



**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. 06/14**

**Date to Members: 07/02/14**

**Member's Deadline: 13/02/14 (5pm)**

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

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

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

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

## **NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS**

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

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. **Please do not leave it to the last minute**
- Always make your referral request by e-mail to [MemberReferral@southglos.gov.uk](mailto:MemberReferral@southglos.gov.uk), where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail 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 – 07 FEBRUARY 2014

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	PK13/2621/F	Approve with Conditions	85A Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	Boyd Valley	Pucklechurch Parish Council
2	PK13/3332/F	Approve with Conditions	Myrtle Farm Siston Hill Siston South Gloucestershire	Siston	Siston Parish Council
3	PK13/3875/F	Approve with Conditions	Land adj. Cornerways Day Nursery The Old School Broad Lane Westerleigh South Gloucestershire BS37 8QX	Westerleigh	Westerleigh Parish Council
4	PK13/4008/F	Approve with Conditions	Land adjacent to 2 Broad Lane Yate South Gloucestershire BS37 7LB	Yate North	Yate Town
5	PK13/4478/F	Refusal	HSBC 88 High Street Hanham South Gloucestershire BS15 3EJ	Hanham	Hanham Parish Council
6	PK13/4681/F	Approve with Conditions	25 Moorland Road Yate South Gloucestershire BS37 4BT	Yate Central	Yate Town
7	PK13/4760/F	Approve with Conditions	30C Cock Road Kingswood South Gloucestershire BS15 9SH	Parkwall	Oldland Parish Council
8	PT13/4499/F	Approve with Conditions	35 Stafford Crescent Thornbury South Gloucestershire BS35 1DH	Thornbury North	Thornbury Town Council

**CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014**

<b>App No.:</b>	PK13/2621/F	<b>Applicant:</b>	Mr J And Mrs S Ayres
<b>Site:</b>	85A Parkfield Road Pucklechurch South Gloucestershire BS16 9PS	<b>Date Reg:</b>	22nd October 2013
<b>Proposal:</b>	Change of use of land to gypsy caravan site comprising of 1 no. mobile home, amenity unit and entrance gates.	<b>Parish:</b>	Pucklechurch Parish Council
<b>Map Ref:</b>	369506 176896	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th December 2013



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 100023410, 2008. **N.T.S.** **PK13/2621/F**

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

The application has been referred to the Circulated Schedule following the receipt of objections from Pucklechurch Parish Council and local residents; the concerns raised being contrary to the Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a plot of land lying to the south of Parkfield Road, to the west of Pucklechurch. The site lies within the open countryside and Bristol & Bath Green Belt. There is an existing gated access off Parkfield Road. There is currently an unauthorised mobile home and amenity block on the land, the site being occupied by a family of Gypsy & Traveller status.
- 1.2 The application seeks a full permission for the use of the site as a private Gypsy & Traveller site and consequently retention of the mobile home, amenity block and access gates.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012  
NPPF accompanying document Planning Policy for Traveller Sites March 2012  
Ministerial Statement by the Rt. Hon. Brandon Lewis MP 2 July 2013.

#### 2.2 Development Plans

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

L1	Landscape Protection and Enhancement
L9	Species Protection
T12	Transportation Development Control Policy
EP2	Flood Risk and Development
EP4	Noise Sensitive Development

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

Policy CS1	High Quality Design
Policy CS9	Managing the Environment and Heritage
Policy CS21	Gypsy and Traveller Accommodation
Policy CS34	Rural Areas

#### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List SPD Adopted August 2007  
Development in the Green Belt SPD Adopted June 2007  
South Gloucestershire Landscape Character Assessment as adopted August 2005 – Character Area 6 Pucklechurch Ridge and Boyd Valley  
South Gloucestershire Council Residential Parking Standards Approved

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

- 3.1 N1189 - Erection of detached house (Outline)  
Refused 13 March 1975

*Inappropriate development in the Green Belt*  
Appeal dismissed.

- 3.2 P95/1603/CL Certificate of Lawfulness – Use of land for the stationing of a Mobile Home for residential purposes.  
Refused May 1996  
*Insufficient evidence*
- 3.3 P97/4580/CL Certificate of Lawfulness – for existing use of land for stationing of residential caravan with ancillary building.  
No decision
- 3.4 PK05/1991/F Stationing of 1no. caravan with amenity unit.  
Refused 21 August 2006  
Appeal Ref: APP/P0119/A/07/2037329 allowed 21 Aug 2007 subject to 9 conditions, significantly the conditions allowed a 4 year personal consent to Mrs Wendy Ayres and for one caravan only.
- 3.5 PK11/3976/F Change of use of land to gypsy and traveller caravan site to facilitate the retention of 1no. existing mobile home and 1no. amenity unit.  
Finally disposed 16 July 2013

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

- 4.1 Pucklechurch Parish Council  
Object on the following grounds:

1. This proposal amounts to inappropriate development of the green belt. Government planning policy for traveller sites was issued in March 2012. It makes clear that both temporary and permanent traveller sites are inappropriate development in the green belt and that planning decisions should protect Green Belt land from such inappropriate development. This policy was further supported by a recent ministerial statement by Local Government Minister Brandon Lewis.

