and removed from the site and the corresponding area of land shall be returned to its former condition.

Reason

To protect the character and appearance of the area to accord with Policies EP5, D1, and L1 of the South Gloucestershire Local Plan (Adopted) January 2006

5. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA), dated February 2013 by H2OK, within Appendix G of the AEE Renewables Ltd. Planning Statement, and the following mitigation measures detailed within the FRA:

Limiting the surface water run-off generated by the 1:100 year critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

Reason

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

6. The development hereby approved shall be implemented in accordance with the Ecological and Landscape Management Plan as received by the Local Planning Authority on 6th November 2013 and as agreed the Local Planning Authority on 30th December 2013. Thereafter the development shall be retained as such. For the avoidance of doubt all planting shall be carried out during the first planting season following completion of the solar panel installation.

Reason

To protect and enhance the ecological value of the site and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The development hereby approved shall be implemented in accordance with the Barn Owl Nesting Box siting and specifications as received by the Local Planning Authority on 6th November 2013 and as agreed the Local Planning Authority on 30th December 2013. Thereafter the development shall be retained as such. For the avoidance of doubt the installation of the agreed Barn Owl Nesting Boxes shall be carried out within

one month from completion of the solar panel installation at the latest. This does not preclude the installation of the agreed Barn Owl Nest Boxes from being installed prior to or during the installation of the approved solar panels.

Reason

To protect and enhance the ecological value of the site and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. The development hereby approved shall be implemented in accordance with the Composite Landscape Plan as received by the Local Planning Authority on 6th November 2013 and as agreed the Local Planning Authority on 30th December 2013. All planting works to be carried out during the first planting season following completion of the solar panel installation and in accordance with the agreed Composite Landscape Plan and agreed phasing regime, in accordance with BS4428; general landscape operations. Thereafter the development shall proceed in accordance with the details so agreed and shall be retained and maintained as such.

Reason

To ensure a robust landscape framework is achieved as mitigation for development from the onset and a longterm landscape and ecological management strategy is developed to increase biodiversity gain in accordance with policies D1 and L1 of the South Gloucestershire Local Plan.

9. The construction of all drainage ditches (SWALE) and access tracks shall be carried out strictly in accordance with the approved details as shown upon drawings numbered 20130912_say1_aee_neoweb-access-track-r01_lgr and 20130913_say1_aee_swale-construction-detail-r01_lgr (as received by the Council on 13th September 2013). Thereafter the development shall be retained as such.

Reason

To ensure the protection of the existing trees and hedgerows on site and protect the character and appearance of the area and to accord with policies D1 and L1 of the South Gloucestershire Local Plan.

10. The development hereby approved shall be implemented in accordance with the Tree Planting Specification as received by the Local Planning Authority on 6th November 2013 and as agreed the Local Planning Authority on 30th December 2013. Thereafter the development shall be retained as such. For the avoidance of doubt all planting shall be carried out during the first planting season following completion of the solar panel installation.

Reason

To ensure the protection of the existing trees and hedgerows on site and protect the character and appearance of the area and to accord with policies D1 and L1 of the South Gloucestershire Local Plan.

11. The development hereby approved shall be implemented in accordance with the Tree Survey and Arboricultural Method Statement as received by the Local Planning Authority on 6th November 2013 and as agreed the Local Planning Authority on 30th December 2013. Thereafter the development shall be retained as such. All tree works to be in accordance with BS5837 (2012).

Reason

To ensure the existing trees and hedgerows are protected during the works and all tree works are carried out in accordance with best arboricultural practice.

12. The development hereby approved shall be implemented in accordance with the Tree Protection Plan as received by the Local Planning Authority on 6th November 2013 and as agreed the Local Planning Authority on 30th December 2013. Thereafter the development shall be retained as such. For the avoidance of doubt, the Tree Protection Plant shall accord with the Composite Landscape Plan to be agreed under condition 8 of this decision notice; and shall be in accordance with BS5837 (2012).

Reason:

To ensure the existing trees and hedgerows are protected during the works, in accordance with best arboricultural practice.

13. The development hereby approved shall be implemented strictly in accordance with the Construction Environmental Statement (Incorporating Traffic Management Plan) (together with supplementary addendum) as received by the Council on 9th April, 28th August 4th September 2013.

Reason

To protect the residential amenity of the residents of surrounding residential properties, and to protect the highway safety and amenity on the surrounding highway network; and to accord with Policy EP5 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006

14. The hours of working on site during the period of construction shall be restricted to 08:00 until 18:00 Monday to Friday, and 08:00 until 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 residential amenity of the residents of surrounding residential properties and to accord with Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. Noise emissions resulting from the development during operation shall not exceed a corrected noise level of 35dBA when measured at the boundary of the site in accordance with BS4142:1990 (as amended).

