



**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. 33/14

Date to Members: 15/08/14

Member's Deadline: 21/08/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 33/14 – 15 AUGUST 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK11/1026/F	Approved Subject to	Elmtree Way Kingswood South Gloucestershire BS15 1QS	Kings Chase	None
2	PK14/2236/F	Approve with Conditions	Lees Barn Court Farm Road Longwell Green South Gloucestershire BS30 9AE	Longwell Green	Hanham Abbots Parish Council
3	PK14/2237/LB	Approve with Conditions	Lees Barn Court Farm Road Longwell Green South Gloucestershire BS30 9AE	Longwell Green	Hanham Abbots Parish Council
4	PK14/2422/F	Approve with Conditions	125 Robin Way Chipping Sodbury South Gloucestershire BS37 6JS	Chipping	Dodington Parish Council
5	PK14/2450/F	Approve with Conditions	Great Kingley Cottage Dodington Lane Dodington South Gloucestershire BS37 6SB	Cotswold Edge	Sodbury Town Council
6	PT14/0796/F	Approve with Conditions	29 Gillingstool Thornbury South Gloucestershire BS35 2EH	Thornbury North	Thornbury Town Council
7	PT14/1515/R3F	Deemed Consent	Stoke Lodge County Primary School School Close Patchway South Gloucestershire	Bradley Stoke Central And Stoke Lodge	Patchway Town Council
8	PT14/2335/RVC	Approve with Conditions	Hill House Farm Station Road Charfield Wotton Under Edge South Gloucestershire GL12 8SY	Charfield	Charfield Parish Council
9	PT14/2519/RVC	Approve with Conditions	7A The Hill Almondsbury South Gloucestershire BS32 4AE	Almondsbury	Almondsbury Parish Council
10	PT14/2605/CLE	Approve	Failand 4x4 82 Gloucester Road Rudgeway South Gloucestershire BS35 3RS	Thornbury South And	Alveston Parish Council

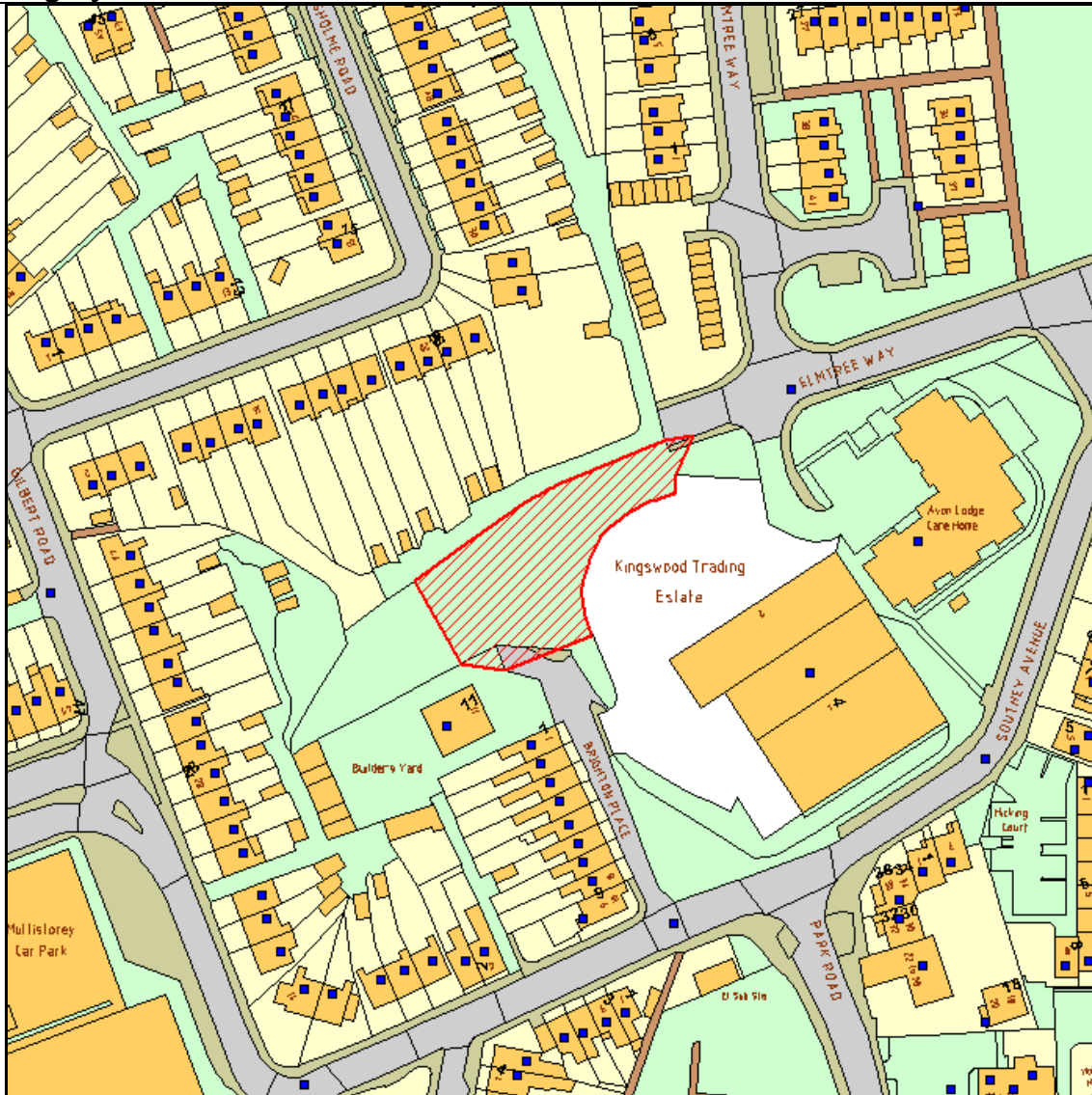
Dates and Deadlines for Circulated Schedule
During August Bank Holiday Period 2014

Schedule Number	Date to Members 9am on	Members Deadline 5pm on
No.34	Thursday 21 Aug	Thursday 28 Aug

Above are details of the schedules that will be affected by date changes due to August Bank Holiday.

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.:	PK11/1026/F	Applicant:	Mr R Wilton - K P Wilton & Son Ltd
Site:	Elmtree Way Kingswood Bristol South Gloucestershire BS15 1QS	Date Reg:	12th April 2011
Proposal:	Erection of 5 no. dwellings with associated access, landscaping and external works. (Resubmission of PK06/1996/F).	Parish:	None
Map Ref:	364899 174189	Ward:	Kings Chase
Application Category:	Minor	Target Date:	1st June 2011



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 100023410, 2008. **N.T.S.** **PK11/1026/F**

INTRODUCTION

This application first appeared on the Circulated Schedule on 9 December 2011 (No. 48/11) due to the receipt of a neighbour objection and the requirement for a Section 106 Agreement. The Case Officer's recommendation was for approval, with the caveat (below) attached.

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 Planning, Transport and Strategic Environment to refuse the application.

Through negotiation with the agent, it has been agreed to continue with the application; currently the Section 106 Agreement is ready and awaiting signing. Due to the above time restriction, the application is therefore reappearing on the Circulated Schedule.

An extension was previously sought for a one month period on the circulated schedule in the week commencing 27th June 2014. This additional one month period therefore lapsed on 3rd August. Unfortunately it was not possible to sign the agreement during this limited one month period and so it has been necessary to seek a further two month extension.

Since the original report was prepared, there have been updates to planning Policy that need to be addressed. The key changes include the replacement of the Planning Policy Statements and Planning Policy Guidance documents by the National Planning Policy Framework (NPPF) and the Adoption of the South Gloucestershire Core Strategy. This will require alterations to the wording of some of the conditions.

1. THE PROPOSAL

- 1.1 The application sought full planning permission for the erection of 5 no dwellings with access, landscaping and external works.
- 1.2 This application is now referred back to Circulated Schedule due to the time scale granted (6 months) as part of the resolution to complete the S106 agreement has lapsed as has the previously agreed extension of time.
- 1.3 The lapse of the 6 months time limit from December 2011 was due to negotiations on the detail of the S106 agreement. Some of the reasons for planning conditions have been updated following the adoption of the Council's Core Strategy: Local Plan in December 2013 and the publication of the NPPF. The revised recommendation is set out in full below.
- 1.4 Negotiations have progressed and the S106 agreement is now prepared and ready to be signed subject to agreement by members.

2. POLICY CONSIDERATIONS

The current policies against which the application stands to be assessed are as follows:

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance

- 2.2 Development Plans

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

- T7 Cycle Parking
 - T12 Transportation Development Control

- South Gloucestershire 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
 - CS16 Housing Density

3. ASSESSMENT OF MATERIAL CHANGES SINCE DECEMBER 2011

- 3.1 As previously explained, since the application initially appeared on the circulated schedule, there have been changes in policy. The current policies that apply to this application are stated in section 2 above. Many of the policies from the Local Plan are not 'saved' policies and are therefore no longer applicable. Other than minor alterations to wording, the policies within the Core Strategy are essentially the same as when the application was initially considered in 2011.
- 3.2 Your officer has re-assessed the scheme in light of the changes to the development plan and summarises that there are three key material considerations that need to be taken into account to be discussed below. The other policy changes have not materially affected the determination of the application and the scheme is still considered to be policy compliant.
- 3.3 Key Change 1 – the deletion of Policy T8 which contained maximum parking standards and the adoption of the Residential Parking Standards SPD which advise of minimum parking standards. In accordance with the SPD, the minimum parking requirement for either a 3 or 4 bed dwelling is two spaces. As this application is for 4 x 3 bed dwellings and 1 x 4 bed dwellings, the minimum parking requirement is 6 spaces. This is provided on site and therefore the application meets the requirements of the Residential Parking Standards SPD.
- 3.4 Key Change 2 – the deletion of Policy LC13 which required the provision of on site public art. The requirement to provide on site public art will therefore be removed from the proposed Heads of Terms.
- 3.5 Key Change 3 – the sums of money requested to meet the education needs arising from the development needs to be uplifted to take account of inflation and rising prices. At the time of assessment in 2011, the sum of money

required by the Education department was £20,932 – this has now risen to £22,950. The proposed Head of Terms will be updated to take account of this figure.

This contribution is still considered to be necessary and meets the three test of an obligation as set out at paragraph 204 of the NPPF and the CIL regulations.

4. RECOMMENDATION

4.1 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:

i – The payment of £22,950 as a contribution towards additional primary education provision.

ii – The entering in to a Bond with a reputable surety approved beforehand by the Council for £10,000 for to the effect that if the owner defaults in any way in carrying out its obligations regarding Highway Works then the Council may demand the sum of money necessary to remedy the default from the surety and the surety shall pay such sum to the Council within five working days.

The reasons for the agreement are:

i – To mitigate against the impact of the development and in order to comply with the requirements of Policy LC2 of the South Gloucestershire Local Plan (Adopted) January 2006

ii – To provide a satisfactory access and egress for the site in the interests of highway safety and in order to comply with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006

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

4.3 Should the agreement not be completed within 2 months of the date of the resolution that delegated authority be given to the Director of Planning, Transport and Strategic Environment to refuse the application.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The buildings shall not be occupied until the associated car parking areas and manoeuvring areas have been drained and surfaced in accordance with the details approved in writing by the Local Planning Authority. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.

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 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Adopted Residential Parking Standards SPD.

3. The off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the first dwelling is occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and the Adopted Residential Parking Standards SPD.

4. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:

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

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

Reason

To accord with the Local Planning Authority's adopted Waste Management Strategy, and to accord with Policy CS5 of the South Gloucestershire Core Strategy (Adopted)

5. Before the development hereby permitted commences on the site, a soil survey of the site shall be undertaken and the results submitted to the Local Planning Authority. The survey shall be taken at such points and to such depth as the Local Planning Authority may stipulate. A scheme for decontamination of the site shall be submitted to and approved by the Local Planning Authority in writing and the scheme as

approved shall be fully implemented and completed before any [residential] unit hereby permitted is first occupied.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land to accord with Policy EP6 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 side elevation of any of the properties.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted)

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

Reason

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

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

Reason

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

9. In accordance with the recommendations of the submitted Coal Mining risk Assessment, the coal mining legacy potentially poses a risk to the proposed development. Prior to the commencement of the development hereby approved, site investigation works shall be carried out on the site to ascertain the extent of shallow mine workings (if any). In the event that the site investigations confirm the need for remedial works to treat any mine entries and/or areas of shallow mine workings these works shall be carried out prior to the commencement of the development.

Reason

In order to remediate any unstable ground to safeguard the site and surrounding properties to accord with policy CS9 of the adopted South Gloucestershire Core Strategy.

10. The hours of working on site during the period of construction shall be restricted to

Monday - Friday	07.30 - 18.00
Saturday	08.00 - 13.00

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.

All plant and equipment should be suitably chosen, sited, operated and serviced so as to minimise noise, vibration, fumes and dust. Best practical means should be employed to minimise potential nuisance to neighbouring properties. All plant should be turned off when not in use.

Pneumatic tools should be fitted with an integral silencer and/or purpose made muffler, which is maintained in good repair.

In periods of dry weather, dust control measure should be employed including wheel washing and damping down. Any stockpiles of materials which are likely to give rise to windblown dust, shall be sheeted, wetted or so located as to minimise any potential nuisance.

