

**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. 41/14

Date to Members: 10/09/14

Member's Deadline: 16/10/14 (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:

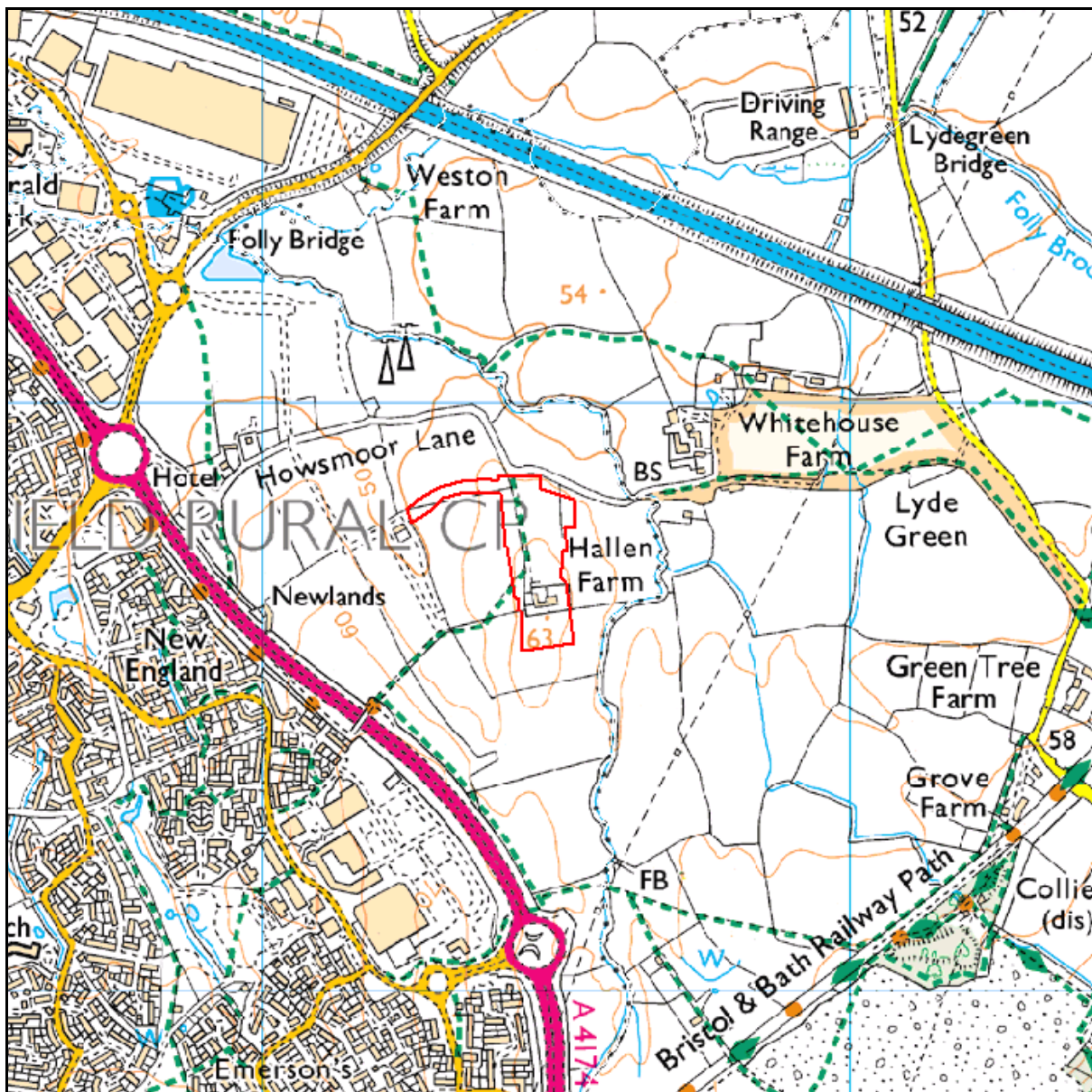
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) 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. **Please note a copy of your referral e mail will appear on the website.** 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 OCTOBER 2014

ITEM NO. PARISH	APPLICATION NO	RECOMMENDATION	LOCATION	WARD
1	PK13/2372/RM	Approve with Conditions	Emersons Green Urban Village Emersons Green East Emersons Green South Gloucestershire	Westerleigh Westerleigh Parish Council
2	PK14/1035/F	Approve with Conditions	Land At 2 Berkeley Road Kingswood South Gloucestershire BS15 9QE	Woodstock None
3	PK14/1784/RV	Approve with Conditions	19 London Road Warmley South Gloucestershire BS30 5JB	Siston Siston Parish Council
4	PK14/2396/F	Approve with Conditions	Pennymead Cattybrook Road Mangotsfield South Gloucestershire BS16 9NJ	Boyd Valley Pucklechurch Parish Council
5	PK14/2752/F	Approve with Conditions	33 Deanery Road Kingswood South Gloucestershire BS15 9JB	Kings Chase None
6	PK14/3142/R3F	Approve with Conditions	Sir Bernard Lovell School North Street Oldland Common South Gloucestershire BS30 8TS	Oldland Bitton Parish Council
7	PK14/3145/PN GR	Approve with Conditions	Lodge Road Abson South Gloucestershire BS30 5TU	Boyd Valley Wick And Abson Parish Council
8	PK14/3283/F	Approve with Conditions	20 Fouracre Crescent Downend South Gloucestershire BS16 6PS	Emersons Downend And Bromley Heath Parish Council
9	PT14/2651/F	Approve with Conditions	48 Rock Lane Stoke Gifford South Gloucestershire	Stoke Gifford Stoke Gifford Parish Council
10	PT14/2907/F	Approve with Conditions	Land Between 2 - 8 The Green Stoke Gifford South Gloucestershire BS34 8PD	Stoke Gifford Stoke Gifford Parish Council
11	PT14/3134/F	Approve with Conditions	24 Church Road Stoke Gifford South Gloucestershire BS34 8QA	Frenchay And Stoke Park Stoke Gifford Parish Council
12	PT14/3166/CLP	Refusal	68 Nicholls Lane Winterbourne South Gloucestershire BS36 1NE	Winterbourne Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK13/2372/RM	Applicant:	Emersons Green Urban Village
Site:	Emersons Green Urban Village Emersons Green East Emersons Green South Gloucestershire	Date Reg:	4th September 2013
Proposal:	Construction of roads 2 and 3 (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O)	Parish:	Westerleigh Parish Council
Map Ref:	367495 177657	Ward:	Westerleigh
Application Category:	Major	Target Date:	22nd November 2013



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PK13/2372/RM

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application for reserved matters approval follows the grant of outline consent for the major mixed use development at Emersons Green East. The application has been forwarded to the Council's Circulated Schedule of applications in accordance with the adopted scheme of delegation as a representation has been received from the Parish Council raising views contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The application seeks reserved matters consent for construction of roads 2 and 3 which form primary and secondary streets within the development.

The reserved matters, which comprise landscaping, appearance, layout and scale, should be read in conjunction with outline planning permission PK04/1965/O for an urban extension on 99 hectares of land including residential development of up to 2550 dwellings.

This outline consent included details of access to the site as a whole off the Rosary roundabout. The site has the benefit of an approved Detailed Masterplan and approved Design Code.

Full planning permission has already been granted for the infrastructure road – the 'Green Road' leading from the Rosary Roundabout connect with the main Spine Road (road 2A) which also has approval. Roads 4 and 5 to the north of the development connecting the site to the Westerleigh Road has also been approved recently and construction has now commenced on site.

The movement strategy for the site is based around the provision of two main spine roads linking to the Westerleigh and Rosary roundabouts on the Ring Road. Internally a circulatory distributor road will form the main public transport link around the site, linking local roads into residential parcels, where speeds are restricted in accordance with the Design Code.

- 1.2 This proposal is for the development of roads 2 and 3 which form two main streets (primary and secondary) within the Emersons Green East development. Road 2 would run in a north south direction connecting the main A4174 (via the Rosary Roundabout, the Green Road and Road 2A) and the south side of the development with the north (roads 4 and 5 currently under construction), through School Square the central community hub for the EGE urban extension, and then to the other main access on Westerleigh Road. Road 3 would run in an east to west direction connecting the main spine road (road 2) with the Bristol/Bath Science Park to the west.

Roads 2 and 3 are necessary to meet the requirements of the internal road network as outlined in the approved Movement Strategy (part of the outline planning permission); the roads would provide a residential link and form a significant part of the main circulatory route within the development. The roads also serve the purpose of providing vehicular access and provide footpaths and

cycleways to residential parcels (parcels 5, 6, 7, 8, 9 and 10) within phase 1 of the development of Emersons Green East and the central School Square.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

National Planning Practice Guidance March 2014

2.2 Development Plans

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

L1	Landscape Protection and Enhancement
T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy
M2	Site 5 Major mixed use development at Emersons Green East
EP2	Flood Risk and Development

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

CS1	High Quality Design
CS5	Location of Development
CS6	Infrastructure and Developer Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS2	Green Infrastructure
CS15	Distribution of Housing
CS16	Housing Density
CS17	Housing Diversity
CS18	Affordable Housing
CS29	Communities of the East Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

Adopted South Gloucestershire Design Checklist SPD

Residential Parking Standards SPD March 2013 (endorsed for Development Management purposes).

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/1965/O Urban extension on 99 hectares of land comprising of :- Residential development of up to 2550 dwellings; up to 100,000m² of B1, B2, B8 and C1 employment floorspace. Up to 2,450 m² of small scale A1, A2, A3, A4 and A5 uses. One, 2 - form entry primary school, a land reservation for a second 2 - form entry primary school and a land reservation for a secondary school. Community facilities including a community hall and cricket pavillion (Class D1) and health centre. Transportation infrastructure comprising connections to the Folly roundabout on Westerleigh Road and the Rosary roundabout on the Ring Road and the construction of the internal road network. A

network of footways and cycleways. Structural landscaping. Formal and informal open space. Surface water attenuation areas. (Outline) with means of access to be determined.

Approved 14.06.2013.

- 3.2 Development Control East Committee on 15.02.2013 approved the Detailed Masterplan associated with outline planning permission PK04/1965/O at Emersons Green East.
- 3.3 PK10/0473/F Construction of Multi Modal Interchange, Green Road and access to the A4174 Ring Road from Rosary Roundabout.
Approved 11.01.2013
- 3.4 Environmental Impact Assessment was carried out for the Outline planning permission for this development and officers can confirm that the current RM application does not raise any issues that would call into question the EIA conclusions.
- 3.5 PK13/2602/RM Construction of road 2A, including carriageway and footway. Construction of steps (down to road 1A) and associated landscaping. Approval of reserved matters to be read in conjunction with outline planning permission reference PK04/1965/O.
Approved 22.10.2013
- 3.6 PK14/0727/RM Construction of roads 4 and 5 (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK04/1965/O).
Approved 11.09.2014

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
No objection.

Mangotsfield Rural Parish Council

No Objection. However the Planning Committee are particularly concerned about the safety aspects at the Rosary roundabout, since this development will bring a huge increase of traffic. The Committee requests that any planned safety measures for the Rosary roundabout are in place before any dwellings are occupied. They also ask for the other road entrances to the Emersons Green East development, from the Lyde Green roundabout and Folly Bridge roundabout to be built early on in the development stage since this will also ease the traffic at the Rosary roundabout.

No objection to amended plans package received 28.01.2014

- Westerleigh Parish Council
No objection

4.2 Other Consultees

Archaeological Officer - The archaeological requirements associated with this have already been dealt with under the outline application and are currently nearing completion (or have been completed and are beginning the post-excavation process). As such there is no further archaeological mitigation to take place and therefore there are no archaeological objections to this application.

Coal Authority – No objection. Originally raised objection (substantive concern) as the application site falls within the defined Development High Risk Area and no Coal Mining Risk Assessment accompanied the application. The applicant subsequently took the appropriate steps to locate the mine entry and accordingly the objection was withdrawn.

Conservation Officer – No objection

Landscape Officer – Objection originally raised for reasons:

The Gas Governor is flush with the finished ground levels within an area of verge, access for maintenance should be directly off the footpath and grasscrete and bollard removed. The timber fence should be removed and the verge graded out into the surrounding verge and made good on completion of Linden Homes's plot.

All of the street trees on the east side of road 3 should be Tilia, retaining the Pyrus on the west where the apartment blocks on Linden's frontage are close. The street light position needs to be adjusted to avoid conflict with the street trees. Moving the light 2m south would resolve the issue, opposite Hallen Farm. There is conflict between tree positions and lighting column, just to the north of the junction on the west side. A repositioning of the light southwards by 2m would resolve this.

The trees on the west side of road 2 opposite the school square location has no trees shown. The avenue of trees will need to continue through this area and along the full length of the spine road (road 2)

The plans were subsequently amended to incorporate these changes. No objection is now raised.

Urban Design – No objection

Sustainable Transport – No objection.

- Amendments were required to the originally submitted scheme to provide a raised table along the frontage to school square and at the junction with road 3.
- This was subsequently provided but further amendments were required at the location of slopes to raised tables to avoid conflict with vehicle parking and to align flat surface with the pedestrian path on the west side of road 2 rather than being aligned with the slope, in the interest of accessibility.
- Bus stops should be staggered to avoid unnecessary obstruction from buses to the flow of traffic.
- Edge details for the shared space opposite school square should confirm 50mm upstand curbing.

These amendments were incorporated into the final layout and as such no objection is now raised.

Drainage Engineer – No adverse comments. This primary highway infrastructure would be constructed in compliance with the Drainage Strategy

and Flood Risk Statement dated October 2012. The Drainage Engineer supported approval of the final draft. The surface water run-off from the highway would be unrestricted and would discharge to either a previously constructed public surface water sewer or direct to the Folly Brook Tributary. These systems will discharge into the enlarged surface water attenuation pond C3 (completed).

Other Representations

- 4.3 Local Residents
No responses received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

- 5.11 The principle of development has been established with the approval of outline planning permission PK04/1965/O, which covers a substantial part of the Emersons Green East (EGE) development, allocated by Policy M2 in the South Gloucestershire Local Plan. The outline planning permission reserved all matters for future consideration, except means of access off the Rosary roundabout, which has been approved in detail.
- 5.12 The DC East Committee, in February 2013, approved the site wide detailed masterplan, and subsequently officers approved the design code under delegated powers for the whole of the outline application site.
- 5.13 Condition 6 attached to the outline planning permission requires applications for the approval of reserved matters to be in accordance with the approved Design and Access Statement parameter plans, masterplan and design code; and that a compliance statement is submitted with each reserved matters application. The application includes a detailed compliance statement.
- 5.14 Roads 2 and 3 would be located within phase 1 of the development area of Emersons Green East. The location and route of roads 2 and 3 are consistent with the layout of the master plan. It is considered therefore that the proposal for development of roads 2 and 3 is acceptable in principle.

5.2 Compliance Design and Access Statement.

- 5.21 The EGE Design and Access Statement (DAS) sets out a set of site wide guiding principles and includes a movement strategy. It sets out initial indicative street sections and characteristics and these have been used to inform the proposed street hierarchy and street design. The Movement strategy defines access points, public rights of way, strategic footpaths and bus routes. It is considered that the street characteristics for a residential street in a medium density neighbourhood as set out in the DAS are complied with.

5.3 Compliance with Lyde Green Design Code and Masterplan

- 5.31 The proposed road aligns with that shown in the approved Detailed Masterplan. The approved Design Code provides a street hierarchy defining the network of streets across the development. Road 2 is defined as boulevard and road 3 as secondary route. The boulevard provides for direct strategic movement through the development, informed by regular formal tree planting within verges. These streets have a width of 6 to 7.3m with two 2.4m wide footways either side (or 3m if forming part of a safe route to school). Road 3 is defined in the design code as a secondary route and these routes are designed (in the design code) to provide circulation within residential areas and to aid legibility in the larger residential areas. Road 3 would function specifically as a connection between the science park and the main boulevard (along with road 2a already implemented). Secondary routes should have a carriageway width of 5.5-6.5m with two 2.4m wide footways either side (or 3m if forming part of a safe route to school).
- 5.32 The proposed roads will accord with the design speed of 20mph throughout the site. Road 2 is designed with a carriageway width of 7m and footways of 3m, as a safe route to school. This accords with the dimensions set out within the Code. This will include a shared arrangement between pedestrians and cyclists. Road 3 is designed with 6.5m carriageway width and 2.4m wide footway on both sides of the road with the exception of the footway connection on the north side of road 3 connecting the access to parcel 8 with road 2, which would form part of a safe route to school and, on this basis, has a 3m width. These dimensions meet or exceed the requirements of the design code and as such the design of road 3 is considered to be acceptable.
- 5.33 In terms of materials, the road and footways will be constructed in asphalt, in accordance with the Code. This is with the exception of the pedestrian Crossings are located at strategic points at the junction of Road 2 and Road 3, at various points along road 2 and at junctions with tertiary roads and at the southern edge of road 2 around the vehicular access to parcel 3 which would be laid with pavers. All are to be constructed in tactile paving.
- 5.34 Parking can be accommodated on road 3 for informal residential uses. Traffic calming is proposed in the form of a raised table which would extend from a position 12m north of the junction with road 3, then incorporating the junction with road 3 extending 13m into road 3 and extending along roads 2 for the full frontage with school square, a distance of 110m. This will ensure further reduced speeds at School Square and in the vicinity of the proposed primary school.
- 5.35 In terms of trees and landscaping, along the full main boulevard route (which incorporates road 2) the design code requires street trees to be planted regularly between visitor parking, in mirrored positions on each side of the road where possible. A verge **with** width of 1.5-2.4m should be provided and laid to grass. The avenue of trees is shown with mirrored tree positioning where possible along the full length of road 2. Where tree positions cannot be mirrored then they are offset. Verges would measure between 1.75m and 2m and are proposed to be laid to grass. Road 3 as a secondary route requires no

tree planting and no grass verges. No verges are provided but rows of trees are proposed as part of the landscape schemes as part of the adjacent residential parcels (parcels 7 and 8). These trees would be situated within residential gardens. The proposed landscaping is considered to be acceptable in accordance with the design code.

- 5.36 The Design Code allows for occasional tree planting within footway build outs. Officers are satisfied that in this particular secondary street trees are to be planted within parcel areas adjacent to the street within front or side gardens. No trees are shown on the masterplan. It would not be necessary to include further tree planting on the highway verges.

5.4 Listed Building and heritage matters

- 5.41 Road 2 would run past the access to the Grade II Listed Hallen Farm, where it connects to road 2A at its southern point, however the Council's listed Building Officer has no objections to the application, and the proposal is considered acceptable in terms of saved Policy L13 of the SGLP and Policy CS9 of the adopted Core Strategy.

5.5 Landscaping and Visual Amenity

- 5.51 As indicated in par.5.35-5.36 above, an avenue of trees is proposed along the boulevard frontage along either side of road 2. The original plans have been amended to show a continuation of avenue trees along the west side of road 2 opposite school square, in accordance with the code, but including a gap on each side of the road to ensure sufficient space is provided for staggered bus stops. Grass verges are also proposed along the boulevard. This is with the exception of the shared surface area opposite school square.

- 5.52 The arrangements for the gas governor have been amended to remove the grasscrete area and access directly from the street. The conflict between tree positions and street lighting has also been removed. The proposal is considered to be acceptable in landscape and visual; amenity terms, and in compliance with saved Policy L1 of the SGLP, Policy CS9 of the adopted Core Strategy and the masterplan and design code for EGE.

5.6 Transportation and highway safety

- 5.61 The proposed roads would provide adequate visibility at junctions to tertiary roads and at the junction between roads 2 and 3. This is in accordance with the visibility distances of 2.4 x 25m as required by 'Manual for Streets' guidance within 20pmh zone.

- 5.62 Traffic calming would be provided in the form of a raised table as described in par. 5.34 of this report. The raised table would serve the purpose of further reducing speeds within the 20mph zone, in the vicinity of school square and the proposed primary school where it is more likely that pedestrians will congregate.

- 5.63 The raised table will also provide a flat surface to the land at school square as a visual enhancement. A shared surface arrangement will be provided running from the front of the dwellings fronting onto school square on the west side of road 2 to integrate with the surface of school square itself. The surface material proposed is block paving and this will be provided as part of this scheme on the west side of road 2. A temporary footway and verge would be provided on the east side of road 2 until such time that school square is implemented following the approval of a separate reserved matters application (yet to be submitted). Then the surface will be changed to paved shared surface to match the surface opposite. The carriageway itself would remain as asphalt however, in the interest of highway safety to provide a clear delineation of pedestrian and vehicle areas. The final colour of asphalt in the location of school square is yet to be finalised and as such a condition is attached to ensure our control is retained over this decision.
- 5.64 The avenue of trees have a gap in the location of school square sufficiently sized to allow provision of staggered bus stops on either side of road 2. The staggered arrangement will ensure no standing traffic in the event that buses arrive together on both sides of the highway. A condition is required in order to ensure that the bus stops and shelters are provided by the developer.
- 5.65 The Council's highway engineer is satisfied that the scheme is acceptable in transportation terms and complies with the code and saved Policy T12 of the SGLP and Policy CS8 of the adopted Core Strategy.