Reason

To protect the residential amenity of the residents of surrounding residential properties and to accord with Policy EP5 of the South Gloucestershire Local Plan (Adopted) January 2006.

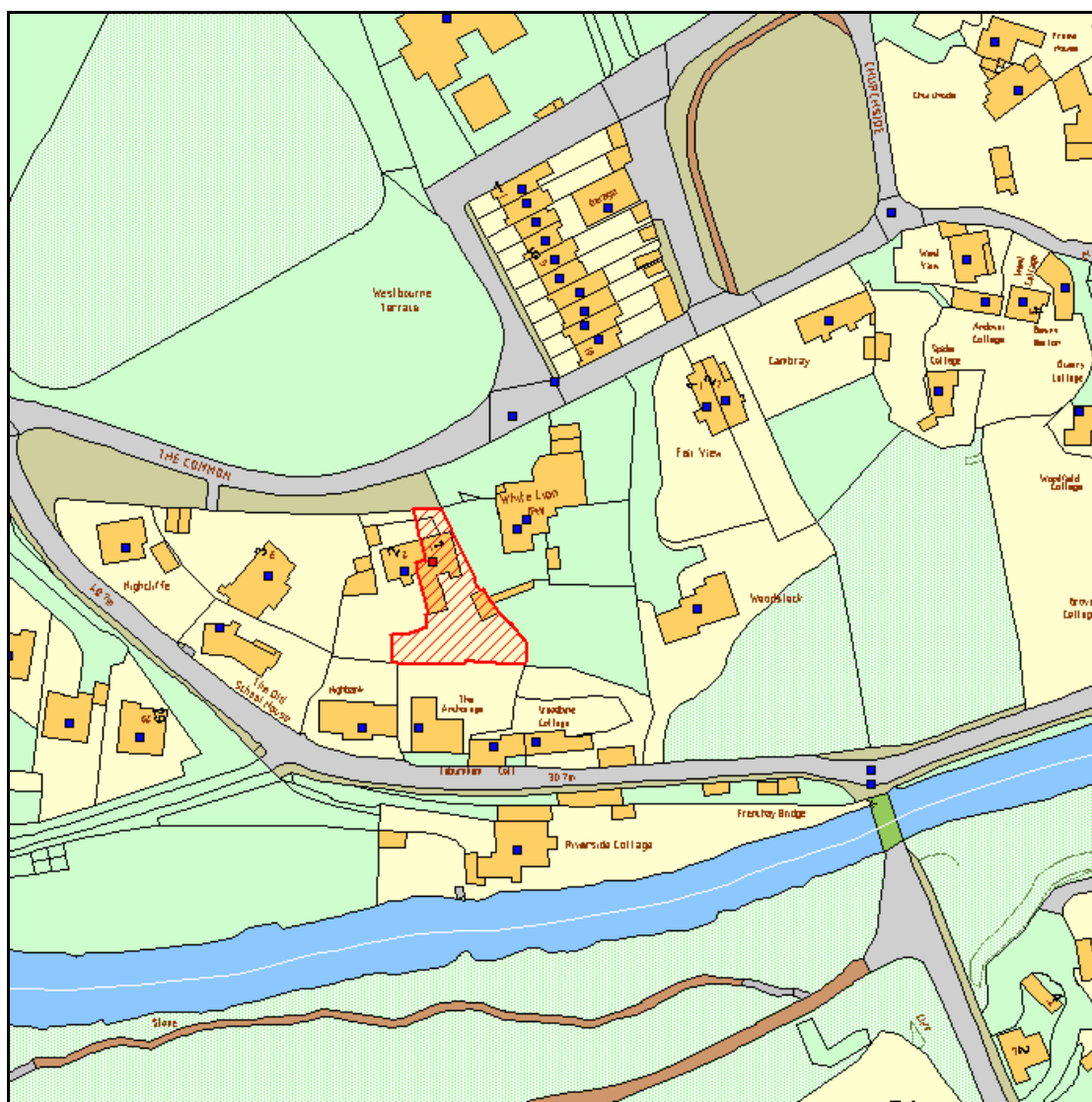
16. The development shall proceed in accordance with the agreed Coal Mining and Risk Assessment Report (as received by the Local Planning Authority and The Coal Authority on 13th May 2013). For the avoidance of doubt, no development shall commence until site investigations have been carried in accordance with the agreed Coal Mining and Risk Assessment; and thereafter the any identified remedial works shall be carried out and completed prior to the commencement of the development hereby approved.