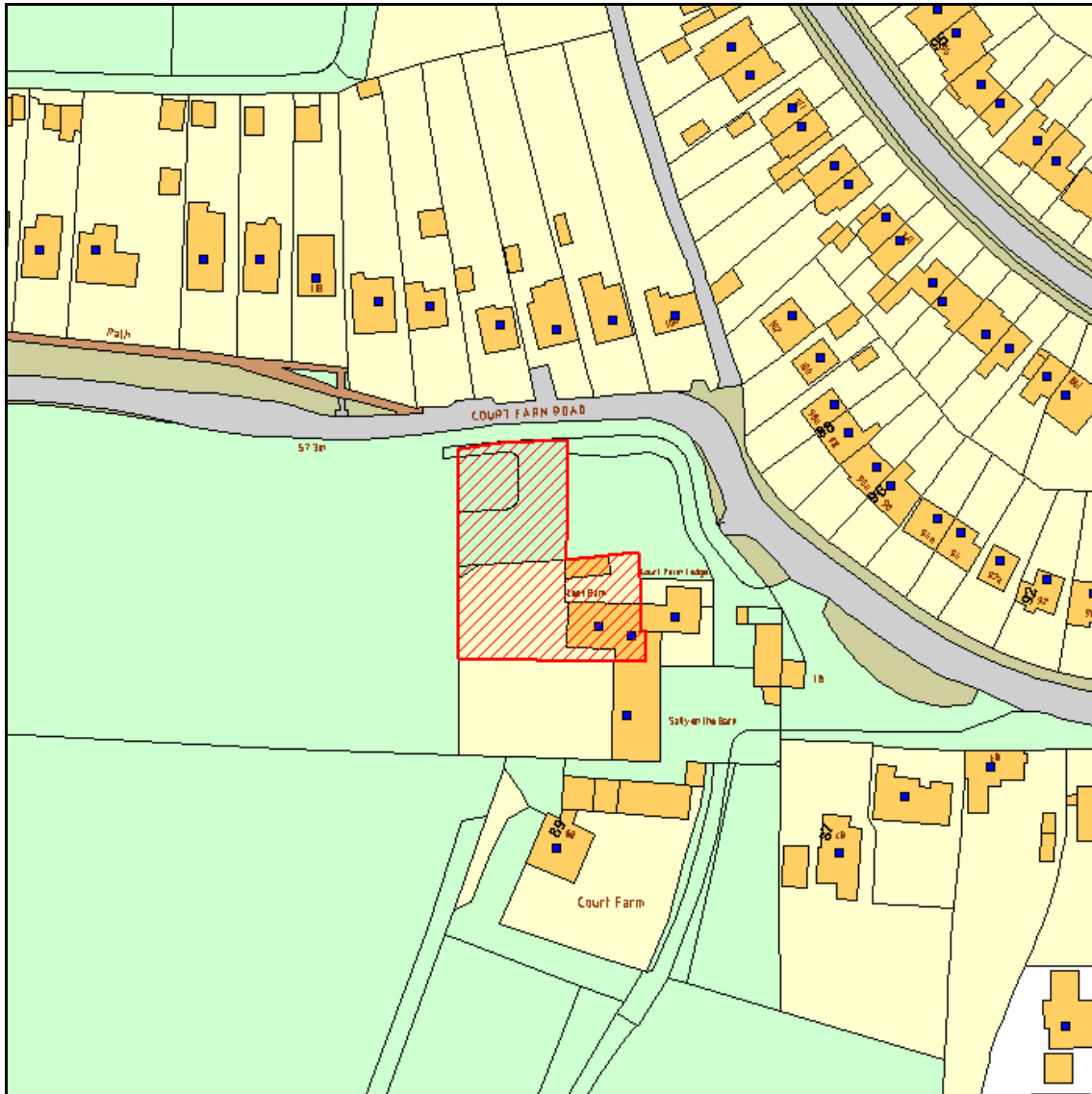
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

ITEM 2

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.:	PK14/2236/F	Applicant:	Mr And Mrs Webb
Site:	Lees Barn Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AE	Date Reg:	12th June 2014
Proposal:	Change of Use of outbuilding to residential use ancillary to main dwelling to include alterations and raising of roofline	Parish:	Hanham Abbots Parish Council
Map Ref:	365273 170642	Ward:	Longwell Green
Application Category:	Minor	Target Date:	4th August 2014



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REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of an outbuilding to residential use ancillary to the main dwelling to include alterations and raising of the roofline.
- 1.2 The application relates to a converted barn, part of the 'Sally on the Barn' grade II listed building. As such the application site is curtilage listed. The site also lies within the Hanham Abbots Conservation Area and within the Bristol/Bath Green Belt.
- 1.3 This application is to be read in conjunction with full planning application PK14/2371/LB

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS23	Community Infrastructure and Cultural Activity
CS24	Open Space Standards
CS34	Rural Areas

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
T12	Transportation Development Control	
L12	Conservation Areas	
L13	Listed buildings	

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | PK03/3174/LB | Alterations to change location of window & rooflight on the south elevation (granted permission on application P99/4573). |
| | Approved | 9.12.03 |
| 3.2 | PK03/3169/F | Alterations to change location of window & rooflight on the south elevation (granted permission on application P99/4573). |
| | Approved | 9.12.03 |
| 3.3 | PK03/0871/LB | Alteration to fenestration by installation of new window. Creation of two internal opening in the ground floor spine wall to provide new internal doorways. |
| | Approved | 19.5.03 |
| 3.4 | PK03/0842/F | Alterations to dwelling house (unit 2) (granted permission on application P99/4573) to install 1No. additional window. |
| | Approved | 19.5.03 |
| 3.5 | PK13/2247/F | Erection of 1.8metre high fence and gates to northern boundary. Tarmac existing parking area to front of property |
| | Withdrawn | 12.8.13 |
| 3.6 | PK14/2234/F | Erection of 1.5 metre high Hazel Hurdle fence and timber gates to northern boundary. Install permeable resin bound gravel hard standing parking area to front of property. (Re submission of PK13/2247/F) |
| | Pending | |
| 3.7 | PK14/2237/LB | Change of Use of outbuilding to residential use ancillary to main dwelling to include alterations and raising of roofline |
| | Pending | |

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objection as the proposed development is out of character with a listed building, particularly the raised roofline.
- 4.2 Other Consultees
- Listed Building Officer
No objection

Highway Officer
No objection

Archaeologist
No objection

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular relevance is design, (CS1), impact on residential amenity (H4), impact on the listed building and the conservation area (L13 and L12) and Green Belt under the NPPF (2012) and SGC SPD: Green Belt.

It is considered that the proposal accords with the principle of development and the application can be supported.

5.2 Green Belt

The proposal is for the change of use of a small outbuilding within the residential curtilage of Lees Barn. Currently the building is used for domestic storage. Under Green Belt policy this change of use within the residential curtilage of a property is considered appropriate. The proposal would involve minor changes to the appearance of the building which given its close proximity to the host property Lees Barn would not impact on the openness of the Green Belt. The proposal can therefore be supported in Green Belt terms.

5.3 Design and Visual Amenity

The application site is a converted barn within the curtilage of a listed building. The listed building itself is the other side of Lees Barn and thereby is screened from the proposal site. The small structure sits very close to Lees Barn and its entrance doors. The northern wall of the outbuilding forms the boundary between Lees Barn and part of the garden of its other neighbour, Court Farm Lodge. The proposal seeks a change of use of this outbuilding to residential use

5.4 The outbuilding is a simple stone structure with a single arched opening facing the converted barn and a small arch-headed door in the east elevation. The structure currently has a modern corrugated sheet mono-pitch roof and is used for ancillary storage. The intention would be to reinstate a traditional double pitched roof and to introduce a glazed screen to match the main house. A small conservation rooflight to the rear elevation provides additional light and ventilation to the space. The building appears to be late 19th century and a remnant of a larger agricultural building associated with the farm.

5.5 The proposal would include taking the gables up to a new apex using stone to match the existing and pointed in lime mortar. A parapet verge would be introduced to match the main building and clay pantiles would be used to cover the roof. The eaves would be plain and a traditional rise and fall gutter introduced, supported on spiked brackets. In terms of the overall design, Officers have no objection to the proposal other than to state that natural stone should be specified for the gable parapets rather than reconstituted stone, and the pan tiles should be traditional pan tiles, not the modern interlocking versions shown in the sections - samples of all external materials would therefore, be conditioned for approval.

5.6 Residential Amenity

Closest neighbour to the proposal would be at Court Farm Barn. These neighbours are attached to the east elevation of Lees Barn. They are separated by high walling which for the most part screens the two sites and the existing outbuilding. Although there would be changes following the proposal, particularly in relation to the raising of the roof line, given the orientation of the buildings and openings Officers consider there would be no issues of overlooking, inter-visibility or overshadowing. Sufficient residential amenity space would remain to serve the property. Given the above the proposal is considered to accord with policy and is acceptable.

5.7 Sustainable Transport

The proposed conversion of the existing store into a residential annex raises no transport objections as the current off-street parking provision would remain unchanged. It is considered there is sufficient parking and on-site turning within this large site to serve the property and to thereby accord with policy.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The facing stonework shall match the existing original stonework in respect of colour, texture, coursing, jointing and pointing.

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

3. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used, including coping, 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 maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

4. All new external rainwater goods shall be formed in cast metal and painted black.

Reason

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

ITEM 3

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.: PK14/2237/LB
Site: Lees Barn Court Farm Road Longwell Green Bristol South Gloucestershire BS30 9AE

Applicant: Mr And Mrs Webb
Date Reg: 12th June 2014

Proposal: Change of Use of outbuilding to residential use ancillary to main dwelling to include alterations and raising of roofline

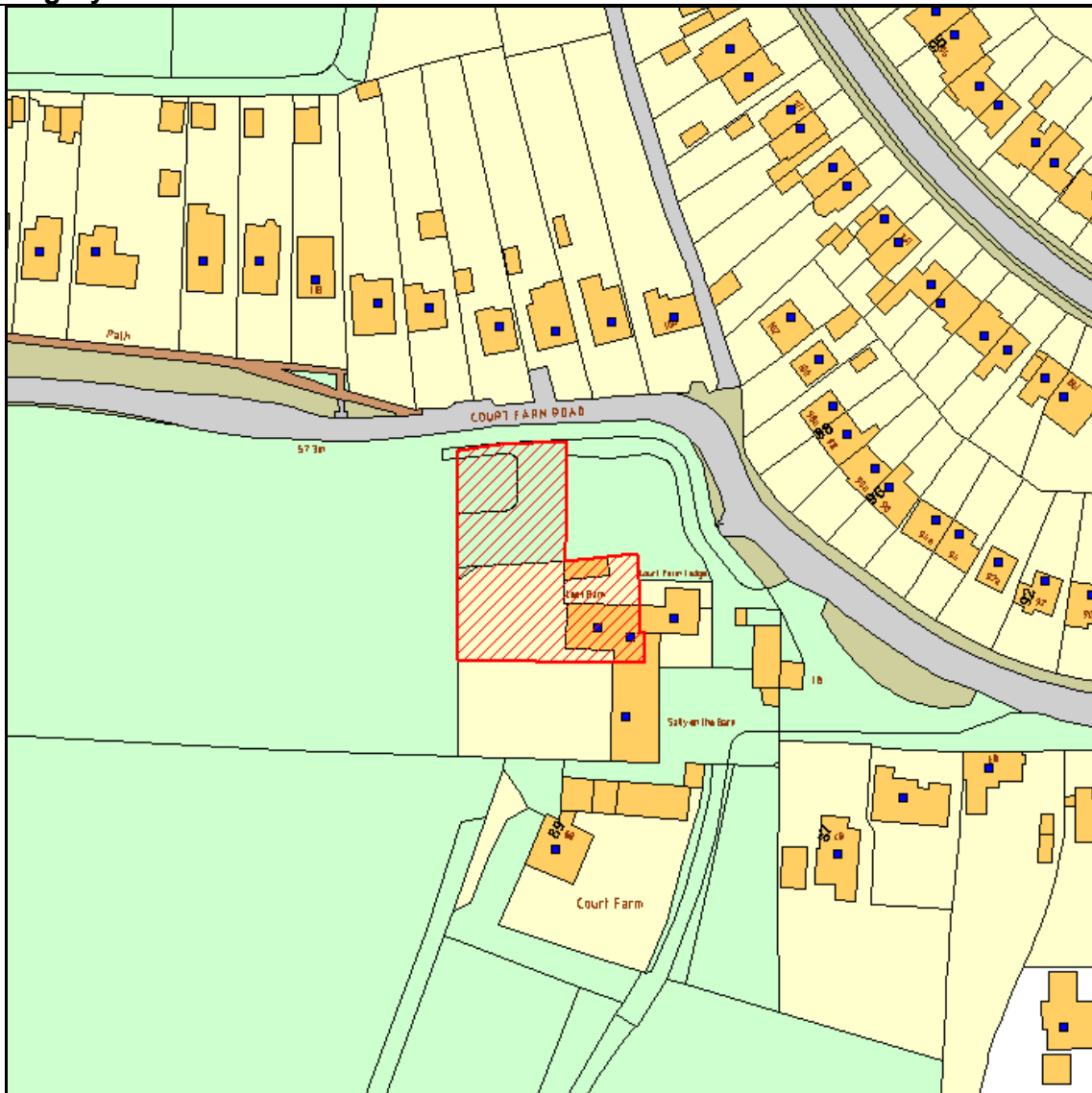
Parish: Hanham Abbots Parish Council

Map Ref: 365273 170642
Application Minor

Ward: Longwell Green
Target 4th August 2014

Category:

Date:



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PK14/2237/LB

CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection received by the Parish Council contrary to Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks listed building consent for the change of use of an outbuilding to residential use ancillary to the main dwelling to include alterations and the raising of the roofline.
- 1.2 The application relates to a converted barn, part of the 'Sally on the Barn' grade II listed building. As such the application site is curtilage listed. The site also lies within the Hanham Abbots Conservation Area.
- 1.3 This application is to be read in conjunction with full planning application PK14/2236/F.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.1 | PK03/3174/LB | Alterations to change location of window & rooflight on the south elevation (granted permission on application P99/4573).
Approved
9.12.03 |
| 3.2 | PK03/3169/F | Alterations to change location of window & rooflight on the south elevation (granted permission on application P99/4573).
Approved
9.12.03 |
| 3.3 | PK03/0871/LB | Alteration to fenestration by installation of new window. Creation of two internal opening in the ground floor spine wall to provide new internal doorways.
Approved
19.5.03 |
| 3.4 | PK03/0842/F | Alterations to dwelling house (unit 2) (granted permission on application P99/4573) to install 1No. additional window.
Approved
19.5.03 |
| 3.5 | PK13/2247/F | Erection of 1.8metre high fence and gates to northern boundary. Tarmac existing parking area to front of property
Withdrawn
12.8.13 |

- 3.6 PK14/2234/F Erection of 1.5 metre high Hazel Hurdle fence and timber gates to northern boundary. Install permeable resin bound gravel hard standing parking area to front of property. (Re submission of PK13/2247/F)
- Pending
- 3.7 PK14/2236/F Change of Use of outbuilding to residential use ancillary to main dwelling to include alterations and raising of roofline
- Pending

4. CONSULTATION RESPONSES

- 4.1 Hanham Abbots Parish Council
Objection as the proposed development is out of character with a listed building, particularly the raised roofline

4.2 Other Consultees

Highways

No comment

Listed Building/Conservation Officer

No objection

Archaeologist

No objection

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application stands to be assessed against the above listed policies and all other material considerations.
- 5.2 Assessment
The outbuilding is a simple stone structure with a single arched opening facing the converted barn and a small arch-headed door in the east elevation. The structure currently has a modern corrugated sheet mono-pitch roof and is used for ancillary storage. The intention is to reinstate a traditional double pitched roof and to introduce a glazed screen to match the main house. A small conservation rooflight to the rear elevation provides additional light and ventilation to the space. The building appears to be late 19th century and a remnant of a larger agricultural building associated with the farm.

5.3 The proposal would be to take the gables up to a new apex using stone to match the existing and pointed in lime mortar. A parapet verge would be introduced to match the main building and clay pantiles will be used to cover the roof. The eaves would be plain and a traditional rise and fall gutter introduced supported on spiked brackets. There are no in principle objections to the proposal. However, Officers consider that natural stone should be specified for the gable parapets rather than reconstituted stone, and the pan tiles should be traditional pan tiles, not the modern interlocking versions shown in the sections - samples of all external materials would, therefore, be conditioned for approval.

6. CONCLUSION

6.1 The recommendation to **approve** Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the NPPF (2012).

7. RECOMMENDATION

7.1 Listed building consent is granted subject to conditions and informatives attached to the decision notice.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. The facing stonework shall match the existing original stonework in respect of colour, texture, coursing, jointing and pointing.

Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

3. Prior to the commencement of development samples of the roofing and external facing materials proposed to be used, including coping, 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 maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

4. All new external rainwater goods shall be formed in cast metal and painted black.

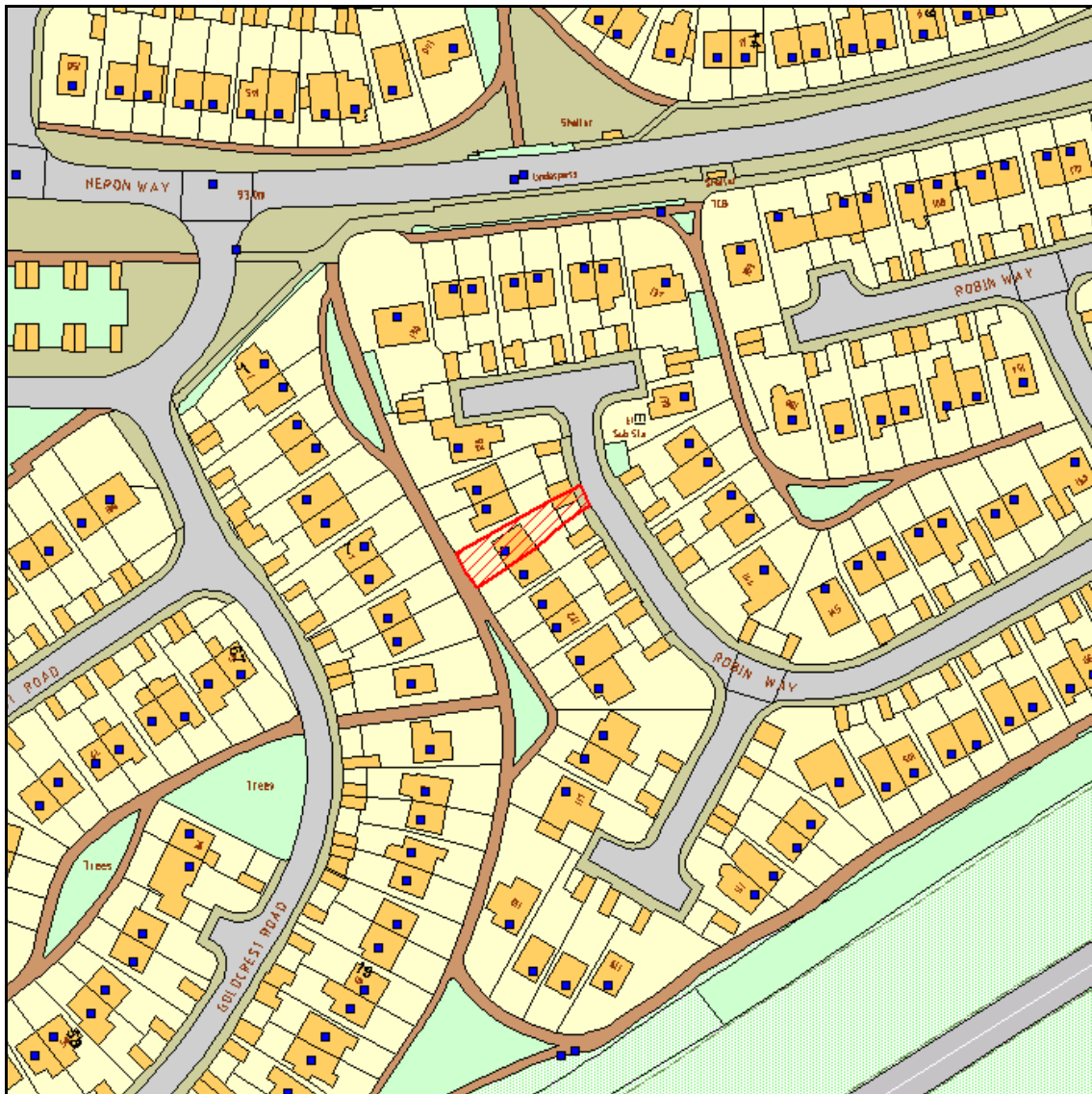
Reason:

To maintain and enhance the character and setting of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the NPPF.

ITEM 4

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.: PK14/2422/F	Applicant: Mr P Mayhead
Site: 125 Robin Way Chipping Sodbury South Gloucestershire BS37 6JS	Date Reg: 11th July 2014
Proposal: Erection of single storey front and side extension to form additional living accommodation.	Parish: Dodington Parish Council
Map Ref: 371870 181310	Ward: Chipping Sodbury
Application Category: Householder	Target Date: 28th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the concerns of a neighbour.

1. THE PROPOSAL

- 1.1 This application seeks consent to erect a porch to the front of the house which is in a Radburn style estate. The proposal would be constructed in matching materials.
- 1.2 The proposal has been amended since submission and the neighbours and Parish are being consulted for seven days at the same time as this report is being circulated. The amendment reduces the forward depth of the proposal. Should new comments, not addressed below be received as a result of the reconsultation the report may be recirculated.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages, including extensions and new dwellings
T12 Transportation development control policy for new development

South Gloucestershire Local Plan Core Strategy adopted December 2013.

CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage.

2.3 Supplementary Planning Guidance

Residential parking standards adopted December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Dodington Parish Council

No objection

4.2 Highway Drainage

No comment

4.3 Trading Standards

The proposed works at 125 Robin Way is in close proximity to a number of vehicle weight restrictions.

Other Representations

4.4 Local Residents

One consultee is concerned that the canopy shown on the original plans would have impact on the lighting around their front door and garden.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

In assessing applications for development within the curtilages of dwellings, planning policy H4 of the adopted Local Plan and CS1 of the Core Strategy are particularly relevant. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety. CS1 seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.2 Design

This is a semi-detached house in a cul-de-sac location where other properties have similarly deep front porches. This proposal extends side ways by 1.25m as well as forward by 2.1m. The forward projection brings the proposal to around the same depth as the immediate neighbour. As such the scale of the extension suits the house and would not detract from the street scene. The elevational brick treatment of the development is considered acceptably in keeping with the original house and the materials are said to match the house. A condition to ensure a match of the proposed brick and tile finish to the main house is necessary.

5.3 Residential amenity

The proposed extension is located alongside the non-adjoined neighbours side pathway and their similarly deep porch. The neighbour's front door faces sideways onto their side access and as such directly towards the proposal. The proposal would offer a blank elevation to the neighbour at approximately 0.6m of the boundary. The houses very marginally diverge at the front of the house and this together with the limited depth of the porch with its 2.1m footprint and 0.2m overhang prevent any material harm to the residential amenity of the neighbouring occupiers. Similarly there is no loss of privacy to neighbours as the front door and window face onto the public pathway.

Other neighbours would not be affected by the proposal. Overall therefore the proposal is not considered to materially harm the residential amenity of the neighbouring occupiers. Notwithstanding the finding above, given the close proximity of the neighbours a working hours condition is necessary.

5.4 Transportation

There is no increase in the requirement for parking. As such the parking for the proposal is acceptable.

Trading Standards have advised of weight restrictions on local loads which will be brought to the attention of the applicant.

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

7. **RECOMMENDATION**

7.1 That permission is **GRANTED** subject to the following conditions:

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

Reason

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

3. The hours of working on site during the period of construction shall be restricted to 07.30 to 18.00 Monday to Friday, 08.00 to 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 residential amenity of the neighbouring occupiers and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.: PK14/2450/F
Site: Great Kingley Cottage Dodington Lane
Dodington Bristol
South Gloucestershire BS37 6SB

Applicant: Mr And Mrs S Beech
Date Reg: 8th July 2014

Proposal: Demolition of existing outbuilding and
erection of detached garage/annexe.

Parish: Sodbury Town
Council
Ward: Cotswold Edge
Target 26th August 2014

Map Ref: 372879 180913
Application Householder

Target
Date:

Category:



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure following a representation which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of an existing outbuilding to facilitate the erection of a residential annex, ancillary to the main dwellinghouse. The annex will contain a garage, log store, gym and bedroom with an ensuite bathroom.
- 1.2 The application site relates to a two-storey detached cottage situated outside an established settlement boundary and within the open countryside. The site is also within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)
CS1 High Quality Design
CS5 Location of Development
CS8 Improving Accessibility
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
L1 Landscape
L9 Species Protection
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire Supplementary Planning Document: Green Belt (Adopted) 2007
South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 *Relating to adjacent site*
PK12/3151/F Approve with conditions 12/12/2012
Erection of agricultural workers dwelling to replace existing mobile home

- 3.2 *Relating to Great Kingley Cottage*
P91/2178 Approval Full Planning 22/08/1991
Erection of first floor side extension to provide additional bedroom accommodation.
- 3.3 N5166 Approve with conditions 04/01/1979
Erection of 2 storey extension to provide cloakroom with W.C. over and erection of single storey side extension to provide utility room.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection.
- 4.2 Dodington Parish Council
No objection.
- 4.3 Other Consultees
- Highway Drainage
No comment.
- Archaeological Officer
No comment.

Other Representations

- 4.3 Local Residents
One letter of objection has been received on behalf of a neighbouring landowner. The main points of the letter received are summarised below:
- The existing building is of a simple and basic design, characterful of the rural location. It would appear, that the proposed building is substantially higher and more domesticated than the existing building and this will potentially have an impact on Great Kingley Cottage
 - The adjacent landowner has received planning consent for the erection of a new dwelling, which may be affected also
 - No justification for first floor accommodation other than to allow the creation of a gym and additional bedroom to this otherwise modest country cottage
 - Proposed velux roof windows should be non opening to prevent noise pollution and smell issues from the adjacent farm arising in the future

5. ANALYSIS OF PROPOSAL

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

landscape/nature/heritage features; and contributes to relevant strategic objectives.

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

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

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

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

5.2 Impact on the Green Belt

The NPPF allows for limited extensions to buildings within the greenbelt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its volumes on July 1st 1948). The South Gloucestershire 'Development within the Green Belt SPD' states that an addition resulting in a volume increase of between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.3 The volume increase of the existing garage compared to the proposed annex is approximately 48%, so the annex falls within the bracket of being acceptable subject to careful consideration and assessment below.

5.4 Annex test

By definition an annex must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case the proposed annex does not contain elements associated with independent living accommodation i.e. a kitchen and living room. It is, however, acknowledged that a bedroom and ensuite bathroom would be provided. It is therefore overall, considered to meet the criteria of an annex, as the occupant of the annex would have to return to the main dwelling to use the facilities and it would not function as an independent unit. In order to ensure that this remains the case, a condition will be attached to the decision notice stating that the use of the annex must be incidental to the main dwelling and that it cannot be used independently of that dwelling.

