

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. 22/14

Date to Members: 30/05/14

Member's Deadline: 05/06/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

To refer an application(s) members are asked to email <u>MemberReferral@southglos.gov.uk</u> 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. <u>Please do not leave it to the last minute</u>
- Always make your referral request by e-mail to <u>MemberReferral@southglos.gov.uk</u>, 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.

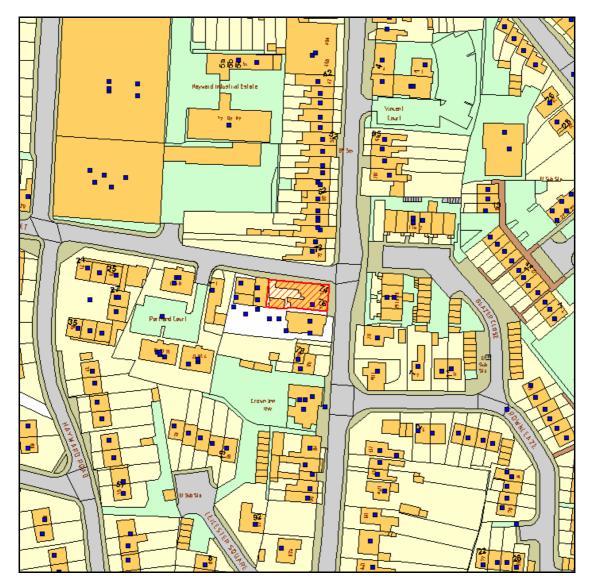
CIRCULATED SCHEDULE - 30 MAY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/0818/F	Approve with Conditions	74 - 76 Soundwell Road Soundwell South Gloucestershire BS16 4RB	Staple Hill	None
2	PK14/0893/F	Approve with Conditions	Home Farm Gravel Hill Road Yate South Gloucestershire BS37 7BS	Yate North	Yate Town
3	PK14/1081/F	Approve with Conditions	51 Emet Grove Emersons Green South Gloucestershire BS16 7EH	Emersons	Mangotsfield Rural Parish Council
4	PK14/1148/R3F	Deemed Consent	Barrs Court Primary School Stephens Drive Barrs Court South Gloucestershire BS30 7JB	Longwell Green	Oldland Parish Council
5	PK14/1160/RV	Approve	67B And 67C Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8BY	Parkwall	Oldland Parish Council
6	PK14/1474/F	Approve with Conditions	46 Clayfield Yate South Gloucestershire BS37 7HU	Yate North	Yate Town
7	PT14/0325/F	Approve with Conditions	Waverley View New Road Rangeworthy South Gloucestershire BS37 7QG	Ladden Brook	Rangeworthy Parish Council
8	PT14/0425/F	Approve with Conditions	Old Down Cricket Club The Park Alveston Road Old Down South Gloucestershire BS32 4PH	Severn	Olveston Parish Council
9	PT14/1397/CLP	Approve with Conditions	Wellfield Cottage Kington Lane Thornbury South Gloucestershire BS35 1NA	Thornbury North	Thornbury Town Council
10	PT14/1480/ADV	Approve	43 North Road Stoke Gifford South Gloucestershire	Stoke Gifford	Stoke Gifford Parish Council
11	PT14/1553/F	Approve with Conditions	620 Southmead Road Filton South Gloucestershire	Filton	Filton Town Council
12	PT14/1568/CLP	Refusal	Wayside Cottage Hollywood Lane Easter Compton South Gloucestershire BS35 5RT	Almondsbury	Almondsbury Parish Council

ITEM 1

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.: Site:	PK14/0818/F 74 - 76 Soundwell Road Soundwell Bristol South Gloucestershire BS16 4RB	Applicant: Date Reg:	Mr Len Wright 6th March 2014
Proposal:	Demolition of existing building to facilitate the erection of 3 no. three storey terraced dwellings with new access and associated works.(Re submission of PK13/1636/F)	Parish:	None
Map Ref: Application	364806 175386 Minor	Ward: Target	Staple Hill 28th April 2014
Category:		Date:	



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100023410, 2008.	N.T.S.	PK14/0818/F		

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. <u>THE PROPOSAL</u>

- 1.1 The application seeks permission for the erection of 3no. terraced dwellings facing Soundwell Road, Soundwell.
- 1.2 The application seeks amendments to a previously approved application ref. PK13/1636/F, the decision for which was issued 12th July 2013. The amendments include an increase in the height and depth of the buildings.
- 1.3 The application site consists of a corner plot on the junction of Soundwell Road and Portland Street. The site was formerly a shop which was a locally listed building. This has since been demolished to facilitate the approved development. The site is situated within the established urban area in the East Bristol fringe,
- 1.4 During the course of the application additional plans have been submitted to demonstrate the proposed amendments in the context of the street scene.

2. POLICY CONTEXT

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012
- 2.2 <u>Development Plans</u>

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
- CS29 Communities of the East Fringe

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

- L15 Locally Listed Buildings
- EP2 Flood Risk and Development
- T8 Parking Standards
- T12 Transportation Development Control Policy
- 2.3 <u>Supplementary Planning Guidance</u> South Gloucestershire Design Checklist SPD (Adopted) 2007 Local List SPD (Adopted) 2008 Residential Parking Standards SPD (Adopted) 2013

3. <u>RELEVANT PLANNING HISTORY</u>

- 3.1 PK13/1636/F Demolition of existing building. Erection of 3 no. terraced dwellings with access and associated works. Approved 12th July 2013
- 3.2 PK12/2908/O Demolition of existing buildings to facilitate the erection of 3no. terraced dwellings and 1no. detached dwelling (Outline) with access, layout and scale to be determined. All other matters reserved. Appeal Dismissed 28th October 2013

-...the scale and form of the proposed development would fail to respect or enhance the character and appearance of the area and would therefore conflict with both the provisions of Policy D1 of the South Gloucestershire Local Plan (2006) (Local Plan) and guidance within the National Planning Policy Framework (the Framework) which seeks to secure high quality design that takes the opportunity to improve the character and quality of an area and the way it functions.

- ... the proposal would give rise to harm to highway safety. In this regard the proposal would be contrary to the provisions of Policy T12 of the Local Plan which seeks to ensure new development does not have an unacceptable effect on road safety. It would also conflict with the aims of the National Planning Policy Framework which seeks development which minimises conflict between traffic and pedestrians.

3.3 PK12/0997/O - Demolition of existing buildings to facilitate the erection of 3no. terraced dwellings and 3no. self contained flats (Outline) with access, layout and scale to be determined. All other matters reserved. Appeal Dismissed 12th March 2013

- ...the form, layout and scale of the development would detract from the character and appearance of the area, in conflict with LP Policy D1, thereby failing to adequately mitigate the harm arising from the loss of the locally listed building. I have also concluded that acceptable living conditions for the occupiers of the ground floor flat would not be achieved, in conflict with LP Policy H2 and national policy set out in the Framework, and that the inadequacy of on-site parking provision would place the safety of pedestrians and highway users in jeopardy, contrary to a key objective of LP Policy T12.

- The absence of a Coal Mining Risk Assessment, however, would not expose future occupiers of the development to undue risk but this is not sufficient to outweigh the harms I have identified, leading me to the overall conclusion that the proposal is unacceptable.

4. CONSULTATION RESPONSES

- 4.1 <u>Parish/Town Council</u> Unparished
- 4.2 <u>Transportation DC</u> No objection subject to conditions
- 4.3 <u>Highway Drainage</u> No objection subject to condition.

4.4 The Coal Authority

Previous comments on PK13/1636/F to apply.

- No objection, subject to the inclusion of a condition requiring implementation in accordance with the Coal Mining Risk Assessment.
- 4.5 Conservation Officer

Further details and street scene elevations requested.

- Details received 7th May 2014.

No objection following submission of further details.

Other Representations

4.6 Local Residents

One letter of objection has been received from a local resident. The comments are as follows:

- I am annoyed a perfectly good building that was in use until august 2012, which was attractive and could have been easily converted to housing was knocked down for what looks like three houses that could be anywhere in Bristol.
- If owner proposes using traditional Bristol Stone throughout the facade and exterior wall and can make the houses fit in better with their surroundings and ensures that there will be off-street parking for all houses, then I will drop my objections.

5. <u>ANALYSIS OF PROPOSAL</u>

5.1 <u>Principle of Development</u>

The principle of the proposed development was accepted under the previously approved application ref. PK13/1636/F. Since the determination of the previously approved application the Local Authority has adopted its Local Plan Core Strategy (December 2013). The principle of the proposed development remains acceptable under policies CS5, CS16, CS17 of the adopted Core Strategy, and the provisions of the National Planning Policy Framework 2012. This application seeks amendments to the previously approved plans to include an increase in the height and depth of the buildings. The following detailed assessment will evaluate the proposed changes to the previously approved scheme only.

5.3 <u>Residential Amenity</u>

The approved development consists of a terrace of three townhouses attached to St Martins Court (Flats 6-11), which are situated to the south, and facing Soundwell Road. The site is a corner plot on the junction of Soundwell Road and Portland Street. At the rear of the site are Flats 1 to 5 St Martins Court, and on the northern side of the junction are terraced dwellings the nearest being no.72 Soundwell Road.

5.4 The proposed changes include an increase in the height of the dwellings and an increase in depth. The increased height would have no material difference on the residential amenity of the surrounding occupiers due to the height of the existing flats to the south and west. The proposed changes would not significantly alter the outlook from the side window of no.72 Soundwell Road when compared to the approved scheme.

- 5.5 The increased depth of the dwelling would result in the loss of some of the private amenity space to serve the proposed dwellings. The approved layout has private amenity space to match the footprint of the buildings, which was considered adequate for the scale of the dwellings. The reduction in the private amenity space is undesirable especially given the scale of the dwellings however it is considered that a refusal on amenity space alone could not be sustained at appeal. Some limited private amenity space would remain in a useable layout. It should also be noted that the Council does not have any adopted guidance on amenity space standards.
- 5.6 In terms of privacy one additional window is proposed on the side (north) elevation of the terrace facing no.72. this is however a small non-habitable serving a ground floor W.C. and as such raises no concerns in terms of loss of privacy. There proposed revisions would have no other material impact on mutual privacy.
- 5.7 Design

The layout and scale of the approved dwellings have been subject to extensive negotiation and revision following the refusal and subsequent appeal dismissal on the previously submitted applications. The approved scale and appearance of the dwellings, which have been designed to appear as a terrace of three 2.5 storey townhouses taking its cue from the nearby Victorian buildings, were considered on balance to adequately mitigate the loss of the locally listed building using appropriate design detailing and materials. These materials and details were subject to conditions.

- 5.8 During the current application concern was initially raised in relation to the proposed amendments to increase the height and depth of the building as they would as a result increase the overall massing and scale on the corner which was identified as an issue within the previous appeal decisions. In response the applicant has submitted illustrative street scene elevations demonstrating the scale, massing and height of the amended buildings in the context of the adjacent attached flat development (St Martins Court) and no. 72.
- 5.9 It is noted that the proposed increased depth of the building, although resulting in additional massing adjacent to the junction, broadly reflects the depth and massing of the previous locally listed building on the site and as such not substantially different to what was originally there (pre-demolition). The increased height of the proposed dwellings is undesirable, as a key design feature of the approved scheme is the 2.5 storey nature and proportions of the buildings. It is however noted that the appearance of a 2.5 storey building would remain due to the gabled features on the third storey. On consideration of the illustrative street scene elevations it is considered that the overall design of the approved scheme remains intact despite being slightly higher and as such a refusal in this respect could not be warranted. The attention to detail and the use of high quality natural materials on the development is essential to ensure these buildings mitigate the loss of the locally listed building. This had

previously been subject to a condition and this will be replicated again on the current application.

5.10 Transport

The parking arrangement for the proposed dwelling remains as previously approved with a total of 6no. spaces located at the rear of the site to serve 3no. three bedroom dwellings. Given that the parking provision and number of bedrooms remains unchanged the proposed revisions raise no concern on grounds of highway safety. Previous conditions are reapplied.

5.11 <u>Conditions</u>

No information is available on the approved application file relating to the discharge of any of the relevant conditions. All relevant pre-commencement conditions therefore reapply. This includes matters relating to drainage and unstable land.

5.12 Other Matters

It is noted that concern has been raised in relation to the loss of the previous building on the site and the design of the proposed buildings. These comments are noted however it is highlighted that the demolition of the previous building and subsequent replacement has already been approved. This application seeks amendments to that previous approval. The materials to be used are subject to a condition to secure a high quality development and off street parking provision is proposed in accordance with the Council's standards.

6. <u>CONCLUSION</u>

- 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. <u>RECOMMENDATION</u>

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

Contact Officer:	Sarah Fordham
Tel. No.	01454 865207

CONDITIONS

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

Reason

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

2. The off-street parking facilities for all vehicles including cycles shown on the plans hereby approved shall be provided in a bound surface, before the building is first occupied, and thereafter retained for that purpose.

Reason

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

3. Notwithstanding the plans submitted the proposed vehicle crossover on Portland Street is to be extended across the full width of the front parking spaces. The dwellings shall not be occupied until the means of vehicular access has been constructed.

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 saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the Residential Parking Standards SPD (Adopted) December 2013

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

Reason

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

5. 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 in accordance with the approved details prior to the commencement of 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 Local Plan Core Strategy (Adopted) December 2013

6. 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 Local Plan Core Strategy (Adopted) December 2013.

7. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance, to mitigate the loss of the locally listed building, and to accord with saved policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

8. A sample panel of the render indicating colour and texture, shall be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the development is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To ensure a satisfactory standard of external appearance, to mitigate the loss of the locally listed building, and to accord with saved policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

- 9. No development shall commence until the detailed design of the following items have been submitted to and approved in writing by the local planning authority:
 - a. All new windows and doors, including finished colour. For the avoidance of doubt, the windows shall be vertically sliding sash windows and shall be installed with recessed boxes.
 - b. Window surrounds including lintels, cills, heads, jambs and reveals.
 - c. Door surrounds including canopies, corbel brackets, jambs and reveals.
 - d. External lighting.
 - e. External vents, flues and grilles.
 - f. External utility meter boxes.
 - g. Rainwater goods and hoppers.
 - h. Rooflights.

- i. Eaves, parapets and ridge.
- j. Quoins and string course showing profiles and junctions with adjoining materials.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

To ensure a satisfactory standard of external appearance, to mitigate the loss of the locally listed building, and to accord with saved policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

10. Notwithstanding the approved plan, the sidelights shown adjacent to the front doors in the ground floor plan (F/01) shall be omitted.

Reason 1

To ensure a satisfactory standard of external appearance and to accord with saved policy L15 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

Reason 2

This floor plan detail does not tally with the approved elevations.

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

Reason

To protect the residential amenity of the neighbouring occupiers during construction and to accord with the National Planning Policy Framework 2012.

ITEM 2

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

	Farm Gravel Hill Road Yate Bristol	Data Dari	The Anchor Society
BS37	Gloucestershire 7BS	Date Reg:	17th March 2014
Conve dwellir garage	lition of redundant outbuildings. ersion of existing stone barn to 1 no. ng and erection of 3no. dwellings with es, access and associated landscaping. bmission of PK13/0957/F).	Parish:	Yate Town Council
Map Ref: 37213 Application Minor Category:	0 184279	Ward: Target Date:	Yate North 2nd May 2014



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100023410, 2008.	N.T.S.	PK14/0893/F		

REASON FOR REFERRAL TO CIRCULATED SCEHDULE

This application appears before the circulated schedule due to the receipt of a letter of objection from the Town Council.