5.7 Residential amenity

- 5.71 The closest existing dwellings are at Hallen Farm. The principle of the road in relation to Hallen Farm was agreed by the original outline consent PK04/1965/O. The route and location of the road was approved under the approved master plan. Therefore the principle of a road and the location of the road have already been agreed. This reserved matters provides detail to the road design. The details required and submitted for this reserved matters would not result in conflict with the residential amenity of the occupiers of adjacent dwellings.

5.8 Drainage and water

- 5.81 This primary highway infrastructure would be constructed in compliance with the approved Drainage Strategy and Flood Risk Statement dated October 2012, which was supported by the Council's Drainage Engineer. The surface water run-off from the highway would be unrestricted and would discharge to either a previously constructed public surface water sewer or direct to the Folly Brook Tributary. These systems would then discharge into the enlarged surface water attenuation pond C3 (completed). The proposed road layouts would result in no material harm through surface water drainage disposal or attenuation. The proposal is acceptable in drainage terms.

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 Reserved Matters submitted in accordance with Conditions 1, 2 and 10 associated with Outline Planning Permission PK04/1965/O dated 14th June 2013 be APPROVED, subject to the following conditions:

Contact Officer: Sean Herbert
Tel. No. 01454 863056

CONDITIONS

1. All hard and soft landscaping works including the temporary verge shown on the east side of road 2 (Drawing no. PJF 089-P2RMA-102 Rev E) shall be carried out in accordance with the details hereby approved. The planting for road 2 shall be carried out in the first planting season following roads 2 being brought into use by public vehicles.

Reason:

In the interests of the visual amenity of the scheme in accordance with saved Policies L1 and M2 of the South Gloucestershire Local Plan (2006) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted 2013.

2. Prior to School Square (adjacent to the east side of road 2) being brought into use the temporary verge and footway in the area shown shaded on the approved layout plan (Phase 2 General Arrangement Drawing no PJF 089-P2RMA-102 Rev E) shall be removed and resurfaced in a material to match the surface of School Square, the details of which shall be first submitted to and approved in writing by the Local Planning Authority.

Reason:

In the interests of the visual amenity of the scheme and to provide timely pedestrian facilities and in accordance with saved Policies L1, T12 and M2 of the South Gloucestershire Local Plan (2006) and Policies CS1, CS6, CS8 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted 2013.

3. Any trees or plants shown on the approved landscaping scheme to be planted or retained which die, are removed, are damaged or become diseased within 5 years of

the completion of the approved landscaping scheme hereby permitted shall be replaced by the end of the next planting season. Replacement trees and plants shall be of the same size, location and species as those lost.

Reason:

In the interests of the visual amenity of the scheme and to provide timely pedestrian facilities and in accordance with saved Policies L1 and M2 of the South Gloucestershire Local Plan (2006) and Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy Adopted 2013.

4. Notwithstanding the submitted details, all raised tables to accommodate junction and crossing points shall be no shorter than 20m in length exclusive of ramps.

Reason:

To ensure that all traffic calming measures do not prejudice public transport accessibility in accordance with saved Policies H1, M2, T12 of the adopted Local Plan and Policies CS1, CS8 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

5. Notwithstanding the submitted details, the development hereby approved shall not be brought into use by public vehicle users until details of the location and design of bus stops and shelters along with timescales for their implementation by the applicant have been first submitted to and approved in writing by the Local Planning Authority. The development shall be completed by the applicant in accordance with the approved details and timetable.

Reason:

To ensure that public transport is provided and is accessible to the new residents to reduce reliance on the private car in accordance with saved Policies H1, M2, T12 of the adopted Local Plan (Adopted) and Policies CS1, CS8 of the adopted South Gloucestershire Local Plan Core Strategy 2013.

6. Prior to the development hereby approved being brought into use by public vehicles, details of street lighting shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within 3 months following approval of the details of street lighting by the Local Planning Authority.

Reason:

To ensure no conflict between landscaping and street lighting in the interest of highway safety and visual amenity, and in accordance with saved Policy L1, H1, M2, T12 of the adopted Local Plan (Adopted) and Policies CS1, CS8 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

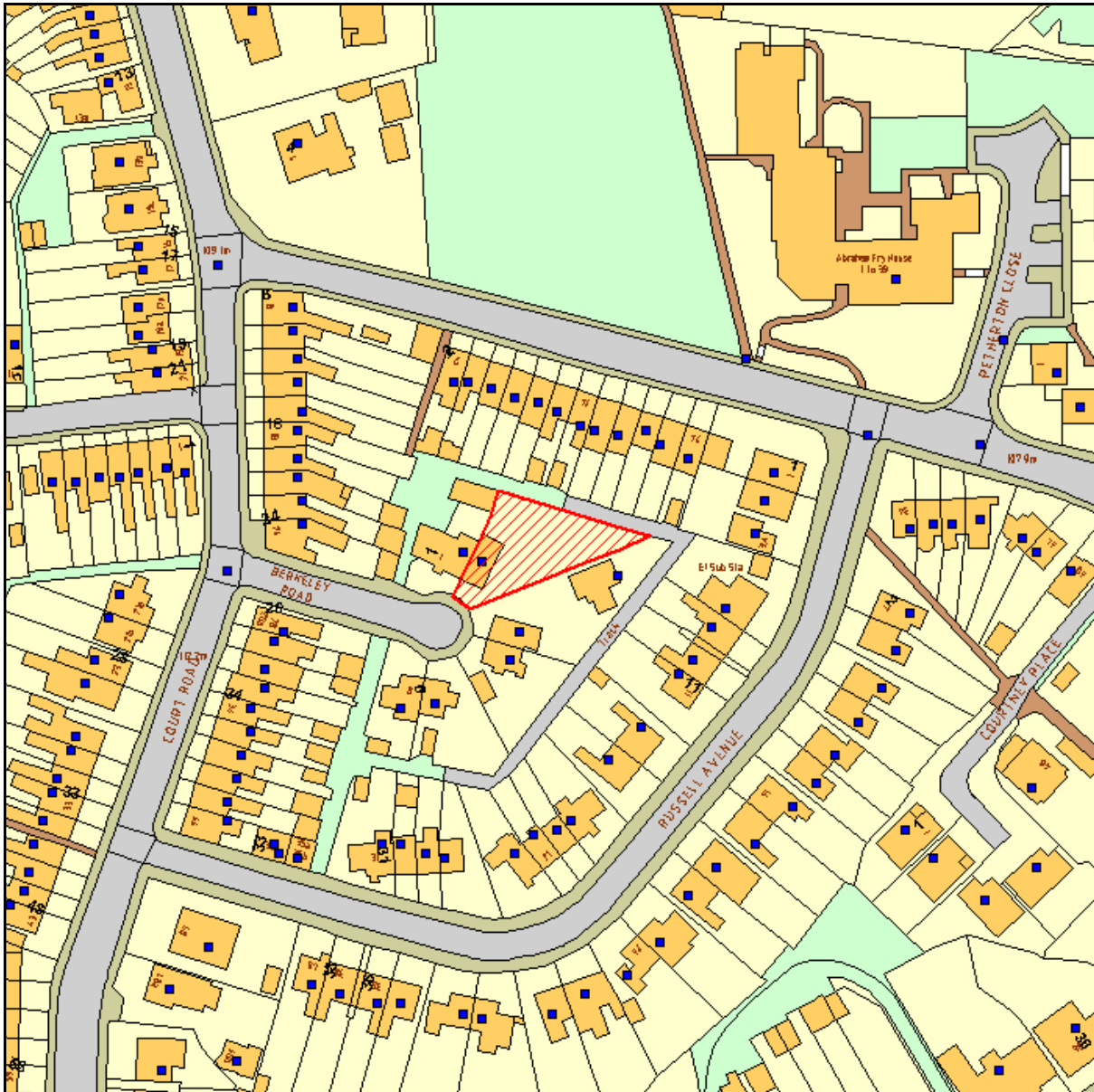
7. Notwithstanding the approved drawings the development hereby approved shall not be brought into use by public vehicles until details or samples of all surface materials and colour finishes have been first submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason:

To ensure a satisfactory standard of external appearance in the interest of highway safety and visual amenity, and in accordance with saved Policy L1, H1, M2, T12 of the adopted Local Plan (Adopted) and Policies CS1, CS8 of the South Gloucestershire Local Plan: Core Strategy (adopted Dec 2013).

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK14/1035/F	Applicant:	Mr And Mrs T Fowles
Site:	Land At 2 Berkeley Road Kingswood South Gloucestershire BS15 9QE	Date Reg:	13th May 2014
Proposal:	Erection of 1 no. detached bungalow with new access and associated works.	Parish:	None
Map Ref:	365028 173264	Ward:	Woodstock
Application Category:	Minor	Target Date:	3rd July 2014



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PK14/1035/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following five comments of objection from local residents contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This planning application seeks planning permission for the erection of 1no. detached bungalow with new access and associated works. The site comprises a 1930's two storey semi-detached dwelling with a large triangular-shaped rear garden, with a garage/outbuilding in the north-eastern-corner.
- 1.2 The site is located off the cul-de-sac Berkeley Road, which is accessed from Court Road. The cul-de-sac serves three pairs of semi-detached properties. Dwellings located on Courtney Road and Russell Avenue back on to this site and are separated by a rear access lane.
- 1.3 The application site is situated within a predominantly residential suburb of Kingswood. The site is bounded by residential properties on the north and south, with an unused access track at the rear.
- 1.4 Planning permission was granted for the erection of a detached bungalow with associated works in May 2010, on the adjacent site (no.3 Berkeley Road). the proposal is similar in design, footprint and access arrangements.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

EP7 Unstable Land

H4 Development within Existing Residential Curtilages

T12 Transportation for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007

Residential Parking Standards (Adopted) 2012

3. RELEVANT PLANNING HISTORY

- 3.1 P99/4684 Erection of 1 No. dwelling (outline)
Refused 17/12/99
Reasons for refusal:
1. *The proposal would lead to additional vehicular movements onto a substandard lane by reason of its narrow width, poor surfacing of footway and inadequate forward visibility thereby increasing hazards faced by highway users to the detriment of highway safety contrary to Policy KLP.69 of the Kingswood Local Plan and Policy TR19 of the approved Avon Structure Plan.*
 2. *The proposal would be likely to lead to increased on-street parking due to poor access thereby increasing hazards faced by highway users to the detriment of highway safety contrary to Policies TR14, Policy KLP70 of the Kingswood Local Plan and TR19 of the Approved Avon Country Structure Plan.*

Planning permission for neighbouring property:

- 3.2 PK10/0798/F Erection of detached bungalow with associated works
Approved 28.05.10

4. CONSULTATION RESPONSES

- 4.1 Coal Authority
Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works should be undertaken prior to development in order to establish the exact situation on site.
- 4.2 Drainage
No objection
- 4.3 Environmental Protection
No objection
- 4.4 Highway Structures
No comment
- 4.5 Parish/Town Council
The area is unparished.
- 4.6 Transportation DC
No objection.

Other Representations

- 4.7 Local Residents
Five objections received:
- Works at No.2 Berkeley Road caused damage to the road in the cul-de-sac and manholes
 - Existing parking problems

- Rats living and nesting in garden of No. 2
- Japanese Knotweed
- Noise
- Increase difficulty in accessing property for disabled residents
- Cul-de-sac already over-populated
- Congestion and obstruction to emergency vehicles
- New access would restrict visibility for No. 3a and is a health and safety risk
- Impact on privacy, over-looking and noise levels on No.3a
- Four mature trees in garden on No.2 that would be removed
- No dropped kerb
- Other residents will be unable to park their cars outside their homes
- Planning application reference P99/4684 refused 17th December 1999
- Over-development of a cramped site with poor living conditions for the occupants of the existing property
- Inadequate drainage and sewerage
- Use of rear access lane
- Proposed development would impact on privacy and amenity
- Character and appearance of the area will be adversely affected
- Potential boundary dispute
- Site consists of clay and very shallow coal seams

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework carries a presumption in favour of sustainable development and speaks of the need to 'boost significantly' the supply of housing' (paragraph 47) and to deliver a wide choice of high quality homes and widen opportunities for home ownership and create sustainable, inclusive and mixed communities (paragraph 50).

- 5.2 Given that the application is located within the built up area, Saved Policy H4 of the South Gloucestershire Local Plan and policies CS1, CS5 and CS9 of the Core Strategy all apply and are permissive of proposals for new residential development. Saved policy H4 is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage including new dwellings, providing that the design is acceptable, there are no material highway safety implications and that there is no unacceptable impact on residential and visual amenity.

5.3 Design

The application seeks full planning permission for the erection of a 2-bed detached dormer bungalow in the rear garden of No. 2 Berkeley Road. Berkeley Road is an entirely residential cul-de-sac, characterised by mid-20th century semi-detached dwellings. Policy CS1 of the Core Strategy states that development will only be permitted where the highest possible standards of design and site planning are achieved. The proposal would be adjacent to and parallel with a new bungalow erected in the rear garden of No. 3 and would have a similar footprint.

- 5.4 The site has a narrow frontage, being located on the bend of the cul-de-sac. Other neighbouring dwellings front Courtney Road and Russell Avenue back onto the application site, with a rear access lane separating them. The dwelling would only be visible from public views through the existing access at No. 2. Due to the discreet location of the proposal and position behind the existing street frontage, the bungalow would not be visually prominent. The design and materials would be of good quality using brick and render, typical of the surrounding area and in keeping with the character of the neighbouring properties.
- 5.5 Residential Amenity
The application site is currently bound by wooden fences, with a couple of trees along the rear boundary. A local resident has raised concerns about the removal of mature trees in the garden of No. 2. Whilst there are currently a small number of trees present in the rear garden, they are not considered to be of any amenity value. The proposed layout includes additional shrub and tree planting around the proposed bungalow and along the south-east elevation of No.2. On balance, there will be no harm caused to the amenity of the area. Privacy levels would be maintained between the neighbouring dwellings with a condition attached for a landscape scheme to be submitted to further enhance the site, which at present does not positively contribute to the visual amenity.
- 5.6 The proposed dwelling would measure 9.8 metres in width on the south elevation, 2.9 metres to eaves and 5.9 metres to ridge. The dwelling would be situated less than 0.5 metres from the south boundary with No. 3 and the rear garden and neighbouring bungalow are situated at a higher ground level. Although the proposal and No. 2 would share a driveway, the proposal would be situated some 14 metres from No. 2. The proposal is for a similar sized dwelling to the neighbouring property, in a residential area, therefore it is considered that noise levels would be similar to the existing situation. Although the garden for the proposed dwelling would be slightly smaller than the neighbouring bungalow at No. 3, it would be unreasonable on balance to consider it inadequate, particularly as it would support a small 2-bed bungalow. The rear garden for No. 2 would be a similar size to No. 3 and would retain adequate private amenity space to the rear of the property, with the additional benefit of off-street parking being created. On balance, both the proposal and the existing property at No. 2 would retain adequate amenity space and privacy.
- 5.7 The proposal differs from the neighbouring bungalow in that it would be a dormer bungalow. The ground level is slightly higher for the bungalow at No. 2 (immediately to the south of the application site) with the land falling further to the dwellings to the north on Courtney Road. The slight difference in land levels, orientation of the proposed dwelling and windows as such are not considered to have a detrimental impact on neighbouring properties. Properties along Courtney Road are approximately 20+ metres away from the rear elevation of the proposed bungalow. The rear windows of the proposal would be sufficient distance from the dwellings to the north. Considering the above factors, the proposal is considered not to result in a significant loss of amenity to the adjacent occupiers.

5.8 Transportation

The proposal would incorporate off-street parking for 4 vehicles within the site. The proposal would therefore meet the Council's adopted Residential Parking Standards. An adequate turning area would be provided within the site so vehicles can access and egress in a forward gear. The proposed access is considered to be of sufficient width for vehicles to manoeuvre. The Transportation DC Officer considers the off-street parking layout and access arrangements to be acceptable.

5.9 The property at present has no off-street car parking facilities. Access to the proposal would be along the north boundary of the application site via a shared driveway, the same layout as No.3 and No. 3A. Off-street parking for both No. 2 and the proposed bungalow would be situated at the rear, with parking bays and a turning circle. The majority of local residents and visitors rely on the availability of on-street parking in the cul-de-sac, which does cause congestion and access issues due to excessive on-street parking. As above, the original dwelling at No. 2 does not historically have any off-street parking facilities. The benefit of the proposal would be the creation of off-street parking spaces for vehicles associated with No.2 and the proposed bungalow which may relieve some of the parking issues for residents of the cul de sac.

5.10 A similar planning application for a single dwelling in outline was refused in 1999 at the application site. The application proposed a vehicular access via the rear access lane. The application was refused as the access track was considered to be substandard by reason of its narrow width, poor surfacing, lack of footway and inadequate forward visibility. Additionally, it was considered that the proposal would inevitably lead to on street parking as access to the rear by the access lane would make parking off street very awkward. This application proposes access via the front of the site only and the access, turning and parking are all considered to be acceptable as explained above. Approving the proposal therefore would not be in conflict with the decision Ref. P99/4684.

5.11 Drainage

It is proposed that a sustainable drainage system will be used to deal with surface water and foul drainage will be to the existing main drainage system. The Council's Drainage Engineer has confirmed that there is no objection to the proposed drainage arrangements, subject to a condition requiring details of the layout showing surface water and sustainable drainage system. The proposal is therefore considered to be acceptable in foul drainage terms.

5.12 Other Matters

The Coal Authority have advised that coal mining legacy potentially poses a risk to the proposed development and further site investigation works should be carried out prior to the development in order to establish the exact situation on site. On this basis, a condition will be attached requiring the applicant to undertake further intrusive site investigation works.

5.13 Local residents have raised a number of concerns about the application site and the proposal, including the potential damage to the road and manholes, absence of a dropped kerb, presence of rats in the garden of No.2 and Japanese Knotweed, which are considered to have limited weight. In order to implement the access arrangements the applicant would require the appropriate consent from the Council for the installation of a dropped kerb. Whilst currently the garden may be overgrown and rats present currently, these issues will be resolved subject to the approval and implementation of the planning permission, bringing an improvement to the site. A concern has been raised about a potential boundary dispute; this is a civil matter that would have to be dealt with by the respective landowners.

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

7. RECOMMENDATION

7.1 That planning permission be **APPROVED**, subject to the conditions on the decision notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

2. The off-street parking facilities (for all vehicles, including cycles) shown on the plan (0159/14/03A) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

3. 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 Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan .

4. No development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

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

5. Prior to the commencement of development, intrusive site investigation works should be undertaken to establish the exact situation regarding coal mining legacy issues on the site and if there is a need for remedial works. Details should be submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason

To establish if remedial works to treat areas of shallow mine workings are required and to ensure the safety and stability of the proposed development to accord with Saved Policy EP7 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development details or samples of the roofing and external facing materials (brick and render) 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.

7. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north and south elevations of the property.

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 (Saved Policies).

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK14/1784/RVC	Applicant:	Mr M Francis
Site:	19 London Road Warmley South Gloucestershire BS30 5JB	Date Reg:	12th June 2014
Proposal:	Removal of condition 4 attached to planning permission PK11/0135/F to allow the live/work unit to be used as wholly residential accommodation.	Parish:	Siston Parish Council
Map Ref:	367343 173480	Ward:	Siston
Application Category:	Minor	Target Date:	4th August 2014



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N.T.S.

PK14/1784/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the circulated schedule due to the receipt of letters of objection from the Siston Parish Council and a local resident.

1. THE PROPOSAL

- 1.1 The applicant is seeking full planning permission to remove condition 4 attached to planning permission PK11/0135/F to allow the live/work unit to be used as wholly residential accommodation.

Planning permission PK11/0135/F was granted for the erection of extension to existing garage to facilitate conversion to 1 no. live work unit in February 2011 and Condition 4 states that *'The work areas as identified on the proposed floor plans, within the live-work unit hereby approved, shall be used for work purposes only and not as residential accommodation. Reason: To ensure that the proposal does not result in an entirely residential use, that would not be acceptable in this location, and to accord with Policies GB1, H3 and E6, of the Adopted South Gloucestershire Local Plan January 2006.'*

- 1.2 There are minor alterations to the external appearance of the building:

- i. The existing first floor door would be replaced with a domestic front door
- ii. The existing ground floor door would be replaced with a window.