5.5 Design

Great Kingley Cottage is situated in the open countryside on Dodington Lane, which is a single track lane. The cottage has long gables of multiple elevations,

with the forward facing gable being of single storey, and the walls are finished in a mixture of stone, brickwork and render. The eastern elevation, which is adjacent to the outbuilding to be demolished, is predominantly render. The tiled roof has solar panels installed on the eastern single storey part of the dwelling facing Dodington Lane, and a small lean-to sunroom has been added to the principal elevation. With regards to the existing outbuilding which forms a garage and store room, it has a rounded corrugated roof, render walls and a metal vehicular door.

- 5.6 The applicant intends to demolish the existing garage, to which there are no objections as it is not considered to be of architectural merit. In its place, a single storey annex is proposed forming a garage and a log store room, with a second storey facilitated by the installation of a dormer window and velux roof lights to form an en-suite bedroom and a gym. The roofline is proposed to be a forward facing gable with double roman style tiles which will blend well with the original dwelling, and the render finish on the walls will reflect the eastern elevation of Great Kingley Cottage. Whilst the ridge height is thought to be higher than the adjacent single storey gable of the main dwelling, it is not higher than the two storey parts of the cottage, or the farmhouse which has been given planning permission on the adjacent land, and therefore is not considered to be excessive. The dormer window does not fit in with the rural character of the cottage, however the impact of this has been reduced by choosing a sloped roofline for the dormer installation.
- 5.7 Overall the proposed design is considered to be acceptable. Appropriate materials have been selected and the layout of the development is suitable to the site and the density of the surrounding area, and it is in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.
- 5.8 Residential Amenity
Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site. The area on which the annex is proposed already houses the outbuilding to be demolished; the proposed development therefore does not alter the availability or quality of private amenity space available to the dwelling.
- 5.9 Four new first floor windows are proposed along the dormer window. Their outlook is to the west over the single storey gable of the cottage itself, and does not affect the amenity of any neighbouring properties. A representation received from the landowner to the east raised concerns that the velux windows in the eastern roof slope facing the farm may lead to smell and noise complaints in the future and that they should be non opening. It is considered that this is not an issue, as there are plenty of other openings in the first floor of the annex which do not face the farm which could be opened instead, should the occupier prefer it. The height and angle of the velux windows mean that they do not provide an outlook into the adjacent site, where a agricultural workers dwelling has been given planning permission. The only other first floor opening faces out towards Dodington Lane and into the field beyond, and the proposal is therefore considered to protect the residential amenity of neighbouring occupiers and is found to be in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.

5.10 Transport

Assessment of transportation impacts with regard to extensions to existing houses relates to the provision of adequate off-street parking. Whilst the proposal adds an additional bedroom to Great Kingley Cottage, it has an ample driveway with plenty of parking for at least three vehicles, and the proposed garage also meets the standards laid out in the Residential Parking Standards SPD for a parking space. There is no transportation objection to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 It is recommended to **GRANT** planning permission subject to the conditions listed on the decision notice.

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

2. The annex hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Great Kingley Cottage.

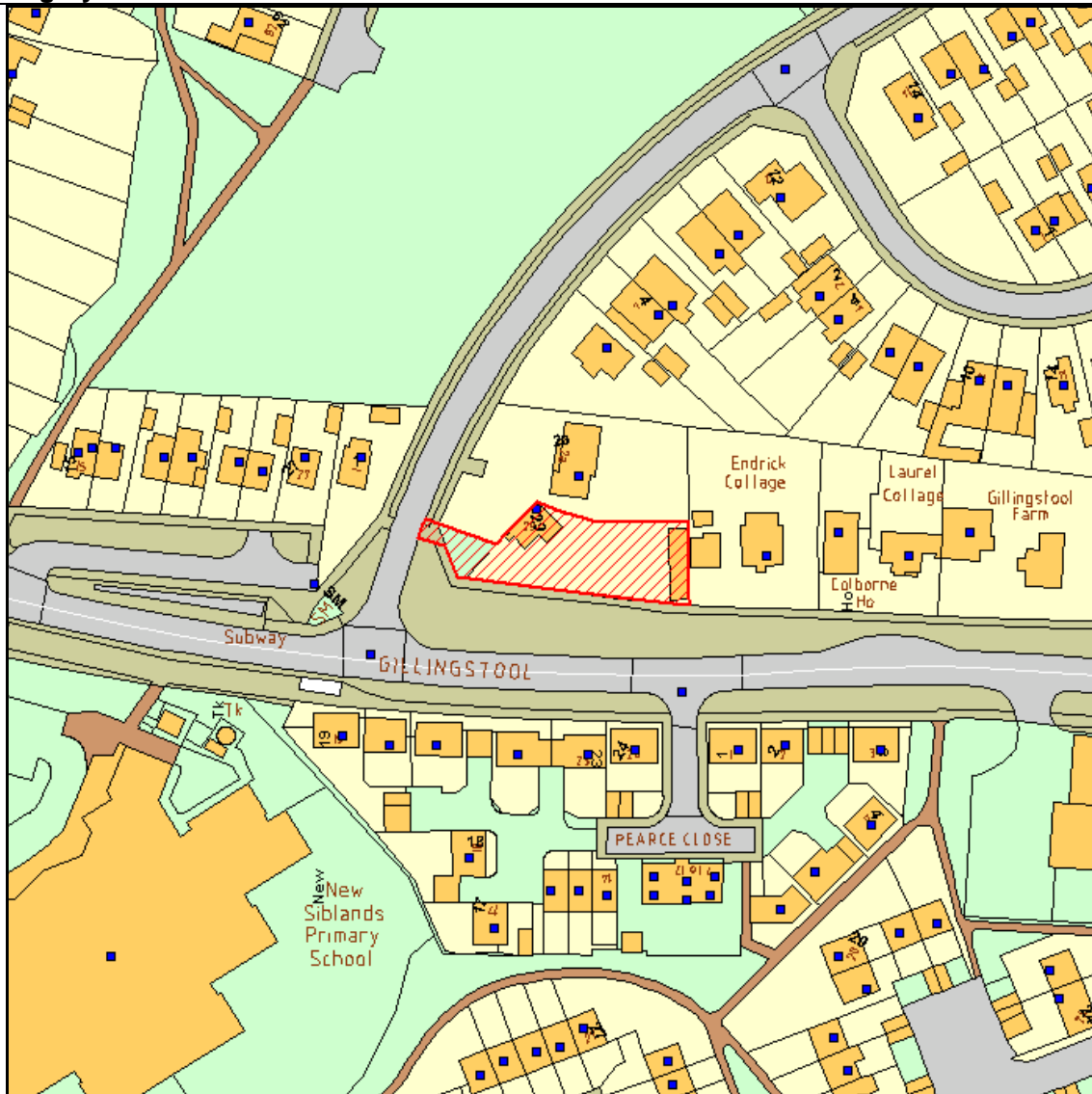
Reason

The application site is located within the open countryside and the Green Belt where new residential developments is considered inappropriate given the unsustainable location and would be contrary to policy CS5 of the South Gloucestershire Core Strategy (Adopted) 2013.

ITEM 6

CIRCULATED SCHEDULE NO. 33/14 – 15 August 2014

App No.:	PT14/0796/F	Applicant:	Mr Scott Cameron
Site:	29 Gillingstool Thornbury Bristol South Gloucestershire BS35 2EH	Date Reg:	18th March 2014
Proposal:	Erection of two storey side and rear extension and front porch to existing dwelling. Erection of detached dwelling with double garage, new access and associated works.	Parish:	Thornbury Town Council
Map Ref:	364175 189969	Ward:	Thornbury North
Application Category:	Minor	Target Date:	8th May 2014



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PT14/0796/F

REASON FOR CIRCULATION

The application is circulated to Members as a result of the comments of two neighbours and Thornbury Town Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of an extension to 29 Gillingstool in Thornbury and for the erection of a new detached house in the garden.
- 1.2 The application site consists of an old house with a garden running parallel to Gillingstool. A vehicular access to a long, single width garage is located at the end of the garden and it is here that the new house is to be located. The site is situated within the established settlement boundary of Thornbury.
- 1.3 The extension to original house consists of a sizable 10.5m wide extension to this 5m wide property. The proposal increases the bedroom numbers from one to three. The new house would also comprise three bedrooms. A double garage facilitating one garage space for each house is also provided.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS16 Housing Density
CS17 Housing Diversity
CS32 Thornbury Area

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

H4 Development within Existing Residential Curtilages
EP2 Flood Risk and Development
EP6 Contaminated Land
T7 Cycle Standards
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection, subject to the Highways department being satisfied on the safety of the access to the proposed development.

4.2 Transportation DC

No objection subject to condition and an informative regarding works in the highway land.

4.3 Drainage Officer

No objection subject to condition regarding SUDS and informatives.

4.4 Tree Officer

No objection in principle. This proposal appears to provide a net gain in tree cover although no details have been provided with regards to the proposed tree species. The row of trees to the north bordering 2a Oakleaze Road are marked for retention but no measures for their protection during the development have been submitted. These trees are of low quality and should not be seen as a constraint to this development although they currently provide screening for the adjacent property. A landscape scheme indicating size and species of tree to be planted and if the trees to the north of the site are to be retained, a tree protection plan is required.

4.5 Environmental protection

No objection subject a contamination assessment by condition.

Other Representations

4.6 Local Residents

Two letters of objection were received in relation to the following matters:

- Would like the remaining trees which are on the boundary with 2A to be maintained. (These belong to 2A)
- Would like consideration given to the potential to convert the attached garage at 2A to habitable accommodation and that an extension may also be sought.
- Concern about the safety at the junction of Gillingstool and Oakleaze Road.
- Concern that the foot crossing will be moved further away from the natural line of crossing the road – question whether this is safe.
- Concern that the access to the extended house is over land owned by South Gloucestershire and 2A Oakleaze.
- Concern at a window overlooking Endrick Cottage – requests rooflight or removal.
- Level of the house is unclear so it is unclear whether a retaining wall will be required at the party boundary and what will happen to the existing walls believed to belong to the owners of Endrick Cottage.

- Writer assumes a Party Wall Agreement will be required such that works can be agreed with the neighbour.
- A 1.8m high fence is requested between the back gardens of Endrick house and the site but lesser fencing to demarcate the boundary is requested at the front of the property. It is assumed that the new property will maintain these fences.
- a matter of ownership of the access land as the writer had not been served with the requisite Certificate A. (*this has been done during the application*)

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of 1no. detached dwelling and an extension to an existing house, which is situated within the established settlement boundary of Thornbury. In this case relevant policies are CS1, CS5, CS16 and CS17 of the Core Strategy (Adopted 2013) and saved policy H4 of the SGLP (Adopted 2006). The proposal for the extension and dwelling within the curtilage of a dwelling and within the established settlement boundary is considered acceptable in principle subject to the following detailed assessment:

5.2 Design

The application site consists of the side garden of 29 Gillingstool. 29 Gillingstool is located on a corner plot at the junction with Oakleaze Road and is set behind a deep grassed verge –also containing street trees. No. 2A Oakleaze Road is located directly behind the modest original house and has a garage located on average 3m off the common boundary with the site. The garden associated with 29 Gillingstool stretched eastwards towards Endrick Cottage, the only other direct neighbour to the site. Endrick cottage and its detached, double garage is located on modestly higher land than the application site as the land rises to the east throughout the site. A street view received shows that the new house would be located on a similar floor level to the garage at Endrick Cottage and this would produce an acceptable relationship between the properties which will not have an adverse impact on the streetscene. Notwithstanding this clarification of the actual finished slab base is considered necessary to ensure that the slab base does not rise above that of the garage at Endrick Cottage as this would be contrary to the gently rising land levels. This can be adequately secured with a condition.

5.3 The resultant houses would be finished in roughcast render, coloured cream with Bradstone underbuild detailing. The roof is proposed to be reclaimed clay double roman tiles. Windows and the back doors would be grey/green painted timber whilst the front door would be black painted steel. The extended property would have a porch finished in Bradstone masonry stone in Brecon Colour. This reflects the nature of the original house and the materials are considered to be acceptable. The garage is also to be built with a render finish with reclaimed clay double roman tiles. The garage is located to the front of the site close to the path running outside of the site. Its design and location are considered acceptable and sufficiently distant from the main high way to prevent adverse impact on the high way. Given that the properties are not in a Conservation area it is considered that sufficient detail has already been provided to prevent the need for a condition. Fencing is proposed with the application and this appropriate in the rear gardens but it is considered that a

low wall would be more appropriate to the streetscene at the location between Endrick Cottage and the site. This need only be forward of the proposed house and can be conditioned as part of the landscape scheme.

5.4 It is noted that there are street trees in the verge outside of the site. These serve to screen much of the development and are not considered to be sufficiently close to the site works to be affected. However it is considered that a scheme for their protection should be submitted prior to commencement of development to prevent damage during works.

5.5 Residential Amenity

It is considered that the scale and siting of neither the proposed house nor the extension to the original house would prejudice the residential amenity of the neighbouring occupiers by virtue of overbearing impact, loss of light or loss of outlook. It is acknowledged that a concern of the neighbour is that the first floor bathroom window on the eastern elevation could overlook, however this is a bathroom window which can be conditioned to be obscure glazed and non openable below a set level. A similar situation would exist on the western elevation and the condition can be worded to limit the view from that bathroom also.