1. <u>THE PROPOSAL</u>

- The Home Farm complex is located in open countryside on the western side of 1.1 Gravel Hill Road, a narrow lane leading between Peg Hill at the northern edge of Yate and Yate Rocks. Home Farmhouse may have eighteenth century origins but appears to principally date from the nineteenth century, with twentieth century alterations and extensions. The building is built in the local vernacular, of rubble limestone with stone dressings to doors and mullion windows. To the north is a traditional stone threshing barn with projecting threshing bays to the north and south elevations. This is likely to date from the late eighteenth/early nineteenth century. This building is relatively little altered and is of architectural and historic interest. Both the farmhouse and barn are locally listed. Further to the north of the threshing barn are a series of more modern farm buildings, all of post 1950's date. These include a U-shaped range of lightweight stabling, an open sided Dutch barn, some brick outbuildings and a small cottage. These buildings are not of architectural or historic significance. The site is in an elevated position, overlooking the town of Yate on lower ground to the west, however due to the topography and vegetation, the urban development is not perceivable from the lane, and the site is therefore read in an isolated and rural context.
- 1.2 It is proposed to demolish the existing redundant agricultural outbuildings and build 3 no. new houses with garages with access and associated landscaping. The stone barn would be converted to a dwelling. Upon completion of development, the site would consist of 4 dwelling houses.
- 1.3 Information submitted with the application identifies that the application is submitted on behalf of a charity. It is stated that the purpose of the application is to provide funds for the charity to re-invest in its work and to provide more affordable housing in the local area.
- 1.4 This application is the resubmission of a previously refused application reference PK13/0957/F. This previous application was slightly different in that it included a replacement dwelling that is now not for consideration as part of this application. The previous application was refused for the following reasons:
- 1. The application site lies in the open countryside and outside of any defined settlement boundaries. Proposed dwellings A, B and C are therefore new dwellings in the countryside and stand to be assessed against Policy H3 of the South Gloucestershire Local Plan. The proposed development is considered unsustainable in Transportation terms due to the lack of supporting pedestrian and public transport infrastructure and its proximity to essential amenities, thereby reducing modal choice and increasing the reliance upon the private car. In order to restrict such unsustainable development, Policy H3 is clear in stating that proposals for new development in rural locations such as this will

not be permitted with the exception of Affordable Housing on Rural Exception sites, Agricultural Workers dwellings, or replacement dwellings. Dwellings A, B, and C do not fall within any of these limited categories, are unsustainable and and therefore fail to meet the requirements of Policy H3 of the South Gloucestershire Local Plan and contrary to paragraphs 29 and 49 of the National Planning Policy Framework and policy CS8 of the emerging South Gloucestershire Core Strategy.

- 2. The proposed development would have a direct adverse impact on protected species (bats) and the application fails to demonstrate that the proposed mitigation measures proposed are those most appropriate. The application is therefore contrary to the requirements of the NPPF and Policy L9 of the South Gloucestershire Local Plan (Adopted).
- З. The land in guestion falls within a rural area. The affordable housing policy CS18 in the Council's Core Strategy Development Plan Document requires developers to achieve 35% on-site affordable housing in rural areas where the threshold will be 5 or more dwellings or 0.20 hectares. The proposed development satisfies both of these criteria and there is a requirement therefore to provide one unit of affordable housing. The applicants contention is that it is not reasonable or appropriate to provide an affordable dwelling on this site and instead it is proposed that any/all profits made from the sale of the site will be reinvested in schemes within the local area as part of the Charity's work. This approach is not supported and the charitable background of the applicant does not outweigh the need to comply with planning policy. In the absence of affordable housing on this site, the application is contrary to Policy H6 of the adopted South Gloucestershire Local Plan, Policy CS18 of the Core Strategy, the Affordable Housing SPD and the NPPF.

2. POLICY CONTEXT

2.1 <u>National Guidance</u> National Planning Policy Framework March 2012

2.2 <u>Development Plans</u>

South Gloucestershire Local Plan (Adopted) January 2006

- L1 Landscape Protection and Enhancement
- L4 Forest of Avon
- L9 Species Protection
- L11 Archaeology
- L15 Buildings or Structures which make a significant contribution to the character and distinctiveness of the locality.
- EP2 Flood Risk and Development
- EP4 Noise Sensitive Development
- T12 Transportation Development Control Policy for New Development
- H3 Residential Development in the Countryside
- H10 Conversion and Re-use of Rural Buildings for Residential Purposes
- E7 Conversion and re-use of Rural Buildings

- LC1 Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 Provision for Educational Facilities (Site Allocations and Developer Contributions).
- LC12 Recreational Routes

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

- CS1 High Quality Design
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS31 North Yate New Neighbourhood
- CS34 Rural Areas
- 2.3 <u>Supplementary Planning Guidance</u> South Gloucestershire Design Checklist (SPD) Adopted The South Gloucestershire Local List SPD Adopted Trees on Development Sites Adopted The Affordable Housing SPD (Adopted) Residential Parking Standards (Adopted) SG Landscape Character Assessment - Character Area 8, Yate Vale.

3. <u>RELEVANT PLANNING HISTORY</u>

3.1 PK13/0957/F

Demolition of redundant outbuildings and cottage. Conversion of existing stone barn to 1no. dwelling and erection of 4no. dwellings with garages, access and associated landscaping.

Refused July 2013

3.2 PK13/012/SCR - Demolition of redundant outbuildings and cottage. Conversion of existing stone barn to 1no. dwelling and erection of 4no. dwellings with garages, access and associated landscaping. No EIA Required 27th March 2013

4. CONSULTATION RESPONSES

4.1 <u>Yate Town Council</u> Yate Town Council - Do not object in principle but stand by original comments set out below for original application.

1. The scheme should include the entire buildings and curtilage as an integrated scheme; not omitting Home Farm House and its gardens.

2. Condition required that no development or garden curtilage should go down the slope beyond extending beyond the current farmyard wall: the current proposal extends domestic gardens down the slope intruding into that fields that will be an essential buffer zone between this reuse of the farmyard and the Barretts development to the west. The Core strategy has drawn a clear eastern line to development, and Barretts now have consent for their development. If we allow this development to start to creep down the hill, we will make it untenable to defend the land between this farmyard and the eastern edge of the Barretts scheme and the lot will go for development. We and the residents would oppose that: but if it is to happen it needs to be planned now, to ensure there is appropriate highways access: not done by accident by allowing gardens to encroach onto the slope.

3. The lower garden boundaries i.e. western, need to be better defined, with a condition that the boundary of the gardens is defined in the consent including materials, so that the boundary is walling to reflect the farmyard boundary.

4. That the fields below the farm yard, which are in the ownership of the applicant, and which have been consciously excluded from the Core Strategy development boundary be defined as an open space buffer: making clear this development is the redevelopment of a farm yard outside of the urban envelope. Ideally we would like then defined as publicly accessible land, but private land with a tie against development would be the next best thing.

4.2 Other Consultees

<u>Councils Ecologist</u> No objection subject to the attachment of conditions

<u>Highway Officer</u> No objection subject to the attachment of conditions

<u>Tree Officer</u> No Objection subject to the attachment of conditions

Housing Enabling No objection subject to an informative

Landscape Officer No Objection

<u>Drainage Comments</u> No objection subject to the attachment of a condition

Environmental Protection No objection subject to the attachment of conditions Archaeology Officer No Objection

Other Representations

4.3 <u>Local Residents</u> None Received

ANALYSIS OF PROPOSAL

5.1 <u>Principle of Development</u>

This is a complex application with many issues to consider. The issues can be broken down into two distinct issues and these are as follows:

- The erection of 3no. new open market houses in the open countryside.
- The conversion of the existing stone barn to 1no. residential dwelling.
- 5.2 For the new build houses, Policy H3 of the South Gloucestershire Local Plan (Adopted) is of importance which states that proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following:
 - A. Affordable Housing on rural 'exception sites'; or
 - B. Housing for agricultural or forestry workers; or
 - C. Replacement dwellings
- 5.3 For the proposed barn conversion, Policy H10 is the key policy and this states that proposals for the conversion and re-use of existing buildings for residential purposes outside the existing urban areas and boundaries of settlements, as defined on the proposals map, will not be permitted unless:
 - A. All reasonable attempts have been made to secure a suitable business re-use or the conversion is part of a scheme for business re-use; and
 - B. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction; and
 - C. The buildings are in-keeping with their surroundings in terms of character, form, bulk and overall design; and
 - D. Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area; and
 - E. The building is well related to an existing settlement or other groups of buildings.

5.4 North Yate New Neighbourhood

Whilst preparing this report, your officer has been mindful of the location of this site close to the North Yate New Neighbourhood. It is however important to draw a clear distinction between this site and the boundaries of the approved new neighbourhood. Significant attention was paid to the outer limits of the new neighbourhood when the plans were prepared and a conscious decision was made as to where the boundaries lie. This proposed development is not within the new neighbourhood and is still within the open countryside. Indeed, the Town Council in their consultation letter note the importance of the open

space buffer between the new neighbourhood site and this application site. The Town Council are of the same opinion as your officer in that this development is the re-development of a farmyard outside of the urban envelope.

In addition to the above, the extensive list of Policies as found in section 2.2 above must all be given due weight and attention. In the interests of clarity, the three main separate issues will be dealt with separately first.

5.5 Erection of 3 new dwellings in place of existing agricultural buildings

- A large part of the application site is covered with a variety of agricultural buildings. With the exception of the stone barn to be discussed later, the proposal is to remove the existing agricultural buildings and erect three new dwelling houses in their place. These three new dwellings are referred to as dwellings A, B and C on the submitted plans. House A would be detached from the rest whilst houses B and C would be linked detached as their garages would join. Each of the three proposed dwellings would have four bedrooms, would be two storeys in height and would be served by a double garage.
- 5.6 The application site lies in the open countryside and outside of any defined settlement boundaries. Whilst the proposed new dwellings would be in proximity of the proposed North Yate New Neighbourhood, this remains a rural location. Proposed dwellings A, B and C are therefore new dwellings in the countryside and stand to be assessed against Policy H3 of the South Gloucestershire Local Plan. Policy H3 is clear in stating that proposals for new development in rural locations such as this will not be permitted with the exception of Affordable Housing on Rural Exception sites, Agricultural Workers dwellings, or replacement dwellings.
- 5.7 The supporting text to Policy H3 explains the reasoning behind imposing restrictions on the types of new residential development that may be considered acceptable. One of the key reasons is because new houses in the countryside tend to be unsustainable because of their heavy reliance on the car. This is where this current application varies from that previously refused.
- 5.8 With the previously refused application, access to the site was entirely reliant on the private motor vehicle. This application however proposes a new footpath link (entirely over land within the ownership of the applicant) to link to the adjacent PROW. This PROW will then give access directly into the approved North Yate New Neighbourhood. Unlike the previous application, residents of the proposed new dwellings would now have the option of accessing the shops and schools etc within North Yate via foot.
- 5.9 In addition to the above, your officer is giving weight to the recent changes to the General Permitted Development Order where the government has made is possible (in certain circumstances) to convert agricultural buildings to dwellings. Theoretically therefore, I could potentially be possible to convert some or all of the existing agricultural buildings on the site to a maximum of three dwellings without the need to apply for planning permission). This steer from the government, along with the steps taken by the applicant to secure the

additional footpath links, are considered together to be if sufficient weight to overcome the previous refusal reason.

- 5.10 Subject to the attachment of conditions, the impact on transport and highway safety is deemed to be acceptable.
- 5.11 <u>Conversion of Existing Barn to Form Coach House</u> There is one existing barn on site, a traditional stone threshing barn, that is to be retained and converted. It will be converted to form one detached dwelling known as the Coach House. Policy H10 of the South Gloucestershire Local Plan (Adopted) confirms when the conversion of existing rural buildings for residential purposes may be acceptable. There are 5 criteria within Policy H10 and these are as follows:
- 5.12 A) All reasonable attempts have been made to secure a suitable business reuse or the conversion is part of a scheme for business re-use; Supporting marketing information was been submitted with the previous application (PK13/0957/F) to demonstrate that the site has been marketed since 3rd August 2011 aimed at agricultural and industrial occupiers as well as potential alternative uses. From the details submitted, it appears that the site has been marketed as a whole (including the farmhouse, all agricultural buildings and 4.98 acres of land). No interest has been expressed to use any of the buildings for business purposes. Whilst your officer would have preferred to see this threshing barn marketed separately as this may have attracted more interest, it is still considered that an appropriate marketing exercise has been carried out sufficient to satisfy the requirements of criterion A.

AND

5.13 B) - The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;
An independently prepared structural report, prepared in October 2012, has been submitted in support of the previous application (PK13/0957/F). The structural report identifies a number of works that may be required but concludes that the stone barn is suitable for re-development subject to some remedial work to restore structural robustness and durability. The existing barn is clearly of permanent construction and therefore criterion B of Policy H10 is also satisfied.

AND

5.14 C) - The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design;

The stone threshing barn to be converted has projecting threshing bays to the north and south elevations. This is likely to date from the late eighteenth/early nineteenth century. This building is relatively little altered and is of architectural and historic interest. Both the farmhouse and barn are locally listed. The building is attractive and in keeping with the rural setting in terms of its design, form, character and bulk and the retention and maintenance of the building in a viable use is welcomed. Criterion C of Policy H10 is therefore also satisfied.

5.15 D) - Development, including any alterations, extensions or the creation of a residential curtilage would not have a harmful effect on the character of the countryside or the amenities of the surrounding area;

Generally, the detail of the conversion appears to respect the character of the barn. The glazed link on the north side, if well detailed, would be an honest addition, and is well screened by the existing threshing porch. The opened up window on the east elevation will result in one single full height window. This would not have been a historic feature however as the majority of the opening is extant this is considered acceptable subject to detailed design. The scale of the opening reflects the form and scale of the original openings in the building. The detailed design of all of the joinery and details such as eaves, vents and flues would need careful consideration. Hard and soft landscaping should also be sensitive to the agricultural and rural character of the barn and its context and require a condition.

The extent of the residential curtilage is shown to extend as far to the west as the curtilage associated with the neighbouring farmhouse. The curtilage will not encroach down the escarpment and is considered to be acceptable. The requirements of Criterion D have also therefore been satisfied.

5.16 E) - The building is well related to an existing settlement or other group of buildings.

There is a historic link between the barn to be converted and the adjacent farmhouse. The barn is therefore well related to the neighbouring house and criterion E is also satisfied.

- 5.17 By means of conclusion, there is no objection to the principle of converting the threshing barn to form a dwelling subject to the agreement of design details.
- 5.18 Ecology

Barnhill Quarry is designated as a Regionally Important Geological Site (RIGS) in recognition of a range of important geological features. The Ladden Brook and Brinsham Bridge Site of Nature Conservation Interest (SNCI) designated for its broadleaved woodland, calcareous grassland, flowing open water and bankside vegetation lies some 0.3km to the north of the application site. Several of the buildings on the site support colonies of a variety of bat species. In accordance with Policy L9, development which would directly or indirectly have an adverse impact on protected species will not be supported unless adequate mitigation measures are in place. Whilst Natural England have raised no objection to the application, they quote that 'It is for the local planning authority to consider whether the permission would offend against Article 12(1) of the Habitats Directive, and if so, whether the application would be likely to receive a licence.' The Councils Ecologist has therefore studied the information and assesses as analysed below.

5.19 The re-submitted application includes a revised bat report dated February 2014 as well as an extended Phase 1 habitat survey dated March 2014 and reptile and hedgehog surveys dated March 2014 by Integrated Ecological Solutions (IES) Ltd. Neither Barnhill Quarry RIGS or the Ladden Brook and Brinsham Bridge SNCI will be affected by the proposals.