Reason

In order to protect the development from unstable land and in the public interest and to accord with Policy EP7 of the South Gloucestershire Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PT13/4262/F	Applicant:	Mr B Hawkins
Site:	1 The Common Frenchay Common Frenchay Bristol South Gloucestershire BS16 1LZ	Date Reg:	20th November 2013
Proposal:	Erection of extension with glass balustrade to existing residential annexe.	Parish:	Winterbourne Parish Council
Map Ref:	363899 177271	Ward:	Frenchay And Stoke Park
Application Category:	Householder	Target Date:	10th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following an objection from the Parish Council contrary to officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of an extension with a glass balustrade to an existing residential annex. The application site relates to a two-storey semi-detached cottage situated within the settlement boundary of Frenchay and within the Frenchay Conservation Area.
- 1.2 The application site fronts The Common in Frenchay with the White Lion public house to the east and residential properties at a lower level and some distance away to the south. To the west is the attached cottage, No. 2 The Common screened by mature planting.

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
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS24	Open Space Standards

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control
L12	Conservation Areas

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted) 2013
South Gloucestershire SPD: Frenchay Conservation Area (Adopted March 2007)

3. RELEVANT PLANNING HISTORY

- 3.1 P89/2063 Erection of conservatory
Approved 12.7.89

3.2	P97/2569/C Withdrawn	Removal of existing flat roof to facilitate construction of pitched roof with 2 velux roof lights 3.12.97
3.3	P97/2568 Approved	Replace existing flat roof with pitched roof including 2 no. roof lights 22.12.97
3.4	PT13/1111/F Refused	Erection of first floor rear extension to provide additional living accommodation. 29.5.13

4. **CONSULTATION RESPONSES**

4.1 Winterbourne Parish Council
The comments of the Parish Council are Objection. There is no parking at present and residents park on the Common. The application is aesthetically unacceptable. The applicant is planning to turn the current shed into a residential annexe.

4.2 Other Consultees

Conservation Officer

No objection subject to conditions

Drainage Engineer

No objection subject to an informative

Highways Engineer

No objection subject to a condition re annex occupation

Other Representations

4.3 Local Residents

None received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity.

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

The proposal is considered to accord with the principle of development.

5.2 Design and Visual Amenity

No. 1 The Common is one of a pair of semi-detached cottages facing Frenchay Common. It is likely to date from the nineteenth century, built as a modest two-up two-down cottage with clay tile pitched roof and sash windows. The windows have been replaced with modern alternatives. The two-storey range is likely to be historic, perhaps extended, and there are a number of further modern side and rear extensions at a lower level. It benefits from a detached two storey structure in the rear garden, currently used as residential accommodation.

- 5.3 The application site itself slopes considerably from the north to the south. As such the rear garden comprises a series of terraces. The existing two-storey structure is positioned to the east of the main dwellinghouse, partly attached to the old stone boundary wall. It is therefore set within the hillside and can be accessed via doors on two levels. A large patio area is located immediately outside the upper level leading to the bedroom and a smaller patio area outside the lower patio leading to the small kitchen/living with separate shower room area. The proposal would comprise the excavation of the area below the existing patio, adjacent to the living accommodation. This subterranean level would serve as a lounge area with a bank of full-length windows to the south elevation. In addition improvements to the patio area above would entail the erection of a glass balustrade to the south and west elevations.

It is acknowledged that the annex would have all the components for a separate unit in terms of bedroom, kitchen, bathroom and living accommodation. However, it is noted that there would be no division of the residential amenity space and access would be through a shared side pedestrian entrance. Nevertheless, it is usual for a condition to be attached to any application for an annex to ensure that its future use cannot be separated from that of the main dwelling and it remain ancillary to it.

5.4 Residential Amenity

The proposed extension would be to the west of the existing structure, at lower ground floor level. Openings for this new element would be in the south elevation only where given the steep slope of the ground, neighbours to the south are some metres below the application site with their ridge tiles being approximately at the same height as the bottom terrace level of the application site.

The proposal would also involve improvements to the existing larger patio area adjacent to the annex's bedroom which would include the erection of a glass balustrade. The garden of neighbours to the west at No.2 The Common is situated approximately 6.5 metres away but these neighbours are separated from the application site by mature planting and also screened somewhat by an existing single storey rear extension associated with No. 1 The Common.

Given the above it is considered that the proposed extension and balustrade would not impact adversely on the residential amenity of neighbouring properties. In addition it is considered that sufficient joint amenity space would remain to serve the host property and the annex.