5.6 In terms of privacy all of the proposed bedroom windows are either located on the front of each property, facing Gillingstool or are at such an acute angle on the side elevation of the proposed house that loss of privacy to 2A Oakleaze Road is negligible. It is noted that a garage window exists on the side of the garage which looks towards the rear of the extension at 29 Gillingstool. A garage is not a habitable room and it is considered that the boundary treatment will be adequate to prevent a loss of privacy to the proposed scheme to extend 29 Gillingstool.

5.6 The private amenity space for the resultant dwellings consists of space around the rear of the houses and a garden between each house of at least 40m square. This is considered an acceptable level of private amenity space to serve family properties.

5.7 Comments have been made in relation to noise and disruption associated with the construction of the dwelling. It is acknowledged that construction can cause temporary disruption to neighbouring occupiers however this should not prevent the potential for future development. Neighbours have been concerned that the development should not prevent the potential future development of their own homes. Comments made in relation to future proposals to develop the neighbouring properties are not a consideration of this planning application. Should additional proposal come forward on the site the application would be assessed on the merits of the proposed development and all other material considerations relevant at that time. It is noted that this area is an established residential area with some occupiers being in very close proximity to the site. It is considered reasonable and necessary to condition working hours during construction in the interests of the amenity of surrounding occupiers.

5.8 Transportation

The Councils Highway Officer has assessed the application and notes the proposal to create a new vehicular access onto Oakleaze. No objection is

raised to the proposal although the consent of the streetcare team will be required. A condition is attached which ensures that sufficient access and parking is provided on the site for both the existing and the proposed house. The tactile pedestrian crossing point on Oakleaze is also shown to be relocated a little further from the junction and this, being outside of the control of the applicant will be subject to a Grampian style condition. The applicant will also need to agree right of access over the small parcel of land currently in two ownerships (2A Oakleaze and South Gloucestershire Council) in order to access the proposed parking for the existing cottage. The land in question forms part of the red lined site area and the appropriate notices have been served on the respective landowners.

5.9 Drainage

Subject to a SUDS condition there is no objection to the proposals. Informatives are also recommended for action by the developer.

5.10 Environmental Concerns

The environmental health officer notes that within 250m of the site is “unknown filled ground/brickworks”, a historic use of the land which may have caused contamination. This could give rise to unacceptable risks to the proposed development and as such a condition requiring an investigation (commensurate with the nature and scale of the proposed development) to be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. This may lead to mitigation measures being required.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Informatives:

- 1 adjacent pedestrian crossing
- 2 plans
- 3 land not in ownership
- 4 land ownership – consent required
- 5 5m sq – drainage
- 6 Vehicular access – surface water
- 7 Environment Agency 3rd generation flood maps
- 8 Construction sites
- 9 Floor level

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. Prior to the commencement of development the finished ground floor level of the house hereby permitted, relative to the ground level at Endrick Cottage shall be submitted to and approved in writing by the Local Planning Authority. The development shall then proceed as agreed.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason

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

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

Reason

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

5. Occupation of the extension or erection of the new dwelling shall not commence until highway alterations to relocate and make good the tactile paving pedestrian crossing points on both sides of Oakleaze Road, directly west of the site, as indicated on drawing PL01 have been completed to the satisfaction of the South Gloucestershire Council (Developments Implementation Team) .

Reason: These works are outside the control of the developer and are important in the interest of highway safety and the amenity of path users of the area, and to accord with Policies T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. The new access, off-street parking facilities (for all vehicles, including cycles) shown on the plan hereby approved shall be provided before the new dwelling is first occupied, and thereafter retained for the purpose shown on the plan.

Reason

To ensure the satisfactory provision of parking facilities for both the existing and proposed dwelling and in the interest of highway safety and the amenity of the area, and to accord with Policies T7, and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and South Gloucestershire Residential Parking Standards SPD (Adopted) 2013

7. Prior to the commencement of development a plan indicating the existing trees on and adjacent to the site together with measures for their protection during the course of the development shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details and protection measures shall remain in situ throughout the duration of the construction phase.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health of the trees, to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

8. Prior to the commencement of development a plan indicating the positions, design, materials and type of boundary treatments to be erected together with any proposed landscaping and times of planting shall be submitted to the Local Planning Authority for approval. The hard boundary treatments around each property shall then be completed before each respective house is first occupied and maintained thereafter. Development shall be carried out in accordance with the approved details. For the avoidance of doubt details shall include the erection of a low wall between the front boundaries of the site and Endrick Cottage.

Reason

In the interests of the character and distinctiveness of the street scene and to accord with Policy CS1 of the South Gloucestershire Local Plan (Adopted) December 2013, and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. The hours of working on site during the period of construction shall be restricted to 08:00 to 16:00 Mondays to Fridays (inclusive), 08:30 to 13:00 Saturdays and no

working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To minimise disturbance to occupiers during construction and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework 2012.

10. A) Previous historic uses(s) of land within 250m 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.

For further advice on contaminated land investigations, the applicant can contact Environmental Services on (01454-868001).

Reason

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

- 11. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. This shall include all hardsurfacing as well as water collected from roofs. Development shall be carried out in accordance with the approved details.

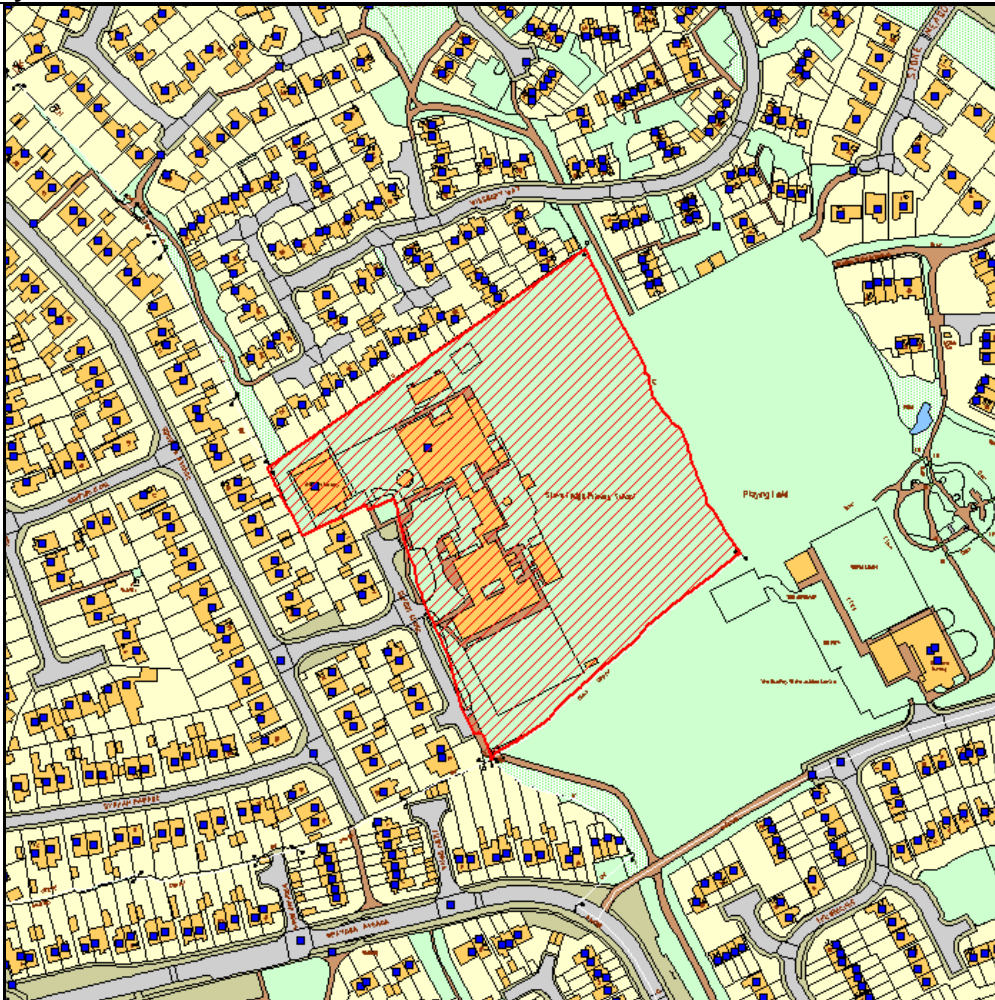
Reason

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

ITEM 7

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.:	PT14/1515/R3F	Applicant:	Mr David Beale South Glos. Council
Site:	Stoke Lodge County Primary School School Close Patchway Bristol South Gloucestershire BS34 6DW	Date Reg:	19th May 2014
Proposal:	Erection of extension and alterations to 2no. Elliot Classrooms with associated works. Revised landscaping to include footpaths and hardstandings.	Parish:	Patchway Town Council
Map Ref:	361368 181876	Ward:	Bradley Stoke Central & Stoke Lodge
Application Category:	Major	Target Date:	8th August 2014



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of letters of objection received and also in accordance with correct procedure as the applicant is South Gloucestershire Council itself.

1. THE PROPOSAL

- 1.1 This application is seeking temporary planning permission for the erection of extensions to two existing Elliot buildings to form additional classrooms and then external alterations to the landscaping of the site including new footpaths and car parking. The purpose of the extensions are to provide additional accommodation for the increasing number of pupils entering the school.
- 1.2 This application is for a temporary period only. During the course of the application the agents confirmed that the temporary period is for 7 years (that allows for the intake of pupils this year to follow the full 7 academic years at the school). Further additional plans were also received during the course of the application to address officer queries. In addition, during the course of the application a Tree Preservation Order was put on all remaining trees on the site.
- 1.3 The application site relates to a primary school in a residential area of Patchway. The school stands in its own private grounds adjacent to the Bradley Stoke Jubilee Centre and fields.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

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

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS23	Community Infrastructure & Cultural Activity
CS25	Communities of the North Fringe of Bristol Urban Area

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L9	Species Protection
LC4	Expansion of Educational Facilities within the urban area
LC9	Protection of Open Space and Playing Fields
T7	Cycle Parking
T8	Parking Standards
T12	Transportation for New Development

- 2.3 Supplementary Planning Guidance/Documents
South Gloucestershire Design Checklist – August 2007

3. RELEVANT PLANNING HISTORY

The site has an extensive planning history. Three of the most recent and relevant planning decisions being as follows:

- 3.1 PT10/0325/F - Erection of single storey pre-school with new pedestrian access and associated works. Approved 13/04/2010.
- 3.2 PT05/1121/R3F – Construction of new entrance, a link corridor, staffroom, classroom and alterations to existing buildings. Approved 01/06/2005.
- 3.3 PT01/3027/R3F – Erection of extension to form additional classroom. Approved 18/12/2001.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No Objection providing a condition is attached that the permission is granted for no longer than three years

- 4.2 Consultees responses:

Public Rights of Way
No Objection

Conservation Officer
No Objection

Landscape Officer
No Objection

Highway Drainage
No Objection

Highway Officer
No objection subject to securing £20,000 towards Traffic Regulation Orders

Other Representations

- 4.3 Local Residents

3 letters of objection/letters raising points of concerns have been received to the scheme. A summary of the points of concern raised is as follows:

- On-going issue with parents parking inconsiderately
- Parking issues in the area
- Creating a new access will only transfer part of the problem to another road

- Concerns over the location of the compost pit
- Want confirmation of how new foliage will be managed
- Concerns regarding impact on residential amenity through loss of privacy
- Concerns about opening up a pathway from Winsbury Way
- Traffic Congestion

In addition, 2 letters of support/letters raising positive issues have been received to the scheme. A summary of the points of concern raised is as follows:

- Plans look good
- Please consider double yellow lines at the end of Savages Wood Road to prevent accidents
- Hopefully it will improve the awful traffic situation in Bourton Avenue at School run times

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework was published in March 2012. It is considered that the relevant policies of the adopted Local Plan and Core Strategy do not materially depart from the NPPF. As such full weight can be afforded to the Development Plan policies in this case.

Paragraph 72 of the NPPF states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. The Local Planning Authority should give great weight to the need to create, expand or alter schools.

There is an identified additional demand for additional school places in the locality with particular high demand for primary school places at the current time, primarily arising from growth in the local population and an increase in the birth rate since 2009. This increasing demand for primary school places echoes a national trend and the Local Planning Authority has a statutory duty to provide sufficient school places across the area.

In addition, it is also particularly important to provide high quality open spaces, sport and recreation facilities that make a contribution to the health and well-being of communities in accordance with Paragraph 73 of NPPF.

In this instance, officers acknowledge that there is a significant and immediate demand for additional primary school places. Any delay in delivering the required school places could cause significant impact upon other schools in the area and the well-being for families with children who are living in the catchment of school.

Policy LC4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing schools within the urban area, providing there would be no detrimental impact in terms of residential

amenity, environmental or transportation effects, the site is highly accessible on foot or by bike and the proposal would not give rise to an unacceptable level of on street parking. Policies T8 related to parking standards and T12 related to highway safety are also a material consideration.

5.2 Design

Policy CS1 of the adopted Core Strategy requires all new development to be well-designed. The proposed development is for two extensions to existing Elliot buildings. Elliot buildings cannot be considered 'good' design but instead are functional and purpose built to meet an identified need. In assessing the design of the buildings, consideration is given to the fact that the new classrooms are to be extensions to existing Elliot buildings and for a temporary 7 year period only. Elliott buildings are a common feature at many schools in the authority and are not generally visually jarring. In this particular instance, both extensions will be located to the rear of the main school building but will still be visible from the surrounding public open space. However, given the modest scale of the extensions in comparison to the size of the school site as a whole, the visual impact is not considered to be detrimental or significant. As such it is considered that the design of the proposal accords with the criteria of Policy CS1.