- 5.20 The extended Phase 1 survey indicates that the application site predominantly consists of a series of outbuildings associated with Home Farm including a stable block, a barn ('Coach House') and areas of hard standing and parking. An area of tall ruderal vegetation in the north-eastern section and a series of scattered broadleaved trees and conifers were also recorded. Three fields of species-rich, semi-improved grassland (permanent pasture) forming part of the farm landholding are situated to the west although these are not included within the scheme and are unaffected.
- 5.21 Slowworms. There were several areas of habitat on site potentially suitable for use by reptiles (slowworms). The site was surveyed for slowworms between May and August 2012. None were recorded and accordingly the species is not considered to be present within the application site.
- 5.22 Hedgehog. The semi-natural habitat adjacent to the site was considered suitable for hedgehog. The site was surveyed for the species using four hedgehog footprint tunnels. No signs of the presence of hedgehog were recorded and accordingly the species is not considered present on the application site.
- 5.23 Bats. The building known as 'the Coach House' is used by two species of bat brown long-eared and lesser horseshoe - with a peak count of 29 bats recorded. The lesser horseshoe colony size totals at least 14 bats and, given this, it is likely that the Coach House constitutes a summer maternity (breeding) roost for the species.
- 5.24 A colony of brown long-eared bats is also associated with the Coach House and adjacent farmhouse (Home Farm). 14 bats were recorded entering the roof void of Home Farm via a raised tile during the dawn surveys, which is likely to be a maternity or breeding colony. Whilst the main house is outside the red line area, the brown long-eared colony uses both buildings, moving between the main house and Coach House during their active summer months.
- 5.25 In total, five species of bat lesser horseshoe, brown long-eared, common and soprano pipistrelle and noctule were recorded on site, with pipistrelles also associated with both the Coach House and the adjoining Cottage (outside the application site). Given this assemblage, the Coach House and overall site is clearly an important site for bats in the locality and the report acknowledges this by considering it as important on a *'county level'*. All native species of bats are protected under the Wildlife & Countryside Act 1981 (as amended by the CROW Act 2000) and the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010.
- 5.26 Lesser horseshoe bats are also a priority species nationally, being listed on the UK Biodiversity Action Plan and under Section 41 of the NERC Act 2006 as a species of principal importance for biological diversity in Britain; as well as being included on South Gloucestershire's own Biodiversity Action Plan. As European Protected Species (EPS), a licence under Regulation 53/56 of the 2010 Habitat Regulations is required for development to be lawful.

5.27 A recent judicial review (Woolley v East Cheshire Borough Council) has directed that, to fully engage with the Directive/Regulations, where bats are present, planning authorities should be applying the same 'tests' that licence applications are subject to under Regulation 53/56 of the Habitat Regulations 2010. Satisfying these 'tests' necessitates providing the detail of a mitigation strategy prior to determining the application.

For a licence to be issued, the application has to satisfy the three 'tests' under Regulation 53/56. It has to be:-

- For the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of social or economic nature and beneficial consequences of primary importance for the environment;
- There is no satisfactory alternative;
- The action authorised will not be detrimental to the maintenance of the population of the species at a favourable status in their natural range.
- 5.28 The first 'test' is satisfied in that development is regarded as being of 'overriding public interest of an 'economic nature'.
- 5.29 Regarding the second 'no satisfactory alternative' test, the revised application/mitigation strategy proposes to create a permanent roosting space within a self-contained room in the western end of the Coach House and which is presently accessed by a flight of stone steps and its own doorway. This will retain a breeding roost for the two species within the same building that is currently used by the two maternity roosts - a stratagem which is considered preferable to the alternative of providing a roosting area elsewhere within the new build of the development. The revised strategy is also preferable to the other alternative - the 'do nothing' scenario, which will result in the Coach House falling into further disrepair with, ultimately, the likely loss of suitable breeding conditions – as renovation of the building and the accommodation of a dedicated roosting space within it will prevent further deterioration and safeguard the roost in perpetuity. Given this, it is considered that the mitigation strategy within PK14/0893/F is the most preferable of the three scenarios and that the second 'no satisfactory alternative" test is met.
- 5.30 Similarly, regarding the third *'favourable status'* test, the broad principles of the mitigation strategy described in the revised bat report dated February 2014 by IES Ltd involves retaining an existing room as a dedicated and self-contained roosting space within the western end of the Coach House. The chamber will include a 'hot box' to increase the ambient temperature range and thereby improve breeding conditions; and utilise a designed-in access point suitable for both brown long-eared and lesser horseshoe bats. The current 'dark' flight path used by the bats to disperse away from the roost at dusk will be maintained; and any external security lighting can be positioned sympathetically under an appropriate planning Condition to ensure that light spill does not interfere with this route. The Coach House is clearly an important roost both locally and in the

wider context of South Gloucestershire but, subject to implementation of the mitigation described above and outlined in the revised bat report, it is considered that development would not be 'detrimental to the maintenance of the species at a favourable status in their natural range' and that the strategy will maintain the roost and offer optimal breeding conditions in perpetuity.

5.31 It is considered that the application passes the three European Protected Species licensing tests and that consequently, subject to conditions, there are no ecological constraints to granting planning permission.

5.32 Urban Design

It is considered that the Design & Access Statement provides a fair description of the site and context. In summary, Home Farm sits on land at the top of an escarpment overlooking Yate. Yate Rocks generally comprises a loose collection of large dwellings in large plots strung along Gravel Hill Road which runs along this escarpment.

5.33 Layout

The applicant proposes the retention and conversion of the existing barn that sits adjacent Home Farm house (including removal of later ancillary extensions) and predominantly screens the remainder of the site. The existing 'tin shed' barn will also be removed and replaced with garage block and new dwelling. New dwellings will form a courtyard in the centre of the scheme and a further dwelling will replace the cottage at the northern end of the site and there are no objections to the proposed approach. Indeed it will create a very attractive intimate space.

5.34 <u>Scale</u>

The dwellings are one & a half and two storey, generally in keeping with the Home Farm house. The new dwellings (A & B) are higher than the existing agricultural buildings but sit marginally further within the site than the existing buildings. The visually impact when viewed from the lower slopes of the escarpment, in the opinion of the councils urban design officer, will only be marginally more conspicuous. It is however considered that the gable end of plot B is the most prominent part of the development on the escarpment. Consideration should therefore be given to reducing the scale of this wing similar to the height of the respective wing on plot A.

5.35 <u>Appearance</u>

The approach taken to architectural appearance commendable. It is rarely possible to emulate the richness and intricacies of existing historic buildings successfully, particularly in such close proximity. The architects have therefore taken cues in terms of materials and detailing from the existing buildings but proposed a modern architectural approach. Traditional high quality materials (stone, render & clay pantiles) are brought together with robust detailing (solid oak cladding, posts and window & door frames etc) and topped by prominent chimney stacks providing interest to the skyline. Subject to minor design alteration (specifically to dwelling B) the design is considered to be good.

5.36 Landscape

The key considerations with regards to the visual impact of the proposed development is the impact on the landscape character of the settlement of Yate Rocks and the Wickwar Ridge. Yate Rocks has a linear settlement pattern. The dwellings are interspersed with small fields and many have large mature gardens and the settlement is consequently well integrated into the landscape. The proposed dwellings are a variety of sizes and forms and this helps to give the settlement a distinct rural village character.

5.37 Conservation

Given the proximity of two locally listed buildings, consideration must be given to the impact of the scheme on the historic setting of these buildings in accordance with Local Plan Policy L15. The significance of the buildings relates not only to their age and architecture, but also their historic function, and their relationship with the surrounding landscape.

- 5.38 Generally, the retention and maintenance of the stone thresing barn to be converted to a coach house is welcomed. The detail of the conversion appears to respect the character of the barn.
- 5.39 The modern stable buildings are relatively low key and the Dutch barn lightweight and as such the site is principally characterised by the traditional built form of the farmhouse and threshing barn. The replacement three dwellings would change the character of the site, introducing a number of modern buildings of greater scale and massing to the 'farm yard'. These would inevitably challenge the rural setting and the existing hierarchical nature of the farm complex, which would detract from the significance of the locally listed buildings and their rural setting. It is not therefore considered that as currently proposed, the three new dwellings comply with the requirements of Policy CS1 of the Core Strategy (Adopted).

5.40 Affordable Housing

This current application has been revised from that previously considered and now proposes 4 dwellings i.e. 3 new build and one barn conversion on land measuring 0.19 hectares and therefore falls under the affordable housing threshold. The number of dwellings and site area have been reduced as the applicant no longer proposes to replace the existing cottage. The Housing Enabling officer has been advised that the cottage is currently occupied and there are issues regarding tenancy arrangements.

5.41 In the event that planning permission is granted an informative will be imposed advising that in the event the land subject of the cottage or any other adjoining land as currently shown within the blue edged line comes forward at a later date for residential development that both sites will be considered as one for the purposes of assessing affordable housing under policy CS18 of the adopted Core Strategy.

7. <u>CONCLUSION</u>

- 7.1 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.
- 7.2 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

8. <u>RECOMMENDATION</u>

8.1 That the application be approved subject to the following conditions:

Contact Officer: Marie Bath Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a detailed specification for the preliminary tree works to T1 shall be submitted, and if acceptable agreed in writing. Development shall be carried out exactly in accordance with the details so agreed.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Policy L1 of the South Gloucestershire Local Plan (Adopted).

3. Prior to the commencement of development, a detailed method statement regarding works adjacent to trees (including designated areas for fires and concrete mixing) shall be submitted to the Authority, and if acceptable, agreed in writing. All development on site must be undertaken strictly in accordance with the details so agreed.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Policy L1 of the South Gloucestershire Local Plan (Adopted).

4. The protection measures as shown on the Tree Protection Plan must be installed prior to the commencement of any development or demolition on site. The tree protection must be installed and maintained as such at all times until completion of development.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Policy L1 of the South Gloucestershire Local Plan (Adopted).

5. The development is subject to the recommendations (bat mitigation strategy) outlined in Section 4 and Appendix C of the revised bat report dated February 2014 by IES Ltd and the 'proposed bat roof space' plan to form the basis of a licence application (derogation) under Regulation 53 of the Habitat Regulations 2010. All works must be carried out exactly in accordance with said strategy and maintained as such at all times thereafter.

Reason

To ensure the adequate protection of a protected species in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

6. Prior to the commencement of development a scheme of external (security) lighting for the building referred to as 'the Coach House' shall be submitted to the authority and, if acceptable agreed in writing. The details submitted shall avoid light spill interfering with bats' flight path away from the new roosting area within said building as proposed within the revised bat report dated February 2014 by IES Ltd. All works are to be carried out exactly in accordance with the details agreed.

Reason

To ensure the adequate protection of a protected species in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

7. Prior to the commencement of development, a scheme of access points for bats within the new buildings shall be submitted to the Council, and if acceptable agreed in writing. For the avoidance of doubt, the details shall be in accordance with those proposed within Section 4.3 of the revised bat report dated February 2014 by IES Ltd. Al works must take place exactly in accordance with the approved details and maintained as such at all times thereafter.

Reason

To ensure the adequate protection of a protected species in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

8. The new bat roosting space and its use by bats shall be monitored for a period of not less than two years following completion of conversion of the building known as 'the Coach House' and any necessary modifications made as proposed within Section 4.2.9 of the revised bat report dated February 2014 by IES Ltd.

Reason

To ensure the adequate protection of a protected species in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

9. Prior to the commencement of development a scheme of landscape planting using local provenance native species shall be submitted to the Council, and if acceptable agreed in writing. The landscaping must be implemented on the first planting season following the residential occupation of any single unit on the site.

Reason

To ensure the adequate protection of a protected species in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

10. Prior to first occupation of any one of the units on site, the access and driveway facilities shall be surfaced in a hard bound material and retained as such thereafter.

Reason

To ensure that loose material is not tracked onto the adjacent highway in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

11. Prior to the commencement of development, the existing and retained visibility splays, as illustrated in figure 3.1 of the submitted and approved Transport Statement, shall be retained free from obstruction and vegetation exceeding 900mm in height. They shall be retained as such at all times thereafter.

Reason

To ensure suitable visibility splays are provided in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted).

12. Prior to first occupation of the associated dwellings, the proposed parking facilities, including garages, shall be completed in all respects in accordance with the approved plans and retained as such at all times thereafter.

Reason

To ensure suitable parking is provided in the interests of Highway Safety and adopted Supplementary Planning Document 'Residential Parking Standards'

13. Prior to first occupation of any of the dwellings on site, the proposed private path linking into the adjacent Public Rights of Way network shall be marked out and surfaced to the satisfaction of the Local Planning Authority and retained as such at all times thereafter.

Reason

To ensure suitable accessibility to local footpath provision in compliance with the requirements of Policy T12 and H3 of the South Gloucestershire Local Plan (Adopted).

14. The proposed permissive path, its route, appropriate signage and surfacing, as applicable, shall be completed in all respects prior to first occupation. The permissive path shall thereafter be open for the pass and re-pass of the general public on foot (only) and shall be maintained by the landowner, for the purpose hereby approved thereafter.

Reason

To ensure suitable accessibility to local footpath provision in compliance with the requirements of Policy T12 and H3 of the South Gloucestershire Local Plan (Adopted).

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

Reason

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

16. A) The previous use of the building(s) and adjacent land for agricultural purposes may have given rise to contamination. Prior to commencement, an investigation 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 and how any unacceptable risks will be mitigated. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings and what mitigation measures are proposed to address these. 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.

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

Reason

To ensure contamination does not pose a risk to future occupiers of the proposed dwellings in accordance with the requirements of Policy CS9 of the Core strategy (Adopted)

- 17. Prior to the commencement of development full details comprising plans at a scale of 1:20 of the following items for the Coah House shall be submitted to and agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the agreed details.
 - (a) windows and doors;
 - (b) rainwater goods;
 - (c) reveals to windows/door openings;
 - (d) eaves overhang;

(e) glazed link

Reason

To protect the conservation assests and to comply with the requirments of Policy L12 of the South Gloucestershire Local Plan (Adopted).

18. Sample panels of stonework, demonstrating the colour, texture and pointing are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panel shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirments Policies H3 and L12 of the South Gloucestershire Local Plan (Adopted) and CS1 and CS9 of the Core Strategy (Adopted)

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

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the requirments Policies H3 and L12 of the South Gloucestershire Local Plan (Adopted) and CS1 and CS9 of the Core Strategy (Adopted)

ITEM 3

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.: Site:	PK14/1081/F 51 Emet Grove Emersons Green Bristol South Gloucestershire BS16 7EH	Applicant: Date Reg:	Mr And Mrs W Foster 31st March 2014
Proposal:	Erection of two-storey side and single-storey front and side extension, conversion (retrospective) of integral garage, to form additional living accommodation.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	366580 176726	Ward:	Emersons Green
Application	Householder	Target	21st May 2014
Category:		Date:	



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule as three letters of objection have been received from nearby occupiers; the officer recommendation is for approval.

Revised plans have been received; it is on the revised plans that the recommendation is made. In the assessment of the application it came to light that the garage conversion had been undertaken without the benefit of planning permission (as permitted development rights had been removed). The description of development has been amended with the agent's agreement so that the garage conversion can be regulated as part of this application.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two storey side and single storey front and side extension at a detached house in Emersons Green. It also seeks retrospective planning permission for the conversion of the garage which was undertaken prior to this application being submitted.
- 1.2 The initial design were not considered to reach a high standard and amendments to improve the visual appearance of the scheme have been sought and received by the case officer; the application shall be determined against the revised plans.
- 1.3 The design amendments have omitted any extension beyond the existing rear elevation, made a more coherent roof structure, and reduced the width of the side extension. This plan has also indicated parking provision which was previously missing.