In addition, there are a number of changes to the internal floor layout in order to provide a living / dining area, kitchen and landing area.

- 1.3 Planning permission PK13/1621/RVC was refused for the removal of condition 4 attached to planning permission PK11/0135/F to allow the work part of the live-work unit to be used as a residential annexe ancillary to the live part of the live-work unit for the following reasons:

- i. The proposal, in comparison with the authorised use, would be unsustainable due to the loss of the symbiotic relationship within the site between the residential and work elements, contrary to the provisions of the National Planning Policy Framework.
- ii. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against inappropriate development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of the National Planning Policy Framework and Policy GB1 of the adopted South Gloucestershire Local Plan.
- iii. The proposal would result in a dwelling and ancillary annex in the countryside that is contrary to Policy H3 of the adopted South Gloucestershire Local Plan.

The differences of the current proposal are:

- i. The proposal is to convert the existing office to residential accommodation to form part of the existing ground floor residential unit, rather as an annex.
- ii. Detailed floor layout drawings submitted with the current application
- iii. A marketing statement is submitted with this application to demonstrate that the property has been advertised for 9 months without any successful sale or let.

1.4 The application site is located outside of the settlement boundary of Warmley and is located within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 12 March 2012
National Planning Practice Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H3 Residential Development in the Countryside
H10 Conversions and Re-use of Rural Buildings for Residential Purposes
EP2 Flood Risk and Development
E6 Employment Development in the Countryside
T12 Transportation Development Control

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

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Environmental Resources and Built Heritage
CS16 Housing Density
CS34 Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire Council Development in the Green Belt SPD (Adopted) June 2007
Residential Parking Standards (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past, the most recent of which are listed below.

- | | | |
|-----|-------------|--|
| 3.1 | PK00/2882/O | Erection of 1no. dwelling (outline)
Refused November 2000 |
| 3.2 | PK02/2136/O | Erection of Dwelling (outline)
Refused August 2002 |

- | | | |
|-----|---------------|--|
| 3.3 | PK11/0135/F | Erection of extension to existing garage to facilitate conversion to 1no. live work unit. Approved February 2011 |
| 3.4 | PK11/3147/F | Erection of extension to existing garage to facilitate conversion to 1 no. live work unit. (Amendment to previously approved scheme PK11/0135/F). Retrospective. Withdrawn October 2011 |
| 3.5 | PK11/3574/F | Erection of extension to existing garage and change of use of agricultural land to facilitate conversion to 1no. live work unit. (Amendment to previously approved scheme PK11/0135/F). (Retrospective). Approved October 2012. |
| 3.6 | PK13/1621/RVC | Removal of condition 4 attached to planning permission PK11/0135/F to allow the work part of the live-work unit to be used as a residential annexe ancillary to the live part of the live-work unit.

Refused 1 August 2013 for the reasons as indicated as above. |

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
Object to the proposal, there are no exceptional reasons for permitting such a wholly residential unit in this sensitive green belt location.
- 4.2 Sustainable Transport
The site is reasonably well located in terms of walking, cycling and use of public transport to gain access to local facilities including shops, employment and education. Therefore there is no highway / transport objections subject a planning condition is imposed to ensure a minimum of two car parking spaces with turning facilities are to be retained on site for as long as the permitted use exists.
- 4.3 Highway Drainage
No comments.
- 4.4 Environment Agency
No comments.
- 4.5 Landscape Officer
No objection

Other Representations

- 4.6 Local Residents

This property has primarily been used purely as storage up until the point a couple of years ago when planning permission was granted for a work to live unit. Upon completion, the property was promptly let with the downstairs and upstairs separated, in effect ignoring the granted planning permission as a "Work to Live" unit. An enforcement investigation was carried out circa October 2013, reference no: COM/13/0890/OD.

The unit was advertised "To Let" recently with Connell's Estate Agents in Kingswood Bristol, as one complete property, a further breach of the planning and I believe enforcement action previously taken.

The objection is placed as there is no need for additional tenancy to the property. When both floors were rented out previously, there was increased noise to the area, plus vehicles placed to the front of the property on a daily basis advertised for sale by the then tenants. The planning already granted, has been constantly breached and with the removal of condition 4 attached to the current permission PK/14/1784/RVC, a relatively unspoilt area of Warmley will be affected accordingly.

It is then highly likely that the current landlord will pile application after application into South Glos Council, for planning permission to build into the Greenbelt land adjacent to this property, where he has already installed services with this in mind.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

This application seeks planning permission for the removal of Condition 4 in order to allow the property to be wholly used as a residential accommodation. The site is located within the open countryside and within the Bristol/Bath Green Belt.

To address previous refusal reason 1:

Paragraph 55 of the National Planning Policy Framework states 'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local Planning Authority should avoid new isolated homes in the countryside unless there are special circumstances.

Whilst the site is situated outside the urban areas and the settlement boundaries, the building is situated within a group of existing residential properties. Also, the building is situated within a walking distance from local facilities, school, and bus stop:

- a. Just over 400 metres from High Street Warmley
- b. Approximately 220 metres from Bristol / Bath Cycle Track
- c. Close proximity to local facilities such as public houses, shops, and
- d. Within 300 metres from bus stops

As such it is considered that the dwelling is situated within a sustainable location and therefore the proposal would address the previous refusal reason 1.

To address previous refusal reason 3:

Policy H3 of the South Gloucestershire Local Plan advises that proposals for new residential development beyond the existing urban areas and settlement boundaries will not be permitted with the exception of, affordable housing on rural exception sites; or housing for agricultural or forestry workers; or replacement dwellings.

The proposal is to convert an existing first floor office to form part of existing residential unit. There is no specific planning policy for the conversion of an office use to a residential use within the open countryside. Whilst the proposal does not fall within any of above listed categories, it should be noted that the former garage was used in conjunction with the adjacent residential dwelling, Springfield Farm. In addition, the ground floor of the existing building has been authorised and converted to a residential use. The proposal would not create additional residential unit, in fact, the proposal is to utilise the first floor office use to extend the residential accommodation within the building, as such, the proposal is not to create a new residential unit on site, therefore Policy H3 would not be given significant weigh to consider the proposal.

Furthermore, a new permitted development has recently been introduced for a conversion of office use to residential use. Therefore officers need to take it into consideration that the applicant could convert the existing office to residential accommodation under the new permitted development regime.

Policies H4 and H10 gives guidance on the issues of residential amenity, highway safety or the character of the surrounding area. Policy T12 of the South Gloucestershire Local Plan all seek to control development which may affect highway safety and ensure satisfactory parking provisions.

National Planning Policy Guidance March 2012 gives clear guidance on Green Belt issues, which are discussed as follows:

5.2 Green Belt (To address previous refusal reason 2)

National Planning Policy Framework Policy allows for the extension or alterations of a building provided that it does not result in disproportionate additions and over and above the size of the original building and also allow the reuse of building provided that the buildings are of permanent and substantial construction.

The proposal submitted detailed drawings showing the floor layout of the building and it would not extend the footprint and the scale of the property. Whilst officers acknowledge there would be some domestic paraphernalia in the garden area, it is considered that the potential impact would not be significant to cause significant harm to the openness of the Green Belt given that the potential amenity space would be relatively small in size and the existing ground floor unit is already used as residential accommodation. Additionally, a planning condition can be imposed to remove the permitted development rights

to restrict further extensions or outbuildings within the site. As such, it is considered that the proposal would accord with the National Planning Policy Framework.

5.3 Landscape Issues

The existing access and driveway remain unchanged. The building is set back from the road, to the rear of the site and there are only glimpsed views from the London Road. The proposed alterations would not have any adverse impact upon the landscape character of the locality. It is therefore considered there are no objections in terms of impact upon the landscape character or visual amenity with regard to Policy CS1 of the adopted Core Strategy and Policy L1 of the adopted Local Plan.

5.4 Design / Visual Amenity

The northern side of London Road marks the settlement boundary and the boundary of the Green Belt and is characterised by sporadic development between which there are spaces affording views into the open countryside beyond. The proposed alterations would reflect the local character and as such the proposal is considered to integrate well with the existing building.

The application property is set back from the main road, as such it is not considered that the proposed alternations would be highly visible. It is therefore considered that the proposal would not be harmful to the character and appearance of the street scene.

5.5 Residential Amenity

No new windows and doors are proposed, the ground floor front door would be replaced with a window and the first floor office front door would be replaced with a domestic style door. Given that there is a reasonable distance between Springfield Farm and the property, it is considered that there are no issues of inter-visibility or loss of privacy.

The proposed conversion would provide a 3-bedroom residential unit. Whilst there would not any rear garden, a private amenity space can be designated and provided at the front of the property. Officers acknowledged that the amount of private space would be small in size, given that the proximity of open countryside and leisure facilities within the locality, it is considered that the small amenity space for this particular dwelling would be acceptable. To safeguard the provision of amenity space, a planning condition is imposed to seek details of the amenity space to be submitted prior to the residential use of the first floor level.

In addition, the office use could be converted into residential accommodation under the permitted development rights without any requirement of private amenity spaces. In this instance, it is considered that the residential amenity is subsequently deemed acceptable.

5.6 Parking and Highway Safety

The site is reasonably well located in terms of walking, cycling and use of public transport to gain access to local facilities including shops, employment and education. Therefore there is no highway / transport objections subject a

planning condition is imposed to ensure a minimum of two car parking spaces with turning facilities are to be retained on site for as long as the permitted use exists.

5.7 Flooding and Environmental Protection

The flooding issues have been fully addressed with the previous approved planning application.

The Environment Agency confirmed that red line boundary of the proposal falls most of the built development, falling within flood zone 1 (low flood risk). The Environment Agency raised no objection provided conditions were imposed to ensure that full details of the floor levels to be submitted.

The previous approved proposal has been implemented and the applicant has previously confirmed that the floor level has not been lowered and has stated that the flood resilience measures include blockwork walls and all services are fed from the first floor down and installed 450mm above finished floor level. It is therefore not necessary to impose the same conditions for the current proposal.

Furthermore, there are no objections from the Council Environmental Protection Officer

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: Core Strategy (Adopted December 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 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, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

To protect the amenity of the locality and to protect the openness of the Bristol / Bath Green Belt, and to accord with National Planning Policy Framework March 2012 and Policies CS1 and CS5 of the South Gloucestershire Local Plan (Adopted December 2013).

3. Prior to the commencement of the development, details of the private amenity space including the details of boundary treatment 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 prior to the first residential occupation of the first floor level of the building.

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

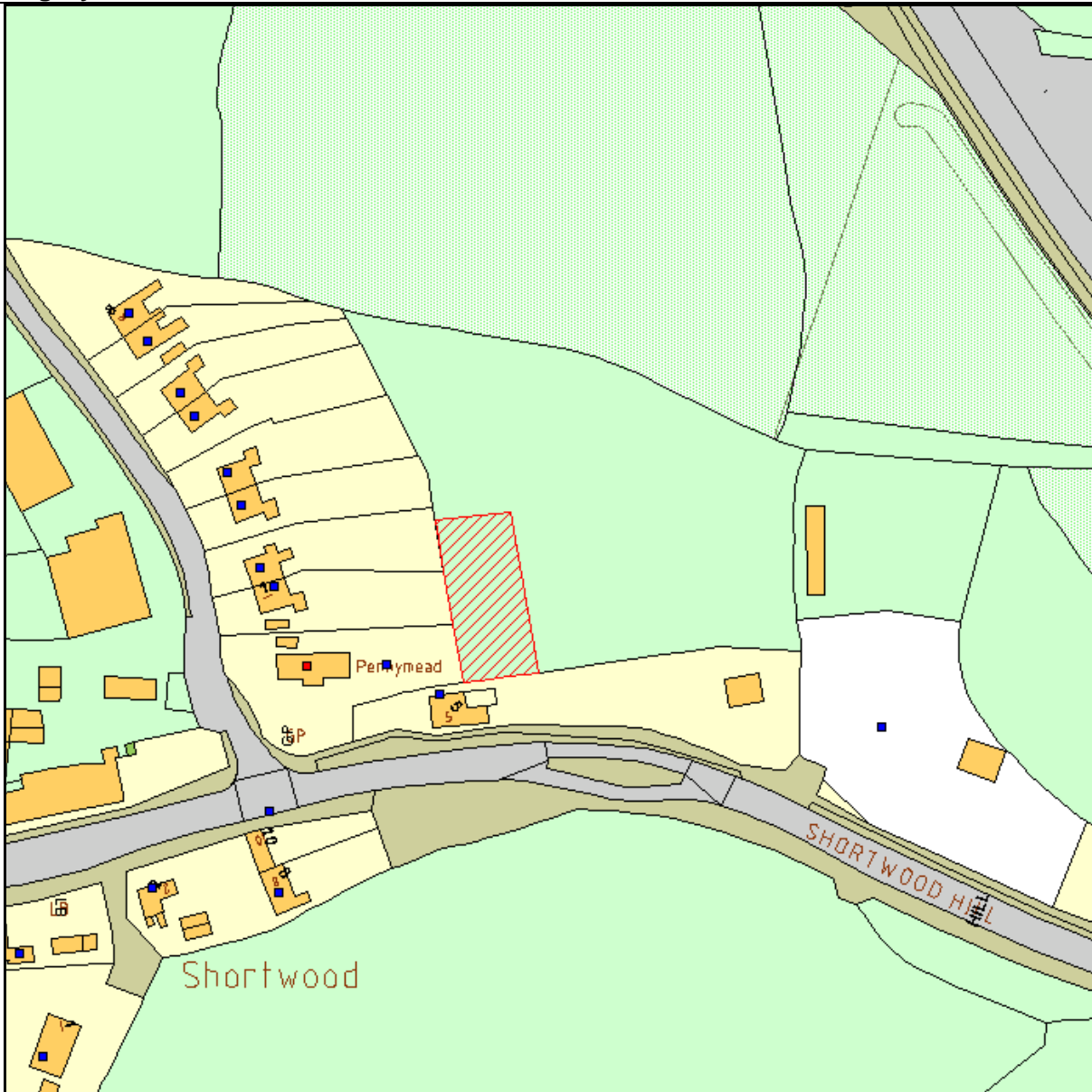
4. A minimum of two car parking spaces with turning facilities shall be provided on site and shall be retained as such thereafter.

Reason

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

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK14/2396/F	Applicant:	Mr Mark Drew
Site:	Pennymead Cattybrook Road Mangotsfield Bristol South Gloucestershire BS16 9NJ	Date Reg:	16th July 2014
Proposal:	Erection of stable block and associated hardstanding. (Amendment to previously approved scheme PK11/2313/F) (Retrospective).	Parish:	Pucklechurch Parish Council
Map Ref:	367767 176097	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	2nd September 2014



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PK14/2396/F

REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule due to the receipt of an objection from the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks full retrospective planning permission for the erection of a stable block. The authorised use of the land is already equestrian - as approved through application PK11/2313/F. This previous consent also granted approval for the erection of a stable block. Unfortunately the stable as erected is significantly differed to that shown on the approved drawings hence the need for this retrospective application. The location lies within the Bristol/Bath Green Belt, in open countryside. The location is rural in character.
- 1.2 During the course of the application your officer made contact with the agent to advise that as submitted, the scheme would not be supported. Following a site meeting, an amended plan was received showing a stable of reduced size and simplified design. A formal round of reconsultation was carried out on the amended plans received.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) (Saved Policies)

T12 Transportation

L1 Landscape Protection and Enhancement

E10 Horse related development

LC5 Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary

LC12 Recreational Routes

South Gloucestershire Core Strategy (Adopted)

CS1 High Quality Design

CS5 Location of Development

CS34 Rural Areas

- 2.3 Supplementary Planning Guidance
Development in the Green Belt (SPD) – Adopted June 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1959/F Erection of 1 no detached dwelling with associated works
(Retrospective). Pending determination
- 3.2 PK14/0638/F Demolition of existing bungalow and erection of 1No.

detached dwelling with associated works. Amendment to previously Approved scheme PK11/1342/F.
Withdrawn 15.04.14

- 3.3 PK12/1286/F Demolition of existing bungalow to facilitate the erection of 1no. detached dwelling with associated works.
Refused 29.05.12
- 3.4 PK11/2313/F Change of use of land from agricultural to land for the keeping of horses. Erection of stable and tack room.
Approved 30.09.11
- 3.5 PK11/1342/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.
(Resubmission of PK10/2374/F).
Approved 17.06.11
- 3.6 PK10/2374/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.
(Resubmission of PK10/0959/F).
Approved 26.10.10
- 3.7 PK10/0959/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.
(Resubmission of PK09/5942/F).
Withdrawn 26.06.10
- 3.8 PK09/5942/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.
Withdrawn 18.01.10

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

The Parish Council objected to the scheme as initially proposed for the reasons raised by the Case officer in the letter 25th July 2014.

The Parish Council were unable to comment on the amended scheme.

4.2 Other Consultees

Drainage Engineer
No Objection

Highway Officer
No Objection

Highway Structures
No Objection

Other Representations

- 4.3 Local Residents
None Received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site lies outside of the defined settlement boundary and within the Green Belt. The use of the land is already equestrian (as approved under application PK11/2313/F) so this application does not seek to gain approval for the change of use of land. It is only the stable block that requires the benefit of retrospective planning permission. Since the approval of the 2011 application, policy has changes considerably in that the NPPF has been introduced and the South Gloucestershire Core Strategy has been Adopted.

- 5.2 The NPPF at paragraph 89, allows for the provision of appropriate facilities for outdoor sport and recreation providing it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Policy CS1 of the South Gloucestershire Core Strategy promoted High Quality Design. Being mindful of the stable that was approved in 2011 (which is a material consideration), it is necessary to establish whether the stable is an appropriate facility for outdoor recreation and whether it impacts on the openness of the Green Belt.

5.3 Comparison between 2011 consent and stable as erected/Design

As approved under application PK11/2313/F, the stable was a very simple block, with gabled ends and a slight overhang to only the front elevation. The approved stable building included 2 stalls and a tack room with a covered walkway along the front. The building measured 10.6m x 5m with eaves set at 2.1m and the ridge of a low-pitched roof at a maximum height of 2.9 m.

- 5.4 The stable as actually erected is substantially different – in addition to the two stalls and the tack room, a large equipment/hay store has also been erected. The building has been erected of block work rather than timber and has several windows. There is a clock tower on top of the building and it has a ridged roof with hipped ends. There is also an increased overhand that wraps around the southern end of the building.

- 5.5 Because of the substantial increase in the size of the building and its design, the stable as erected is considered to be contrary to the requirements of the NPPF in that it is not appropriate and would impact on the openness of the Green Belt. After conveying these concerns to the applicant, amended plans were received to show a stable of simpler design and being smaller in scale.

- 5.6 The stable now for consideration includes two stalls, a tack room and an equipment/hay store. A small WC facility is provided within the tack room. The clock tower is shown to be removed; the overhang to the southern elevation is shown to be removed; the domestic windows and internal blockwork will be removed/reduced and the southern hip changed to a gable. Cumulatively, on balance, your officer considers that the proposed changes are acceptable to

make the stable block acceptable – both in terms of its design and its impact on the openness of the Green Belt. The stable is now an appropriate facility to serve two horses. As this is a retrospective application, a condition will be attached to ensure that the works are carried out in a suitable timeframe. An informative will also be attached to remind the applicant that the case officer will make un-announced visits to ensure that work is underway on the proposed changes.

5.7 Other Issues

All other issues were deemed acceptable through the approval of PK11/2313/F. All conditions relating to the change of use of land as authorised through this previous consent will still apply to the land. Given that the number of stalls is not to increase, there will be no materially greater impact on the highway network, drainage, or potential land degradation than considered previously.

6. CONCLUSION

6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The following is a summary of the reasons for recommending approval :

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions on the decision notice.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. Within six months of the date of this decision notice, the stable must be altered so that it accords exactly with drawing 2131/202revC received by the Council on 18th August 2014 in all respects. This includes all internal and external alterations as shown and annotated on said plan. The stable must be maintained as such at all time thereafter.

Reason

This is a retrospective application and the stable as currently erected is inappropriate development that is contrary to the requirements of the NPPF. The changes as shown on this drawing are necessary to make the stable acceptable development in the Green Belt and in compliance with the requirements of the NPPF and Policy CS1 of the South Gloucestershire Local Plan (Adopted). Being mindful of the fact that the

applicant is also currently constructing a dwelling on the site, a six month period is considered sufficient time to carry out the quite significant alterations.

2. At no time shall the stable hereby permitted be used for livery, riding school or other business purposes whatsoever.

Reason

In accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) as use of the stable for these purposes would require further consideration of potential traffic generation.