The proposed staff car park and playing field would be situated to the south of the main school building accessed via the existing vehicular entrance from School Close. The creation of the new car park would necessitate the removal of three trees (the trees were removed during the course of the application). The proposal also shows the provision of a new netball court which would necessitate the removal of a further 6 trees (again which have already been removed). The proposed location for the car parking is considered to be sensible keeping the hard surfacing up close to the building and avoiding encroachment into the school playing fields. There is no objection to the visual impact of either the car park or the netball court.

A number of other works are also proposed on site – namely the creation of two footpaths linking the school better with the surrounding locality and also the expansion of the car parking in the Jubilee Centre adjacent to the application site (and also within the same ownership). The purpose of these works will be discussed further in the transportation section below. In terms of visual impact, the footpaths take a natural, meandering course and will not have any significant visual impact. The extension to the Jubilee Centre car park will add a further 16 spaces which is considered acceptable given its setting and use.

Subject to a temporary condition being attached, the design and visual appearance of the scheme is considered to be acceptable and in accordance with the requirements of Policy CS1 of the Core Strategy.

5.3 Landscape and Tree Issues

During the course of the application, a number of trees were removed from the site and as a consequence, a blanket TPO was put on the remaining trees. Following this, the applicants worked closely with the Councils tree officer to

provide significant additional information regarding the tree protection measures to be installed during the construction phase.

The latest tree protection plan received by the Council on 12th August 2014 shows that all trees on site that could reasonable affected by the proposed development will be protected during construction. Supporting information also received on 12th August confirms that an arboricultural consultant will visit to inspect the tree protection installed.

To mitigate against the loss of the trees required to create the new car park and netball court, a total of 12 replacement trees will be planted – two Birch along the front boundary and two Hornbeam, six Field Maples and two Rowans along the rear boundary. As a result on this, there will be no net loss of the number of trees on the site.

In addition, during the course of the application a detailed landscaping plan was received showing additional landscaping particularly around the southern boundary of the site. This is supported and welcomed by your case officer.

Subject to the attachment of conditions to ensure that the works are carried out in accordance with the revised details submitted, the impact of the proposal on protected trees and the visual impact of the site is considered to be acceptable and in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

5.4 Residential Amenity

Due to the physical separation from neighbouring dwellings, it is not considered that the car park extensions, new footpaths, netball court or extensions to unit A will have any impact on existing levels of residential amenity by means of overlooking or overbearing. The situation is slightly different with the proposed extension to Unit B as this unit sits closer to the boundary with residential properties along Winsbury Way.

The distance between the proposed extension to Unit B to the garden of the dwellings on Winsbury Way is 8 metres with a distance to the actual dwelling of 19 metres. Because the proposed extension is single storey only and there are trees separating the two, it is not considered that there would be any detrimental impact on residential amenity by means of overbearing or overshadowing. Furthermore, during the course of the application the applicants confirmed that the doors to be installed in the rear of Unit B (facing towards the neighbours) are for emergency use only and fitted with an alarm. This will further prevent any issues of additional noise being directed towards the neighbouring properties.

5.5 Highway matters

Policy LC4 of the South Gloucestershire Local Plan (Adopted) relates to the expansion of education and community facilities within the existing urban area. Policy LC4 states that proposals for education facilities within the urban area will be permitted provided that criteria are satisfied and in respect of transportation, it states the following,

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.

As with all schools, the biggest noticeable impact with any extension will be the additional traffic from parents dropping off children and picking them up. This school is no different than any other school in the country in this respect, as such any increase has got to be considered in line with the proposed mitigation measures. In this instance the applicant has recognised the impact that the school will have and as such has a travel plan that will be updated as a result of the extension to the classrooms.

As part of the development proposals the applicant is also including additional pedestrian access points to the site, specifically from School Close, Winsbury Way and via an extended car park at the Jubilee Centre off of Savages Wood Road. Coupled with these new access points are proposed Traffic Regulation Orders to restrict parking around the junctions of Bourton Close, Dyrham Parade with Bourton Avenue and along Savages Wood Road adjacent to the Jubilee Centre car park entrance and at the junction with The Beeches. The cost of implementing the above TROs is £20,000, which would be met by the developer.

The Highway Officer therefore considers that there is no highway objection to this application subject to planning conditions imposed seeking the provision of off-street parking, cycle and scooter store on site. This is a view that your officer agrees with and considers that the additional footpath links are a very positive step that are actively encourages additional walking to school.

Given that the application is South Gloucestershire Council itself, it is not possible to enter into S106 legal agreement. Instead, the required financial contribution of £20,000 toward traffic management/road safety has been secured by way of an exchange of letters between the Local Planning Authority and the applicant giving this undertaking. It will also be subject to a condition (this approach has previously been used at other school sites in South Gloucestershire to secure highway funding)

From a highway perspective, this application is therefore recommended for approval subject to the following conditions.

1. Prior to the first occupation of the proposed extension the new pedestrian and vehicle access arrangements (including the extension to the Jubilee Centre car park) shall be completed and retained for access to the school thereafter.
2. Prior to commencement of the development contribution of £20,000 towards the provision of enhancing existing road markings and provision of TROs around adjacent junctions.

5.6 Planning Obligations

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

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

In this instance, it is considered that the planning obligation is required to provide the following suite of measures to mitigate the impacts from the development and are consistent with the CIL Regulations (Regulation 122).

- 1. To secure a financial contribution of £20,000 towards traffic management / road safety.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise. The obligations set out below meet the Regulation 122 CIL tests (statutory) and without them the scheme would not be acceptable.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 A financial contribution of £20,000 toward traffic management /road safety has already been secured under a written undertaking by exchange of letters between the Local Planning Authority and the applicant. (A formal section 106 agreement is not be possible in this instance as the Council cannot enter into such an agreement with itself).
- 7.2 That planning permission be granted subject to the following conditions.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).
- 2. The buildings hereby permitted shall be removed and the land restored to its former condition on or before 30th September 2021.

Reason

The buildings have been permitted because of the identified need at this time and to satisfy the requirements of the NPPF. A temporary seven year consent is appropriate to allow the pupils to complete their education at the primary school and because of the temporary appearance of the buildings. Use of the buildings beyond the seven year period would require further consideration of the need for the buildings and their visual impact in accordance with the requirements of Policy LC4 of the South Gloucestershire Local Plan (Adopted).

3. Prior to the first occupation of either of the proposed extensions the new pedestrian and vehicle access arrangements (including the extension to the Jubilee Centre car park) shall be completed and retained for access to the school thereafter.

Reason

To promote alternative means of access to the school and in the interests of Highway Safety. Also to comply with the requirements of Policies LC4 and T12 of the South Gloucestershire Local Plan (Adopted)

4. Prior to commencement of the development a contribution of £20,000 shall be made towards the provision of enhancing existing road markings and provision of TROs around adjacent junctions.

Reason

In the interests of Highway Safety and to comply with the requirements of Policies LC4 and T12 of the South Gloucestershire Local Plan (Adopted)

5. All tree protection measures as shown on the submitted Arboricultural Report and method statement must be implemented strictly in accordance with the submitted details - including the letter and plan received by the Council on 12th August 2014.

Reason

The trees on the site are covered by Tree Preservation Orders. Their protection is necessary in the interests of the visual amenity of the are and to comply with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

6. All landscaping and replacement tree planting must be implemented strictly in accordance with the submitted details.

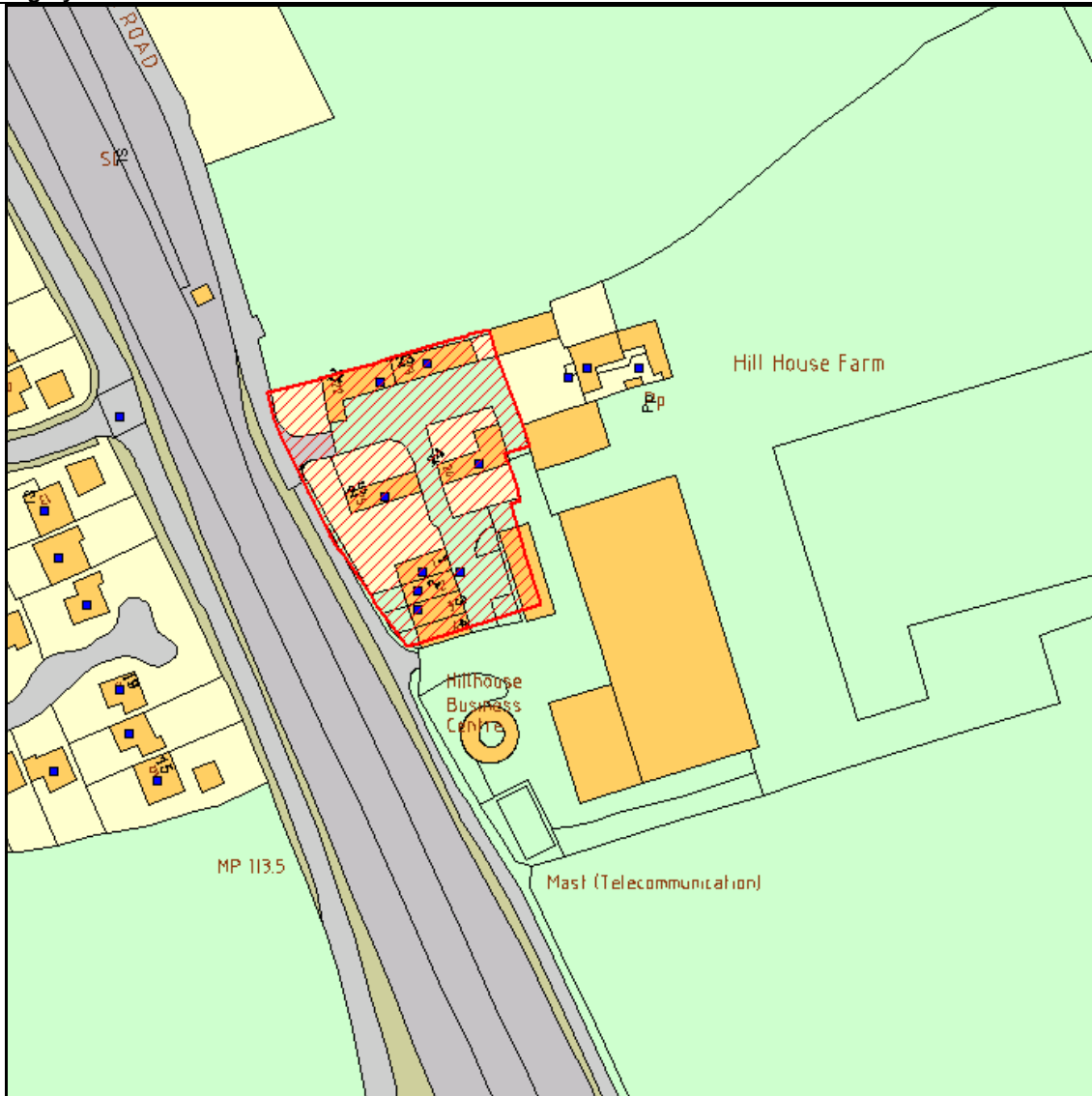
Reason

In the interests of the visual amenity of the are and to comply with the requirements of Policy L1 of the South Gloucestershire Local Plan (Adopted).

ITEM 8

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.:	PT14/2335/RVC	Applicant:	Ms Chris Bennett
Site:	Hill House Farm Station Road Charfield Wotton Under Edge South Gloucestershire GL12 8SY	Date Reg:	8th July 2014
Proposal:	Variation of Condition 4 attached to previously approved application PT04/1026/F to combine the four workspaces (as shown on drawing no. 1073/002) into two workspaces associated only with residential units 24 and 25 (shown as buildings 2 and 3 on drawing 1073/002)) The occupation of these units shall be limited to person(s) solely or mainly employed in the in the businesses occupying this B1 workspace; or a widow or widower of such a person; or any resident dependent on such a person.	Parish:	Charfield Parish Council
Map Ref:	372717 191860	Ward:	Charfield
Application Category:	Minor	Target Date:	26th August 2014



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100023410, 2008. **N.T.S.** **PT14/2335/RVC**

REASON FOR CIRCULATION

The application is circulated to Members as a result of the Parish Council objection.

1. THE PROPOSAL

- 1.1 The site is a small group of old agricultural buildings which were converted to dwellings in 2004, each having a work place in one block to the south of the set of dwellings. The proposal now is to amend the condition tying each dwelling to a commercial unit and allow all of the units to be occupied by the houses numbered 24 and 25 (dwellings 3 and 4 on the plan).
- 1.2 The site is located at the end of Station Road which is a dead end, save for a track to fields. The site is bounded by the railway line to the west and a field to the north. Hill House Farm with its equestrian enterprise to the east and south and is now in separate ownership to the site.
- 1.3 The condition now sought to be amended read:
No part of the development shall be sub-divided ; and the occupation of the 4 residential units shown on plan 1073/002 shall be limited to person(s) solely or mainly employed in the business occupying the corresponding B1 workspace shown on plan 1073/002 within the development; or a widow or widower of such a person; or any resident dependent of such a person.

Two reasons were listed:

- 1 The site is not area in which residential development would normally be permitted; a mixed use conversion scheme has been permitted based on the information submitted to accord with policy H9 of the South Gloucestershire Local Plan (Revised Deposit Draft) and to accord with advice in PPG7.
- 2 In the interests of highway safety to accord with policy RP1 of the Rural Areas Local Plan; and policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).