2. POLICY CONTEXT

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012
- 2.2 <u>Development Plans</u>

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- T12 Transportation
- H4 Development within Existing Residential Curtilages
- 2.3 <u>Supplementary Planning Guidance</u>
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/0596/F Refused 03/04/2006 Erection of detached double garage. Conversion of existing garage to provide additional living accommodation. Resubmission of PK05/3182/F.
- 3.2 PK05/3182/F Refused 16/12/2005 Erection of detached double garage. Conversion of existing garage to provide additional living accommodation.
- 3.3 P98/4100 Approval of Reserved Matters 07/04/1998 Erection of 44no. dwellings (reserved matters)
- 3.4 K7528 Approval of Outline Permission 05/10/1995 Comprehensive development for residential, district centre, public house, restaurant, roads, footpaths, open space and other associated uses (outline).

4. CONSULTATION RESPONSES

- 4.1 <u>Mangotsfield Rural Parish Council</u> No objection
- 4.2 <u>Drainage</u> Public sewer location may affect development; refer the applicant to Wessex Water.
- 4.3 <u>Sustainable Transport</u> Revised plan required to show three parking spaces.

N.B the revised plans indicate this level of parking is now provided.

4.4 <u>Wessex Water</u> Applicant advised to contact Sewer Protection Team.

Other Representations

4.5 Local Residents

Three comments of objection have been received

- Access lane is narrow and cars drive off-road
- Development would create a sense of enclosure
- Extension is too large
- Front extension would cause problems with accessibility and possible encroachment
- Front fence has previously been moved and the garage has been converted into living space
- Issues with traffic generation, vehicular access, parking, loading and turning
- Overbearing
- Poor impact on the design of the cul-de-sac
- Result in a loss of privacy
- Result in the loss of light

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission to extend a detached residential dwelling in Emersons Green.

5.2 <u>Principle of Development</u>

Development within existing residential curtilages is managed by policy H4 of the Local Plan. Extensions and alterations are acceptable subject to an assessment of design, amenity and transport. Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.

5.3 Design

The existing property is a robust detached house of brick construction. The most interesting architectural details of the property are in the roof; this has a small hipped in the gable end, a project front two-storey gable, and low descending slide which is intersected with a dormer. Set within a modern housing estate, there is a uniform character and appearance to the locality. The site is also located adjacent to Emersons Green Lane which has retained a rural character.

- 5.4 The proposed side extension is in proportion with the size of the original dwelling. It is set back from the front elevation to be subservient and also to retain the hipped roof detail. The extension will use the descending roof slide and dormer window and the materials will match those of the existing dwelling. A further single storey element would be added that contained a store room.
- 5.5 Overall the design takes into account the local character and the mass and proportions of the existing dwelling.
- 5.6 <u>Amenity</u>

The NPPF requires development to provide a good standard of amenity. Adequate private amenity space would be retained at the dwelling to meet the needs of the occupants. The new windows in the front and rear elevation do not materially change the existing outlook from these elevations or impact upon privacy. A window is proposed in the side elevation; this will overlook Emersons Green Lane and will not prejudice the amenity of nearby occupiers.

- 5.7 The distance of separation between the application site and the neighbouring properties is considered to be sufficient as to avoid any prejudicial loss of light or to be overbearing; it is not considered that the development would result in undue enclosure.
- 5.8 It is not considered that the proposed extension would result in a less than good level of residential amenity to the occupiers of the extended dwelling or occupiers of any nearby dwelling.

5.9 Transport

There are two elements to consider for transport. One is the conversion of the garage and the other the provision of adequate off-street parking to meet the needs of the development.

- 5.10 Condition 8 of P98/4100 restricts the use of the garages so that they shall be retained for the garaging of private motor vehicles and ancillary domestic storage. The reasons given for this condition is to ensure that sufficient off-street parking is retained in the interests of highway safety.
- 5.11 The conversion of the garage to additional living accommodation is contrary to this condition. It must therefore be demonstrated that adequate off-street parking and ancillary domestic storage can be provided on the site, in line with the reasons for the imposition of the original condition.
- 5.12 Under the Residential Parking Standard, a five-bedroom dwelling must provide three off-street parking spaces. The revised plans submitted with the application indicate that this level of parking can be provided. Furthermore, the development includes a proposed store room; this would provide ancillary domestic storage.
- 5.13 It is therefore been demonstrated that the development proposed would still be able to provide adequate parking and storage and therefore the development would not be contrary to the reasoning behind the original planning condition. A condition will be attached to the decision to require the provision of the indicated parking spaces prior to the first occupation of the extension.

5.14 Other Matters

Comments have been received that are not addressed in the above analysis. These will be addressed here.

- 5.15 The width of the access lane is not a relevant consideration to this application as it falls outside of the application site and the proposed development is not increasing the number of dwellings that use the lane. Furthermore, the parking spaces are within the curtilage of the dwelling and therefore are unlikely to create issues with accessibility or encroachment.
- 5.16 Construction traffic and tradesman's vehicles are beyond the control of the planning system. Any impact that these have would be temporal as it would only be during the construction works.

6. <u>CONCLUSION</u>

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. It is considered that a good standard of design has been reached and

that the development would not prejudice residential amenity. Adequate parking is provided to meet the needs arising from the development and therefore there is little impact on highway safety.

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

7. <u>RECOMMENDATION</u>

7.1 It is recommended that planning permission be GRANTED subject to the conditions listed below.

Contact Officer:Griffith BunceTel. No.01454 863438

CONDITIONS

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

Reason

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

2. The off-street parking facilities shown on the plan 05 hereby approved shall be provided before the extension is first occupied, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies), and the Residential Parking Standard (Adopted) December 2013.

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 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

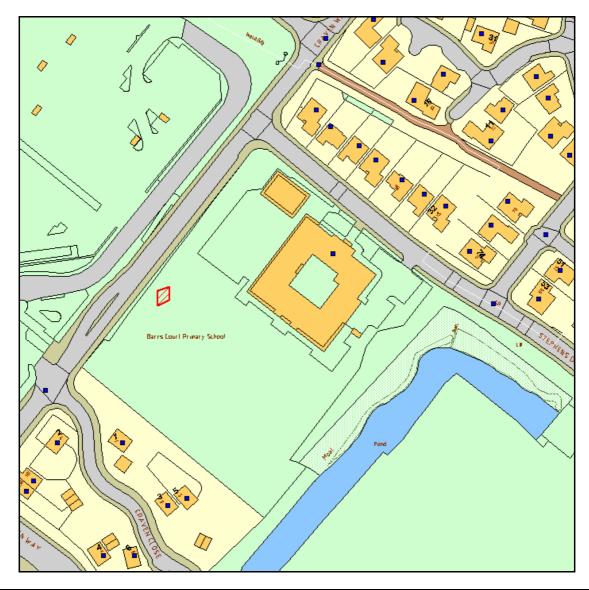
Reason

To ensure that levels of residential amenity are protected during construction works and to accord with the core planning principals of the National Planning Policy Framework March 2012.

ITEM 4

CIRCULATED SCHEDULE NO. 22/14 - 30 MAY 2014

App No.:	PK14/1148/R3F	Applicant:	Barrs Court Primary School
Site:	Barrs Court Primary School Stephens Drive Barrs Court South Gloucestershire BS30 7JB	Date Reg:	1st May 2014
Proposal:	Erection of 2 no. sail canopies to provide shaded area.	Parish:	Oldland Parish Council
Map Ref:	365785 172149	Ward:	Longwell Green
Application	Minor	Target	23rd June 2014
Category:		Date:	



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process because the application is submitted by South Gloucestershire Council.

1. <u>THE PROPOSAL</u>

- 1.1 This application seeks planning permission for the erection of two sail canopies within the grounds of Barrs Court Primary School to provide shelter for the pupils of the school during breaks and sports activities.
- 1.2 Planning permission is required for the structure as it is located within five metres of the boundary of the curtilage of the school.
- 1.3 The structure itself is made from four upright posts galvanized mild steel posts from which two triangular canopies made of UV polyethylene will be held providing a diamond shaped shaded area.
- 1.4 The canopy will be located near to the North West boundary of the site which runs along Craven Way, opposite the Asda store.

2. POLICY CONTEXT

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012
- 2.2 <u>Development Plans</u>

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

- CS4A Presumption in Favour of Sustainable Development
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and Cultural Activity

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
- L5 Open Areas with the Existing Urban Area
- T12 Transportation
- LC4 Proposals for Educational and Community Facilities
- LC9 Protection of Open Space and Playing Fields

3. RELEVANT PLANNING HISTORY

3.1	PK00/1748/R3F Erection of extensi	Deemed Consent on to library	29/08/2000
3.2	P98/4858 Erection of classro	Approval of Full Planning om	07/07/1999
3.3	K6651	Observations	23/07/1990

Construction of primary school

4. CONSULTATION RESPONSES

- 4.1 <u>Oldland Parish Council</u> No objection
- 4.2 <u>Coal Authority</u> No objection subject to informative
- 4.3 <u>Transportation</u> No objection

Other Representations

4.4 <u>Local Residents</u> None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a shade canopy at a primary school.
- 5.2 <u>Principle of Development</u>

Development at existing educational institutions is managed through policy LC4. This policy allows for improvement subject to an assessment of accessibility, amenity, environment, and transport and parking. In addition to this, the proposal should accord with policy CS1 which sets the design standard for the District. Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.

5.3 Siting, Design and Location

The proposed sails are to be located to the north west boundary of the school site, close to Craven Way, within the curtilage of the school. Although not expressly used as a sports playing field, the site is a play space for the children who attend the school and should be considered against policy L5 and LC9. This policy aims to protect open space and playing fields from development.

- 5.4 However, the small scale nature of the development and the use of the canopy as an ancillary structure to the school means that the development will not result in the loss of the open space of the ability of the area to be used for recreation in association with school activities.
- 5.5 It is therefore considered that the proposed development accords with the principles of these policies and would not prejudice the retention of the open space or the amenity value it offers to the users, the children.

5.6 Accessibility and Transport

Located at an existing school premises within the urban area of Oldland Common and Barrs Court and in close proximity to fairly dense residential development, the site is in a sustainable location.

- 5.7 The proposed development does not effect traffic movements to and from the site and would not cause a distraction to passing motorists or pedestrians on Craven Way.
- 5.8 Located on the playing field, the development would not result in the loss of parking spaces and therefore would not lead to an increase demand for onstreet parking.
- 5.9 <u>Residential Amenity</u>

The site of the sail canopy is located some distance from residential properties and faces only Craven Way and Asda. The sail canopies themselves will not materially alter the use of the land. It is therefore considered that the proposed development would have a negligible impact on levels of residential amenity and the development is acceptable in this regard.

5.10 Environment and Land Stability

Being situated in the mown grass land of the school, the site has little ecological interest and the proposed development would have little environmental impact.

- 5.11 However, Barrs Court is an area that has previously been used for coal workings which can pose a high risk to development. Consideration therefore needs to be given to the stability of the ground.
- 5.12 Given that the canopies would not require substantial foundations or earthworks and will not result in a heavy load being placed into the ground the risk associated with this particular development is low. An informative will be attached to the decision notice that alerts the application to the pass ground workings.

6. <u>CONCLUSION</u>

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. It is considered that an acceptable standard of site planning and design is reached and that the development will improve the provision of outdoor play space for the pupils of the school. The development will have little impact on residential amenity, the environment, highway safety or parking provision.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. <u>RECOMMENDATION</u>

7.1 It is recommended that planning permission be GRANTED subject to the conditions listed on the decision notice.

Contact Officer:Griffith BunceTel. No.01454 863438

CONDITIONS

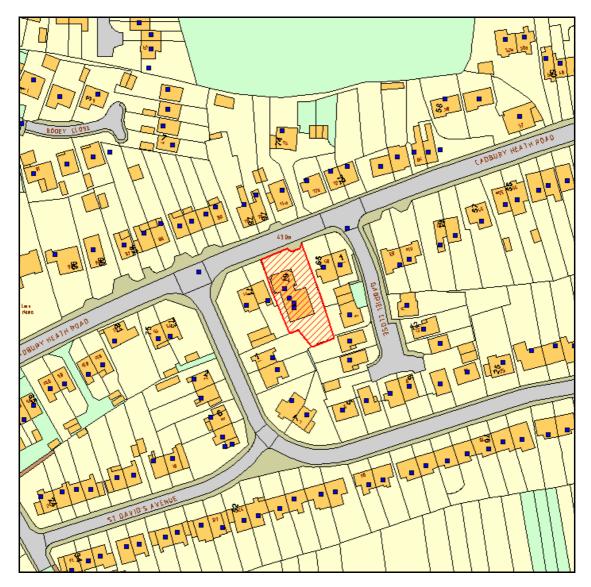
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.: Site:	PK14/1160/RVC 67B And 67C Cadbury Heath Road Cadbury Heath South Gloucestershire BS30 8BY	Applicant: Date Reg:	Mr Robert Wilmott 22nd May 2014
Proposal:	Variation of condition no. 2 of Planning Permission PK12/3740/F to allow the windows to be opened.	Parish:	Oldland Parish Council
Map Ref:	366521 172412	Ward:	Parkwall
Application Category:	Minor	Target Date:	10th June 2014



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REASON FOR REPORRINF TO THE CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as there are objections received whilst the officer recommendation is for approval.

1. <u>THE PROPOSAL</u>

- 1.1 The site consists of a former office building which has been converted to residential use under planning permission PK12/3740/F. The Planning Permission is subject to conditions including condition 2 which requires the retention of obscured and permanently shut roof light windows relating to the eastern and western elevations of the building.
- 1.2 This application seeks to vary the planning permission such condition 2 is relaxed to allow the subject windows to be opened.

2. <u>POLICY CONTEXT</u>

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012 National Planning Policy Guidance
- 2.2 <u>Development Plans</u>

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

3.1 PK12/3740/F - Change of use from office space (B1) to residential (C3) to form 3 self contained flats with associated works as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended)

Approved January 2013

4. CONSULTATION RESPONSES

4.1 <u>Oldland Parish Council</u> The condition should be retained in the interests of the amenity of the neighbours.

Other Representations

4.2 Local Residents

One objection is received. The objection is made on the basis of the loss of privacy for the occupant of the neighbour to the west as the windows would allow views across the back garden of the neighbouring property. The objector

argues that the condition should be retained as originally required and that means of escape should have been considered at the earlier stage.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks approval to allow windows in the east and west elevations of the roof of the building to be opened.

5.2 <u>Principle of Development</u>

The application relates specifically to the removal of condition 2 attached to planning permission PK12/3740/F. The principle of the development for residential use is established. The issue for consideration as part of this application is essentially the impact on the privacy of the occupants of neighbouring dwellings. This is the reason given for imposing the condition. This is considered below.

5.3 <u>Residential Amenity</u>

Comments have been received that specifically raise concern over the loss of amenity as a result of views that would be available across adjacent residential gardens. It is noted that these concerns were raised and considered as part of the assessment of the original application (PK14/1160/RVC). The condition was added in order to reflect those concerns. However, at that time the actual impact of the windows could not be considered from within the building itself as development had not taken place.