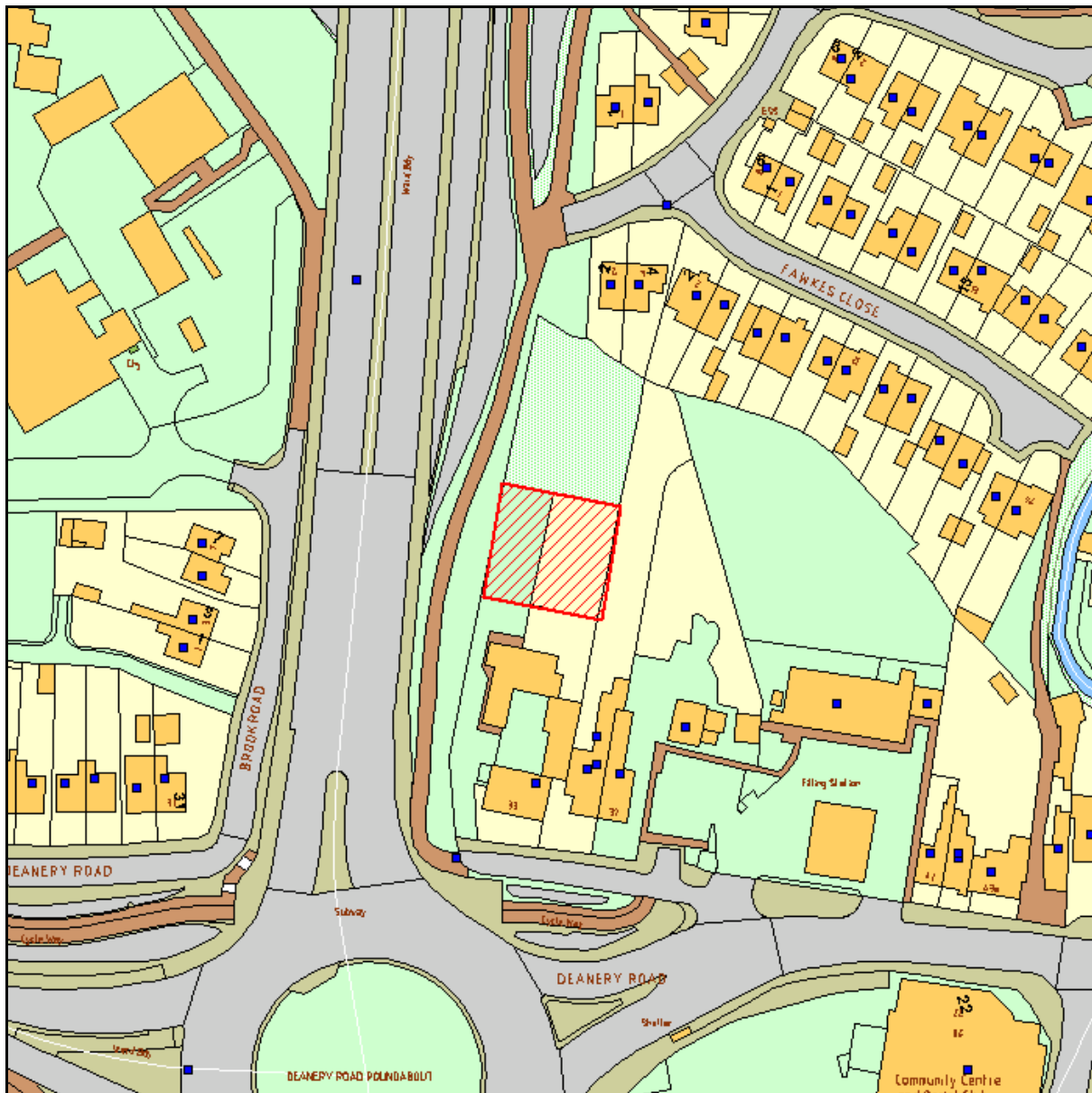
3. Other than the building hereby approved, at no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses or livestock.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with the requirements of the NPPF.

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK14/2752/F	Applicant:	Litfield Land Ltd
Site:	33 Deanery Road Kingswood South Gloucestershire BS15 9JB	Date Reg:	2nd September 2014
Proposal:	Erection of two storey building to provide 7no. care apartments (C2 use class)	Parish:	None
Map Ref:	366625 173603	Ward:	Kings Chase
Application Category:	Minor	Target Date:	17th October 2014



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PK14/2752/F

1. THE PROPOSAL

- 1.1 The application relates to a vacant plot of land located to the rear of Lansdowne House, which lies in Warmley, adjacent to the A4174 Bristol Ring Road with access from Deanery Road.
- 1.2 The site is immediately surrounded by green areas. To the north is an overgrown area which was previously part of the garden of Lansdowne House, with rear gardens to adjacent properties to the east and a buffer zone to the ring road to the west. Further north lie the residential properties within Firework Close.
- 1.3 Lansdowne House is a Grade II Listed Building which was converted to a Nursing Home in 1995. This required the demolition of outbuildings and the construction of a large single-storey extension. The construction of the ring road was carried out between 1986 and 1994. This required the re-alignment of the boundary to Lansdowne House and the stopping up of Deanery Road at the property. Lansdowne House was originally a farm house with a large amount of land; the Nursing Home does not require such a large external area so the land to the rear is not in their lease and is vacant.
- 1.4 It is proposed to erect seven, one bedroom care apartments over two storeys in a detached, single building at the rear of Lansdowne House. The proposal also shows two communal lounges and a carers bedroom and bathroom. Vehicular access would be from the end of Deanery Road and to the western side of Lansdowne House. Five parking spaces and room for the turning of an ambulance are also proposed.
- 1.5 The proposal is to be finished in painted render with a pantile roof and have painted timber fenestration and eaves detailing.
- 1.6 An additional notification was sent out to 37 Deanery Road as part of the consultation procedure and this expires during the course of this report being circulated. Should any new issue be raised then the report will be re-circulated, taking the comments into account.
- 1.7 Amended plans altering the form and spacing of the proposed front elevational windows was received on 6 October and this is not considered to require further notification.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990
Planning Practice Guidance March 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013

CS1 - Design
CS5 - Location of Development
CS9 - Managing the Environment and Heritage
CS15 - Distribution of Housing
CS16 - Housing Density
CS17 - Housing Diversity
CS20 - Extra Care Housing

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
L1 Landscape Protection and Enhancement
L5 Open areas
L13 Listed Buildings
EP2 Flood Risk and Development
EP4 Noise Sensitive Development
EP6 Contaminated Land
T7 Cycle Parking Provision
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
LC3 - Proposals for Sports and Leisure Facilities Within the Existing Urban Areas
LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.
LC12 - Recreational Routes

Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23rd August 2007
South Gloucestershire Council Residential Parking Standards (Adopted) 2013.
Trees on Development Sites SPD Adopted Nov. 2005
Affordable Housing SPD 2014

3. RELEVANT PLANNING HISTORY

- 3.1 K7937 - Change of use from residential (C3) to Nursing Home (C2) and erection of single-storey rear extension.
Approved 14 July 1995
- 3.2 P86/4157 - Demolition and setting back of boundary wall for the construction of the Avon Ring Road Stage II.
No objection 14 April 1986
- 3.3 P94/4049 - Demolition of part of existing stone garden wall and construction of new boundary wall.
No objection 18 March 1994
- 3.4 P95/4249 - Works to elevations, doors and windows, and internal alterations.
Demolition of single-storey outbuilding to rear of dwelling.
Listed Building Consent 14 July 1995

- 3.5 PK13/4742/F Erection of 2no. dwellings with associated works Approved 14.05.2014 [this uses the same site as the proposal and as such only this or the current scheme would take place]

4. **CONSULTATION RESPONSES**

4.1 Siston Parish Council

Siston Parish Council object for the following reasons:

- the proposed planning application appears to be a clear case of overdevelopment of this listed, sensitive building site.
- access for residents, staff, visitors and services via a very busy garage forecourt is viewed as potentially dangerous.

4.2 Other Consultees (including internal consultees of the Council)

Highway structures

No comment

Environmental Protection

No objection subject to conditions to secure an Acoustic Report and mitigation measures if required and a condition to secure a Contaminated Land search and mitigation measures if required.

Sustainable Transport

No objection.

Highway Drainage

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

Conservation Officer

Although the principle of development of this site has been accepted by the council, this scheme differs in the fact that it is a larger, single building as opposed to two detached dwellings. Consequently, the perceived scale, massing and bulk of the building will change and this will impact on the general character of the site and on the setting of the listed building. The building is proposed as an L-shaped structure, with its longest wing running north-south, thus presenting more of the building to views that include the listed building. Introducing a break or step into this elevation might help reduce the perceived bulk and massing of the building and could assist in improving the fenestration pattern and rhythm of the elevation. The orientation of the building could also be improved – at present, most rooms including the communal living rooms and the garden are on the east side and corridors on the west so they may have some morning sun but will be mostly in shade for the remainder of the day. If the building was reoriented such that the longest wing ran east-west and a shorter wing projected south, then it may be possible to increase the separation from the listed building, improve living conditions and create an attractive garden space. If consent is proposed then, conditions applied to the previous permission should be carried forward.

Other Representations

- 4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

On 27th March 2012 the National Planning Policy Framework (NPPF) was published. The policies in this Framework are to be applied from this date with due weight being given to policies in the South Gloucestershire Local Plan 2006 (SGLP) subject to their degree of consistency with this Framework. It is considered that the Local Plan policies as stated below are broadly in compliance with the NPPF. It is noted that the NPPF puts considerable emphasis on delivering sustainable development and not acting as an impediment to sustainable growth, whilst also seeking to ensure a high quality of design and good standard of amenity for all existing and future occupants of land and buildings. The NPPF encourages efficient use of land and paragraph 47 requires the need to *'boost significantly the supply of housing'*. However paras. 48 and 53 resist development in residential gardens that would cause harm to the local area.

The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and the policies therein are part of the development plan. Policy CS20 and the Affordable Housing and Extra Care SPD recognise the need for and seek to assist in meeting the genuine need for extra care housing. This application provides seven sheltered C2 (residential institution) flats with a staff bedroom facility and is considered to be a public benefit due to the service it would provide for its residents. Policy CS17 advised that housing developments need to contribute to the provision of homes that are suitable for the needs of older people, people with disabilities and those with special needs in a way which integrates these people with the wider community.

Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The site lies within the Urban Area and being formerly residential curtilage, there is no in-principle objection to the development of the site for residential use.

- 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 previous application PK13/4742/F had the same red lined site area and allows two detached houses to be erected on the land. As such the principle of using the land for development is already established. Having regard to the site constraints, in particular the neighbours and close proximity to the listed building, and character of the locality, officers consider that the proposed building is sufficiently large, so as to provide efficient use of the site.

5.4 Scale, Design and Conservation Issues

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. Furthermore, Local Plan Policy H4 criterion A requires new development to respect the massing, scale, proportions, materials and overall design Lansdowne and character of the street scene and surrounding area. Policy L13 requires development to preserve the setting of Listed Buildings.

5.5 The application site lies to the rear of the Grade II listed Lansdowne House in an area that historically served as its garden and orchard prior to the construction of the A4174 in the late 1990s which cut the site virtually in half. The main listed building, a 19th century detached 2 storey dwelling with rendered walls, slate roof and coped verges now occupies a location overlooking a large roundabout, with the ring road approximately 15m from its western gable. The building has been previously extended and altered during its use as a care/nursing home and internally, the building has been heavily altered under previous consents. The principal front rooms of the ground floor remain essentially unaltered in proportion and some architectural features survive. To the rear are single storey additions, some modern, others being old outbuildings, that have also been heavily altered to provide additional rooms; these are however considered to be curtilage listed. They form a u-shaped courtyard to the rear of the listed building and are separated from the access drive by metal railings.

5.6 To the rear of these outbuildings lies the application site which has already gained planning permission for two detached houses. At present, the area is divided into a parking area and a grassed area, only a small proportion of which is currently defined as a garden area. The area is essentially an open space divided by a fence to the rear of the listed building which provides a sense of its former, open setting, one that has been significantly undermined by the encroachment of the ring road. From the wider area, the single-storey outbuildings are seen as low, ancillary additions to the rear of the listed building. The main block remains the dominant feature, occupying a prominent position in the streetscene that, when combined with the architectural ornamentation and extensive gardens, would have created a statement of the owner's wealth and social status – it is more than a simple farmhouse. Aside

from the single-storey outbuildings, the land to the rear remains undeveloped and is perceived from within and from outside the site as part of the original gardens of the listed building. The contribution this land makes to the listed building is the fact that it remains undeveloped and thus preserves the last vestiges of the open gardens and orchards that up until the early 1990s still surrounded the listed building. However planning permission was granted in May 2014 for two houses of similar height to the current proposal which has set a precedent for development at the site, within reason.

- 5.7 The proposal to erect care apartments follows a similar footprint and form to the consented houses but the mass is not separated in-between and the proposal is located around a metre closer to the northern boundary than the rear of the houses. The most southerly projecting elevation (towards the ring road) is located at the furthest end of the land from Lansdowne House and the rest of the building is located further away from the ring road and consequently is located more discretely away from the access to the nursing home. Overall whilst the proposal is now one single mass of built form in the old garden of Lansdowne House its form would have less impact on the remaining care home than the pair of detached houses approved in May 2014, whilst providing a public benefit in that the proposal offers a service to people learning to live alone. As such the harm to the listed building caused by developing in its garden is balanced against the consented development and the public benefit derived. Consequently, the proposed care apartments are acceptable in principle subject to a materials condition.

5.9 Transportation Issues

The proposal must be considered in terms of its access and parking arrangements in relation to highway safety in accordance with Policies T7, T8 and T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The recent planning history of the site is a material consideration when deciding on the current planning application/proposal. The Residential Parking Standards SPD only deals with C3 and C4 dwellings and as such is not relevant to this application.

In May 2014 and as part of planning application no. PK13/4742/F, the Council granted consent for construction of two residential dwellings on the same site. In view of the planning history of the site there can be no highway objection to the principle of development on this site. The current application seeks permission for construction of a building to facilitate independent living spaces specifically for patients who have been in full time care for a long period. If allowed, the new building and its use would supersede the previous consent for two houses on the same site.

The main highway issue relating to this proposal is parking. There are 5 parking spaces specifically for the proposed apartments, one of which is for wheelchair access. The existing care-home has also 6 parking spaces. The maximum parking standards for a residential care-home as outlined in policy T8 of the South Gloucestershire Local Plan is 1 space per 6 bed spaces and 1 space per 2 members of staff. It is understood that the existing care-home has 10 bed-spaces and 4 staff on at one time- requiring 4 parking spaces. The proposed apartments have 7 bed spaces and 1 member of staff,

therefore would require 3 spaces. Parking provision as suggested exceeds the standards but given that the site currently has a large overprovision of spaces the modest overprovision of two spaces is considered acceptable. The plan submitted with the application also shows a turning area in front of the new building suitable for an ambulance.

5.10 Landscape Issues

Officers must have regard to the impact of the proposal on open space, and the impact on the landscape in general in accordance with Policies L5 and L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013. Policy L1 requires those attributes and features of the landscape which make a significant contribution to the character of the landscape or distinctiveness of the locality, to be conserved and enhanced.

5.11 The application site forms part of the former garden of Lansdowne House. Due to the presence of the existing buildings to the south, the high wall to the west and belts of high vegetation to the south and east (all of which would be retained), the plot is not generally visible from the public domain and as such makes only a minor contribution to the character, amenity and distinctiveness of the wider locality. The principle contribution that the open space makes is to the setting of the Listed Building and this has been discussed above. On balance therefore the scheme is considered to be acceptable in landscape terms.

5.12 Impact on Residential Amenity

The site lies within the urban area and is residential in character. Officers must consider whether the proposal would, in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, have any adverse impact on residential amenity in terms of, overbearing impact or loss of privacy from overlooking or inter-visibility between habitable room windows; and whether adequate amenity space would be provided to serve the care flats proposed.

5.13 In terms of residential amenity space provision; the plot is surplus to the requirements of the Care Home and an area of some 161m² of communal garden is adequate amenity space to serve the use. Communal facilities are considered acceptable for the C2 care apartments and whilst it is noted that the orientation of the garden is such that little direct sunlight will be enjoyed in the rear garden, the agent supports its location due to the seclusion it will have from the road noise of the ring road. Furthermore the site lies in a sustainable location, close to the centres of Warmley and Kingswood.

5.14 The site is well enclosed by trees in neighbouring extensive gardens and given the siting and orientation of the proposed units in relation to the nearest residential properties, would not have any significant overbearing impact or significant loss of privacy. There would be no windows in the proposed side elevation closest to the existing care home.

5.15 With regard to the living conditions of the care apartments' inhabitants the Environmental Health Officer raised no concern about air quality at the site but

has recommended a condition to secure the prior submission and approval of an acoustic report detailing how noise from the Ring Road would affect the proposed development and what mitigation controls would be implemented to prevent any detriment to the residential amenity of future occupiers. It is felt that remedial measures would be possible for the development if shown to be required by the assessment.

5.16 Ecological Issues

The ecological implications of the scheme must be considered in relation to Policy L9 of the South Gloucestershire Local Plan (Adopted) 2006. The site is merely garden land within the urban area containing no significant habitat other than that which lies within the vegetated boundaries. Given that it is intended to retain this vegetation there are no objections on ecological grounds.

5.17 Environmental Issues

Matters of noise, unstable land, contamination and disturbance must be considered in relation to the NPPF and Policies EP4 and EP6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5.17 The site lies adjacent to the Avon Ring Road which is a source of noise. This has been considered in paragraph 5.15 above. Furthermore there is some anecdotal evidence that the site may be contaminated and that old shallow mine workings lie beneath it.

5.18 The Coal Authority have confirmed that the site lies in a low risk area for danger from coal workings and as such it is appropriate to add the Coal Authorities Standing Advice to the Decision notice.

5.19 As regards possible contamination, the Council has no record of the site being contaminated but the EHO considers it justified to impose a further condition to secure site investigations and mitigation measures should any contamination be found. Whilst there may be some disturbance during the construction phase, this would be on a short term basis only and the hours of working on site can be controlled by a condition.

5.20 Subject to the aforementioned conditions, there are no objections on Environmental Health grounds.

5.21 Drainage Issues

Officers must consider whether or not the site is subject to an unacceptable level of flooding and whether an appropriate drainage scheme has been secured in accordance with the NPPF. The drainage team advise that SUDS condition is necessary and as such a condition is recommended.

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 and informatives set out below.

Informatives:

Plans

Constructions sites

Coal Authority

Land not within Ownership

Land Ownership consent required

Building Regulation consent required

No mud on road

Residential Curtilage

5 Square metres of paving

No mine shaft or Adit must be filled

Contact Officer: Karen Hayes
Tel. No. 01454 863472

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 development shall commence until surface water drainage details including SUDS (Sustainable Drainage Systems e.g. soakaways if ground conditions are satisfactory), for flood prevention; pollution control and environmental protection have been submitted and approved by the Local Planning Authority.
Development shall then be carried out in accordance with the approved details.

Reason: To comply with Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and National Planning Policy Framework 2012.

3. The access, car parking and manoeuvring areas shall be implemented in full accordance with the approved details shown on the Proposed Site Plan Drawing No. LHC P02, prior to the first occupation of the building and retained for that purpose.

Reason

In the interest of highway safety and the amenity of the area, and to accord with Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. No development shall commence until representative samples or details of all external facing materials and roof tiles have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved samples.

Reason 1

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.

Reason 2

To preserve the setting of the nearby Listed Building in accordance with Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and policy CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS9 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013

6. A) Previous historic uses(s) of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local

Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.

C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

Note: An appropriate investigation is likely to include the following:

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.
- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

Having regard to possible contamination of the land and in the interests of future occupiers in accordance with Policy EP6 and H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. 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 Policies H4 and L1 of The South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of the development hereby approved, a scheme for protecting the proposed development from noise from the Avon Ring Road shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the scheme so approved.