<https://www.gov.uk/government/speeches/planning-and-travellers>

2. The site sits outside the agreed village settlement boundary and if permitted would contribute to undesirable ribbon development.
3. PPC believes that by default the site reverted to Green Belt status when Mrs Wendy Ayres' conditional permission expired in August 2011 and certainly when Mrs Ayres' most recent application was finally disposed of on 15/7/2013 (PK11/3976/F).

The safe-guarding of this site as a Gypsy and Traveller site should have also lapsed at that time since status of the site was dependent on Mrs Ayres' occupancy.

4. The lack of suitable information regarding the exact nature of the development – the Design and Access statement is still written as if the chalet has not already been constructed and occupied by Mr & Mrs Ayres. The new property is significantly different to that which was there previously and consequently makes an even bigger impact on the visual amenity and openness of the Green Belt (images of the old caravan were submitted to Roger Hemming at SGC by Chris Davis in response to PK11/3976/F on 2/4/2012).
5. PPC notes the comments submitted by Lisa Price (Strategic Planning Policy & Specialist Advice Team) that “the 2007 appeal decision highlighted that although the development was inappropriate and would therefore by definition impact on the openness of the Green Belt, the site is well screened and did not appear to negatively impact on visual amenity”. These particular comments were made in relation to the scale of the mobile home positioned on the site at that time and not the considerably larger chalet which is there now. PPC would contend that the new larger white chalet, with its associated newly installed gates and gate piers, has far greater impact on the visual amenity of the green belt and the local hedgerow than the old mobile home. None of the photos submitted show the chalet or the gates from the roadside nor do any of them show it from the open countryside to the south or from Kings Lane. No images have been supplied to show what the new chalet has replaced so those previously submitted by Chris Davis should be referred to (see above). Apart from the new building, the parked cars and vans associated with this site are also having a negative impact. That Lisa Price should be able to conclude that the new property has ‘acknowledged limited impact on visual amenity’ based on what was written in 2007 about a completely different and unoccupied building is not acceptable.
6. The lack of any detail regarding very special circumstances offered in mitigation of the potential harm to the green belt – most of those offered in the Design & Access statement are purely generic and have been repeated word for word in other applications relating to other Gypsy & Traveller sites in South Gloucestershire recently. More than half relate to the lack of provision of suitable sites locally, which the Minister has made clear is in and of itself unlikely to constitute the special circumstances needed to justify inappropriate development in the Green Belt. No evidence has been provided to demonstrate any searches that have been made to find alternative accommodation nor has any been offered to show why the applicant’s previous accommodation was no longer suitable.

7. With regard to the other special circumstances offered, there is no compelling health or educational reason suggested as to why this particular site is better to be occupied rather than any other. Indeed Jo McKean (Welfare Liaison Officer, Ethnic Minority & Traveller Achievement Service) has in part contradicted these assertions in a letter regarding this application dated 26/6/2013, in which she states that there are no health issues.
8. Previous applications have in part been refused on the grounds of highway safety (see 'Proof of Evidence of Ali Khayatian for SGC Transportation' offered at Mrs Ayres' appeal ref. APP/P0119/A/07/2037329). Many of the issues raised then are still entirely relevant. There is no bus service along Parkfield Road, no continuous footway (none at all by the property) and no continuous street lighting. The entrance to the site is rendered almost invisible by its position. Pedestrian and driver safety is already being compromised.
9. As far as PPC is aware the site is not connected to the main public foul sewers – no detailed information has been offered about drainage or reasons offered as to why the property should not be connected to the public sewers.
10. PPC notes that the comments submitted by Jo McKean (Welfare Liaison Officer) with regard to this new application make reference to Mrs Wendy Ayres, who had been previously granted permission for change of use, subject to condition. Contrary to some of these comments, PPC believes that Mrs Wendy Ayres had not lived at the site for some considerable time before the current occupants began to live there. Several residents living within the immediate vicinity of 85a Parkfield made submissions to this effect in relation to planning application PK11/3976/F, which was recently disposed of. PPC corresponded with SGC Planning Enforcement (Kevan Hooper) regarding this matter on 25/3/13:
  1. *Planning permission for Mrs Ayres occupancy of the land expired in August 2011 after which the land should have reverted to green belt*
  2. *There is compelling evidence that Mrs Ayres had not been living on the site and does not live there now*
  3. *We have been notified that a request has been made to remove Mrs Ayres from the electoral register at the address so it is clear she does not intend to live there in the future. The Inspector who allowed Mrs Ayres' appeal was clear that when either she or her immediate dependents ceased to live at the site or at the end of four years (whichever came first) it should revert to its former green field status.*