- 5.4 Officers now benefit from being able to view the widows in situ and have been allowed the opportunity to observe the view from the windows from within the residential units affected. Officers have also been able to fully understand the physical relationship of the windows with the mezzanine floors that they relate to. Of particular note is that the higher level window is too high to allow an adult to stand and look from it whilst it is opened. In contrast the lower windows are not easily accessible due to the low pitch of the roof of this building. Indeed, occupants would have to crawl on hands and knees in order to stand at the windows and peer through them. Officers have formed this view on the basis of their site visit. Officers consider that the practicality of opening and then peering from the widow would act to discourage the use of the window in order to deliberately obtain a view from within. Notwithstanding this, despite the effort to do so, a view across neighbouring gardens would be available with the window in a fully open position. Officers were able to observe this view first hand, and note that whilst views are available across adjacent residential curtilages, these views would not allow direct intervisibility into the rooms of neighbouring properties or more intimate areas of adjacent private outside space.
- 5.5 Whilst the concerns raised by neighbours are understood and represent material planning considerations, officers are satisfied that the reality of the situation is such that there would not be a detrimental impact in residential amenity terms as a result of a loss of privacy. On this basis, officers consider that the condition to preclude the opening of the windows is not necessary and does not meet the tests for applying planning conditions as set out in the National Planning Policy Guidance.

5.6 Means of Escape and Ventilation

The officer site visit has revealed that the windows in question are not fixed shut and will open if there is an urgent need to do so. In respect of the ventilation of the rooms associated with the windows, officer noted that there was a considerable amount of humidity in the rooms in question making the atmosphere a little uncomfortable. However, it is possible to apply mechanical means of ventilation should the windows remain in a permanently closed position. However, mechanical ventilation would not be as effective as opening the windows and would be less efficient in environmental terms. Given that there is no objection to the opening of widows by officers it is considered that this would be the best option.

5.7 <u>Conditions</u>

Other conditions were applied to the original planning consent relating to parking and drainage. However, the development is now complete and the parking area operational. As such it is considered that those conditions no longer serve a valid purpose in this instance. These conditions need not be reapplied to any variation of the current planning permission.

6. <u>CONCLUSION</u>

- 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/refuse 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. <u>RECOMMENDATION</u>

7.1 That the variation of planning Permission (PK12/3740/F) is varied.

Contact Officer:Simon PenkethTel. No.01454 863433

ITEM 6

CIRCULATED SCHEDULE NO. 22/14 - 30 MAY 2014

App No.:	PK14/1474/F	Applicant:	Mr And Mrs D M Slade
Site:	46 Clayfield Yate Bristol South Gloucestershire BS37 7HU	Date Reg:	24th April 2014
Proposal:	Erection of single storey rear and first floor side extension to provide additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371395 183974	Ward:	Yate North
Application	Householder	Target	5th June 2014
Category:		Date:	



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments received from neighbours contrary to Officer recommendation.

1. <u>THE PROPOSAL</u>

1.1 The applicant seeks full planning permission for the erection of a single storey rear and a first floor side extension to provide additional living accommodation. The application site relates to a two-storey detached modern dwellinghouse situated in the settlement boundary of Yate.

2. POLICY CONTEXT

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

- CS1 High Quality Design
- CS5 Location of Development

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

- H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- T12 Transportation Development Control
- 2.3 <u>Supplementary Planning Guidance</u> South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

3.1 P94/0600/30 Development of land for the erection of 71 dwellings, construction of associated driveways, cycleways, access roads, and pavement, provision of landscaped areas (in accordance with the revised layout plans received by the council 6 April 1993 and amended plans received by the council on 22 and 27 April 1993), without complying with condition 09 of planning

Approved 12.10.94

4. CONSULTATION RESPONSES

- 4.1 <u>Yate Town Council</u> No objection
- 4.2 <u>Other Consultees</u>

Highway Drainage No comment

Other Representations

4.3 Local Residents

Two letters of objection have been received by local residents:

- The ensuite window will be in the boundary wall with my property, will directly overlook my garden, conservatory and patio and look directly into 2 bedrooms. It will result in a substantial loss of privacy
- If the window is permitted to open it will open directly into my property which I believe constitutes trespass
- Am concerned that the red brick boundary wall currently single storey height will be full height of the house and will cause a claustrophobic effect and a visual intrusion onto my property
- Want assurances as to the access requirements to my property for building work
- I occasionally have small children visiting and would also like some assurances of the safety of any works, equipment etc that will be in my garden
- The amount of noise pollution and dust that would be generated due to the building work
- I would not be prepared to allow access if needed during any building process as this would invade my privacy and also detract form my family and I being able to make full use of my garden

5. ANALYSIS OF PROPOSAL

5.1 <u>Principle of Development</u>

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.

It is considered that the proposal accords with the principle of development.

5.2 Design and Visual Amenity

The application site is

The property benefits from a garage attached to its east side. The proposal would be to create a first floor extension above this garage. In addition the proposal would also 'square off the garage to the rear and to follow on from this thereby creating a wrap around single storey extension to the rear.

- 5.3 The proposed side extension would follow on from the existing roofline. A lower ridge height is a more usual feature of an addition but given the very similar and recently approved scheme to a dwellinghouse opposite the application site, there can be no objection on this basis here. The proposed side extension would measure approximately in 2.4 metres in width and 9 metres in length. Openings in this would be mostly to the front and rear with a single window in the side elevation serving a shower room. This window would be obscure glazing and a standard condition would secure that it should be top hung and non-opening below a certain height.
- 5.4 The single storey rear extension would measure approximately 3.4 metres deep and stretch across the entire width of the dwelling and its mono-pitched roof would have a maximum height of approximately 3.5 metres. Three roof lights would bring light into the structure along with a set of doors and 2no.other windows in the south elevation.
- 5.5 In terms of the design, scale and massing, the proposed first floor extension and the proposed single storey rear extension are considered appropriate to the host dwelling and the area in general and are therefore considered acceptable.

5.6 <u>Residential Amenity</u>

The application site sits at the end of a row of similar proportioned and styled dwellinghouses. To the east a small cul-de-sac of properties are positioned at right angles to the application site with their respective rear gardens abutting the side boundary of No. 46 Clayfield. Neighbours at No. 48 Clayfied, the first property in this cul-de-sac and that closest to the application site, have expressed concern regarding the potential for overlooking and inter-visibility resulting from the proposed first floor extension above the existing garage. The application site currently has a single window in the opposing elevation serving the landing of the property. From this window Officers were clearly able to view the rear gardens of No. 48 and 50 Clayfield. The proposal would, however, improve this situation as the proposed window would serve a bathroom and be of obscure glazing. As such it is considered that the privacy of these neighbours would not be adversely affected as a result of the first floor extension.

- 5.7 Concerns have been expressed regarding the first floor side window opening over the garden of No. 48 Clayfield. Plans indicate that the proposed side window would be set under the eaves of the pitched roof and as such would not be directly on the boundary between the two properties. Any issues of trespass resulting from the opening of the top hung obscure glazed window would be a civil matter and one which cannot be addressed under the remit of a planning application.
- 5.8 Mention has been made of the potential for the proposal to have a claustrophobic effect and create a visual intrusion on No. 48. The side elevation of the application site following the development would be approximately 12.5 metres away from the rear of this neighbouring property. It is considered that at this distance, although there would be changes, they would not be sufficiently overbearing in nature to warrant a refusal and given

the location of the application site within a built-up area is not an unacceptable or uncommon situation. A condition attached to the decision notice would limit the hours of working to minimise disturbance to neighbours and an informative regarding land ownership would indicate that written permission must be gained for access to land outside the applicant's ownership.

5.9 Sufficient residential amenity space would remain to serve the property and it is considered that the proposal accords with policy and is acceptable.

6. <u>CONCLUSION</u>

- 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. <u>RECOMMENDATION</u>

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

Contact Officer:Anne JosephTel. 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 hours of working on site during the period of construction shall be restricted to between 8:00 and 18:00 Monday to Friday and 08:00 to 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

3. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor window on the east elevation 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.

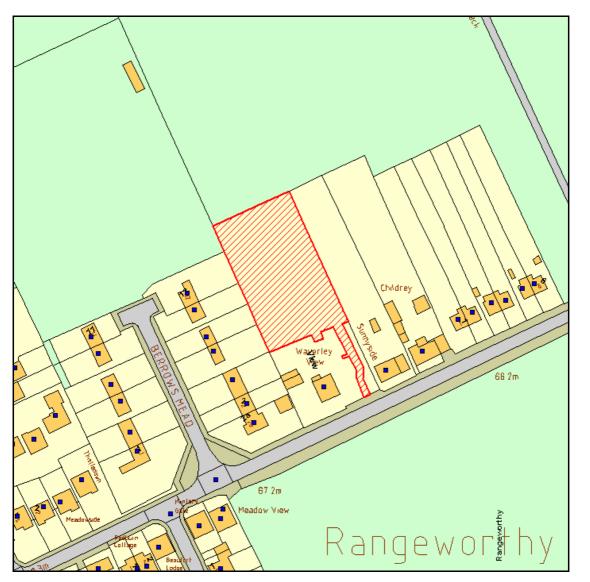
Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers]and to accord with saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013.

ITEM 7

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.:	PT14/0325/F	Applicant:	Cotswold Homes Limited
Site:	Waverley View New Road Rangeworthy Bristol South Gloucestershire BS37 7QG	Date Reg:	31st January 2014
Proposal:	Erection of 4no. detached dwellings and 1 no. detached garage with access and associated works. (Resubmission of PT13/3383/F)	Parish:	Rangeworthy Parish Council
Map Ref:	369454 185933	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	25th March 2014



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100023410, 2008.	N.T.S.	PT14/0325/F	

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination to take into account the public comments of objection received during the consultation period; the officer recommendation is for approval.

1. <u>THE PROPOSAL</u>

- 1.1 This application seeks planning permission to erect four detached dwellings and one detached garage within a large garden in Rangeworthy. This application is the resubmission of application PT13/3383/F which was withdrawn to overcome concerns raised regarding highways and access.
- 1.2 A new access route is proposed to the east of the existing dwelling which would provide access to the rear. From this new driveway, three dwellings would be positioned to the west and one dwelling at the northern end of the site.
- 1.3 Trees along the northern and western boundaries of site, and a tree to the south of the site (within the curtilage of Waverly View) are subject to a Tree Preservation Orders. The site access would be from New Road which is a Class C classified highway. In terms of site area, the site measures around 0.2 hectares. The site is located within the settlement boundary for Rangeworthy as shown on the proposals map.

2. POLICY CONTEXT

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012
- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- 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

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

3. RELEVANT PLANNING HISTORY

3.1 PT13/3383/F Withdrawn 23/01/2014 Erection of 4no. detached dwellings and 1no. detached double garage with access and associated works

Waverley View

- 3.2 PT13/3839/F Withdrawn 05/11/2013 Erection of two storey and single storey rear and side extension to form conversion of existing single dwelling into 2 no. dwellings and associated works.
- 3.3 PT13/4353/F Refused 15/01/2014 Erection of two storey rear extension to provide additional living accommodation.
- 3.4 PT14/0352/F Approved with Conditions 18/03/2014 Erection of two storey rear extension to provide additional living accommodation. (Resubmission of PT13/4353/F).

4. CONSULTATION RESPONSES

- 4.1 <u>Rangeworthy Parish Council</u> No objection
- 4.2 <u>Drainage</u> No objection subject to conditions
- 4.3 <u>Ecology Officer</u> No objection subject to conditions
- 4.4 <u>Environmental Protection</u> No objection subject to working hours condition
- 4.5 <u>Housing Enabling</u> See comments for PT13/3383/F – no affordable housing sought
- 4.6 <u>Landscape Officer</u> No objection subject to details which can be secured by condition
- 4.7 <u>Transportation</u> No objection
- 4.8 <u>Tree Officer</u> No objection subject to conditions

Other Representations

4.9 Local Residents

Two comments of objection have been received from members of the public. These are summarised as follows:

- Bats are present on site
- Concern over the protection measures for the trees
- Density of development should be reduced
- Development may harm the oak trees
- Development will lead to the loss of a TPOd tree
- Excavation has already been undertaken under canopy of the trees
- Only a low hedge is proposed to screen the development from Berrows Mead
- Plot 3 would impact on privacy
- Plots 1 and 2 impact on the privacy on the neighbours in Berrows Mead
- Trees are being removed and not replaced

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of four dwellings in Rangeworthy.
- 5.2 <u>Principle of Development</u>

Development must meet the criteria of policy CS5 to be acceptable in principle. This policy states that for rural communities outside of the green belt, small scale development may be permitted within the defined settlement boundaries. Therefore, the principle of development is acceptable but the application should be determined against the relevant planning considerations as set out below.

5.3 <u>Residential Development</u>

Residential development is supported to help meet the housing delivery identified in policy CS15. Policies CS16 and CS17 require development to provide a diverse mix of housing and make the most efficient use of the land, particularly with regard to sustainability.

- 5.4 Situated within the existing settlement, the site is considered to be a suitable and sustainable location for development as there is already access to services, shops, and transport routes. Whilst there is no set density requirement, development should seek to make the most efficient use of land. The proposed site layout would equate to approximately 20 dwellings per hectare. Considering that the site is within the rural areas, this level of density is considered to be acceptable and compatible with the surrounding built form. This site is not a strategic site (as identified in the Core Strategy), so the mix of housing should contribute to providing choice within the locality.
- 5.5 A mix of housing styles and sizes exist in Rangeworthy and the proposed development of detached family homes would not be either out of character to the area or lead to an over dominance of one particular housing style. It is

considered that the development is acceptable and would conform to the considerations of the policies listed above.

5.6 <u>Affordable Housing</u>

Within the rural areas, the affordable housing contribution threshold stands at 5 or more dwellings *or* a site area of 0.2 hectares. In this case, the site area is approximately 0.2 hectares. The Council's housing enabling team were consulted upon and commented on the previous application. As the only difference between the applications relate to the provision of adequate visibility, this application is not considered materially different from the first application in terms of affordable housing contributions. Therefore the comments made on 17 December in relation to application PT13/3383/F are still relevant.

5.7 In this instance no affordable housing is sought by the enabling team as the site area falls just below the contribution threshold. However, it should be noted that should any development come forward on this site or the front part of the site in tandem with this application site, an affordable housing contribution would then be sought.

5.8 Design and Character

Site layouts for development should respect the character of the built form in the locality. New Road has had a number of residential estates built along it including Gifford Close, The Grove and Berrows Mead to the north and Kings Field to the south. The development site lies between these developments and a run of cottages and pairs of semi-detached dwellings that act as a ribbon development along the north side of the road. There is a distinct reduction in the density between Gifford Close and The Grove to Berrows Mead. Being located to the east of Berrows Mead, the application site would then again reduce in density linking into the properties to the east.

- 5.9 It is considered, therefore, that the proposed site layout responds directly to the existing built form in the locality and the open nature of the surrounding countryside. The proposed development would not adversely affect the character of the settlement in general or the immediate vicinity of the site.
- 5.10 Four properties are proposed split into three different designs. Plots 2 and 3 will have a handed version of house type A, plot 1 would use type D and plot 4 to type F.
- 5.11 House type A is a brick finished four-bedroom property with integral garage and front facing gable with first floor front and rear Juliet balconies. House type D is broadly E shaped with two front projecting gables; these are finished with brick quoin detailing and a gable moulding. This house type contains four bedrooms and has a detached garage. House type F is the largest of the proposed properties and located on the biggest plot at the northern end of the site. This property type has a recessed end section which includes the internal garage to break up the front elevation. It too would contain four bedrooms and is finished in brick. Details of the brick have not been submitted with the application and will therefore be controlled by condition.

- 5.12 The design of the buildings is considered to be acceptable and to be informed by and respect the scale, massing details and materials of the site and its context.
- 5.13 <u>Residential Amenity</u>

A core planning principle set in the NPPF is that development should secure a good standard of amenity for existing and future occupants. In this instance, amenity considerations should cover the amenity of the occupiers of the proposed dwellings and the amenity of occupiers of nearby properties. It is generally accepted that there should be around 12 metres between a blank wall and a principal window and 21 metres between principle windows.