The above the proposal is therefore, considered to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.5 Sustainable Transport

Officers are satisfied that the proposed extension relates to an existing residential annex and does not represent the formation of a separate unit. As such there is no requirement for additional parking to serve the site. Officers recommend a condition be attached to the decision notice prohibiting the use of the annex as a separate residential unit.

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 **APPROVED** subject to conditions attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

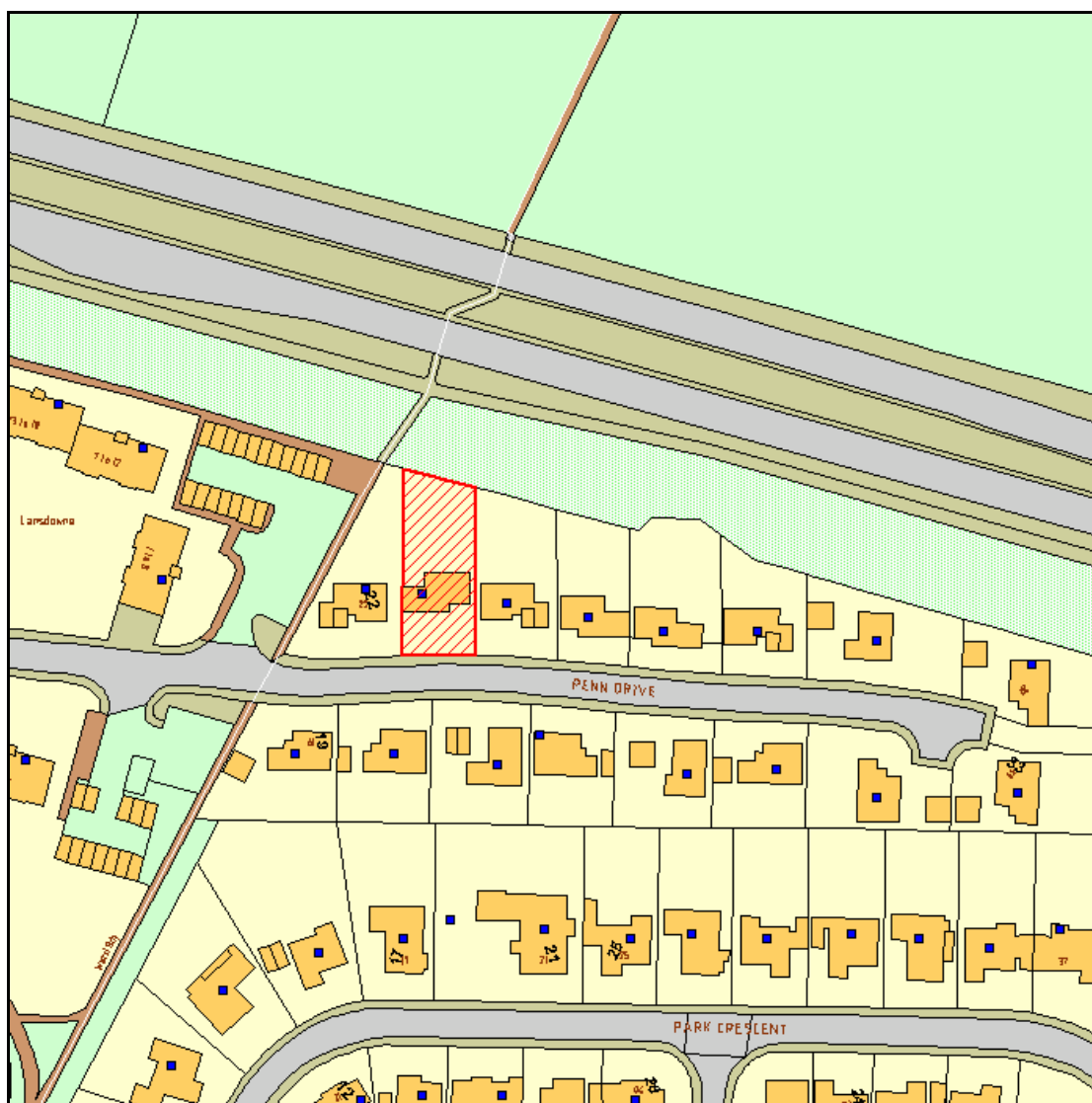
2. The annex hereby permitted shall not be occupied at any other time other than for single family purposes as part of the main residential use of the dwelling known as No. 1 The Common, Frenchay Common, Frenchay, BS16 1LZ. For the avoidance of doubt this permission does not grant planning permission for use of the annex as a separate residential unit.

Reason

To allow the Council to consider the impact of subdivision on parking and amenity space and to accord with saved Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006.