*4. No plans have ever been submitted by the occupier of the considerably larger mobile home that has been constructed on the site*

*5. The current occupier of the site has therefore also not attempted to demonstrate any special circumstances*

If Mrs Ayres' health had been a consideration with regard to the previous application it was never offered for consideration as a special circumstance and was also never offered as an explanation for the current occupancy.

#### Other Consultees

##### Highway Drainage

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

##### Children and Young People

No comment

##### Corporate Travellers Unit

No response

##### Welfare Liaison Officer – Ethnic Minority and Traveller Achievement Service

Mr and Mrs Ayres and their son Aaron have lived on the site for sometime supporting Mrs. Wendy Ayres who has had planning permission but it has now lapsed.

Mrs. Wendy Ayres has been very ill for a long time and has now moved out to live with other relatives.

Mr. And Mrs. Ayres have bought the land and would like to change the name and also to use the land as a private Gypsy Site comprising one mobile home and an amenity block.

Mr. And Mrs. Ayres have had a connection with the local area for many years. Their son Aaron has applied to Filton College to start a Construction Course in September 2013.

There are no health issues.

##### Strategic Planning Policy Officer

Given the outstanding level of need for sites in the District, the Council has taken a pragmatic approach in identifying the site as an existing and authorised Gypsy & Traveller site for inclusion in Policy CS21 of the Core Strategy. The proposed development, if approved will result in the retention of the site as a Gypsy/Traveller site and the continuing existence of the site as recognised within Policy CS21.

Removing sites would undermine the aim of the Council to address the recognised lack of Gypsy/Traveller provision and fulfil the objective of Policy CS21 of the Core Strategy that seeks to safeguard existing, authorised land for accommodation by Gypsies and Travellers.

Notwithstanding this, very special circumstances will have to be demonstrated by the applicant for the retention of the site, as the recent Ministerial Statement has made it very clear that unmet need alone is not sufficient to outweigh Green Belt considerations. This is a material consideration that attracts substantial weight in any planning balance where the case for very special circumstances is relevant.

In this respect; in planning policy terms, considerable weight can be applied to Policy CS21 and in combination with the demonstrable need for Gypsy/Traveller sites in South Gloucestershire and any very special circumstances put forward by the applicant, together with the acknowledged limited impact on visual amenity, there are policy grounds to support this application having full regard to national policy and the recent Ministerial Statement.

## **Other Representations**

### 4.3 Local Residents

7no. letters/e-mails of objection have been received. The concerns raised are summarised as follows:

- Until approximately 1 year ago nobody lived on this site for 26 years.
- Dangerous access.
- Illegal travellers' site.
- Inappropriate development in the Green Belt.
- No very special circumstances to outweigh harm by reason of inappropriateness.
- Close to Conservation Area.
- Inadequate drainage.
- Increased road use.
- Increased number of dwellings.
- Ribbon development.
- Mobile home is not in-keeping with the houses.
- Adverse impact on visual amenity.
- Green field site.
- Previous temporary consent has expired – the site should have been restored to a field.
- Unsightly metal gates.

## **5. ANALYSIS OF PROPOSAL**

### Principle of Development

- 5.1 CLG released a written statement from Baroness Hanham on 27 March 2013 announcing the Government's decision to revoke the south-west regional strategy (RPG10) and the Joint Replacement Structure Plan (JRSP). An Order to revoke the Regional Strategy for the South West was laid in Parliament on

24 May 2013 and this has now come into force on 20 May 2013. As a result, RPG10 and the JRSP will therefore not be part of the development plan and therefore no longer carry any weight.