- 5.14 Development will occur mainly along the rear of nos.6 to 12 Berrows Mead; these properties have approximately 13 metres of garden between the rear elevation and the boundary of the application site. A further separation would be provided by the gardens of the proposed dwellings. There is a 7 metre separation between the rear of plot 1 and the site boundary, 11 metres between plot 2 and the boundary and 8 metres between plot 3 and the boundary. This provides sufficient distance and provides a good standard of amenity, with regard to privacy and overlooking, between the development site and the properties on Berrows Mead.
- 5.15 It is not considered that the proposed dwellings would have an impact on the amenity of the occupiers of Sunnyside. It is also not considered to impact upon the retained property, Waverley View as the rear garden for this property would measures some 17 metres.
- 5.16 The proposed dwellings would be provided with adequate amenity space to be meet the needs arising from the dwellings. It is not considered that the proposed dwellings would have an adverse impact on the amenity of any nearby occupier that led to a less than good standard. As such, the development is in accordance in the NPPF.
- 5.17 Landscape

Landscape issues on this site relate to both landscaping and trees; trees will be dealt with in the following section. The new access will result in the removal of a small area of walling and a holly tree. The hedge along the northern boundary is to be retained, however it is in a poor state and improvements are needed to help define the edge of the settlement and the open countryside beyond.

5.18 Whilst there is no objection in terms of policy L1, further details are required to ensure that the development integrates with the existing landscape. These details will include the front boundary treatment (including works to the stone walling), a landscaping plan for the whole site, and a five year maintenance schedule requiring enhancements to the northern hedge and additional tree planting.

5.19 <u>Trees</u>

A number of protected trees are located either within the site, on the site boundary or adjacent to the site. Details regarding the works to trees are included within the submitted revised tree report, dated 11 April.

- 5.20 The application includes the loss of a Beech tree subject to a TPO. This has been assessed and has been found unsuitable for a TPO due to poor form. There is no objection to felling this tree, but a replacement tree would be required on completion of the development. This would be required by condition.
- 5.21 Adequate space has been left around the remaining protected trees to enable development. Furthermore, the TPOd Oak and Walnut trees that are retained could be subject to a 4 metre crown lift without detrimental impact to the longevity and health of the trees.
- 5.22 Protective fencing will be required around the trees during construction works to prevent damage to the TPOd trees. This will be required by condition.
- 5.23 Ecology

Located on the edge of the settlement there is potential for the site to be used as a feeding ground for bats. Further to this, the ecological walkover survey found that there were to two holes in the Oak tree that would offer a high potential to bats. These holes, however, were 15 metres from the ground and could not be readily surveyed as described in the later endoscopic survey.

- 5.24 Given the height of the holes it is considered unlikely that any light spill from the proposed dwelling would impact upon roosting and commuting bats. Now that it has been demonstrated that the development would not have an adverse impact on the protected species, the application accords with the relevant legislation and policy L9 subject to conditions.
- 5.25 These conditions would require a scheme of external lighting to be submitted and that bat boxes be erected in the hedge.
- 5.26 <u>Transport and Parking</u> Planning application PT13/3383/F was withdrawn to overcome concerns that the access to the site did not provide adequate visibility. The resubmitted application makes a slight realignment to the proposed access to ensure that visibility of 43 metres can be achieved in either direction of the junction.
- 5.27 On the basis that adequate visibility can now be demonstrated from the access drive, there is no objection to the development on the grounds of highway safety.
- 5.28 Development must also provide adequate parking to meet the requirements of the dwellings proposed. Under the residential parking standard, four bedroom dwellings must have two parking spaces measuring 2.4 metres by 4.8 metres each. The site layout indicates that sufficient parking is proposed.

6. <u>CONCLUSION</u>

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. It is considered that the site density is appropriate for the location and that the design reflects the character of the locality. Residential amenity remains good and the development will not adversely affect the setting of the landscape, protected species, or highway safety.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. <u>RECOMMENDATION</u>

7.1 It is recommended that planning permission be GRANTED subject to the conditions listed below.

Contact Officer:	Griffith Bunce
Tel. No.	01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development a plan indicating the position, design, and materials for the boundary treatment to be erected at the entrance to the site shall be

submitted to the Local Planning Authority for approval. The boundary treatment shall be completed before the buildings are first occupied. Development shall be carried out in accordance with the approved details.

Reason

To ensure a satisfactory standard of external appearance and in the interests of conserving the landscape character of the locality, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

4. Prior to the commencement of development full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include: means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; and, minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting). Soft landscape works shall include: planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. For the avoidance of doubt, the landscaping plan should include measures for the enhancement of the hedge along the northern boundary of the site.

Reason

To ensure a satisfactory standard of external appearance and in the interests of enhancing the landscape of the locality, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

5. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To ensure a satisfactory standard of external appearance and in the interests of conserving the landscape character of the locality, and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

6. Prior to the commencement of development, details regarding the replacement tree for the Beech which is to be felled, including the species, size and location of which shall be submitted to and approved in writing by the Local Planning Authority. The replacement tree shall be planted in the first planting season following the felling hereby authorised. The development shall be carried out in accordance with the approved details.

Reason

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

7. Prior to the commencement of development, a scheme of external lighting, to include the position and type, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved scheme.

Reason

To avoid unnecessary light spill which would impact on roosting or commuting and foraging bats and other nocturnal wildlife, and to accord with Policy L1 and L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

8. Prior to the commencement of development, a plan indicating details of a scheme to provide ancillary roosting opportunities for bats (Schweglar bat boxes) within the hedges of the application site shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the positioning and type of bat boxes to be provided. The development shall be carried out in accordance with the approved details.

Reason

To avoid unnecessary and harmful impacts on bats, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

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

Reason

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

10. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement, as set out in Section 7 of the Arboricultural Impact Assessment and Tree Protection Plan by Tim Pursey (dated 11 April 2014) and drawing TP1759/1309/TPP (dated 17 October 2013).

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012 and Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

11. The hours of working on site during the period of construction shall be restricted to 07:00 to 18:00 Mondays to Fridays, 08:00 to 13:00 Saturdays with 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.

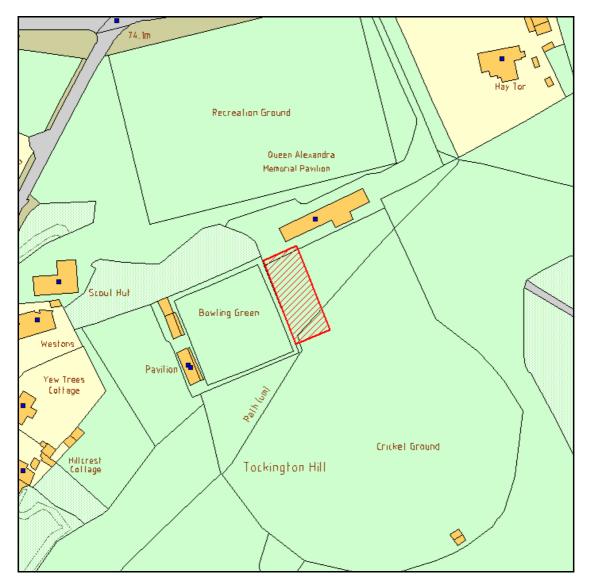
Reason

To protect residential amenity during construction works and to accord with the core planning principals of the National Planning Policy Framework March 2012.

ITEM 8

CIRCULATED SCHEDULE NO. 22/14 - 30 MAY 2014

App No.:	PT14/0425/F	Applicant:	Old Down Cricket Club
Site:	Old Down Cricket Club The Park Alveston Road Old Down Bristol South Gloucestershire	Date Reg:	2nd April 2014
Proposal:	Erection of a two bay practice cricket nets facility with associated works.	Parish:	Olveston Parish Council
Map Ref:	361232 187206	Ward:	Severn
Application	Minor	Target	23rd May 2014
Category:		Date:	



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as comments of objection have been received; the case officer recommendation is for approval.

This application previously appeared on Circulated Schedule 20/14. Since then amended plans have been received that re-site the proposed cricket nets away from the footpath. This amendment is considered to preserve the amenity of the right of way and therefore the recommendation has been changed accordingly.

1. <u>THE PROPOSAL</u>

- 1.1 This application seeks planning permission for the erection of two cricket practice nets at Old Down Cricket Club. The nets would be located to the northwest corner of the site, adjacent to the bowling green and behind the club house.
- 1.2 The site is located outside of any defined settlement between Alveston and Olveston. It is therefore within the open countryside and the Bristol and Bath Green Belt. The site is also located adjacent to the Tockington Hill and Quarry SNCI. The proposed development is adjacent to a defined public right of way.
- 1.3 Amended plans have been received at a late stage in the determination process to re-site the proposed nets away from the footpath. This is considered to overcome the previously circulated refusal reason and the application is now recommended for approval.

2. POLICY CONTEXT

- 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012
- 2.2 <u>Development Plans</u>

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS9 Managing the Environment and Heritage
- CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
- L8 Sites of Local Nature Conservation Interest
- L9 Species Protection
- T12 Transportation
- LC5 Proposals for Outdoor Sports and Recreation
- LC12 Recreational Routes
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Development in the Green Belt (Adopted) June 2006

(c) Landscape Character Assessment (Adopted) August 2005

3. <u>RELEVANT PLANNING HISTORY</u>

3.1P95/1964Approval of Full Planning15/08/1995Erection of players' pavilion and equipment store.

4. CONSULTATION RESPONSES

- 4.1 Olveston Parish Council
 - Objection: The Parish Council do not believe that the proposal has been ideally sited as it crosses an existing footpath.

The Parish Council insist that approval is conditional on written agreement from both the Old Down Bowls Club and the Olveston Sports and Social Club, given the height of the proposal, its close proximity to both organisations and the consequential reduction in parking spaces, which is already an issue at the Old Down recreational area.

- 4.2 <u>Drainage</u> No comment
- 4.3 <u>Ecology</u> No objection
- 4.4 <u>Landscape</u> No objection
- 4.5 <u>Public Rights of Way</u>
 - Objection: The development will affect public right of way reference OOL/53 as the development will obstruct the footpath. No application for a footpath diversion has been made.

Objection withdrawn subject to conditions/informatives.

4.6 <u>Transport</u> No objection

Other Representations

4.7 <u>Local Residents</u> Nineteen comments of support have been received from members of the public. These comments have been summarised below –

- A new practice net is long overdue at the club
- Application would provide modern facilities in a rural location
- Club does good work in the community
- Club has outreach programmes to local schools
- Club provides a local community resource

- Club provides access to sport for over 40 adults and 100 junior members
- Council should provide funding for the scheme
- Development will improve facilities for members
- Development would not increase noise
- Facilities are required to preserve the club
- Modern, safe facilities are required for the future development of the club
- Nets would provide facilities to encourage more people to take part in sport
- Proper facilities are needed for adults and children to training
- Provision of nets would not cause parking problems
- Such facilities are required for the safety of the players
- The proposed nets would not be detrimental to the locality
- There is a need for these facilities on the site
- This application is supported by the England and Wales Cricket Board and the Gloucestershire Cricket Board.

One comment of objection has been received from a member of the public. This comment can be summarised as follows –

- Development is in the sight line of those using the bowls club
- Development would obstruct a public right of way
- Existing nets are in a more appropriate location
- Proposed site is currently used for parking
- This is inappropriate development in the green belt
- Use of the site by cricket club adversely affects the use by other sporting clubs/organisations.

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks permission for the erection of two practice cricket nets at Old Down Cricket Club.
- 5.2 <u>Principle of Development</u>

Policy LC5 of the Local Plan manages the expansion and improvement of outdoor sports and recreation facilities outside the existing urban area and defined settlement boundaries. In general, this policy supports development subject to a detailed analysis of the impacts of the proposal.

- 5.3 However, as the site is located within the green belt, further consideration must be given to the principles of this designation when assessing the acceptability of the proposal.
- 5.4 Finally, as a public right of way runs through the site, the development must also accord with policy LC12 of the Local Plan. This policy seeks to safeguard existing recreational routes.
- 5.5 Public Rights of Way

A public right of way, OOL/53 runs adjacent to the revised siting of the nets. The plans submitted with the application from Ordnance Survey data show the 'walked' route of the footpath rather than the legal line. The adjacent bowling green was built over the footpath some years ago; however, no legal order was made to divert the footpath. Therefore, an unofficial diversion has created the

walked route which is picked up by Ordnance Survey. Further along the legal line of the right of way is obstructed by the existing cricket nets.

- 5.6 Under policy LC12, development that unacceptably affects the utility and amenity of a public right of way should be refused. This application would run close to the public right of way but would no longer physically obstruct the legal line of the route.
- 5.7 The revised siting of the nets no longer obstructs the right of way; however, bowlers on the run up would have to cross the route. Given the small nature of the club it is not considered that this impact is significant enough to warrant the refusal of the application. The Cricket Club has agreed, in due course, to work with the bowls club to seek a footpath diversion to further separate the practice nets from the right of way.
- 5.8 However, a gain to the amenity of the right of way can be gained as part of this planning application. The existing practice nets will become redundant and these are located over the legal line of the right of way. A condition will be attached to the decision notice that requires the removal of the existing nets to safeguard the right of way and the amenity that it offers.
- 5.9 Therefore, taking a balanced judgement, the revised siting and the removal of the existing obstruction (in the form of the existing nets) is considered to protect the existing amenity of the public right of way and to safeguard the route as required under policy CS1.
- 5.10 Green Belt

Green belts are attributed great importance in government policy. Under the NPPF local planning authorities have a duty to enhance the use of green belt land, for example, by providing access or opportunities for outdoor sport and recreation.

- 5.11 New buildings within the green belt are, generally, inappropriate and are, by definition, harmful to the open nature of the land. Guidance in the NPPF (paragraph 89) states six exception categories where this is not the case. One of these categories is the 'provision of appropriate facilities for outdoor sport, outdoor recreation [...] as long as it preserves the openness of the green belt and does not conflict with the purposes of including land within it.'
- 5.12 In order to comply with green belt policy, the proposal must be found to be appropriate and to preserve the open nature of the land.
- 5.13 Old Down Cricket Club is located between Alveston and Olveston on the top of Tockington Hill. To the north of the cricket ground is the recreation ground and to the west lies the bowls club. As such, the local land use has been established as generally open sport and recreation. Certain facilities can be expected at sports grounds and the provision of practice nets at a cricket club is an example. The proposed nets are therefore considered to be appropriate.
- 5.14 Openness must also be protected in order for the proposed development to not conflict with the purposes of including land within it. The nets are positioned

close to the existing enclosure of the bowling green and the Queen Alexandra Memorial Pavilion thus keeping all structures in one area and the general character of the site open. These structures are well set back from the escarpment and therefore not highly visible further afield within the green belt.

- 5.15 Furthermore, the structure itself is open in nature as it is constructed from galvanised steel tubes covered in 50mm knotted netting. It would be possible to condition the colour of the steel to match the colour of the netting to further integrate the structure into the landscape, however, given the proximity to the existing bowls club and pavilion this is not considered necessary.
- 5.16 It is not considered that the proposed structure would have a material impact on openness or the purposes of including land within the green belt and is therefore acceptable.

5.17 Landscape

Development should conserve the character, distinctiveness, quality and amenity of the landscape in which it sits. The general character of the area is one of being open. The proposed nets will be seen in the context of the existing pavilion and bowling green and would not form an incongruous feature within the landscape or result in the loss of the open nature of the site.