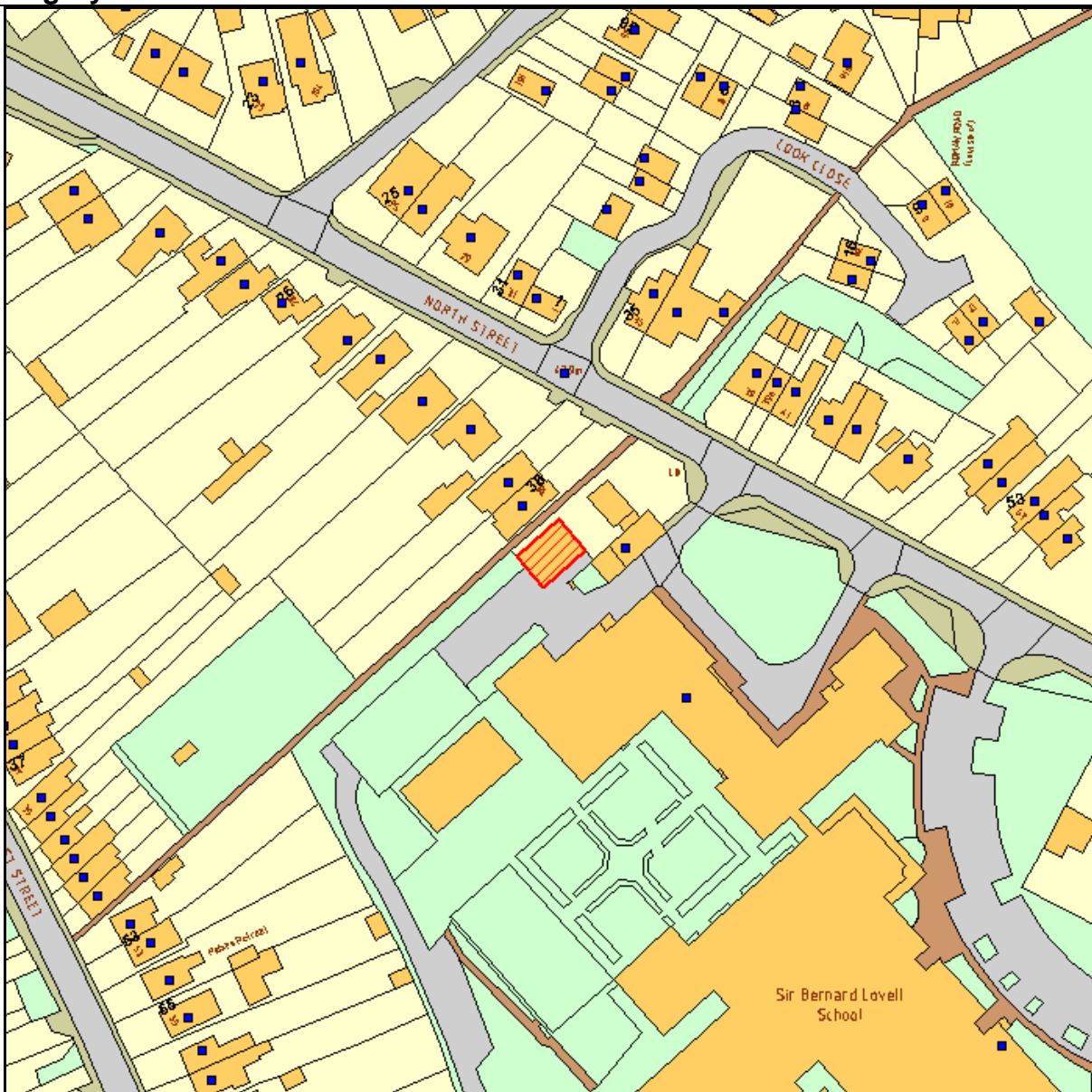
Reason

To minimise disturbance to future occupiers of the dwellings hereby approved in accordance with Policies H4, and EP4 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and the provisions of the NPPF.

ITEM 6

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK14/3142/R3F	Applicant:	Sir Bernard Lovell School
Site:	Sir Bernard Lovell School North Street Oldland Common Bristol South Gloucestershire BS30 8TS	Date Reg:	8th September 2014
Proposal:	Renewal of consent for siting of temporary classroom building (Class D1) for a further five years.	Parish:	Bitton Parish Council
Map Ref:	367334 171703	Ward:	Oldland Common
Application Category:	Minor	Target Date:	23rd October 2014



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100023410, 2008. N.T.S. PK14/3142/R3F

REASON FOR REFERRING TO CIRCULATED SCHEDULE

This application has been submitted by Sir Bernard Lovell School. The application site is owned by South Gloucestershire Council and as such the application is a Regulation 3 submission, which under the Council's current scheme of delegation, must appear on the Circulated Schedule.

1. THE PROPOSAL

- 1.1 Sir Bernard Lovell School is situated on the south-western side of North Street, Oldland Common. The location is residential in character and the site is bounded to the south-west by the rear gardens of properties on West Street. To the south the site is bounded by the railway cutting which includes the Bristol to Bath Cycle Way; North Street lies to the front of the school campus, whilst to the north-west a narrow public footpath separates the site from the nearest residential properties on North Street.
- 1.2 An additional, temporary 5-year consent is sought for the siting of a single-storey building, located adjacent to the north-western boundary of the site and to the rear of the former school house, which now houses the school administration offices (see PK03/3254/R3F). The building has the appearance of a portakabin with a footprint measuring 12m x 8.4m; a low pitched roof with an apex at 3.5m and eaves at 2.5m. The building has a floor space of only 108sq.m. A temporary 5-year consent PK09/5317/R3F was previously granted in Nov. 2009 which will shortly expire.
- 1.3 The building has to date been used to house administration staff serving the Kingswood Partnership of Schools but is now proposed to be used as a 'specialist support teaching area'.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) 27 March 2012
The National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

T8 - Parking Standards

T12 - Transportation Development Control Policy for New Development

LC4 - Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundary.

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

CS1 - High Quality Design

CS4A - Presumption in Favour of Sustainable Development

CS23 - Community Infrastructure & Cultural Activity

2.3 Supplementary Planning Documents
The South Gloucestershire Design Check List SPD (Adopted) 23 Aug 2007.

2.4 Emerging Plan

Policies Sites & Places Development Plan Document (Draft) June 2014

PSP1 - Local Distinctiveness

PSP10 - Development Related Transport Impact Management

PSP16 - Parking Standards

This plan is currently only in draft form, so the policies therein can only be given very little weight.

3. RELEVANT PLANNING HISTORY

3.1 P74/4298 Erection of two terrapin classrooms in accordance with revised plans received on 9th August 1974 (Previous ID: K245)
Approved 11th Sept 1974

3.2 P77/4345 Erection of single storey workshop block, floor space approx 2,120 sq.ft. (Previous ID: K245/1)
Approved 19th Sept 1977

3.3 P98/4390 Erection of extension to provide new facilities for Design Technology.
Approved 28th Aug 1998

3.4 PK00/0823/F Erection of extension to provide a new arts centre.
Approved 10th Aug 2000

3.5 PK03/3254/R3F Change of use from dwelling (Class C3) to offices (Class D1) as defined in the Town and Country Planning (Use Class Order) 1987.
Deemed Consent 16th Dec 2003

3.6 PK04/2608/R3F Erection of single storey classroom block on South East Elevation and enclosure of existing Atrium.
Deemed consent 01st Nov 2004.

3.7 PK05/2738/R3F Erection of extension to form canopy shelter for students (Retrospective).
Deemed Consent 09th December 2005

3.8 PK05/3624/R3F Erection of new sports hall and associated works. Construction of all weather football pitch and tennis courts with No.16 floodlights and fencing. Construction of new car park to front of school, new mounds and associated landscaping.
Approved 16th July 2008 S106 signed.

3.9 PK08/2901/F Erection of detached single-storey tennis clubhouse and associated works.
Approved 23rd Jan 2009

- 3.10 PK09/5317/R3F Erection of single-storey temporary office accommodation for a period of five years.
Deemed Consent 27th Nov. 2009

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection

4.2 Other Consultees

PROW

No objection.

The Open Spaces Society

No response

Highway Drainage

No comment

Sustainable Transport

No objection

Other Representations

- 4.3 Local Residents
No responses

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy LC4 of the adopted South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits the development, expansion or improvement of education and community facilities within the existing urban area subject to the following criteria:

- A. Proposals are located on sites which are, or will be, highly accessible on foot and by bicycle; and
- B. Development would not unacceptably prejudice residential amenities; and
- C. Development would not have unacceptable environmental or transportation effects; and
- D. Development would not give rise to unacceptable levels of on-street parking to the detriment of the amenities of the surrounding area and highway safety.

- 5.2 Policy CS1 of the Core Strategy seeks to secure good quality designs in new development whilst Policies T8 and T12 relate to parking and highway matters.

- 5.3 The school is a well-established campus, located within the urban area, so subject to the above criteria the proposal would be acceptable in principle. As

the proposed building is intended as a temporary measure, a 5-year consent only is sought. Should funding be made available in the future for a more permanent building that would be the subject of a separate full application, which would be determined on its individual merits.

5.4 Supporting Information

In support of the application the applicant has submitted the following statement:

This temporary accommodation was the administrative centre of the 'Kingswood Partnership', which organised a range of opportunities for Post 16 Education for a group of schools in the area.

Due to the Department of Education policy of introducing 'Academy Status', this partnership is now coming to an end, although conversely, the demand for school places are now on the increase.

We therefore wish to use this temporary accommodation as a 'specialist support teaching area' for small groups of young people with particular needs, requiring close support and mentoring.

If, in the future, there are opportunities to refurbish and/or develop the present school buildings on site, we would wish to plan for more permanent accommodation. The school is oversubscribed for Sept. 2014 and we anticipate maintaining a full intake of students in the foreseeable future, consequently we have insufficient accommodation for immediate needs. The use of the temporary modular building as now proposed is therefore of vital importance.

5.5 Scale & Design

The building is constructed of pre-fabricated modular sections, comprising plastisol steel walls in goosewing grey with ocean blue trim; white UPVC windows and a blanket grey marley type roof covering. A disabled access ramp is provided to the main door located in the south-eastern elevation. The scale and appearance of the building is considered appropriate for its proposed temporary use but would be unsuitable for a permanent construction. Since the building is single-storey with a very low roof pitch, it appears subservient to the two-storey administrative building behind which the building is located. Having regard to the scale and character of the surrounding buildings, officers are satisfied that the building integrates adequately within the existing built form and given its location behind the existing administrative block, the building is not prominent within the street scene nor would it have any long-standing detrimental impact on the visual amenity of the area. The scale and design are therefore acceptable for the temporary period proposed.

5.6 Impact Upon Residential Amenity

The building is located adjacent to the north-western boundary of the site, close to the nearest residential property i.e. no.38 North Street. The site is however separated from the curtilage of no.38 by a narrow public footpath that runs between the two sites and which links North Street with West Street. The footpath is enclosed on either side by an array of fences, walls and high vegetation, all of which helps to maintain privacy to the adjoining properties.

- 5.7 During their site visit, officers noted that there are currently only two windows in the facing side elevation of no.38 and these windows are both situated at ground floor level where any loss of privacy is already mitigated by the existing high boundary treatments. There are no windows in the facing side elevation of the building and this again can be secured by a condition.
- 5.8 The proposed hours of use of the building are 07.45hrs to 17.30hrs Mon to Friday only and as previously the applicant has agreed to accept a condition to restrict the use of the building to these hours. The level of disturbance would be minimal, indeed this is likely to be imperceptible when compared to the existing daily comings and goings to and from the school and along the adjacent footpath.
- 5.9 In terms of overbearing impact, the building has been designed to minimise its massing, with a low eaves level and a very low roof pitch. There is a 4.3/4.4m gap between the side elevation of no.38 and the side of the building; officers consider that this is considered to be a normal relationship for the proximity between respective neighbouring buildings.
- 5.10 Having regard to the scale, design and siting of the building; the existing uses of the site and proposed use of the building; together with the proposed conditions; officers consider that the proposal would not adversely affect the amenities of the nearest residential properties.
- 5.11 In terms of the buildings' location within the School Campus, the location adjacent to the existing administrative block is considered to be wholly appropriate. The south-eastern part of the campus is entirely taken up with the new car park, sports hall and all-weather football pitches and tennis courts. The central part of the campus is taken up with the main school building with driveway and parking areas to the front; to the north-west are further school buildings with the playground to the rear. The far north-western part of the site is less developed, comprising the existing administrative block and utilities and car parking. The temporary building utilises an area to the rear of the administrative block and is considered to make efficient use of what would otherwise be an unused area.
- 5.12 Officers therefore conclude that the proposed location for the building is appropriate.
- 5.13 Transportation Issues
The site lies within the urban area and within the heart of Oldland Common, which is predominantly residential in character and close to the Bristol to Bath Cycle Way; as such the site is highly accessible by both foot and bicycle.
- 5.14 Those staff with cars would park within the school grounds where there is adequate car parking provision. The existing accesses to the school from North Street would be utilised. Officers are therefore satisfied that the proposal would not result in any unacceptable transportation effects or result in additional on-street parking to the detriment of residential amenity.

5.15 Environmental & Drainage Issues

The scheme is modest in scale and does not result in any increased risk of flooding. There are no landscape implications and foul waste would continue to be disposed of to the mains sewer. Arrangements for the collection of wastes are already in place. There are therefore no objections on environmental or drainage grounds.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the following conditions:

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The building hereby permitted shall be removed and the land restored to its former condition on or before 18th Oct. 2019; in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason

The building is pre-fabricated in character and is intended for a temporary 5 year period and as a permanent building would be out of character with the location. Permission is granted for a limited period only because of the special circumstances of the case and would otherwise not be in accordance with the requirements of Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013.

2. The hours of use of the building, for the purpose hereby approved, shall be restricted to the following times : 07.45hrs to 17.30hrs Mon to Friday only with no working on weekends or Bank Holidays.

Reason

To protect the amenity of neighbouring occupiers and to accord with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. There shall be no windows inserted at any time within the north-western side elevation of the building hereby approved.

Reason

To protect the privacy and residential amenity of neighbouring occupiers in accordance with Policy LC4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.: PK14/3145/PNGR
Site: Lodge Road Abson Bristol South Gloucestershire BS30 5TU
Proposal: Prior notification of a change of use from agricultural building to single residential dwelling (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended).

Applicant: Mrs T A Coles
Date Reg: 2nd September 2014
Parish: Wick And Abson Parish Council

Map Ref: 370375 174824
Application Category:

Ward: Boyd Valley
Target Date: 26th October 2014



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100023410, 2008. **N.T.S.** **PK14/3145/PNGR**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This notification is referred to the circulated schedule because of the level of interest this notification has generated and the number of objections received.

However, it should be noted that this is not an application for planning permission; it is a prior notification of a change of use constituting permitted development by virtue of Class MB of Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

Under the provisions of the above Part, the change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Town and Country Planning (Use Classes) Order 1987 (as amended) and reasonably necessary building operations to convert the building, are permitted development subject to certain eligibility criteria and a prior notification to the Local Planning Authority to ascertain whether prior approval is required.

The Local Planning Authority has 8 weeks in which to issue a decision. Should the Authority fail to issue a decision within this period then the proposal would gain deemed consent. Therefore, this notification appears on the Circulated Schedule for information purposes only. It is not possible to call the application before a Development Control Committee as the notification period would expire and, by default, the proposal would gain deemed consent.

1. THE PROPOSAL

- 1.1 This application consists of a prior notification to the Local Planning Authority of a proposed change of use of an agricultural building into one residential dwelling under Class MB of Part 3 of the Second Schedule of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.2 This is not a planning application. The proposed change of use is deemed acceptable in principle under the provisions of the Order. The Local Planning Authority is required to make an assessment of the impacts of the proposed development under the specific criteria listed in Part 3 of the Order.
- 1.3 The application site relates to a small agricultural building on the north side of Lodge Road in Abson. Access to the site is gained from Lodge Road which is a single track highway.
- 1.4 The barn is slightly raised and set back from the road. It is located within a large field in a fairly open in nature part of the countryside. The barn has solid walls and a metal sheet roof. It is L shaped in plan, with a rear projecting section to the north.
- 1.5 The site is located within the Bristol and Bath Green Belt; no other statutory or non-statutory land use designations cover the site.

2. POLICY CONTEXT

2.1 National Guidance

- i. National Planning Policy Framework March 2012
- ii. The Town and Country Planning (General Permitted Development) Order 1995 (as amended)

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

- L1 Landscape
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- T12 Transportation

2.3 Supplementary Planning Guidance

Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/0126/F Refusal 16/04/2003
Change of use from agriculture to boarding and breeding kennels with associated parking and landscaping. Erection of structure to enclose part of compound and close-boarded fencing to increase height of existing wall around compound.

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council

None received

4.2 Public Rights of Way

Objection: LWA3/10 runs adjacent to Lodge Road within the site. No reference has been made to the PROW.

4.3 Transportation

No objection

Other Representations

4.4 Local Residents

Eight letters of objection have been received which raise the following points:

- Area is rural
- Article 4 direction requested in this instance as the site is within the green belt

- Building does not form part of an agricultural holding and therefore cannot benefit from permitted development rights
- Building has never been used for agricultural purposes
- Building is used for the storage of building materials
- Building itself does not have planning permission
- Building was erected by a building, not by a farmer
- Development does not accord with the Core Strategy
- Development does not fit the permitted development criteria
- Development should be determined against the NPPF with regard to heritage assets
- Historic setting to area formed by St James' Church and nearby cottages
- Housing need met by development at Emersons Green, 3½ miles away
- Inappropriate development in the green belt
- Land has changed ownership recently
- Legislation is to help farmers
- More homes should not be provided as the expense of the green belt and countryside
- No agricultural holding number associated with the site
- Planning was refused for kennels so the site was used for tool storage
- Site is a commercial letting rather than an agricultural tenancy

5. ANALYSIS OF PROPOSAL

5.1 This is a prior notification of a change of use from an agricultural building to a dwellinghouse under Part 3 of the General Permitted Development Order.

5.2 Principle of Development

By virtue of the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), the development is acceptable subject to a prior notification as set out in Class MB and Class N of Part 3 of the above Order. Therefore, the development is acceptable in principle and the prior approval of the Local Planning Authority must be determined against the criteria as set out below.

5.3 Criteria to be Permitted Development

For the change of use to be permitted development it must comply with the regulations set out in paragraph **MB.1** of the Order –

Development is not permitted by Class MB where –

(a) the site was not solely for an agricultural use, as part of an established agricultural unit –

(i) on 20th March 2013;

**(ii) if the site was not in use on that date, when it was last in use;
or**

(iii) if the site was brought into use after that date, for ten years before the date the development begins;

The definition of an established agricultural unit is set out in Class O of Part 3 of the above Order. This defines an established agricultural unit for the purposes of Class MB as “*land occupied as a unit for the purposes of*

agricultural on or before 20 March 2013 or for ten years before the date the development begins”.

Class O also provides a definition of an agricultural building and agricultural use. This is defined as:

“agricultural building” means a building used for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse, and “agricultural use” refers to such uses.

Agriculture itself is defined in section 336 the Town and Country Planning Act 1990. It is defined as:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.

The use of land for agriculture does not constitute development under section 55 of the above Act. As such, agricultural land falls outside of the Use Classes schedule. In the absence of any evidence to suggest that the land has been used for any specific purpose other than a nil agricultural use, the Local Planning Authority must accept that the use of the land on 20 March 2013 would have been agricultural as part of an established agricultural unit. Without any evidence that the land had previously been used for any other purpose even if the land was not in use on 20 March 2013, its last lawful use would have been for agriculture.

It is therefore considered on balance that this criteria is met.

- (b) the cumulative floor space of the existing building or buildings changing use under Class MB within an established agricultural unit exceeds 450 square metres;**

The cumulative area of floor space subject to the change of use is 82 square metres.

- (c) the cumulative number of separate dwellinghouses developed within an established agricultural unit exceeds three;**

This application proposes one house.

- (d) the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained;**

The site is not occupied under an agricultural tenancy.

- (e) **less than one year before the date of development begins –**
(i) **an agricultural tenancy over the site has been terminated, and**
(ii) **the termination was for the purpose of carrying out development under Class MB,**
unless both the landlord and the tenant have agreed in writing that the site is no longer required for agricultural use;

No agricultural tenancy has been terminated less than one year before the submission of this prior notification.

- (f) **development under Class A(a) or Class B(b) or Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20th March 2013, or within 10 years before the date development under Class MB begins, whichever is the lesser;**

The Local Planning Authority holds no records of development under Part 6 having taken place on this site. Aerial photography demonstrates that there has been little development on this site since 1991 which are the oldest records held by the Authority.

- (g) **the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;**

The proposal alterations would not increase the dimensions of the building externally.

- (h) **the development (together with any previous development under Class MB) would result in more than 450 square meters of floor space of building or buildings within an established agricultural unit having changed used under Class MB;**

The resulting floor space would be 82 square metres which would not exceed the 450 square metres limit.

- (i) **the development under Class MB(b) would consist of building operations other than –**
(i) **the installation or replacement of –**
(aa) **windows, doors, roofs, or exterior walls, or**
(bb) **water, drainage, electricity, gas or other services,**
to the extent reasonably necessary for the building to function as a dwellinghouse; and
(ii) **partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph MB.1(i)(i);**

Building operations are proposed. However, these are considered reasonably necessary to enable the building to function as a dwellinghouse.

(j) the site is on Article 1(5) land;

The site is not on Article 1(5) land.