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PT13/4368/CLP	Applicant:	Mr John Huggett
Site:	24 Penn Drive Frenchay Bristol South Gloucestershire BS16 1NN	Date Reg:	28th November 2013
Proposal:	Application for certificate of lawfulness for the proposed erection of single storey rear extension to provide additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	364270 178324	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	20th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule List because it comprises a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a Certificate of Lawfulness for the proposed erection of a single storey rear extension to provide additional living accommodation.
- 1.2 The application site comprises a two-storey detached property located on the northern side of Penn Drive within the established residential area of Frenchay.

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (Development Management Procedure) Order 2010
The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

3. RELEVANT PLANNING HISTORY

- 3.1 P98/2611/T, Works to 1 no. Hawthorn and 1 no. Lime Tree included within the Northavon District Council (Land at Penn Drive, Frenchay) Tree Preservation Order 1996, approval, 01/12/98.
- 3.2 N1139/11, Extensions and alterations to form a double garage with utility room to rear with a bedroom and shower room over, approval, 11/06/81.
- 3.3 PT07/3551/F, Erection of rear conservatory, approval, 04/01/08.
- 3.4 N1139, Erection of 9 houses and 7 bungalows with garages and construction of new estate road. To be read in conjunction with planning permission Ref. No. SG3341/Y, approval, 10/04/75.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Consideration of Proposal

The applicant is seeking a Certificate to state that the proposed development is lawful. It is not a planning application where the relative merits of the scheme are assessed against policy; it is an evidential test of whether it would be lawful to proceed with the proposal. The key evidential test in this case is whether the proposal falls within the permitted development rights afforded to householders.

5.2 The main evidence submitted as part of the application are proposed floor plans and elevations.

5.3 The proposal relates to the erection of a single storey rear extension to provide additional living accommodation. There are no conditions on the original consent for the property (N1139) restricting permitted development rights. On the balance, of probability the permitted development rights for the property are intact. Therefore, the main issue is whether the proposal falls within the criteria of Schedule 2, Part 1 (Development within the Curtilage of a Dwellinghouse), Class A (The enlargement, improvement or other alteration of a dwellinghouse).

5.4 Class A allows for extension to dwellinghouses subject to consideration of the following questions:

As a result of the works, does the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The block plan submitted indicates that on the balance of probability the proposal meets this criterion.

Does the height of the part of the dwellinghouse enlarged, improved or altered exceed the height of the highest part of the roof the existing dwellinghouse;

The elevation plans submitted indicates that on the balance of probability the proposal meets this criterion.

Does the height of the eaves of part of the dwellinghouse enlarged, improved or altered exceed the height of the eaves of the existing dwellinghouse;

The elevation plans submitted indicates that on the balance of probability the proposal meets this criteria.

Does the enlarged part of the dwellinghouse extend beyond a wall which-

- 1) Fronts a highway, and
- 2) Forms either the principal elevation or a side elevation of the original dwellinghouse;

The plans submitted indicate that on the balance of probability the proposal meets this criterion.

Is the enlarged part of the dwelling single storey and does it-

- 1) Extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwelling, or 3 metres in the case of any other dwellinghouse, or
- 2) Does it exceed 4 metres in height;

The plans submitted indicate that the extension is approximately 1.9 metres in length and less than 4 metres in height. On the balance of probability the proposal meets this criterion.

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

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

The elevations plans submitted indicates that the proposal is single storey. This criterion is therefore, not relevant.

Is the enlarged part of the dwellinghouse within 2 metres of the boundary of the curtilage of the dwellinghouse, and does the height of the eaves of the enlarged part exceed 3 metres;

The plans submitted indicate on the balance of probability that the height of the eaves are less than 3 metres. The proposal therefore, meets this criterion.

Does the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse, and-

- 1) exceed 4 metres in height,
- 2) have more than one storey, or
- 3) have a width greater than half the width of the original dwellinghouse;

The plans submitted indicate, on the balance of probability, that the proposal extends beyond a wall forming the rear elevation. This criterion is therefore, not relevant.

Does it consist of or include-

- 1) the construction or provision of a veranda, balcony or raised platform,
- 2) the installation, alteration or replacement of a microwave antenna,
- 3) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- 4) an alteration to any part of the roof of the dwellinghouse

The plans submitted indicate that on the balance of probability the proposal does not include any of the above.

Is the dwellinghouse on article 1(5) land and:

- 1) consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- 2) does the enlarged part of the dwellinghouse extend beyond a wall forming a side elevation of the original dwellinghouse; or
- 3) does the enlarged part of the dwellinghouse have more than one storey and extend beyond the rear wall of the original dwellinghouse.