5.18 It is considered that no additional planting or mitigation is necessary in order to conserve the existing attributes and features of the landscape. As such, the proposal accords with policy L1 and is acceptable.

5.19 Environment and Ecology

Development will not be permitted if it has an unacceptable affect on the environment and ecology. The area of land on which the nets are proposed forms part of the mown grassland of the cricket ground.

- 5.20 No statutory or non-statutory nature conservation designations cover the actual site, however, the cricket ground immediately abuts the Tockington Hill and Quarry non-statutory SNCI, designated for its calcareous grassland.
- 5.21 As the application site is separated from the SNCI by a large area of mown grassland it is very unlikely that the proposed development would have any impact on the designation. Furthermore, the application site is located on a managed area which offers limited habitat.
- 5.22 It is not therefore considered that the proposed development would have any impact on the SNCI or on the habitat of any protected species. The development will not lead to any industrial processes or emissions, including floodlighting, that would have a detrimental impact on the environment and is therefore acceptable.

5.23 <u>Residential Amenity</u>

Located in the open countryside, the application site has few residential neighbours. The nearest residential properties are over 100 metres from the application site. All the neighbours are screened from the development site by other buildings or structures, such as the bowling green and pavilion.

- 5.24 Taking into account the distance between the site and residential dwellings it is considered highly unlikely that the proposal would result in a material impact on residential amenity.
- 5.25 <u>Transport</u>

Existing parking to serve the cricket club is provided adjacent to the pavilion at the front of the site. This parking serves the wider site including the recreation ground and bowls club.

- 5.26 The proposed development does not alter the provision of or existing parking arrangements. It is also not considered to materially increase the parking requirements of the site as the nets would complement the existing use rather than lead to a new or additional use of the site.
- 5.27 In terms of transportation impacts, the development is considered to be acceptable and would not prejudice highway safety, traffic flow, or parking provision.
- 5.28 <u>Summary</u>

The proposed development is considered to safeguard route OOL/53 now that the siting of the nets has been rearranged. Furthermore, the development is not considered to impact on the landscape setting, ecological considerations or green belt.

6. <u>CONCLUSION</u>

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed nets have been assessed against the policies listed above. It is considered that the right of way is not adversely affected and that the provision of sports facilities would be appropriate within the green belt. It is not considered that the development will have an adverse impact on the landscape, ecology, residential amenity or transport.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. <u>RECOMMENDATION</u>

7.1 It is recommended that this application be APPROVED subject to the conditions listed below.

Contact Officer:Griffith BunceTel. No.01454 863438

CONDITIONS

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

Reason

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

2. Within one calendar year of the commencement of the development hereby approved, the existing cricket nets located to the south west of the bowls club and contained within the blue line shall be permanently removed and the ground restored.

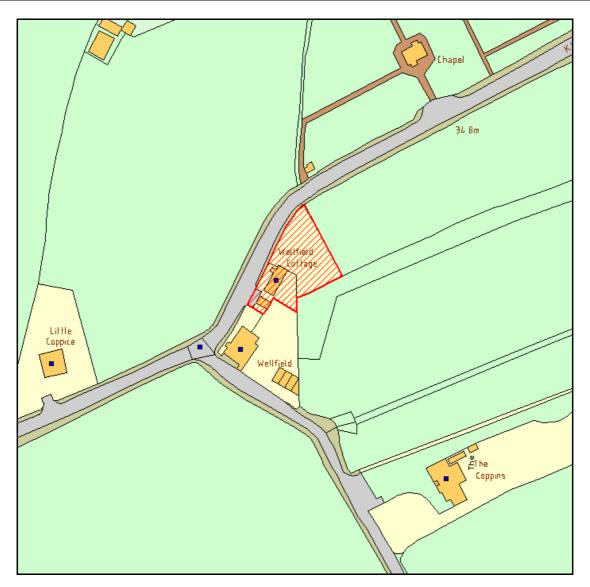
Reason

To protect the utility and amenity of the public right of way and to ensure that the route is safeguarded and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

ITEM 9

CIRCULATED SCHEDULE NO. 22/14 - 30 MAY 2014

App No.: Site:	PT14/1397/CLP Wellfield Cottage Kington Lane Thornbury Bristol South Gloucestershire BS35 1NA	Applicant: Date Reg:	Mr T Smith 16th April 2014
Proposal:	Application for Certificate of Lawfulness for the proposed erection of a single storey side extension.	Parish:	Thornbury Town Council
Map Ref:	363150 190104	Ward:	Thornbury North
Application	Minor	Target	6th June 2014
Category:		Date:	



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. <u>THE PROPOSAL</u>

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension at Wellfield Cottage, Thornbury would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 The plans submitted identify the layout and scale of the dwellinghouse as it would stand on completion of the development outlined within application PT14/0279/CLP, the certificate of lawfulness for which was approved 17th March 2014. The previous application confirms that all other extensions are lawful and as such this assessment is on the amended proposed single storey side extension only.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 Section 192

Town and Country Planning (General Management Procedures) (England) Order 2010

Town and Country Planning (General Permitted Development) Order (As Amended) 1995. Schedule 2, Part 1, Class A.

3. <u>RELEVANT PLANNING HISTORY</u>

- 3.1 PT14/1398/F Demolition of existing garage to facilitate the erection of a replacement. Construction of additional access to public highway. Pending Consideration
- 3.2 PT14/0279/CLP Application for the proposed Certificate of Lawfulness for the erection of two storey rear extension to provide additional living accommodation. Erection of front porch. Approved 17th March 2014
- 3.3 PT13/3493/F Demolition of existing single storey rear extension and erection of two storey rear extension to form additional living accommodation. Erection of detached double garage. Refused 21st November 2013.

4. CONSULTATION RESPONSES

4.1 <u>Thornbury Town Council</u> No objection

Other Representations

4.2 <u>Local Residents</u> No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing and proposed OS map (12-1583-604) Existing and proposed site layout (12-1583-603) Comparison Elevations (12-1583-602) Comparison Elevations (12-1583-601) Proposed Floor Plans Comparison (12-1583-600) Supporting Statement dated March 2014 Email received 27th May 2014 - r.e. materials

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO (As Amended) 1995.
- 6.3 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1,* Class A, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

(za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

The dwellinghouse was not granted permission by virtue of Class IA or MB of Part 3 of this schedule.

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); The proposed extension in addition to those previously approved would not exceed 50% of the total area of the curtilage.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.

(c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the proposal would not exceed the horizontal line from the eaves of the existing dwellinghouse.

- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;

The proposed extension would be to the side of the dwellinghouse but this elevation does not front a highway.

- (e) The enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposal is a side extension.

- (ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposal is a side extension.

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

The proposal is single storey.

- (g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres: The proposal would not be within two metres of the boundary of the curtilage of the dwellinghouse.
- (h) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:
 - (i) exceed 4 metres in height
 - (ii) have more than one storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or

The proposal would extend beyond the side elevation of the original dwellinghouse. It would have a maximum height of 3.9 metres and the total width of it would be less than half the width of the original dwellinghouse.

- (i) It would consist of or include—
 - (i) The construction or provision of a veranda, balcony or raised platform,
 - (ii) The installation, alteration or replacement of a microwave a antenna,
 - (iii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) An alteration to any part of the roof of the dwellinghouse.

The proposal does not include any of the above.

- A.2. In the case of a dwellinghouse on article 1(5) land, development is not permitted if:
 - (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :
 - (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
 - (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse. The site is not located within article 1(5) land.

CONDITIONS

- A.3. Development is permitted by Class A subject to the following conditions:
 - (a) The materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal would be finished in materials to match those of the existing dwellinghouse.

- (b) Any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

The proposal does not include the installation of any upper floor windows.

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

The proposal is single storey.

A.4.—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea)... Not applicable.

7. **RECOMMENDATION**

7.1 That a certificate of lawfulness for proposed development is granted for the following reason:

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

Contact Officer:Sarah FordhamTel. No.01454 865207

ITEM 10

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.:	PT14/1480/ADV	Applicant:	The Southern Co- operative Ltd
Site:	43 North Road Stoke Gifford Bristol South Gloucestershire BS34 8PB	Date Reg:	30th April 2014
Proposal:	Display of 2no. non-illuminated post mounted signs.	Parish:	Stoke Gifford Parish Council
Map Ref:	362195 179824	Ward:	Stoke Gifford
Application	Minor	Target	9th June 2014
Category:		Date:	



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule because objections have been received from Stoke Gifford Parish Council and members of the public contrary to the officers recommendation.

1. <u>THE PROPOSAL</u>

- 1.1 This application seeks advertisement consent for the display of 2no. nonilluminated post mounted signs. The signs are already in-situ therefore; the application will be considered retrospectively.
- 1.2 The application site comprises a retail unit located on the eastern side of Hatchet Road within the defined Stoke Gifford settlement boundary.
- 1.3 Both signs are approximately 0.95 metres in height, 1.5 metres in width, 0.1 metres in depth, and situated approximately 1 metre from the ground. The signs are constructed of aluminium with a digitally printed background applied.
- 1.4 Sign A comprises blue, black and white text on a green, white and red background; it is located to the north of the site adjacent to the access off Hatchet Lane. Sign B comprises blue, black and white text on a green and white background; sign A is located to the south of the site adjacent to the access off North Road. Both signs contain access information for vehicles and pedestrians.

2. POLICY CONTEXT

 2.1 <u>National Guidance</u> National Planning Policy Framework March 2012 The Town and Country Planning (Control of Advertisement) Regulations 2007 The Town and Country Planning Act 1990 Section 220 The Planning Practice Guidance

3. RECENT PLANNING HISTORY

- 3.1 PT14/0984/F, conversion of first floor to form 3no. additional flats with associated works, approval, 08/05/14
- 3.2 PT13/2504/F, installation of ATM cash machine to front elevation, approval, 28/10/13.
- 3.3 PT13/3194/ADV, display of 2no. externally illuminated fascia signs, 3 no. nonilluminated window graphics, 1no. non-illuminated hanging sign, 2no. nonilluminated fascia side panels and 3no. totem pole signs, approval, 24/10/13.
- 3.4 PT13/2899/F, installation of air conditioning unit and condenser with 1.5 m high fencing around, approval, 10/10/13.
- 3.5 PT13/2124/F, installation of new shopfront, access ramp, external coldroom, provision of a new delivery bay and associated works, approval, 01/10/13.

4. CONSULTATION RESPONSES

4.1 Stoke Gifford Parish Council

Objection – obtrusive to local residents and consideration should be given to the possible removal or relocation of the sign at the entrance to the rear of the car park. Council also note that this is a retrospective planning application as signs are already in place and have caused concerns amongst a number of local residents.

4.2 <u>Transportation DC Officer</u> No objection

Other Representations

4.3 Local Residents

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

- Out of keeping with the area;
- Prominent and obtrusive to neighbouring residents;
- Signs are unnecessary;
- Other retails stores do not have delivery entrance signs and the proposal could set a precedent;
- Negative impact on the value of neighbour properties;
- Signs were erected without consent without any prior consultation with local residents;
- Very close to neighbouring residential properties.

5. ANALYSIS OF PROPOSAL

5.1 <u>Principle of Development</u>

The Town and Country Planning (Control of Advertisement) Regulations 2007 and Section 220 of the Town and Country Planning Act relevant to the proposal indicate that the main issue for Local Planning Authorities to consider is the impact of signs on the amenity and public safety and taking into account the cumulative impacts. Advice contained in the National Planning Policy Framework and the Planning Practice Guidance relating to advertisements are also material when considering the proposal.

5.2 <u>Amenity</u>

Concerns have been raised regarding the appearance of the signs from neighbouring occupiers on the basis that they are bright, obtrusive and out of keeping with the area. However, whilst the signs may be visible from neighbouring properties, it is considered that the scale of the signs and the level of separation to neighbouring properties is such that there will not be a significant adverse effect on the amenity of occupiers. The proposed signs will not be illuminated therefore; there will not be a material effect in terms of light pollution. The proposed sign B, which is closest to neighbouring properties, is viewed against the backdrop of a high Leylandii hedge, which helps to reduce its visual impact. The sign is located on the opposite side of Hatchet Lane to the residential properties and is therefore, read in conjunction with the retail store on the western side of the Lane as opposed to domestic built form. On balance, it is not considered that the sign appears adversely out of keeping with the character of the area. Although sign A is more prominent, it is located on the western side of North Road where it is viewed in conjunction with an existing commercial premises and a public house. On balance, it is not considered that the sign adversely affects the character of the area. The signs will not have an adverse cumulative impact.

5.3 Public Safety

The signs are located clear of the public highway where they will not obstruct vehicular or pedestrian movements. The scale of the signs and the amount of information they contain will not be adversely distracting to the detriment of highway safety.

5.4 Further Matters

Objections raised on the basis of loss of property value are not a material planning consideration in this instance. The objections raised relating to the need for the signs are noted; however, the proposed signs can only be considered under matters relating to amenity and public safety. As most freestanding signs require advertisement consent, the Local Planning Authority would be able to consider any future signage proposals; and it is not therefore, considered that an approval would start a precedent to the detriment of the character of the area. Although the signs were erected without consent, the retrospective application allows the signs to be considered, and for members of the public to be consulted.

6. **RECOMMENDATION**

6.1 Advertisement Consent is GRANTED.

Contact Officer:	Jonathan Ryan
Tel. No.	01454 863538

ITEM 11

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.: Site:	PT14/1553/F 620 Southmead Road Filton Bristol South Gloucestershire BS34 7RF	Applicant: Date Reg:	Mr Tran 28th April 2014
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Filton Town Council
Map Ref:	359408 178489	Ward:	Filton
Application	Householder	Target	10th June 2014
Category:		Date:	



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. <u>THE PROPOSAL</u>

- 1.1 The application seeks permission for the erection of a double storey side extension to form additional living accommodation.
- 1.2 The application relates to a semi-detached dwelling situated within an established residential area of Filton.

2. POLICY CONTEXT

2.1 <u>National Guidance</u> National Planning Policy Framework March 2012

2.2 <u>Development Plans</u>

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies) H4 Development within Existing Residential Curtilages

2.3 <u>Supplementary Planning Guidance</u> South Gloucestershire Design Checklist SPD (Adopted) 2007 Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

3.1 No planning history.

4. CONSULTATION RESPONSES

4.1 <u>Filton Town Council</u> No objection in principle, concerns raised over neighbours comments.

Other Representations

4.2 Local Residents

Two objections have been received from local residents. The comments are summarised as follows:

- Block view of playing fields and tree lined golf course from 14 Kenmore Crescent.
- Change semi-detached nature of neighbourhood which has an open outlook.
- Integrity of area has been maintained with only single storey extensions.
 This is how it should remain to prevent us being boxed in and a terrace created in an area valued for its present space and properties.
- Building would enhance value of 620 and devalue our property.

- Set a precedent for 618.
- Houses been in present layout since pre-war and hope planning dept will keep them this way.
- Capital versus maintaining the ambience of the area which long term residents value highly.

5. ANALYSIS OF PROPOSAL

5.1 <u>Principle of Development</u>

The application seeks permission to erect a double storey side extension to an existing dwelling to form additional living accommodation. Saved policy H4 of the SGLP (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

5.2 <u>Residential Amenity</u>

The application site consists of a double storey semi-detached dwelling situated in a row of similar properties facing Southmead Road. The properties are on the same building line and evenly spaced. The front of the site looks on to the adjacent playing fields whereas the rear of the site backs on to the properties facing Kenmore Crescent. The nearest neighbouring properties to the site are no. 618, located to the southwest boundary, no. 622 which is the attached neighbouring property located to the northeast, and no.s 12 and 14 Kenmore Crescent located to the rear (southeast) of the site. There is a non-habitable window in the side elevation of no. 618.