(k) the site forms part of –

- (i) a site of special scientific interest;**
- (ii) a safety hazard area;**
- (iii) a military explosives storage area;**

The site does not form any of the above.

(l) the site is, or contains, a scheduled monument;

The site is not nor contains a scheduled monument.

(m) the site is a listed building.

The site is not a listed building

5.4 The proposed development therefore fits the criteria to be considered permitted development subject to the conditions of the Order.

5.5 Conditions in Respect of Permitted Development

Paragraph MB.2 stipulates a number of conditions to which the proposed development must adhere to be permitted development. These include determination by the Local Planning Authority as to whether their prior approval is required. Under paragraph **MB.2(1)**, the Local Planning Authority may only consider the following aspects:

- (a) transport and highways impacts of the development,**
- (b) noise impacts of the development,**
- (c) contamination risks on the site,**
- (d) flooding risks on the site, or**
- (e) whether the location or siting of the building makes it otherwise impractical or undesirable to change from agricultural use to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order**

5.6 Assessment of Prior Approval

To accord with the above condition, the Local Planning Authority must assess whether the prior approval is required in relation to the matters raised above. Therefore each will be assessed in turn in the sections of this report as set out below.

5.7 Transport and Highways

The building to be converted is located approximately 14 metres from an existing access onto the highway. There is sufficient visibility from the access to retain existing levels of highway safety. Plans also indicate that two parking spaces will be provided. This would exceed the minimum number of parking spaces required to accord with the Residential Parking Standard SPD.

- 5.8 It is not considered that the proposed development would have a significant harmful impact on the local highway network and the prior approval of the Local Planning Authority is given.
- 5.9 Noise Impacts
The application site is located within the open countryside. It is not located close to any significant noise generating uses. The conversion of the barn to residential dwellings would not be subject to unacceptable levels of noise and the prior approval of the Local Planning Authority is given.
- 5.10 Contamination
There are no known contamination risks associated with the building or the site and the site is not 'contaminated land' as described in Part 2A of the Environmental Protection Act 1990. The site is not therefore considered to be contaminated and the prior approval of the Local Planning Authority on this matter is not required.
- 5.11 Flooding
The site does not fall within land defined as at risk of flooding by the Environment Agency or in an area where there is a critical drainage problem. The site is therefore not considered to be at risk of flooding and the prior approval of the Local Planning Authority on this matter is not required.
- 5.12 Location and Siting
The site lies within an unsustainable location in the open countryside and the green belt. However, given that the majority of all agricultural buildings are located within the open countryside, and that the sole objective of Class MB is to facilitate such conversions, this is not of sufficient concern to raise an objection on the basis of siting. The prior approval of the Local Planning Authority is given.
- 5.13 Design and External Appearance
Paragraph **MB.2(2)** requires the developer to gain the prior approval of the Local Planning Authority with regard to the design and external appearance of the building as resulting from operational development permitted by paragraph MB.(b)
- 5.14 The extent of operational development proposed amounts to: the replacement of the existing double doors with a full-length picture window and the replacement of one of the stable doors with a casement window in the east elevation; the insertion of four new windows in the west elevation; the replacement of the double doors with a full-length glazed doors in the north elevation; and, the insertion of two new windows in the south elevation. The building would also be clad in stone on the north, south and east elevations.
- 5.15 The design and external appearance of the resulting structure is considered to be appropriate for the setting of the building and to maintain the general characteristics of the existing building. The use of stone cladding is acceptable. The proposed windows in the south elevation to make the building appear more domestic, however, this is not considered to be harmful to the extent where the prior approval should be refused.

5.16 Therefore, the design and external appearance are considered to be acceptable and the prior approval of the Local Planning Authority with regard to this matter is given.

5.17 Conditions

Paragraph **N.(11)** allows the Local Planning Authority to attach conditions reasonably related to the subject matter of the prior approval. The prior approval is considered to be given and no further conditions are required.

5.18 Residential Curtilage

For the purposes of clarity in the future, attention should be paid to the area of land which will form part of the curtilage of the proposed dwellings.

The curtilage under Class MB is defined as –

- (i) *the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purpose of the agricultural building, or*
- (ii) *an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.*

5.19 Plan 578-PL101 indicates the area of land which is to be considered the garden for the proposed property. It is considered by the Local Planning Authority that this area of land, combined with the parking area and access, would form the curtilage of the proposed dwelling. For the avoidance of doubt, the curtilage is not considered to extend over the area of land marked 'field' on the abovementioned plan.

5.20 Other Matters

A number of matters have been raised by members of the public which have not been addressed above. This is because they do not fall within the pre-defined assessment as set out in the General Permitted Development Order.

5.21 Green belts are a spatial planning tool. If government wished to restrict permitted development in the green belt, this should be introduced by a revision to the Order. The site being located within the green belt is not sufficient to pass an Article 4 direction.

5.22 Evidence from the Council's aerial photography shows that the building has been on site for over ten years. Therefore, whether or not the building was erected with or without planning permission, the structure would be likely to be considered lawful against section 171B of the Town and Country Planning Act 1990.

5.23 This is a notification of a change of use which has deemed consent (subject to a prior approval process) and therefore the principle of development is acceptable and the development is not requirement to accord with the locational strategy or housing requirements of the Core Strategy in this instance.

The distance of the proposed site to designated heritage assets means that the development does not need to be assessed against the guidance contained within the NPPF.

- 5.24 An agricultural holding number is not required to be associated with the site in order to establish the site as an agricultural unit. It is not required to establish whether the site is a commercial letting unit and the site is not subject to an agricultural tenancy.
- 5.25 The ownership of the land is not an assessment criteria as set out in the Order.
- 5.26 Planning history is not given weight in determining this application as the proposal accords with the permitted development legislation.
- 5.27 An objection has been raised by the Public Rights of Way team. A footpath runs through the site parallel to Lodge Road. Legislation pertinent to the right of way is in place to protect the right of way. The right of way itself does not form part of the prior approval process and would be protected from harm under other, more specific, legislation.

6. **SUMMARY**

- 6.1 The proposed development meets the criteria outlined under paragraph **MB.1** and is considered to be permitted development.
- 6.2 An assessment of the impact of the proposed development, in accordance with the criteria stipulated in paragraph **MB.2(1)**, has been undertaken and there are no objections under the specified criteria and the prior approval of the Local Planning Authority is given in this respect.
- 6.3 An assessment of the impact of the proposed development, in accordance with paragraph **MB.2(2)** has been undertaken and there are no objections to the design or external appearance of the building. The prior approval of the Local Planning Authority is given in this respect.

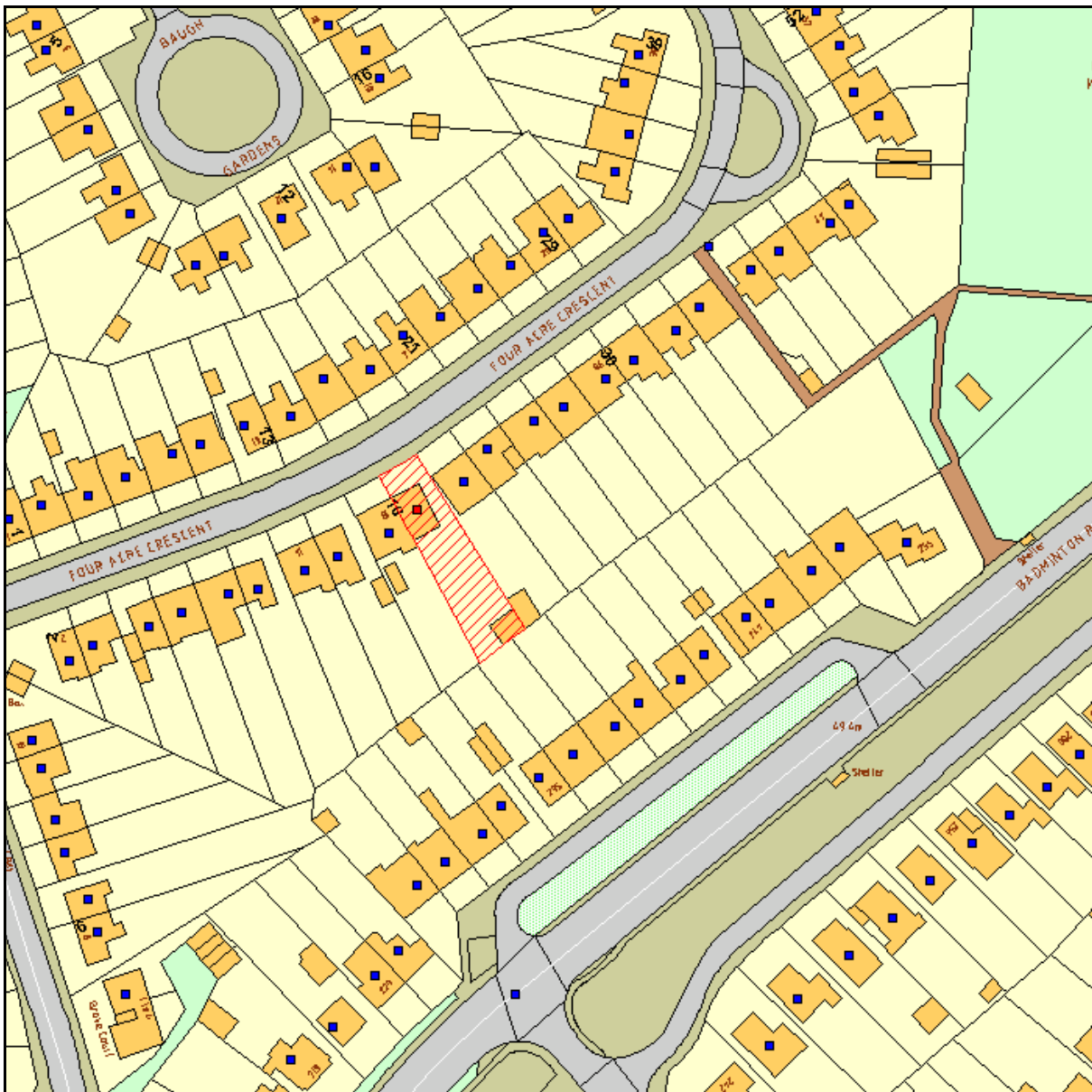
7. **RECOMMENDATION**

- 7.1 It is recommended that the prior approval is GRANTED.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PK14/3283/F	Applicant:	Mr P Wookey
Site:	20 Fouracre Crescent Downend Bristol South Gloucestershire BS16 6PS	Date Reg:	11th September 2014
Proposal:	Erection of two storey side and single storey rear extension to provide additional living accommodation and garage	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365513 177890	Ward:	Emersons Green
Application Category:	Householder	Target Date:	17th October 2014



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1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side and single storey rear extension to provide additional living accommodation and garage.
- 1.2 The application site relates to a two-storey semi-detached property in Bromley Heath, Downend, an established residential area.
- 1.3 Following comments from the Transportation DC Officer in relation to the availability of off-street parking spaces on site. A revised parking layout plan has been submitted by the applicant.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages, Including
Extensions and New Dwellings
T8 Parking Standards
T12 Transportation Development Control

- 2.3 Supplementary Planning Guidance
Residential Parking Standards SPD (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/3119/CLP Erection of two storey side and single storey
rear extension to provide additional living
accommodation
Refused 28.01.11

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
No objection
- 4.2 Mangotsfield Rural Parish Council
Objection, the new build garage should be built to the correct specification.
- 4.3 Drainage
No comment

4.4 Transportation

The dimensions of the garage are considered inadequate for the storage of a motor vehicle. Two additional parking spaces need to be provided in front of the house measuring 5.3m deep by 2.4m wide. A revised layout plan is requested showing parking provision within the curtilage.

From the plans submitted it appears that two parking spaces can be provided measuring 5m deep by 2.4m wide. It is noted similar parking arrangements in the vicinity of the site. Provided two parking spaces are provided, there is no transportation objection to the proposed development.

Other Representations

4.5 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Saved Policy H4 of the Local Plan (adopted) January 2006 is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Policy CS1 of the Core Strategy (adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. The proposal is considered to accord with the principle of development.

5.2 Design

Fouracre Crescent is characterised by semi-detached houses with hipped roofs. The majority of the neighbouring properties have an attached side garage. The property has a two storey front bay windows, with a rendered frontage, red brick archway detail around the doorway and brown hanging tile panels. The property currently has a single storey lean-to extension on the rear elevation, which is to be replaced and extended to the west boundary, as well as a two storey side extension and garage. This property does not have an existing garage.

5.3 The two storey side extension will mirror the hipped roofline of the existing dwellinghouse, and is stepped back from the front elevation by 60cm on the first floor, which reduces the impact on the adjoining neighbouring property. The two storey extension will have a window on the front and rear elevations, with a velux on the side elevation. The garage will have a lean to roof sloping forwards on the front elevation. To the rear, the visual impact of the replacement single storey rear extension will be minimal; extending an existing

lean-to extension towards the neighbouring property which also has an existing rear extension. Due to the angle of the plot, the proposed garage will not be able to meet the Council's minimum size standard, as set out in the Residential Parking Standards SPD. All the proposed external materials are to match the host dwelling, and it is considered that the proposal accords with Policy CS1 of the Core Strategy (adopted) 2013 and Saved Policy H4 of the Local Plan (adopted) 2006.

5.4 Residential Amenity

The application site is closest to adjoining neighbour No. 18 and to the north, No. 22. Whilst the proposal includes a two storey extension, it is considered that the proposal would not have a negative impact on the residential amenity of neighbouring occupiers, as there are no additional windows that would create overlooking or privacy concerns. Adequate private amenity space would remain to serve the property with a garden of over 20 metres in length. Overall, it is considered that the proposal would not impact negatively on the residential amenity of neighbours and it therefore accords with Saved Policy H4 of the Local Plan (adopted) 2006.

5.5 Transportation

The proposal includes the addition of a fourth bedroom on the first floor of the property. The two storey side extension will remove the use of the existing driveway to the side of the property. The Council's Residential Parking Standards SPD (Adopted) 2013 requires four bedroom properties to have a minimum of two off-street parking spaces within the curtilage of the property. As the property does not have an existing garage and the proposed garage does not meet with minimum size standard, it cannot be included in the off-street parking provision. Due to size constraints it is not possible for the applicant to construct a garage to the standard size 3m x 6m at the side of the property. It would be unreasonable to refuse the proposal on the grounds that the proposed garage does not meet standard size requirements, when there are other local examples of similar proposals and provision for off-street parking can still be provided at the front of the property.

5.6 The Transportation DC Officer has requested an additional block plan to confirm that the application site can provide adequate off-street parking provision. The applicant has submitted a revised parking layout plan, which indicates the parking spaces provided within the curtilage would fall slightly short of the external parking space minimum 2.4m x 5.3m. Numerous properties on Fouracre Crescent have parking at the front of the property for 1 – 2 vehicles. There is evidence of some on-street parking as well, but not to a significantly high level to create an issue for local residents. Whilst the proposed parking spaces would fall short of the minimum standards, it is considered on balance that adequate parking can still be provided within the curtilage without detriment to highway safety. The proposed parking arrangements are considered acceptable and 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 **APPROVE** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission be **APPROVED**, subject to the conditions attached to the decision notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

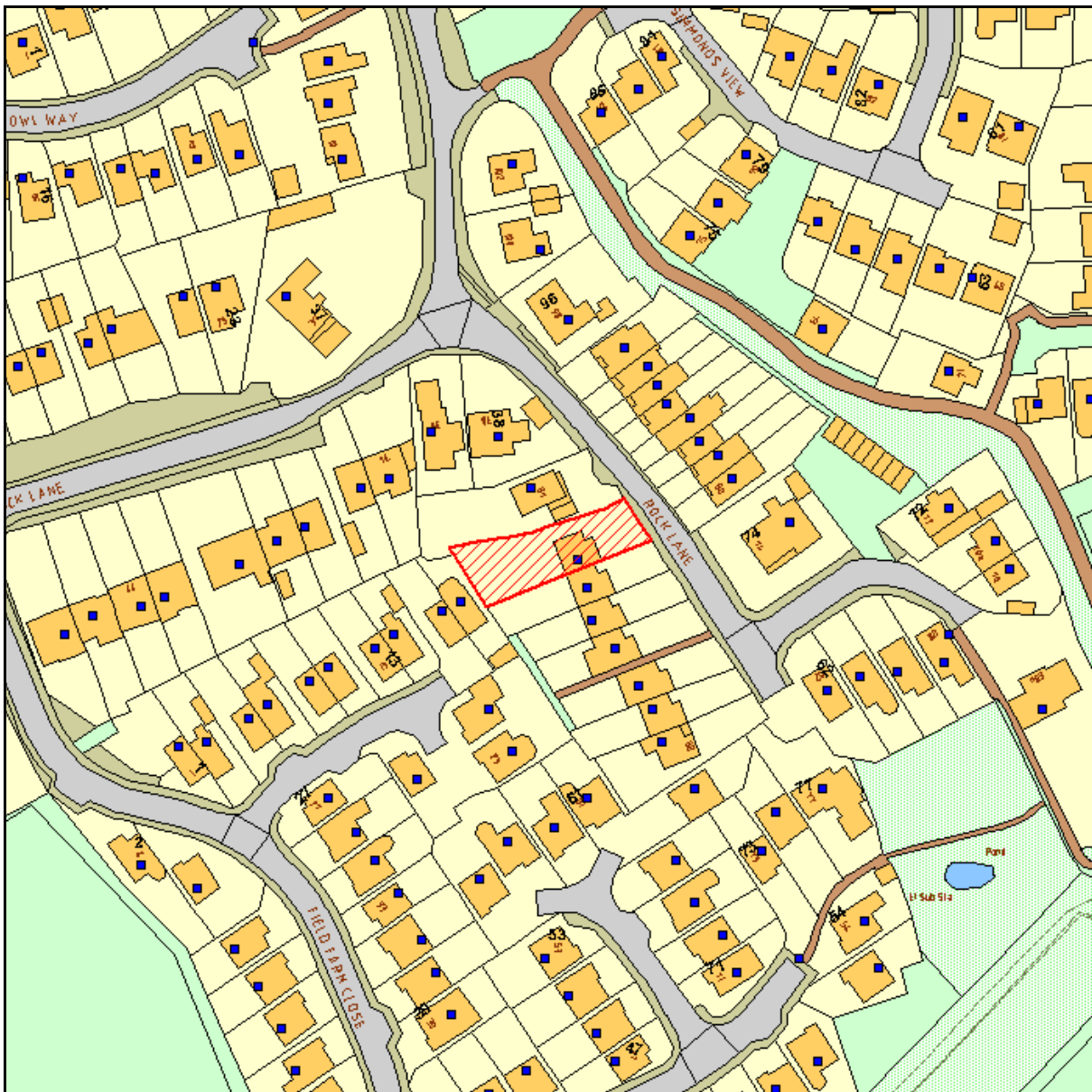
2. The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Reason

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

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PT14/2651/F	Applicant:	Mrs Tracey Harre-Young
Site:	48 Rock Lane Stoke Gifford Bristol South Gloucestershire BS34 8PF	Date Reg:	18th July 2014
Proposal:	Erection of two storey rear and side extension to form additional living accommodation.	Parish:	Stoke Gifford Parish Council
Map Ref:	362806 179921	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	3rd September 2014



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REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule, due to consultation responses received, contrary to Officer recommendation.

THE PROPOSAL

- 1.1 The application is for the erection of a two storey rear and side extension to the existing dwelling incorporating a pitched roof to the front and gable end to the rear. The extension would protrude to a distance of 4 metres beyond the existing rear wall of the dwelling on the detached side.
- 1.2 The property is an end of terrace dwelling and is located within the built up area of Stoke Gifford.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No Objection. Neighbours concerns about boundary treatment are noted. Planning Officer to ensure that drawings are accurate. Working hours to be included as part of planning conditions.

Public Rights of Way

The proposed development is unlikely to affect the nearest public right of way reference LSG/10/10 which is recorded along Rock Lane, east of the site.

Archaeology

Although in an area of archaeological potential, previous ground disturbance suggests survival of archaeology is unlikely and the extension is modest. No

objection.

Highways Drainage

No comments

Other Representations

4.2 Local Residents

Three letters have been received in response to the planning application. Two of these letters were in objection to the proposals and one was in support. The objection letters raised the following points:

- This proposal would significantly reduce the light in 46 Rock Lane, requiring them to use artificial lighting at all times in their key reception rooms. This will impact their quality of life, increase their utility bills and impact the energy efficiency of their home. This issue is increased beyond what may be apparent from the drawings because of the higher ground level of number 48, which is approximately a metre above number 46. The proposals are also out of proportion with the existing terrace of houses.