The application site is not on article 1(5).

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

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

The applicant has clarified in the application form that materials are to be similar in appearance to the existing house.

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

(1) obscure-glazed, and

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

The proposal is single storey; therefore, this condition is not applicable.

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

The proposal is single storey; therefore, this condition is not applicable.

6. RECOMMENDATION

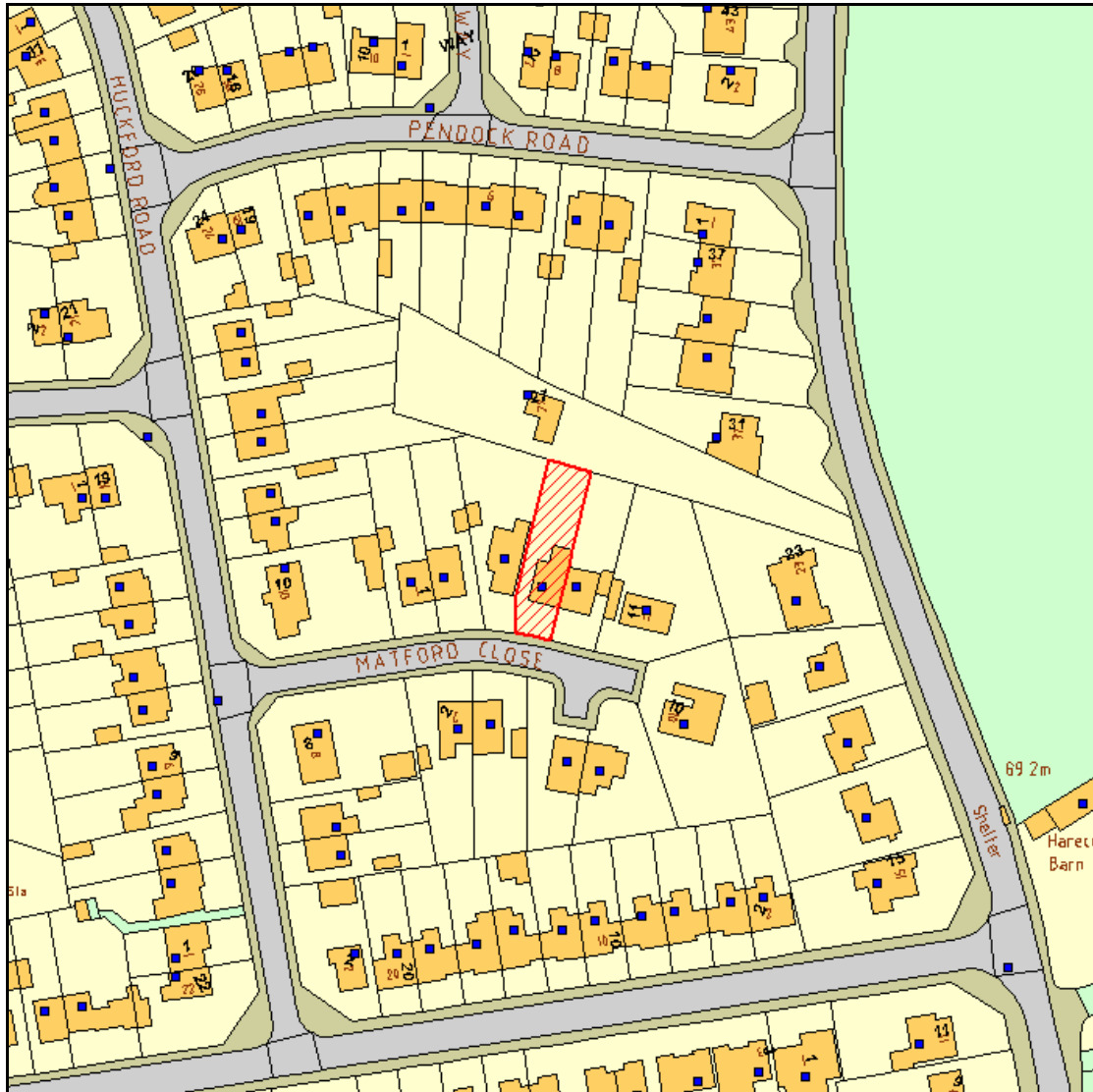
6.1 That a Certificate of Proposed Lawful Development is GRANTED for the following reason:

Evidence has been submitted to demonstrate that, on the balance of probability, the proposed development falls within permitted development within the curtilage of a dwellinghouse (Class A) under Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PT13/4408/CLP	Applicant:	Mrs Hughes
Site:	7 Matford Close Winterbourne Bristol South Gloucestershire BS36 1EB	Date Reg:	4th December 2013
Proposal:	Application for certificate of lawfulness for the proposed erection of a single storey rear extension.	Parish:	Winterbourne Parish Council
Map Ref:	365355 180126	Ward:	Winterbourne
Application Category:	Minor	Target Date:	27th January 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 7 matford Close, Winterbourne would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008. .
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection

Other Representations

- 4.2 Highway Drainage
No comment
- 4.3 Local Residents
No response received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 PLANS
Site location plan and existing site plan – CA13/085/01; Proposed site plan – CA13/085/02; Existing and elevations – CA13/085/03; Proposed floor plan (part) and elevations – CA13/085/04

6. EVALUATION

6.1 Principle of Development

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

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

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

6.2 Erection of a single storey rear extension

A1 Development is not permitted by Class A if –

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed rear extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The highest part of the proposal would sit beneath the highest part of the main dwelling house. As such the proposal meets this criterion.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposed extension would match the height of the eaves of the main dwelling and as such meets this criterion.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) fronts a highway, and**
- (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**

The proposed extension would be to the rear of the dwelling not on a principle or side elevation and not fronting a highway, as such the proposal accords with this criterion.

- (e) The enlarged part of the dwellinghouse would have a single storey and—**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height;**

The host dwelling is a semi-detached property. The proposed extension would be single storey and would extend a maximum of 3 metres in depth. Furthermore the proposed extension would have a maximum height of approximately 3.6 metres.

- (ea) Until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and –**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse or**
- (ii) exceed 4 metres in height**

The proposed extension would be single storey and would extend a maximum of 3 metres in depth from the rear of the dwellinghouse.

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

The proposal is single storey.

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

The proposal would not be located within two metres of a boundary..

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

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

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

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

- (i) The construction or provision of a veranda, balcony or raised platform,**
- (ii) The installation, alteration or replacement of a microwave a antenna,**

- (iii) **The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
 - (iv) **An alteration to any part of the roof of the dwellinghouse.**
- The proposal does not include any of the above and consequently meets this criterion.

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

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

Conditions

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

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

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

7. RECOMMENDATION

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

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CIRCULATED SCHEDULE NO. 02/14 – 10 JANUARY 2014

App No.:	PT13/4483/F	Applicant:	Pawstretchers
Site:	Land At Cutts Heath Road Buckover South Gloucestershire GL12 8QL	Date Reg:	3rd December 2013
Proposal:	Change of use of part of Garden Centre to Dog Day Care facility (Sui Generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended)..	Parish:	Thornbury Town Council
Map Ref:	366297 190106	Ward:	Thornbury North
Application Category:	Minor	Target Date:	23rd January 2014



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 100023410, 2008. **N.T.S.** **PT13/4483/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination under the Council's scheme for delegation as objections have been received which are contrary to the recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of part of a former garden centre into a dog day car facility. The area subject to the change of use contains an existing chalet building. It is laid to hardstanding and bounded on three sides by a fence.
- 1.2 The site is outside of any defined settlement; however, it is located within Milbury Heath and close to the A38 Gloucester Road.
- 1.3 Although not trading, the extant use of the land is as a garden centre.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

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

CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

L1 Landscape
T12 Transportation
E3 Proposals for Employment Development
E6 Employment Development in the Countryside

3. RELEVANT PLANNING HISTORY

- 3.1 PT10/1480/F Withdrawn
Retention of workshop/ storage building and toilets (Retrospective) (Re-Submission of PT09/1219/F)
- 3.2 PT09/5704/CLE Approved 11/05/2010
Application for Certificate of Lawfulness for existing use as a garden centre for retail sales of garden and landscaping materials.
- 3.3 PT09/1219/F Withdrawn
Erection of workshop/store and toilet block. (Retrospective).
- 3.4 PT05/0340/F Approved with Conditions 06/06/2005
Retention of 2.4 metre high link fence and alterations to 2no. existing accesses.