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)

H3 Residential development in the Countryside

E6 Employment development in the countryside

H10 Conversion and re-use of rural buildings for residential purposes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of development

CS9 Managing the Environment and Heritage

CS13 Non-safeguarded Economic Development sites

- 2.3 Supplementary Planning Guidance
Residential parking standards adopted December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT07/0065/F Alterations to Building 1 (retrospective amendment to previously approved scheme PT04/1026/F) and retention of rooflights to Buildings 1 and 2. Approved 06.02.2007
- 3.2 PT04/1026/F Conversion of outbuildings to 4 no. dwellings with workspace. Approved 28.07.2004

4. CONSULTATION RESPONSES

4.1 Charfiled Parish Council

Objection:- when application was originally approved 10 years ago - conditions were put in place for a reason and Parish Council feel strongly that they should stay in place with no amendments / variations. If this variation were to be allowed it would in essence be permitting development in the open countryside - outside of the current development boundary.

4.2 Other Consultees

Sustainable Transport

The development is outside of the settlement boundary and is accessed via a narrow single track lane (Station Road). The reasons for imposing condition 4 relate to residential dwellings not generally being acceptable in the open countryside and highway safety.

The proposal would result in two of the dwellings having their workspaces removed which would sever the workplace tie with the site and mean that they would be open market dwellings which people would realistically have to commute to work from by car increasing vehicle movements on the narrow Station Road.

The opening up of the commercial element of the site is likely to result in additional vehicle trips on Station Road by staff working at the site who don't live there.

Further to establishing that two of the work units were let with but not used for business by the respective dwellings a further response was received:

If there is sufficient planning reasons in the current Local Plan and the NPPF to override reason 1 for condition 4, this only leaves reason 2 which is highway safety.

The SGC accident database and there have been no recorded personal injury collisions along Station Road between 2006 and the current time.

The relatively small number of vehicle and pedestrian trips generated by the proposal to change the two live/work units to open residential use and the fact that they have been on the network probably since 2006 would make it difficult to prove any harm to highway safety and therefore on balance recommend no highway/transport objections to the variation of condition 4 subject to the same other highway conditions attached to PT04/1026/F.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The use of the buildings was established in 2004 with the granting of planning permission for the four dwellings in reused agricultural buildings and each to have a B1 commercial unit from which to work. The use of each building at the site would not change: the dwellings stay dwellings and the B1 units would stay B1 units but each could be larger. The condition stated that :

- 1 The site is not area in which residential development would normally be permitted; a mixed use conversion scheme has been permitted based on the information submitted to accord with policy H9 of the South Gloucestershire Local Plan (Revised Deposit Draft) and to accord with advice inPPG7.

Whilst policy H10 of the Local plan (akin to policy H9 or the South Gloucestershire Local Plan (Revised Deposit Draft)) remains relevant in terms of planning applications, its emphasis on providing a business re-use and ensuring that the buildings are well related to an existing settlement are weakened by the recent changes to the General Permitted Development Order. The GPDO 2014 makes it clear by inserting Part MB that the government will allow agricultural barns/sheds to be converted to dwellings even in remote locations and as such they are not likely to be sustainable places in terms of travel potential by means other than the private car. As such the first reason for the condition falls away due to the national planning policy context.

- 2 In the interests of highway safety to accord with policy RP1 of the Rural Areas Local Plan; and policy T12 of the South Gloucestershire Local Plan (Revised Deposit Draft).

Highway safety remains relevant and will be considered later in the report under transportation.

Other considerations of Policy H10 are relevant and these consider the state of the building, whether the buildings are in keeping with their surroundings and whether the development would be harmful on the character of the countryside or the amenities of the surrounding area.

- 5.2 These matters were discussed as part of the original decision and conditions applied at that time to overcome concerns. Given that no building work or alterations are proposed in this scheme, the proposal is considered acceptable in relation to the other considerations of Policy H10.

5.3 Transportation

There have been concerns about safety and this formed the second of the two reasons for imposing a live-work condition at the site. It is acknowledged that Charfield Parish Council feel that the condition should stay in place with no amendments / variations. The are concerns about the variation allowing, in

essence, development in the open countryside - outside of the current development boundary. This is the case but National Government in its new GPDO Part MB facilitates barn conversions to dwellings in remote places. The decision here must simply rest on whether it is safe in highway terms for users to access and pass along the highway.

The agent has advised that the work units were let with the residences in accordance with the planning conditions but the occupiers of 22 and 23 have never used the work units for any business purpose and have always worked off site. This has been the case since letting the units first in 2006. Given this and the lack of any accident record for the last five years along Station Road, there is no evidence to justify the retention of the live-work condition for those two dwellings. In light of the pro-growth agenda of the NPPF it is considered acceptable to facilitate use of the 'spare' existing B1 units by either of the two other dwellings rather than have the units empty.

5.4 Previous conditions

In considering this application it is appropriate to consider reapplying conditions from the main planning permission. In this respect conditions 2 and 3 relating to permitted development rights remain relevant. Condition 4 is altered as requested. Conditions 6, 7 and 8 relating to how the business operates together with condition 11 retention of off street parking

Conditions 1 (time limit), 5 (building materials), 9 and 10 (landscaping), 12,13 and 14 relating to a passing bay, railway noise investigation and ground contamination need not be reapplied given that the development is in its eight year of existence.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is granted subject to the conditions below.

Informatives:

Plans

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

1. Notwithstanding the provisions of Article 3 and Parts 1 and 2 of the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 1 (Classes A, B, D, E, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

The site is one where new residential development would not normally be permitted. The units so provided are only permitted as they are conversions of existing buildings. Any extensions and alterations need to be assessed against policy background. In addition the restriction is required to ensure a satisfactory standard of external appearance. This is to accord with Policies CS1 and CS9 of the South Gloucestershire Core Strategy and Policies H3 and H10 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Notwithstanding the provisions of Article 3 and Part 6 (agricultural buildings and operations) the Second Schedule to the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order) no development as specified in Part 6 shall be carried out within the area edged in blue on the submitted site plan without the prior written consent of the Local Planning Authority.

Reason

The development resulted in the loss of agricultural buildings to other uses; the Local Planning Authority needs to monitor the introduction of further agricultural buildings as a result of this development. To accord with policies E6 and H10 of the South Gloucestershire Local Plan (adopted) January 2006.

3. The occupation of dwellings 3 and 4 (known as 24 and 25 Station Road) shown on plan 1073/002 shall be limited to person(s) solely or mainly employed in a business occupying B1 workspace as shown on plan 1073/002 within the development; or a widow or widower of such a person; or any resident dependent of such a person.

Reason

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

4. Notwithstanding the provisions of the Town & Country Planning (Use Classes) Order 1987 and the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting those Orders with or without modification) the work premises (as indicated on plan 1073/002) shall not be used for any purpose other than a B1 use without the prior written consent of the Local Planning Authority.

Reason

To minimise disturbance to occupiers of the nearby residential units and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) 2006.

5. The hours of working at the premises identified as workspaces on plan 1073/002 shall be restricted to between 8.00-18.00 Monday to Friday; 8.00-13.00 on Saturdays and no working shall take place on Sundays or Public Holidays.

Reason

To protect the amenities of the occupiers of the nearby residential units, and to accord with Policies H10 and E6 of the South Gloucestershire Local Plan (Adopted) 2006.

6. No outside storage or commercial processes shall take place outside the workspace buildings shown on drawing 1073/002 without the prior consent, in writing of the Local Planning Authority.

Reason

To minimise disturbance to occupiers of the nearby residential units and to accord with Policy E6 of the South Gloucestershire Local Plan (Adopted) 2006.

7. The off-street parking facilities shown on the plan 1073/002 hereby approved shall be provided before the residential and work buildings are first occupied, and thereafter retained for that purpose.

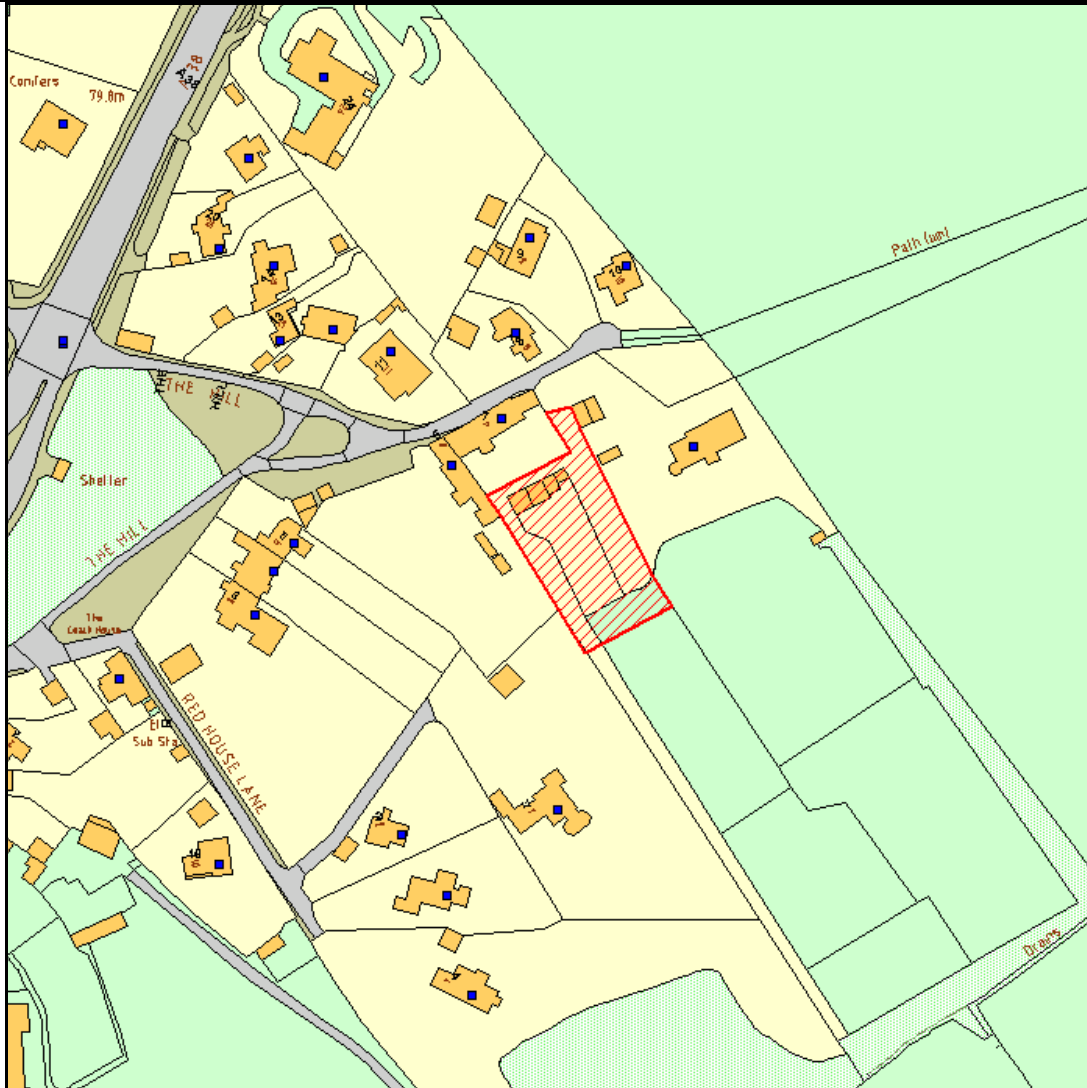
Reason

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

ITEM 9

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.:	PT14/2519/RVC	Applicant:	Mr Rouin Amirfeyz
Site:	7A The Hill Almondsbury Bristol South Gloucestershire BS32 4AE	Date Reg:	11th July 2014
Proposal:	Variation of Condition 4 attached to previously approved application PT12/0254/F to remove the requirement for the occupation of the annexe to be ancillary to the residential use of the dwelling known as 7a The Hill Almondsbury.	Parish:	Almondsbury Parish Council
Map Ref:	360813 183921	Ward:	Almondsbury
Application Category:	Minor	Target Date:	27th August 2014



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INTRODUCTION

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the variation of condition 3 attached to the previously approved permission PT12/0254/F to remove the requirement for the occupation of the annexe to be ancillary to the residential use of the dwelling known as 7a The Hill Almondsbury.

Condition 3 states that:

The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 7A The Hill, Almondsbury.

Reason

The proposal has been assessed purely as annexe accommodation and its separate occupation would require further consideration by the Local Planning Authority due to its Green Belt location, in accordance with policies GB1 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.2 The application site comprises a single storey brick building with a clay tiled roof located to the south of The Hill and to the west of the property no.7A. The site is located within the defined Almondsbury settlement boundary, which is washed over by the Green Belt. The site is accessed off a long gravel access track which is shared by a number of neighbouring properties.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/0254/F, conversion of existing stable to include raising of roofline and front extension to form ancillary residential accommodation, approval, 16/03/12.

4. CONSULTATION RESPONSES

- 4.1 Almondsbury Parish Council
No comments received
- 4.2 Transportation DC Officer
No objection

Other Representations

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

The existing building is a new build rather than a conversion of the former stables;

The building is closer to neighbouring properties than before;

The building may be sold off separately to allow any residents to occupy the building which will create increased noise and disturbance;

Future occupiers may seek to extend the property upwards and sideways which will harm the amenity of neighbours;

Increased traffic on The Hill;

Parked cars cause congestion and access issues;

Proposal will exacerbate existing bin collection issues;

Loss of privacy and increased disturbance;

Proposal may affect shared access rights;

Highway safety issues;

Issues from light pollution;

Lack of parking;

Will the property have permitted development rights?