- I believe the proposed changes to drainage, contrary to the illustrations on the drawing submitted (which assume a pipe has zero width and a manhole in only the size of the cover), would site them outside of the Applicant's property and within the boundary of number 46. I suggest that, unless the width of the proposed extension is reduced, that before the plans are approved a clear agreement of the boundary location must be reached and the drawings validated against that agreement to ensure not only the extension but also any drainage works actually fits on the plot.

- The plans submitted make reference to the removal of an existing hedge, the sole boundary feature for several metres between the properties, but make no reference to replacing it. This will both remove a feature that could significantly soften the new extension into its surroundings but also leave the two properties completely open. I'd suggest that as part of any application either the existing boundary feature should be protected or an equivalent feature erected to replace it once building work is complete.

- We would specifically like to raise our concern to the location of the proposed extension and the associated drains. We would like to explicitly state that we do not provide permission for access from or across our property, for any building or landscaping activity required as part of this or any other project. Further we do not give permission for construction of any sort on, under or above our property.

- We feel it is necessary to make this explicit declaration because it is our belief that the current plans illustrate at least the drainage system and potentially part of the building itself which crosses the boundary and would in fact be built on our property. This concern takes two forms:-

- As previously noted, the drainage is drawn to fit just within the boundary however this ignores practicalities associated with drainage systems (notably that pipes have width of at least 10mm, infill increases that width further and all of this must run straight without intersecting the footings).

We believe this means that the drawings would have to be interpreted at build time and thus then either breach planning consent or trespass on our property.

- Further, we believe there is a misconception about the exact location of the boundary, shown in the submitted plan to allow the proposed structure to fit and actually the real boundary line is closer to number 48 Rock Lane. The most important feature on the boundary is the stone wall at the front of the properties which is wholly owned by 46 Rock Lane and used to be a pigsty. The boundary then runs diagonally back before turning at a point approximately level with the rear of number 46. The key discrepancy in the submitted plan is that this line starts at the middle of the wall not the edge on number 48's side. If looking at plans for 1921 and 1934 this was shown as a completely straight line. The present issue has been further confused because an earlier occupier of number 48, a Mr Mudge, planted the remaining copper beech hedge over the boundary line, something only discovered after the original field hedge died due to Dutch Elm disease. While this is a hedge we are happy to remain on our property we do not agree to number 48 removing it and particularly don't agree to them building on, under or over it.

Note: Following the Circulated Schedule (38/13 – 19th September 2014) further comments were received from a neighbouring property regarding the addition of conditions for opaque glazing in the side windows of the proposed extension, in order to address potential issues of overlooking. This matter is discussed further in the relevant amenity section below.

One letter of support provided the following comments:
Thoughtful and sensitive use of space. Looks like a practical and unobtrusive add-on to the existing property. Has my support.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The side element of the extension would incorporate a pitched roof and front wall in keeping with the front of the existing dwelling. To the rear detached side the extension would be to a length of 4 metres and incorporate a rear gable end, with the pitch of the roof slightly lower than the remainder of the house.

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used would match those of the existing dwelling.

5.3 Residential Amenity

The proposed extension would edge the side of the application property towards the boundary with the detached property to the north by approximately 2.175 metres and extend to the rear by approximately 4 metres. Whilst the application site is slightly higher than the neighbouring property in this direction, given the length, size and location of the extension and its relationship in context with the neighbouring property, it is not considered that it would give rise to any significant or material overbearing impact such as to warrant a refusal of the application. Further to this sufficient garden space remains to serve the property.

5.4 The proposed extension is set within the confines of the red line planning boundary as submitted to the Council and the appropriate certification has also been completed indicating that it is considered all of the land the subject of the application is within the applicant's control. The removal of the boundary would not require planning permission in its own right in this instance and does not form part of this planning application. Whilst no single storey side windows are proposed the side wall of the extension would not act as a boundary wall and space would remain between the two properties, this being the case it is considered that a further boundary treatment should be provided on this boundary and this can be requested through condition. Drainage details are controlled under building regulations. Private issues between neighbours e.g. boundary issues, private rights of access and covenants are private civil issues. Notwithstanding this, the granting of planning permission does not grant the right to develop, carry out works or enter land not within the applicant's control.

5.5 Any issues of requiring access as part of the building process or subsequent maintenance onto land not within the applicants control would be primarily civil legal matters between owners. The granting of planning permission does not permit the use of land not within the applicants control or the removal of boundaries not within their ownership, or damage to other property.

5.6 In terms of the more recent issues raised regarding additional conditions for opaque glazing on the side windows, both proposed side windows are located on the first floor, one of these windows is a bathroom window and appears to be indicated as being of obscure glazing on the proposed plans. It is considered that a condition can be added in this instance to ensure that this window is obscure glazed. In respect of the other side window, this is a high level window that will serve an additional bedroom. The main bedroom window is located to the front elevation and the small side window, at a higher level, is for light giving purposes. Given the nature of the window and the room it serves, and having discussed the matter with the applicant's agent, the applicants would not wish this window to be obscure glazed.

Given the purpose, size and location of the window it is not considered that a condition is justified or necessary in this instance. A further condition restricting further windows in the side elevation is however recommended.

5.7 Highways

It is considered that sufficient off street parking would remain on site to serve the extended property in accordance with the Council's current parking standards.

6. CONCLUSION

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

6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.

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

7. RECOMMENDATION

7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy 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 08.00 - 18.00 on Mondays to Fridays; 08.00 - 13.00 on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

4. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatment(s) to be erected on the northern boundary of the property shall be submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

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

5. The glazing on the bathroom window on the north elevation shall at all times be of obscured glass, to a level 3 standard or above.

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.

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

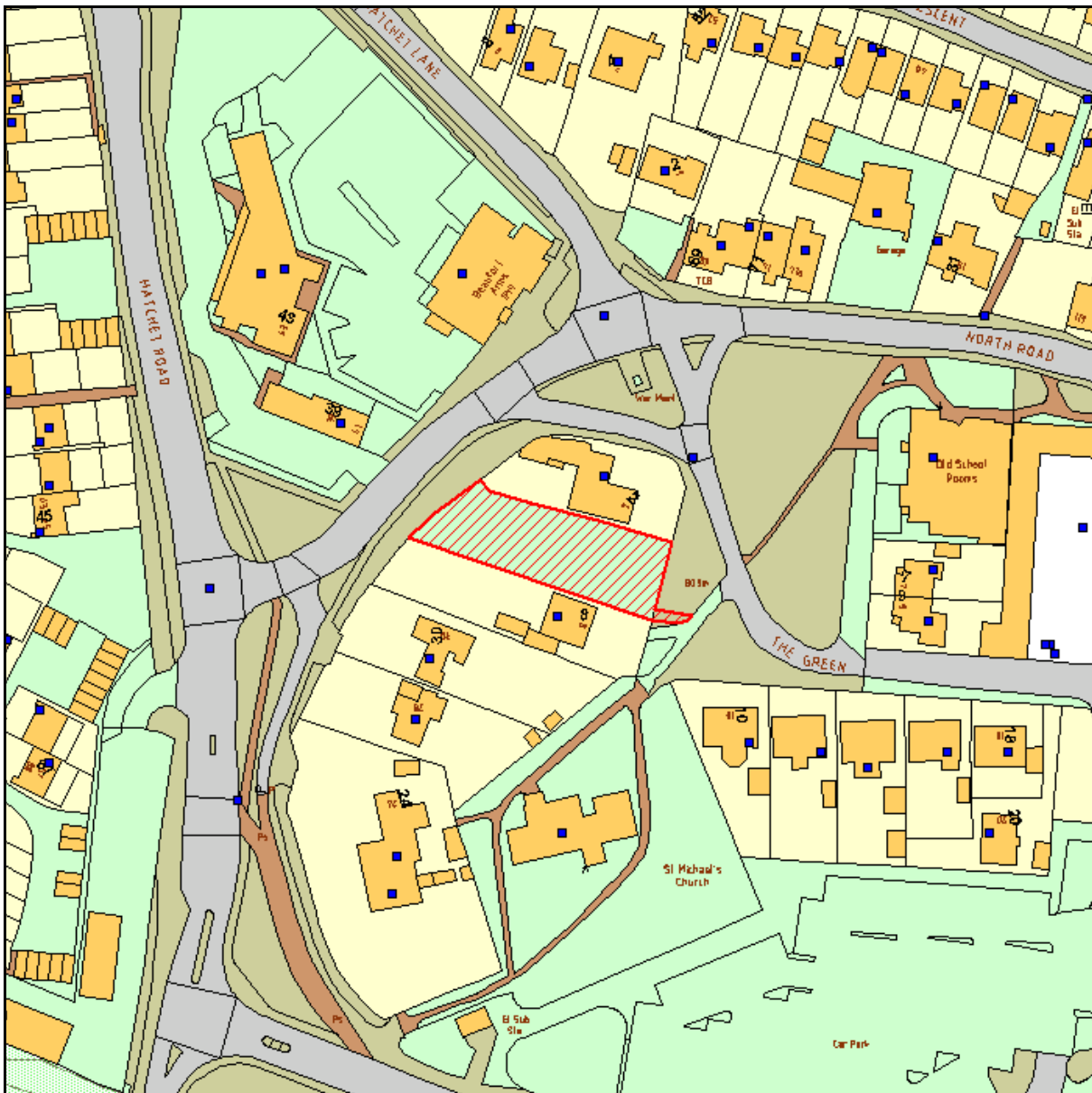
Reason

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

ITEM 10

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PT14/2907/F	Applicant:	Mr And Mrs Curry
Site:	Land Between 2 - 8 The Green Stoke Gifford Bristol South Gloucestershire BS34 8PD	Date Reg:	7th August 2014
Proposal:	Erection of attached garage (re- submission of PT14/0456/F)	Parish:	Stoke Gifford Parish Council
Map Ref:	362268 179781	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	17th September 2014



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PT14/2907/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council and a neighbour.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of an extension to the front of a recently approved dwelling that is currently under construction. The purpose of the extension is to form an attached double garage.
- 1.2 The application relates to a plot of land on the west side of The Green just north of Bristol Parkway railway station, Stoke Gifford. Until very recently, the site formed part of the well-managed garden associated with the neighbouring property.
- 1.3 There is a long history to the site as detailed in section 3. The most relevant applications being PT14/0456/F that also sought consent for the erection of an attached garage but was refused. The previously refused scheme sought consent for a double garage – this application is now for a garage of single width only.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

- H4 Development within Existing Residential Curtilages
- T12 Transportation Development Control Policy for New Development
- L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted)

- CS1 High Quality Design
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS17 Housing Diversity

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/0456/F Erection of attached garage.
Refused April 2014 for the following reason:
The proposed garage was previously considered as part of application PT13/1506/F where it was deemed unacceptable. The proposed garage

extension would add considerably to the bulk, massing and scale of the resultant dwelling leading to overdevelopment of the site - this would be particularly the case when viewed from the north side elevation. The design of the front elevation of the bungalow possesses an asymmetrical two front wing arrangement with intersecting dual pitched roofs at either end. By projecting the northern gable further to provide a garage accessed to the side, the asymmetry of the front elevation will only increase due to the contrasting gable widths and roof apex heights. The proposed garage extension will also project forward of the neighbouring dwellings, impacting on views within the historic core of the village. The application is therefore contrary to the requirements of Policy CS1 of the Core Strategy (Adopted) and H4 of the South Gloucestershire Local Plan (Adopted).

- 3.2 PT13/2821/F Erection of 1no. detached dwelling with access and associated works. (Re-submission of PT13/1506/F).
Approved October 2013
- 3.3 PT13/1506/F Erection of 1 no. detached dwelling with access and associated works.
Refused June 2013
- 3.4 PT13/0372/O: Erection of 1 dwelling (Outline) with access to be determined; all other matters reserved. Permitted: 28 March 2013
- 3.5 PT10/0176/O: Erection of 1 detached bungalow all matters reserved.
Permitted: 29 March 2010
- 3.6 PT06/3644/O: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 2 February 2007
- 3.7 PT03/3843/O: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 12 January 2004
- 3.8 PT00/1951/REP: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 27 December 2000
- 3.9 P97/1588: Erection of detached dwelling; construction of vehicle and pedestrian access (renewal of outline consent). Permitted: 22 July 1997
- 3.10 P94/1314: Erection of detached bungalow; construction of new vehicular and pedestrian access (outline). Permitted: 18 May 1994
- 3.11 P91/1428: Erection of detached bungalow; construction of new vehicular and pedestrian access (outline). Permitted: 19 June 1991
- 3.12 P88/1432: Erection of detached bungalow; construction of new vehicular and pedestrian access (outline). Permitted: 27 April 1988
- 3.13 P85/1915: Erection of bungalow and construction of new vehicular and pedestrian access (in accordance with the amended plans received by the council on 11th July 1985) (Outline). Permitted: 31 July 1985

- 3.14 N7641: Erection of a bungalow and formation of vehicular and pedestrian access (as amended by forms and plans received by the Local Planning Authority on 14th December 1981) (Outline). Permitted: 21 January 1982

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection - Oversized development and out of keeping with existing environment. Concerns remain about if permission has been sought to access the development from the Village Green and surrounding areas

4.2 Other Consultees

Technical Services (Drainage):

No objection

Public Rights of Way

No objection

Other Representations

4.3 Local Residents

One letter of objection has been received from a neighbouring property raising concerns about loss of light and concerns over the history.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Extensions to existing properties are controlled through policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. Extensions to existing properties are generally considered favourably by the Council, subject to detailed consideration of the listed criterion of each policy. As such the main areas to consider as to whether the proposed development is acceptable are design and amenity. Although the dwelling to which the extension will be attached is not completed as yet, this is considered to be the most relevant and up to date policy.

5.2 Design/ Visual Amenity

In considering the previous application to erect an attached double garage, the officer was of the opinion that, should the garage be approved it would add considerably to the bulk, massing and scale of the resultant dwelling leading to overdevelopment of the site – this would be particularly the case when viewed from the north side elevation. The design of the front elevation of the bungalow possesses an asymmetrical two front wing arrangement with intersecting dual pitched roofs at either end. By projecting the northern gable further to provide a garage accessed to the side, the asymmetry of the front elevation will only increase due to the contrasting gable widths and roof apex heights.

5.3 Concerns were also raised that the proposed garage extension would also project forward of the neighbouring dwellings, impacting on views within the historic core of the village.

5.4 In order to address these previous concerns, the proposal is now for a single garage of considerably reduced scale to that previously refused. Although the proposal will still increase the visual prominence of the asymmetrical roof, because it will now be contained behind the front elevation of the neighbouring dwelling, its visual impact is greatly reduced. On balance, the visual impact and design of the garage is now considered to be acceptable and all previous concerns have been suitably overcome.

5.5 Residential Amenity

The proposed garage would be erected alongside No. 2. The impact of the proposed garage on No. 2 was previously considered as part of application PT13/1506/F. No objection was raised previously to a double garage and the impact this could have on No 2 and therefore, it would be unreasonable to raise an objection to a smaller single garage. Given that the garage will not project beyond the front wall of No 2, it is not considered that any significant loss of light will result that could warrant the refusal of the application.

5.6 Other Issues

It is noted that the Parish Council are still concerned about whether the developer has rights to cross the village green. This application is only for a garage – the principle of access was considered previously in the granting of planning permission for the dwelling. Given that the access would remain unaffected by this application for a single garage, this is not considered to be a reason for refusal.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning Permission is approved subject to the condition below:

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

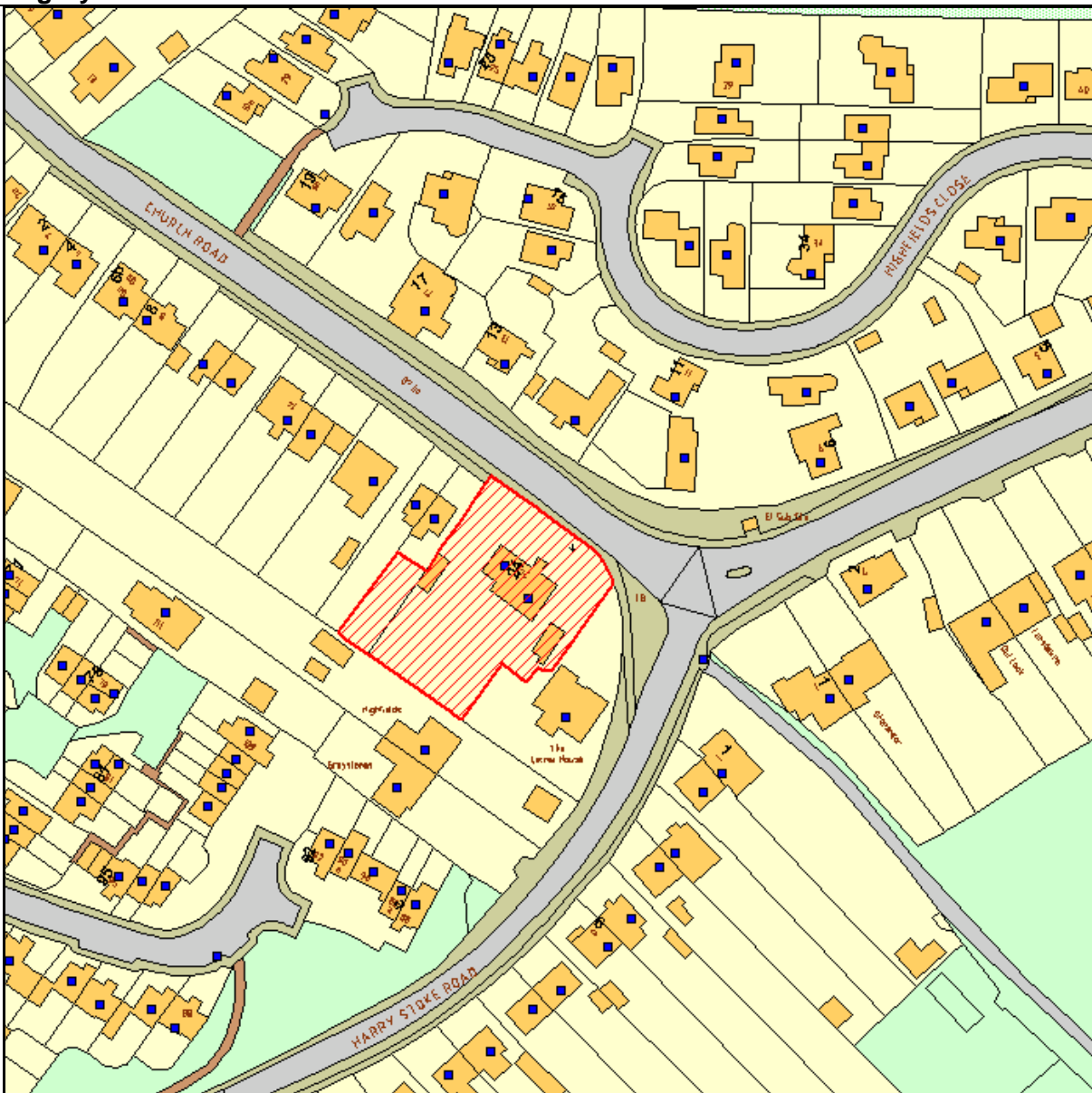
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PT14/3134/F	Applicant:	AB Surveys Ltd Home Orchard Developments Ltd
Site:	24 Church Road Stoke Gifford Bristol South Gloucestershire BS34 8QA	Date Reg:	29th August 2014
Proposal:	Demolition of existing dwelling and erection of 9no. dwellings with access, parking, landscaping and associated works.	Parish:	Stoke Gifford Parish Council
Map Ref:	362515 179366	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	6th October 2014



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100023410, 2008. **N.T.S.** **PT14/3134/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that comments have been received from a neighbouring occupier that are contrary to the recommendation.

THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of a single large property and associated outbuildings and the erection of 6 no. terrace properties, (two storey with one bedroom), along the Church Road frontage and three detached bungalows to the rear (with room in the roof space providing two bedrooms). Access to the development will be from Church Road and via an internal access road. 9 no. parking spaces are to be provided to serve the development. The proposed properties along the Church Road frontage are to be set back with an area of landscaping provided to the front of the site with a hedgerow. A bin collection point for the development will be provided at the entrance.
- 1.2 The application site is situated just to the west of the junction of Harry Stoke Road, Church Road and Hambrook Lane. The site is 0.14 hectares in size and at present is occupied by a single large dwelling with some outbuildings. The remainder of the site comprises the garden of the property. Within context the property is surrounded on all sides by residential development of varying forms both detached, semi-detached and terraced, with the southern boundary adjoining the residential garden of Highfields.
- 1.3 In support of the application, a Tree Survey/Arboricultural report, Landscape Plan and Transport Statement and Coal Mining Report have been submitted.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

LC2 Provision for Education Facilities

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS4a Presumption in Favour of Sustainable Development

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS9 Managing the Environment and Heritage
CS17 Housing Diversity
CS18 Affordable Housing
CS23 Community Infrastructure and Cultural Activity
CS25 Communities of the North Fringe of Bristol Urban Area

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted)
Residential Parking Standards SPD
Affordable Housing and Extra Care SPD May 2014

3. **RELEVANT PLANNING HISTORY**

- 3.1 The site has been the subject of a number of planning application however of relevance to this proposal are the following:

PT08/0136/F - Demolition of existing dwelling to facilitate erection of 8 no. 2 bedroom flats and 2 no. 1 bedroom flats with associated works. Construction of new vehicular and pedestrian access (Approved with conditions)

PT10/3011/EXT - Demolition of existing dwelling to facilitate erection of 8 no. 2 bedroom flats and 2 no. 1 bedroom flats with associated works. Construction of new vehicular and pedestrian access (Consent to extend time limit implementation for PT08/0136/F) Approved

4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council
No comment received

- 4.2 Other Consultees

Highway Structures
No Objection

Tree Officer

Subject to the provision of a Tree Protection Plan and method statement for works that are to take place within that protection area there is no objection to the proposal.

Children and Young People

No objection subject to a legal agreement to secure a contribution to provide one primary school place as this is a need arising from the development.

Sustainable Transport

It is noted that the site has previously had planning consent for 10 flats using the same access as proposed for this development.

Access - This access is of a suitable width at the entrance to allow two vehicles to pass. Adequate visibility is available between vehicles emerging and those on Church Road.

Parking - The 12 car parking spaces are consistent with the SGC minimum car parking standards for residents. There is sufficient space on the site and on Church Road to accommodate visitor parking. The visibility available from spaces 5 and 6 back into the site is restricted by plot 6 however vehicle speeds within the development would be very slow and as such I don't consider the arrangement to be unsafe.

Servicing - Refuse would be collected from the bin storage area to the front of the site adjacent to parking space 6. The turning areas within the site are sufficient for cars and other small delivery vehicles.

No objection subject to conditions to secure the parking spaces, the closure within 6 months of the existing access, suitable surfacing of the access and cycle storage provision for the terrace properties.

Other Representations

4.3 Summary of Local Residents Comments

One response has been received stated that their comment neither supports nor objects to the proposed development but does raise the following issues:

- Houses rather than flats would be preferred
- 9 houses results in the overdevelopment of the site
- A terrace is not appropriate, semi-detached would be preferable
- It would appear overbearing
- The site is not sustainable
- There will not be space to turn from two of the parking spaces

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Notwithstanding the above, given that the application site is located within the urban area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, impact upon landscape, residential amenity and

highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. The proposed development is therefore considered acceptable in principle subject to consideration of the following material planning considerations.

5.3 Design/ Visual Amenity

The proposed development will comprise a terrace of six dwellings along the Church Road frontage which are two storey in height dropping down in height right to left reflecting a slight change in levels with the plot 1 on the extreme left having almost a cat slide roof. The dwellings will be set back allowing for a landscaped area comprising grass and a hedgerow to the front. Access is to the right of the Church Road frontage and this gives onto an internal road with the remaining 3 no, single storey (with room in the roof space) properties aligned along the southern boundary each with their own garden.

It is proposed that the terrace properties will incorporate some traditional features found elsewhere in the locality including front gables (a feature on the adjoining properties on Church Road) and simple canopies over doors. The step-down results in the breaking up of what would otherwise be quite a dominant roof which given its asymmetric form is broader to the front than the rear. The bungalows are a little more contemporary in style with gables and lintels above windows. All the properties will have a render finish.

Concern has been raised regarding the terrace along Church Road, with a suggestion that semi-detached would be more appropriate and also that this would appear overbearing.

It should be noted that there are a variety of building styles in the area including a terrace on Harry Stoke Road. It should also be noted that the approved scheme of 10 flats would have had a similar impact. In many respects the current scheme is considered an improvement visually, with a slight reduction in height but with features to the front elevation such as the gables that serve to break up the elevation. The setting back of the building from Church Road with the use of landscaping including a hedge also introduces an attractive feature that provides some relief from the built form as does the use of light render. It is not considered that the new structure would appear overbearing in the street scene and it is considered that it would have less impact than the approved scheme in that regard. The bungalows to the rear are entirely appropriate in design terms and discreetly located.

5.4 Residential Amenity

Impact upon residential amenity includes an assessment as to whether a development would result in loss of privacy from overlooking, would appear oppressive or overbearing (affect the outlook) of neighbouring residential occupiers.

To the south of the site lies a property known as Highfields, a semi-detached bungalow with an access on to Harry Stoke Road. The proposed 3 no buildings to the rear (the two storey terrace element facing onto Church Road are 30

meters distant and would have no impact are single storey with room in the roof space. It should be noted that the dormer roof extensions needed to facilitate the room in the roof spaces are located on the front elevations facing into the site with just a single roof light in the rear elevations. Ground floor windows would sit below the level of the rear boundary fence and this relationship is considered appropriate and would not result in loss of privacy to the occupiers of Highfields, Given that Highfields is single storey, no overlooking of the new properties result. It is also not considered given the height of the new dwellings and separation distance to Highfields that the development would appear oppressive or overbearing or result in loss of outlook.

A single window on the ground floor on the east elevation faces the Corner house (1-3 Harry Stoke Road) but this relationship is considered acceptable.

With respect to the terrace, this is located 5 metres away from the side of No.22 Church Road on the other side of the entrance way. The new buildings do not extend either to the front or rear of no. 22 and with no windows on the side elevation of Plot 6 there would be no loss of privacy nor would the terrace appear oppressive or overbearing or affect outlook. The relationship between Unit 1 and the Corner House is also acceptable, this unit has no windows on the side elevation and given the distance and juxtaposition it is not considered that either loss of privacy or outlook would accrue.

The relationship between the new properties to the front and rear of the development is considered acceptable in these terms.

It is also considered that the development provides adequate private amenity space to serve all future occupiers of the site.

5.5 Highway Safety

Policy T12 of the South Gloucestershire Local Plan 2006 (saved policy) requires that new development makes “*adequate, safe and appropriate provision for the transportation demands which it will create and minimises the adverse impact of motorised traffic*”. Of relevance to this development having regard to Policy T12 is the suitability of the access, off-street parking provision both for occupiers and visitors and the ability of the site to accommodate service delivery.

The development is providing 12 parking spaces in the form of 2 spaces for the 2 bed properties (including an integral garage) and a single space for each of the one bed properties. This meets the South Gloucestershire residential parking standards which would require 10 spaces. Parking on Church Road is possible. It is considered that there is sufficient space on site and Church Road to accommodate visitor parking. Officers acknowledge that visibility from spaces 5 and 6 into the site is restricted however given that speeds within the development would be slow this arrangement is considered acceptable.

Access to the site will be from Church Road and in a position that is identical to that for the previously approved scheme for the 10 flats. The access is

considered to be of a suitable width to allow two vehicles to pass each other and the access onto Church Road is satisfactory in terms of visibility.

With respect to servicing, bin storage area will be provided to the front of the site (given that refuse vehicles would not be able to manoeuvre within the site). The site would be able to accommodate smaller delivery vehicles.

In the interests of highway safety it is considered appropriate to attach conditions to secure the car parking, access and turning arrangements as shown on the plans, the provision of the refuse storage, cycle storage prior to first occupation. Conditions will also be applied to ensure the existing access (located centrally) is stopped up within 6 months of the first use and also to secure an appropriate surface for the access.

5.6 Landscape/Trees

No objection to the proposal has been raised to the proposed landscaping and a condition will be attached to secure the landscaping that has been proposed.

The Tree Officer raises no objection to the proposal but notes the location of two areas of boundary vegetation at the north-east and south-western corners of the site. These features have root protection areas that fall within the footprint of the site and therefore require protection. For this reason a condition requiring a tree protection plan and a method statement for any works that are proposed within the root protection areas will be attached to the decision notice with the requirement given that this is submitted prior to the commencement of development.

5.7 Planning Obligations

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

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

In this instance, it is considered that the planning obligation set out below to secure financial contributions towards the provision of a primary school place is consistent with the CIL Regulations (Regulation 122).

5.8 Education Provision

Policy LC4 of the South Gloucestershire Local Plan (Jan 2006) requires that where local provision is inadequate to meet the projected need for school places (be it pre-school, primary or secondary) arising from the future occupiers

of a proposal for residential development, the Council will negotiate to secure provision in scale and kind to meet those needs.

Policy CS23 of the South Gloucestershire Local Plan Core Strategy December 2013 reiterates this under the heading of “Community Infrastructure and Cultural Activity” in which school are identified as a key part of that infrastructure.

Officers have identified a deficit of primary school places within this specific locality of 1 primary school place. Based upon the current Department for Education cost calculators this equates to a requirement of £11,474 per additional primary pupil place, based at the Quarter 4 2013 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index. There is no shortfall of secondary school places. The applicant has agreed to make this contribution which as indicated above is considered justifiable under the CIL Regulations and it will therefore be secured through a legal agreement.

5.9 Affordable Housing

A scheme for 10 units was previously approved (see Section 3 above) however at that time the threshold for Affordable Housing within the urban setting was 15 units so no Affordable Housing was required.

The current development which proposes 9 residential units fall below the current threshold as set out in the Core Strategy 2013 of ten units at which the Council’s requirement for Affordable Housing would now apply.

It is necessary in the light of the above to consider whether the scheme should accommodate an extra unit. Officers consider having regard to the character of the area which is generally characterised by low density development that a development of 9 dwellings which equates to a relatively high density of development of 56.25 dwellings per hectare is compatible with the site area.

5.10 Community Services

The proposed development falls below the threshold at which contributions would be required for Community facilities (Open space or Library 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 permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

The provision of £11,474 as a contribution towards 1 Primary School Place.

Reason – To accord with Policy LC2 of the South Gloucestershire Local Plan January 2006 (saved policy) and Policy CS23 of the South Gloucestershire Local Plan: Core Strategy (adopted) December 2013.

- 7.2 That the Head of Legal and Democratic Services be authorised to prepare and seal the agreement.
- 7.3 Should the agreement not be completed within 6 months of the date of the Committee resolution that delegated authority be given to the Director of Environment and Community Services to refuse the application.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the dwellings hereby approved, the parking spaces, access and turning arrangements shall be provided in accordance with the details shown on Drawing No. 859W14-SP01A and retained as such thereafter.

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 (saved policy) and the South Gloucestershire Residential Parking Standards December 2013.

3. The proposed access shall not be brought into use until it has been surfaced with a consolidated material (not loose stone or gravel) for a minimum distance of 6m from the public highway and provided with surface water drainage.

Reason

To prevent loose stones and water from discharging across the highway in the interest of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (2006) Saved Policy.

4. Prior to the first occupation of the development hereby approved full details of covered and secure cycle storage for Plots 1-6 (one space per dwelling) shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the buildings.

Reason

To promote sustainable transport choices and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted 2006 - Saved Policies)

5. The existing vehicle crossover shall be closed up and reinstated with a full face kerb within 6 months of the first use of the new access hereby approved

Reason

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

6. Prior to the commencement of development full details of the refuse storage point as shown on Drg No. 859W14 - SP01 (A) shall be submitted to and approved in writing by the Local Planning Authority. Bin storage shall be provided prior to first occupation of the development and retained as such thereafter.

Reason

To accommodate the waste generating by the proposal in the interests of the amenity of the locality and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013

7. Prior to the commencement of development, a Tree Protection Plan and method statement for the works (in relation to the hedges identified as H2 and G4 on Appendix 2 of the submitted Tree Survey and Arboricultural Impact Assessment received 8th August 2014) shall be submitted to and approved in writing by the Local Planning Authority. All works shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policies L1 of the South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies and Policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013).

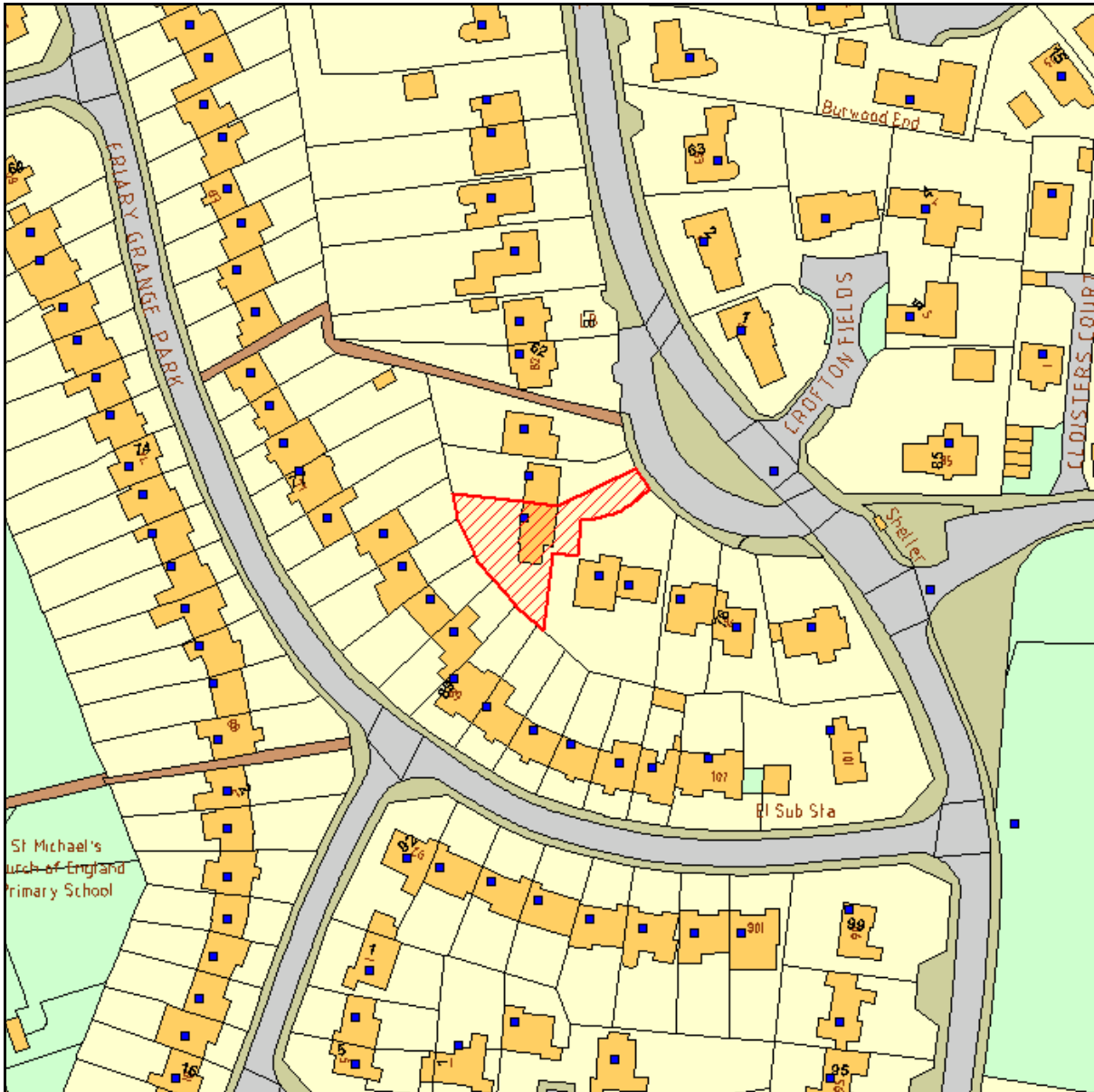
8. The hours of working on site during the period of construction shall be restricted to 0800 to 1800 Monday to Friday and 0800 to 1300 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted 2013).

CIRCULATED SCHEDULE NO. 41/14 – 10 OCTOBER 2014

App No.:	PT14/3166/CLP	Applicant:	Mr Steve Hart
Site:	68 Nicholls Lane Winterbourne Bristol South Gloucestershire BS36 1NE	Date Reg:	29th August 2014
Proposal:	Application for a certificate of lawfulness for the proposed erection of a two storey rear extension.	Parish:	Winterbourne Parish Council
Map Ref:	365356 180705	Ward:	Winterbourne
Application Category:	Certificate of Lawfulness	Target Date:	7th October 2014



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 100023410, 2008. **N.T.S.** **PT14/3166/CLP**

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a two storey rear extension would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit. The decision is based on the facts presented.
- 1.3 The Officer has advised the agent that the proposed windows in side elevation are not shown as obscure-glazed, contrary to condition A3 (b). amended plans have not been received as requested; therefore the proposal will be assessed on the submitted plans.

2. POLICY CONTEXT

2.1 National Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/1153/F Erection of two storey and single storey rear extension to provide additional living accommodation. Erection of front porch.
Approved 03.06.11

This planning application has not been implemented.

4. CONSULTATION RESPONSES

4.1 Highway Drainage

No comment

4.2 Transportation DC

No objection.

4.3 Winterbourne Parish Council

Objection raised; the proposed extension granted planning permission in 2011. Why is a CLP now being sought?

Other Representations

4.4 Local Residents

One objection received from a local resident:

- Large extension proposed which would increase the density of buildings;
- Would bring the line of the rear of the house much closer to the properties to the rear;
- Overbearing;
- A single storey extension would be much less intrusive.

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

5.1 Plans

Existing:

OS Location Map; Site Plan (013/010 17); Ground Floor Plan As Existing (013/010 01); First Floor Plan As Existing (013/010 02); Roof Plan As Existing (013/010 03); North Elevation As Existing (013/010 04); West Elevation As Existing (013/010/05); South Elevation As Existing (013/010 06); Section A: A As Existing (013/010 07).

Proposed:

Ground Floor Plan As Proposed (013/010 08); First Floor Plan As Proposed (013/010 09); Roof Plan As Proposed (013/010 10); North Elevation As Proposed (013/010 11); West Elevation As Proposed (013/010 13); South Elevation As Proposed (013/010 13); Section A:A As Proposed (013/010 14); Section B:B As Proposed (013/010 15); Section C:C As Proposed (013/010 16).

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 (As Amended) 1995.

- 6.2 The proposed development consists of a two storey rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995 (The enlargement, improvement or other alteration of a dwellinghouse). This allows for the enlargement, improvement or other alteration of a house, provided it meets the criteria as detailed below:

6.3 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 extension to the rear 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 proposed would be two storey reaching 6.6 metres at its highest part. The height of the roof on the host dwelling measures 6.8 metres. The proposal therefore accords with 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 not exceed 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 elevation 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 proposed extension is two storey; therefore this criterion does not apply.
- (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 is two storey; therefore this criterion does not apply.

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

(i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, OR**

(ii) **be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposal is for a two storey rear extension. The extension measures 3 metres from the rear wall of the original dwelling and is located in excess of 7 metres from the boundary of the curtilage of the dwelling opposite the rear wall of the dwelling. Therefore, the proposal meets criterion in both respects.

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

The proposal is located 2.4 metres from the nearest boundary of the curtilage, and as such the proposal meets this criterion.

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

(i) **exceed 4 metres in height**

(ii) **have more than one storey, or**

(iii) **have a width greater than half the width of the original dwellinghouse; or**

The 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 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 the roof, walls and windows of the existing dwelling.

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

(i) **obscure-glazed, and**

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

The proposal includes the installation of an upper floor windows in the side elevation which are not shown as being obscure-glazed. The agent has been advised that the proposal does not comply with condition A3 (b), but not amended plans or confirmation that these windows will be obscure-glazed have been received. On this basis, the proposal fails to comply with condition A3 (b).

- (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 main house has a pitched roof. The proposal would be two storey and would have a pitched roof, with gable end on the rear elevation.

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.

6.4 Other Matters

Two comments have been received, one objecting to the proposal. Winterbourne Parish Council has queried why an application has been submitted for another two storey extension when planning permission was approved in 2011. It is my understanding the property has recently been sold to new owners and the 2011 planning permission has not implemented.

6.5 A local resident has raised concerns about the size of the proposed two storey extension. This application is for a Certificate of Lawfulness which is purely an evidential test. There is no consideration of planning merit or assessment against planning policy.

This application is to confirm if the proposed development is in accordance with Schedule 2, Part 1, Class A of The Town and Country (General Permitted Development) Order (as amended) 1995. 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.

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 two storey rear extension would include non-obscure glazed windows in the side elevation. This is not permitted under Schedule 2 Part 1 Class A and the proposed development therefore does not comply with the criteria to be considered permitted development and a certificate of lawfulness should be refused.

8. RECOMMENDATION

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

The proposed development would include the provision of non-obscure glazed windows in the side elevation and therefore fails to meet the criteria set out in Schedule 2 Part 1 Class A of the Town and County (General Permitted Development) Order 1995 (as amended) and is therefore not considered to be permitted development.

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