- 3.5 P94/1400 Approval of Full Planning 22/06/1994
Construction of hardstanding area for material storage and car parking; change of use of building to office and store; ancillary trade sales of landscaping materials in association with landscape centre with show gardens.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection but would wish to see a condition covering noise control
- 4.2 Drainage
No comment
- 4.3 Environmental Protection
No objection; request construction site condition and a noise management plan
- 4.4 Transport
No objection

Other Representations

- 4.5 Local Residents
Four letters of objection have been received raising the following points:
- Plot is too small for proposed use; existing site is 4 acres
 - Unclear on the number of dogs
 - Dogs would be noisy
 - Dogs will be walked along the lanes which are already busy
 - Development would result in increase in traffic
 - Development is near a hazardous corner
 - Journeys to and from the site would be undertaken at peak times only
 - Site is unsuitable as it is close to residential properties
 - Application should include a report from the animal health team
 - Discrepancy over number of staff and working patterns
 - May lead to dog fouling in public areas

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a change of use to a dog day care facility.
- 5.2 Principle of Development
The site benefits from an extant authorised employment use and therefore should be assessed against policies E3 and E6 of the Local Plan. These policies are supportive, in principle, to development subject to an assessment of environmental impact, transportation and access and residential amenity. Therefore, this application will be determined against the analysis set out below.
- 5.3 Traffic and Transport

At present, the site has an authorised and unrestricted use as a garden centre. Associated with this land use is a certain degree of traffic movement in terms of customers, deliveries and workers. Although this application only relates to part of the garden centre site, the existing authorised use sets the traffic levels that are associated with the site.

- 5.4 In terms of transportation, new development will not be permitted that either leads to an intensification or unacceptable impact on traffic generation or highway safety. As the site could be used as a garden centre, with the associated traffic movements (including deliveries by heavy goods vehicles) there is high levels of potential traffic generation and general movements. For the proposed development to be unacceptable, there would need to be a proven decrease in safety and increase in movements over and above those associated with a garden centre use.
- 5.5 Use of the site as a dog day care facility is unlikely to increase traffic movements above those associated with the garden centre and therefore is not considered to lead to an increase in traffic or be detrimental to highway safety.
- 5.6 Peak hour movements may be associated with the drop-off and collection of dogs. However, movements at peak hours would also be associated with the garden centre use and the nearby businesses. Therefore, the development is unlikely to result in an increase in peak hour movements over and above the extant use associated with the garden centre.
- 5.7 Residential Amenity
The site is located in a semi-rural location. In the immediate vicinity are a number of businesses, including a large garden centre, offices, and residential properties. The application site is bounded on one side by residential uses and commercial uses on the other sides. The application is for a change of use and does not seek to establish an employment use on this site. The consideration of amenity is based on the specific use of the site for dogs.
- 5.8 The most prevalent issue is noise. Unlike machinery or apparatus, noise arising from dogs cannot be subject to control in the form of a noise condition. This is because of the difficulties in defining an acceptable noise level in terms of dB and the inability to prevent or mitigate the noise in the outset.
- 5.9 Whilst it is acknowledged that there will be some noise arising from the site, the level and timing of the noise would not be greatly different from the levels or timing of noise arising from the existing garden centre use.
- 5.10 As noise levels cannot be adequately controlled through a condition that would pass the appropriate tests, a condition for a noise management plan will be attached.
- 5.11 The noise management plan should outline what mitigation methods will be used to deal with potentially noisy dogs, including sound insulation and levels of supervision in the outside areas. Such a condition is considered to be adequate to manage the potential noise disturbance.

- 5.12 A further condition will be attached that restricts the trading hours of the facility to 0700-1900 Monday to Friday with no trading at weekends or bank holidays in order to preserve residential amenity outside of normal working hours.
- 5.13 Environment
The proposed change of use to a dog day care facility would not have an impact on the environment. No industrial processes will take place and there is no loss of habitat or ecology.
- 5.14 Other Matters
Concern has been raised by local residents that the site is too small to accommodate the number of dogs. A licence is required under animal health legislation. The number of dogs at the site should not be controlled through the planning process as more effective legislation, in the form of the appropriate licences, is in place.
- 5.15 It has been stated that the application, if approved, would result in dogs being walked along the surrounding lanes. Any lane and public right of way may be used for the exercising of dogs and therefore this is not material in determining this planning application.
- 5.16 No restriction is place on the number of dogs or the number of staff and this is not relevant in determining the planning application.
- 5.17 It is stated that the development may lead to increased dog fouling. Dog fouling is managed by the Dogs (Fouling of Land) Act 1996 and the Highways Act 1980. As such, it is adequately covered by other legislation and is not part of determining this planning 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 proposed development has been assessed against policies T12, E3 and E6 of the Local Plan. It has been found that the development would not lead to an increase in vehicular movements or have an unacceptable impact on highway safety, residential amenity, or the environment.
- 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 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. Prior to the first use of the dog day care facility hereby approved, a noise management plan shall be submitted to and approved by the Local Planning Authority in writing. The facility shall be managed in accordance with the approved management plan.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. The use hereby permitted shall not be open to customers outside the following times: 0700 to 1900 Monday to Friday.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy E3 and E6 of the South Gloucestershire Local Plan (Adopted) January 2006.