Impact on the Green Belt;

No justification for the occupancy condition to be removed;

Proposal will set a precedent;

Previous application for dwellings on the site was refused;

Proposal will lead to further residential development;

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application building is already lawfully residential; however, the occupation of the building is restricted to purposes ancillary to the main dwelling. The removal of condition will allow the building to function as a separate residential unit, and could potentially in the future be occupied by a new family.

- 5.2 The site is located within the defined Almondsbury Settlement boundary, which is washed over by the Green Belt. Policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 states that small scale development will take place within the defined settlement boundaries of villages defined on the proposals map but will be limited in scale to no more than limited infilling within the villages washed over by the Green Belt.
- 5.3 The proposal will not alter the existing scale or form of the dwelling. However, the use of the building as a separate residential unit represents an intensification of the existing residential use within the Green Belt. The use of the building as a separate dwelling will result in separate parking areas and garden areas from which additional residential paraphernalia will have a greater effect on the openness and character of the Green Belt. However, weight is given to the fact that the proposed garden is relatively well screened by existing vegetation and therefore, there will not be a significant effect in terms of the perceived loss of openness. In addition, neighbouring residential properties surround the site to the north, east and west. Accordingly, given the size of the proposed garden, it is not considered that there will be a significant adverse effect on the landscape character or openness of the Green Belt.
- 5.4 The application site directly adjoins a large open field to the southeast. An appropriate dividing boundary is necessary to ensure that the residential use does not encroach into the field. A condition is recommended on this basis if permission is granted. Concerns have been raised regarding the fact that the application building is a new build rather than a conversion; however, material weight is given to the fact that the scale and appearance of the building is not materially different to the scheme approved under application PT12/0254/F. The existing building does not therefore, have a materially greater effect on the openness of the Green Belt than the approved scheme. The siting of the building generally accords with the approved plans.
- 5.5 Given the above, and the fact that the site is located within the defined village boundary where small scale development is acceptable by virtue of policy CS5 of the Core Strategy, the principle of the use of the building as a separate residential unit is acceptable. The main issues to consider are the appearance/form and impact on the character of the area; the residential amenity effects; the environmental effects; and transportation impacts.
- 5.6 Appearance/Form
The appearance, scale and form of building have already been accepted by the Local Planning Authority under application PT12/0254/F. No changes are proposed to the building under this application. Although the proposal will result in an intensification of the existing residential use, it is not considered that there will be a significant adverse effect on the character of the area. Weight is given to the fact that the site is relatively well contained by existing properties and screened from views from the public realm.

5.7 Residential Amenity

The site is set down on a lower level than the neighbouring property to the north. The only openings in the northern elevation are a vertically proportioned lounge window and a number of roof lights.

The lounge window is obscure glazed and located at a high level; therefore, it is not considered that the proposal will result in a materially greater effect on the privacy of neighbouring occupiers than the existing situation. No windows are located in the southwest flank elevation, and with mature vegetation on the flank boundary it is not considered that there will be a materially greater effect on the privacy of neighbouring occupiers to the west. There is a separation distance of approximately 30 metres between the application building and no.7A; this level of separation is sufficient to ensure that no significant adverse privacy issues will be introduced.

5.8 Given that the design of the building will not change, it is not considered that there will be a materially greater effect on neighbouring occupiers through loss of natural light or outlook. The objections received relating to increased disturbance are noted; the proposal will intensify the existing residential use, which will likely have a greater impact on neighbouring occupiers in terms of noise and disturbance; however, given the scale of the dwelling, and the context within an established residential area, it is not considered that there will be a significant adverse effect in terms of noise and disturbance.

5.9 It is considered that the proposal will provide an acceptable standard of amenity for occupiers.

5.10 Concerns have been raised regarding the fact that the property will benefit from permitted development rights which will allow it to be extended in the future. In order to safeguard the amenities of neighbouring occupiers given the close relationship to neighbouring properties, if permission is granted, a condition is recommended to remove permitted development rights (Classes A and B), which will restrict extensions to the walls and roof of the property which may have an unreasonable effect on the residential amenity of neighbouring occupiers.

5.11 Environmental Impacts

Given the nature of the proposal, it is not considered that it will bring about any significant adverse environmental issues.

5.12 Transportation

It is noted that objections have been received from neighbouring occupiers regarding existing issues regarding parking and congestion on the shared lane; however, the Highway Authority has raised no objections to the proposal. There is existing vehicular access to serve the property and adequate space for parking within the site. The South Gloucestershire Residential Parking Standards SPD (adopted) requires a minimum of two off street parking spaces to be provided; if permission is granted, a condition is recommended for a plan demonstrating the provision of 2no. off street parking spaces to be agreed with the Local Planning Authority and retained thereafter; accordingly it is not

considered that there will be a significantly adversely greater effect in terms of congestion. Although the vehicular access to be used is located within close proximity to the vehicular access of no.7 The Hill, it is not considered that this will have a significant adverse highway safety impact given that vehicles will be travelling at low speeds at this point. Given that the proposal is for a single residential unit, it is not considered that there will be a significant increase in levels of vehicular traffic that would have a detrimental effect in terms of highway safety and the amenities of the area.

5.13 It is considered that there is sufficient space within the site for the storage of refuse bins, and the refuse collections are able to access the area. The issues regarding refuse bins being left outside of a neighbouring property during and after collections are noted; however, this is a civil matter and is outside the scope of the planning process.

5.14 Further Matters

An objection has been received on the basis that the proposal will set a precedent. However, as the principle of the development is acceptable, it is not considered that this is a sound reason for refusal. Although no justification has been provided for the removal of the condition, policy does not require a justification to be provided in this instance. The Council has no record of a previous application for a dwellinghouse being refused at the site. The objection on the basis that the proposal will lead to further residential development is noted; however, such a proposal will require planning permission which will involve a consultation process and the merits of the scheme being carefully considered. A refusal on the basis that the proposal will lead to further residential development is therefore, considered unsound. The objection on the basis that the proposal may affect access rights is noted; however, this is a separate legal matter and is outside the scope of this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Within 3 months of the date of this permission a plan demonstrating the provision of 2no. off street parking spaces shall be submitted to and agreed in writing by the Local Planning Authority. The parking shall be provided in accordance with the agreed details within 3 month of the details first being agreed and retained and maintained at all times thereafter.

Reason

To reduce local congestion in the interests of the amenities of the area and highway safety and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

3. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A and B), 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

There are exceptional circumstances for removing permitted rights in this instance given the close proximity to neighbouring occupiers to preserve the residential amenity of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 33/14 – 15 AUGUST 2014

App No.:	PT14/2605/CLE	Applicant:	Mr John Arnold
Site:	Failand 4x4 82 Gloucester Road Rudgeway South Gloucestershire BS35 3RS	Date Reg:	16th July 2014
Proposal:	Application for a certificate of lawfulness for the existing use of land for car sales and storage.	Parish:	Alveston Parish Council
Map Ref:	362812 186886	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	1st September 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule in accordance with procedure because it forms a Certificate of Lawfulness.

1. THE PROPOSAL

1.1 The application submitted comprises a Certificate of Lawfulness in respect of the use of an area of land within the garden of 82 Gloucester Road, Rudgey. The agent indicates an area approximately 97m long by 12m wide. This area runs parallel to the A38 behind a 1.8/2m high timber fence and includes several large trees and an area of woodland.

2. POLICY CONTEXT

2.1 Because the application is a Certificate of Lawfulness the policy context is not directly relevant as the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the use has taken place for a continuous period of 10 years up to the date of this application on 23/6/2014.

3. RELEVANT PLANNING HISTORY

3.1 None

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council – Councillors raised the question that if the premises had been operating as a business within the past 10 years it would be highly likely that the Parish Council would have received notification / complaints from residents, none have been received. If the premises had been operating as a business for the previous 10 years an audit trail of the payment of business rates would exist. Can the Council provide confirmation that business rates have been received?

Public Rights Of Way – no affect to a public right of way

4.2 Other Consultees

4.3 Local consultees/residents

One letter from a local resident in Old Gloucester Road objects – as if to a planning application.

The response states that 'Having lived near this site for twenty three years and in Alveston for the last four years, we were not aware that the said field was being used for business purposes, apart from the last 18 months when we have noticed an increasing number of vehicles parked on the grass verge, some with for sale notices on the window. The area is beginning to look like a used vehicle parking lot!'

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks a Certificate of Lawfulness in respect of the parcel of land outlined red, to the southwest and west of 82 Gloucester Road, Rudgeway. Notwithstanding this a site visit by your officer noted that the land currently being used did not in fact extend to the amount of land identified by the agent. The agent had included hedging which separates the stored cars from the domestic lawn, access, parking and turning area also used by the house's residents and the woodland within which it is impractical to drive/park. As such a smaller area was agreed verbally with the applicant as the realistic area to relate the evidence to. This area is approximately 9m by 52m.

5.2 Accordingly, the issue for consideration is whether the evidence submitted proves that on the balance of probabilities, the land has been used for a continuous period of ten years up to the date of this application. The application is purely an evidential test irrespective of planning merit.

5.3 SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION.

The applicant's submission dated 23/6/2014 states that the land has been continuously used as car sales and storage for more than ten years. It is claimed that the use began more than ten years prior to the application on 22/10/1999, that there has been no interruption in use and that there has been no material change to the use in that period of time.

5.4 A statutory declaration has been received from the owner of the property dated 30th June 2014. The Statutory declaration gives factual information relevant to the application as follows:

He has lived at the property since 22/10/1999.

He is a car dealer by trade and has been for 25 years.

Always carries on the business from his home address.

Hatching denotes where sales and storage takes place.

The statutory declaration attached appendices which include two letters as follows:

Letter from Nick Dodal of Falfield Cars; writer has known the applicant since starting his own business in October 2000 and has bought and sold many cars from the applicant. – always dealt with him at 82 Gloucester Road.

Letter from Mr D Harding of Admiral Harding- International shipping contractors – confirms that over the last 13 years they have sold both private and commercial vehicles to the applicant. The delivery address on record is 82 Gloucester Road. The applicant also sources commercial vehicles for Admiral Harding and the site visits are logged as 82 Gloucester Road.

A blank Vehicle order form showing the site address as the business address of the company is provided.

Prior to the application being submitted a Planning Contravention Notice (PCN) was issued on the property and certain facts from answers received are relevant to the case:

- The applicant lives at 82 Gloucester Road, Rudgeway (the site)
- Cars are driven to the property (ie not a transporter)
- There are no repairs carried out on site but valeting occurs.
- Sometimes customers visit the site but not often.
- At the most 15 cars relevant to the business would be stored at the site.
- There is another related business premises at Part Exchange Centre Yard at Flowers Hill Trading Estate, Brislington.

5.5 Photographic evidence

No photographic evidence is submitted by the applicants.

5.6 **SUMMARY OF CONFLICTING EVIDENCE**

The evidence provided is accepted as true unless contradictory evidence indicates otherwise. No conflicting evidence is submitted as the consultation responses refer to the field which is not part of the application and parking on the grass verge which is also not part of the application or related to the applicants business.

Noting the Parish Councils comments a request was made to the Councils Business rates section as to whether business rates were being charged. It was established that the site is not registered for business rates, however this only proves that business rates are not paid, not that the use has not been conducted at the site. Similarly with regard to the Parish comments regarding a lack of complaints, this simply shows that the business may have been carried on discretely in line with the statutory declaration and responses to the PCN.

Aerial photography taken for South Gloucestershire in summer 2005, summer 2006 and summer 2008/9 shows the tree canopies of the sizable trees along the site boundary. These photographs can be useful tools in cases of change of use of land but in this case, given the limited area being considered and the tree canopy involved they show no facts pertinent to the case.

The site, during the unannounced site visits undertaken, is discrete with no advertising or cars being parked on the grass verge outside of the site, not on the 1.8m-2m high solid timber fencing which prevents views into the site. The applicant advises that the business is run on an appointment only basis, having advertised the cars online or through direct contact with other direct sales organisations, such as his son's garage at Flowers Hill, Brislington. As such the PCN response records that 'sometimes customers visit the site but not often'

6. **ANALYSIS OF EVIDENCE**

- 6.1 The application for a certificate of lawfulness is purely an evidential test. The test of evidence to be applied is whether the case has been shown on the balance of probability. As such the applicant needs to provide precise and

unambiguous evidence. The current application was submitted on 23/6/2014 and as such the purpose of this application is to test whether the site has been used as car sales and storage land since 23/6/2014.

6.2 Hierarchy of evidence

When assessing the evidence supplied in support of certificate of lawful use application, different types of evidence are given different weight. Generally speaking the weight to be attached to such evidence in order of worth is as follows:

1. Verifiable photographic evidence
2. Contemporary documentary evidence, especially if prepared for some other reason
3. Sworn written statements / appearance under oath at Public Inquiry.
4. Unsworn letters

6.3 The Sworn Statutory Declaration provides a clear statement about the use of the land being storage of vehicles for sale. The lack of contrary evidence offers little to persuade officers that the land has not been permanently used for car sales for at least the last ten years.

6.4 The evidence submitted shows that, on the balance of probability the land has been used for storage of cars for sale, ancillary to the residential use of 82 Gloucester Road, for a period in excess of ten years.

7. CONCLUSION

7.1 It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that the land outlined in red in the submission documents; has been used as car sales and storage ancillary to the residential use of 82 Gloucester Road and on an appointment only basis, for a period in excess of ten years.

8. RECOMMENDATION

8.1 That a Certificate of Lawful Existing Use is granted for the area outlined in red because on balance that part of the site has been used for car sales and storage ancillary to the residential use of 82 Gloucester Road and on an appointment only basis, for a continuous period of over ten years.

Contact Officer: Karen Hayes
Tel. No. 01454 863472