- 5.3 The application seeks permission to erect a double storey side extension. The extension would meet the west boundary of the site adjacent to no. 618 and would extend beyond the rear elevations of the two properties by 1.3 metres. Given that the extension would only extend beyond the rear elevation by 1.3 metres it is considered that it would have a minimal impact on the amenity of the neighbouring properties situated either side in terms of overbearing impact or loss of outlook. The first floor window in the side elevation of no.618 is non-habitable and as such the proximity of the extension to this window is not considered to cause a significant issue in amenity terms.
- 5.4 Concern has been raised in relation to the loss of view of the adjacent playing fields from the properties at the rear of the site (Kenmore Crescent). These comments are noted however the planning system does not protect a right to a private view and as such this objection is not a sound reason to prevent the development. It is considered that there proposed development would not result in a significant loss of outlook to the occupiers of the dwellings on Kenmore Crescent owing to the distance that would remain between the development and their rear elevation windows. Similarly it would not appear overbearing or oppressive on these occupiers for the same reason. The extension would not alter light levels entering any of the neighbouring properties due to the orientation of the host dwelling which faces northwest. The first floor window on the rear elevation of the proposed extension would not result in an increase in inter-visibility or loss of privacy given the distance of it from neighbouring windows and the established residential nature of the locality. Provided no windows are installed in the side elevations of the extension there would be no loss of privacy to the properties either side. A

condition is therefore necessary to secure this. The proposed extension would have a minimal impact on the existing private amenity space.

- 5.5 Given the proximity of nearby occupiers, in the interests of the amenity of nearby occupiers during the construction phase it is considered necessary and reasonable to attach a condition restricting working hours.
- 5.5 <u>Design</u>

The application site consists of a double storey semi-detached dwelling with a hipped roof. The dwelling has a front bay window over both levels with a gable feature above. There is an existing lean to single storey side garage. The dwelling is situated facing but slightly set back from Southmead Road in a locality characterised by dwellings of a similar character and appearance. The pairs of semi-detached dwellings are equally spaced and on the same building line. The dwellings are finished in spar render.

- 5.6 The proposal is for a double storey side extension set back from the front elevation by 3.9 metres and set down in height with a hipped roof. The proposal would meet the side boundary of the site adjacent to no.618. It is considered that the overall design and detailing of the proposed extension is in keeping with the character of the original dwelling and the local area. Concern has been raised that the proposal would result in a terracing effect impacting the existing sense of space between the properties. These comments are noted however it is considered that the extension has been designed such that it remains visually subservient to the original dwelling as a result of the significant set back from the front elevation. The overall character of the dwelling as a semidetached property would remain in tact and the proposal would not cause harm to the balanced nature of them. It is noted that many of the dwellings in the immediate street scene remain as built however this should not prevent future appropriately designed proposals to extend and improve the living space within them. Visually it is considered that the proposal would not harm the character or appearance of the locality.
- 5.7 <u>Transport</u>

The proposed development would result in an increase in the number of bedrooms within the dwelling from three to four. The council's Residential Parking Standards SPD 2013 states that a four bedroom dwelling must have a minimum of two off street parking spaces. The dwelling benefits from one off street parking space on the hardstanding area at the front. It also has an attached garage but this does not reach the minimum internal measurements for a garage and as such cannot be considered to contribute towards parking provision.

5.8 The application does not demonstrate any increased parking provision and as such there dwelling as extended would continue to benefit from only one parking space falling below the Council's minimum standards. This is undesirable however on balance it is considered that it would not warrant a refusal of the application. In accordance with the minimum standards three to four bedroom dwellings require the same level of off street parking. In light of this, and given that there is no actual loss in parking provision, it is considered that it would be unreasonable to refuse the application on parking provision

alone especially given the sustainable position of the site within an established urban area. The property would continue to benefit from a store suitable for cycle storage.

5.9 Other Matters

Additional concerns have been raised at the consultation stage that have not been addressed within this report. These are discussed below.

- 5.10 The value of the host dwelling and surrounding properties and the impact the development will have on this is not a material consideration when determining a planning application and as such has not been afforded any weight in the determination of the application.
- 5.11 Comments made in relation to setting a precedent for the future development of the adjacent property are noted however it is highlighted that a planning application is assessed on the merits of the site and the relevant policies and material considerations at that time. Potential future development has therefore not been afforded any weight in the determination of the application.

6. <u>CONCLUSION</u>

- 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. <u>RECOMMENDATION</u>

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

Contact Officer:Sarah FordhamTel. No.01454 865207

CONDITIONS

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

Reason

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

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

Reason

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

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

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

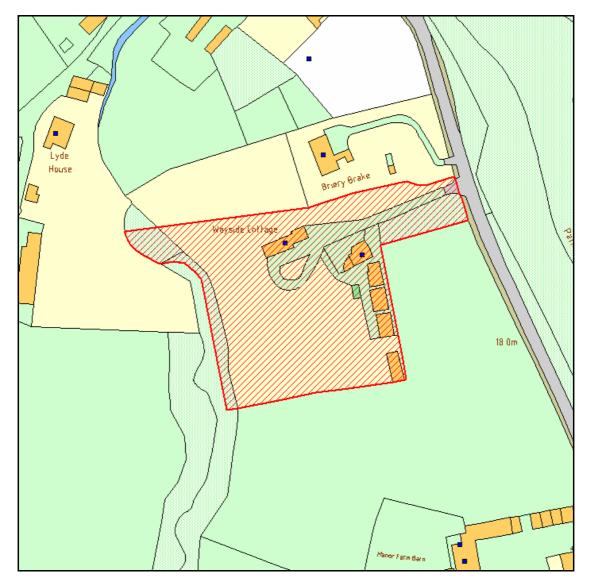
Reason

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

ITEM 12

CIRCULATED SCHEDULE NO. 22/14 – 30 MAY 2014

App No.: Site:	PT14/1568/CLP Wayside Cottage Hollywood Lane Easter Compton Bristol South Gloucestershire BS35 5RT	Applicant: Date Reg:	Mr John Davies 1st May 2014
Proposal:	Application for certificate of lawfulness for the proposed erection of a two storey front and single storey rear extensions.	Parish:	Almondsbury Parish Council
Map Ref:	356919 181682	Ward:	Almondsbury
Application	Minor	Target	11th June 2014
Category:		Date:	



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. <u>THE PROPOSAL</u>

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations.
- 1.2 The proposed development consists of the erection of a two-storey and single storey front extension and a single storey rear extension.

2. POLICY CONTEXT

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

3. <u>RELEVANT PLANNING HISTORY</u>

3.1 There is no relevant planning history to the determination of this certificate of lawfulness

4. CONSULTATION RESPONSES

- 4.1 <u>Almondsbury Parish Council</u> None received
- 4.2 <u>Natural England</u> No objection

Other Representations

4.3 <u>Local Residents</u> None received

5. <u>SUMMARY OF EVIDENCE</u>

5.1 The following evidence was submitted to the Local Planning Authority on 26 April 2014 –

- Covering letter providing summary for grant of lawful development certificate,
- KEP-1465.DR-OS Site Location Plan and Block Plan; KEP-1465.DR-OS-Proposed Proposed Block Plan; KEP-1465.DR-001 Existing Ground Floor Plan; KEP-1465.DR-002 Existing First Floor Plan; KEP-1465.DR-003 Existing Elevations; KEP-1465.DR-004 Existing Elevations; KEP-1465.DR-101 Proposed Ground Floor Plan; KEP-1465.DR-102 Proposed First Floor Plan.
- 5.2 The following evidence was submitted to the Local Planning Authority on 28 May 2014 –
 - KEP-1465.DR103A Proposed Elevations; KEP-1465.DR-104A Proposed Elevations.

6. <u>ANALYSIS</u>

- 6.1 This application seeks the determination of the Local Planning Authority as to whether the proposed development could be lawfully undertaken as permitted development.
- 6.2 <u>Principle of Development</u>

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

6.3 To ascertain if the proposed development is lawful, it must be assessed against Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order (as amended).

6.4 <u>Assessment of Evidence</u>

Assessment of Front Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

A.1

Development is not permitted by Class A if –

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

This dwellinghouse was not permitted neither Class IA or Class MB of Part 3 of the Order.

(a) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse); The plans submitted show that the total area of the curtilage covered would not exceed 50% of the curtilage.

(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed extension does not exceed the height of the highest part of the roof.

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The proposed eaves do not exceed the height of the eaves of the existing dwellinghouse.

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which
 - (i) fronts a highway, and
 - (ii) forms either the principal or a side elevation of the original dwellinghouse;

The proposed development does not extend beyond a wall that fronts a highway. This is a front extension but the principal elevation of the dwelling sits at a right-angle to the highway.

- (e) subject to paragraph (ea), the enlarged part of the dwellinghouse would have a single storey and
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached house, or 3 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposed front extension includes both single storey and two-storey elements. Both should be assessed individually. The single storey part of the front extension measures (from ground to ridge) 5 metres. This exceeds the allowance for a single storey extension and the proposed development is therefore not permitted.

- (ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have single storey and –
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposed extension is a front extension and therefore (i) is not relevant. As with the assessment in paragraph (e), the development exceeds that permitted by (ii).

- (f) the enlarged part of the dwellinghouse would have more than one storey and
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed front extension includes both single storey and two-storey elements. Both should be assessed individually. The two-storey section does not extend beyond the rear wall of the dwellinghouse; it extends from the front elevation. The end of the front extension is 45 metres from the boundary of the curtilage but this is not relevant as the 7 metres only applies to rear extensions.

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

The enlarged part of the dwellinghouse is not within 2 metres of the boundary of the curtilage of the dwellinghouse.

- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
 - (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension does not extend beyond a wall forming a side elevation of the original dwellinghouse.

(i) it would consist of or include -

- (i) the construction or provision of a veranda, balcony or raised platform,
- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The proposal includes the installation of a chimney on the south elevation of the proposed two-storey front extension. This element of the development is not permitted by Class A; the installation of the chimney must be assessed against the provisions of Class G.

Assessment of Rear Extension

Schedule 2 Part 1 Class A allows for the enlargement, improvement or other alteration of a dwellinghouse, subject to meeting the following criteria:

A.1

Development is not permitted by Class A if -

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

This dwellinghouse was not permitted neither Class IA or Class MB of Part 3 of the Order.

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

The plans submitted show that the total area of the curtilage covered would not exceed 50% of the curtilage.

(b) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;

The proposed extension does not exceed the height of the highest part of the roof.

(c) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The proposed eaves do not exceed the height of the eaves of the existing dwellinghouse.

- (d) the enlarged part of the dwellinghouse would extend beyond a wall which
 - (iii) fronts a highway, and
 - (iv) forms either the principal or a side elevation of the original dwellinghouse;

The proposed development does not extend beyond a wall that fronts a highway, not does it extend beyond a principal or side elevation.

- (e) subject to paragraph (ea), the enlarged part of the dwellinghouse would have a single storey and
 - (iii) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached house, or 3 metres in the case of any other dwellinghouse, or
 - (iv) exceed 4 metres in height;

The proposed rear extension is of single storey and extends 4 metres from the original rear elevation. It does not exceed 4 metres in height; the extension is 3.6 metres in height.

- (ea) until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have single storey and –
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
 - (ii) exceed 4 metres in height;

The proposed extension is single storey but does not exceed that permitted by paragraph (e) and therefore this is not relevant.

- (f) the enlarged part of the dwellinghouse would have more than one storey and
 - (iii) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (iv) be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;

The proposed rear extension does not have more than one storey.

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

The enlarged part of the dwellinghouse is not within 2 metres of the boundary of the curtilage of the dwellinghouse.

- (h) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would
 - (i) exceed 4 metres in height,
 - (ii) have more than one storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse; or

The proposed extension does not extend beyond a wall forming a side elevation of the original dwellinghouse.

- (i) it would consist of or include
 - (i) the construction or provision of a veranda, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse.

The proposed rear extension does includes any of those items listed above.

- 6.5 The application site is not on Article 1(5) land, and therefore paragraph **A.2** of the Schedule does not apply.
- 6.6 Development is only permitted by Class A subject to compliance with the following conditions:

A.3

Development is permitted by Class A subject to the following conditions

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

It is proposed to use a mix of brickwork detailing and render to match the existing.

- (b) any upper floor windows located in a wall or roof slope forming a side elevation of the dwellinghouse shall be
 - (i) obscure glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and,

Plans have been submitted on 28 May that indicate that the first floor windows in the side elevation of the two-storey front extension will be obscure glazed and any opening part would be 1.7 metres from the floor of the room in which they are installed.

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

The extensions have a similar roof pitch to that used on the main dwelling where appropriate. The single storey sections have a mix of lean-to and hipped-roof structures which are not practical to have the same pitch as the main roof of the house.

- 6.7 All constitute parts of the proposed extensions have been assessed against Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). It has been found that the single storey element of the front extension exceeds the height allowed under the above Part and therefore the proposed development would **not** be lawful.
- 6.8 <u>Assessment of Evidence: Additions to the roof</u> Class B of Part A allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

- 6.9 The proposed extensions are all separate from the roof of the main dwelling and no addition to the roof structure of this part of the house is proposed.
- 6.10 It is therefore not considered to be necessary to apply Class B to this application as no alterations are proposed to the original roof of the dwelling.
- 6.11 <u>Assessment of Evidence: Changes to the roof</u> It is indicated on the submitted plans that the roof of the existing dwelling would be recovered with slated. Therefore Class C should be applied.
- 6.12 Schedule 2 Part 1 Class C allows for any other alteration (than that permitted by Class B) to the roof of a dwellinghouse, subject to meeting the following criteria:

C.1

Development is not permitted by Class C if –

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

The proposed recovering of the roof would not protrude beyond the existing plane of the roof.

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

The proposed recovering would not result in the highest part of the alteration being higher than that highest part of the original roof.

(c) it would consist of or include –

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

The proposed development does not consist of or include any of the items listed above in (c)(i) or (c)(i) on the original roof of the dwelling. A chimney is proposed as part of the front extension; this will be assessed against Class G of Part 1 below.

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

C.2

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

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

No window is proposed in the roof slope; therefore this condition is not relevant.

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

6.15 Assessment of Evidence: Proposed chimney

Schedule 2 Part 1 Class G allows for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse, subject to meeting the following criteria:

G.1

Development is not permitted by Class G if –

(za) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);

This dwellinghouse was not permitted by virtue of either of the Classes listed above.

(a) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more;

The height of the proposed chimney does not exceed the height of the roof.

- (b) in the case of a dwellinghouse on article 1(5) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which
 - (i) fronts a highway, and
 - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.

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

6.16 The proposed chimney is considered to comply with Schedule 2 Part 1 Class G of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and are therefore permitted development.

7. <u>CONCLUSION</u>

- 7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.2 The erection of a two-storey and single storey front extension, the erection of a single storey rear extension, and the erection of a chimney has not been found to comply with the criteria of Schedule 2 Part 1 Class A of the abovementioned

Order. The proposed development is not considered to be permitted development.

8. <u>RECOMMENDATION</u>

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

The single storey element of the front extension exceeds 4 metres in height and therefore the proposed development fails to accord with paragraph A.1(e)(ii) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposed development is therefore unlawful.

Contact Officer:Griffith BunceTel. No.01454 863438

REASONS FOR REFUSAL

1. The single storey element of the front extension exceeds 4 metres in height and therefore the proposed development fails to accord with paragraph A.1(e)(ii) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The proposed development is therefore unlawful.