- 5.2 The South Gloucestershire Local Plan (SGLP), remains the extant development plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. However Policy H12 relating to Gypsy and Traveller Sites is no longer a saved Policy, the South Gloucestershire Local Plan Core Strategy having now been adopted in Dec. 2013. Policy CS21 of the Core Strategy has formally replaced SGLP Policy H12. Policy CS21 is a material consideration to which significant weight can now be attached.
- 5.3 Planning Policy for Traveller Sites (PPTS) was published by the Government on 23 March 2012. This document replaces Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites and Circular 04/2007: Planning for Travelling Showpeople. The PPTS is a material consideration in the determination of planning applications and should be taken into account by Local Planning Authorities in the preparation of Development Plans. The overall aims of the document can be summarised as ensuring that outstanding need for Gypsy and Traveller sites are addressed by Local Planning Authorities and that sites should be located in sustainable and appropriate locations.
- 5.4 Progress with the South Gloucestershire Gypsy and Traveller Sites Allocation Development Plan Document (DPD) was halted in 2010 and the future policy context for considering Gypsy/Traveller applications was taken forward through the Council's Core Strategy. The draft DPD is therefore of limited weight. Notwithstanding this, the evidence base used to support the Gypsy & Traveller DPD has been used to prepare Policy CS21 of the Core Strategy. Given the demonstrable need and the evidence base that supports the policy framework for delivering Gypsy/Traveller sites which has been subject to extensive public consultation as part of both the G&T DPD and Core Strategy, weight can be attributed to it as a material consideration.
- 5.5 The Direction served on South Gloucestershire Council in August 2006 which has not yet been formally removed, the West of England GTAA published in October 2007, the High Court judgment of April 2008, the outstanding level of need and lack of available sites, are all considered to be material considerations of some weight.
- 5.6 The examination in public of the South Gloucestershire Core Strategy took place between 19 June and 18 July 2012. At the hearing session for Policy CS21 - Gypsy and Traveller accommodation, the Inspector was made fully aware of the high level of demonstrable demand currently experienced in South Gloucestershire for Gypsy/Traveller pitches. The Inspector was also informed, in evidence presented by the Council, of the constraints that exist on the supply of sustainable sites in the District and how this could lead to further pressure on Green Belt and open countryside locations, both contrary to Government policy as set out in Planning Policy for Traveller Sites, March 2012. This was set out in evidence presented in Matter 12.

- 5.7 The Council adopted the Core Strategy on 11<sup>th</sup> Dec 2013. In his main modifications, the Inspector recommended the following modification to Policy CS21 (new text underlined):
- *~~Provision will be made for Gypsy and Traveller accommodation in accordance with identified need through the intensification of suitable existing family sites and through the new neighbourhoods identified in this Core Strategy to meet long term need for additional pitches up to 2026.~~ through the Policies, Sites and Places DPD following a review of the need for further pitches up to 2027. Additional provision will be addressed through the intensification of existing sites in the first instance while not excluding sites in the new neighbourhoods.*
- 5.8 CLG issued a Ministerial Statement on 2 July 2013 relating to ‘Planning and Travellers’ and applications that come forward for temporary and permanent traveller sites in the Green Belt. As the NPPF makes clear (para 87), such development is inappropriate development and should not be approved except in very special circumstances. According to the ministerial statement, the Secretary of State wishes to make it clear that, when determining applications, although each case is determined on its merits, ‘he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances’ justifying inappropriate development in the Green Belt’.

### **Need for Gypsy & Traveller Sites**

- 5.9 As a result of the Core Strategy Inspector’s main modifications to Policy CS21, an updated GTAA was undertaken by independent consultants last year in order to update the Local Authority’s records on existing Gypsy and Traveller Sites in the district and to look at the level of future provision needed in providing for the accommodation needs of Gypsy and Travellers in South Gloucestershire. The results of this study has just been published in January 2014. The GTAA 2013 establishes that there is a need for 46 residential pitches over the plan period therefore an outstanding need remains a significant material consideration.
- 5.10 Policy CS21 (Gypsy and Traveller Accommodation) of the Core Strategy states that provision will be made through the intensification of existing, authorised sites, provision within the new neighbourhoods and those that come through the development management process or Policies, Sites and Places DPD. The application is listed within Policy CS21 as a Safeguarded Gypsy and Traveller Site. The supporting text to Policy CS21 at para. 10.76 however states the following:

*“Existing, authorised sites will be safeguarded and this will apply to public and private Gypsy/Traveller provision. ‘Authorised’ land includes existing Gypsy and Traveller sites which benefit from a permanent planning permission or alternatively, a temporary planning permission. The term ‘safeguarded’ means that existing, authorised land for the accommodation of Gypsies and Travellers will be retained until such time as it can be proved no longer a need. In the case of sites with temporary planning permission, the site will be retained, or*

*'safeguarded' until such time as the existing permission expires and safeguarding status will no longer apply.*

Since the application site is currently unauthorised and therefore no longer safeguarded under Policy CS21, the proposal must fall into the windfall category determined under the development management process.

- 5.11 At present, there is a demonstrable unmet need for permanent residential Gypsy and Traveller pitches (Paragraph 16 of appeal reference APP/P0119/A/11/2148394 – Bluebell Stables, Mill Lane, Old Sodbury) and in a recent appeal decision where planning permission was granted for a new Gypsy/Traveller site in South Glos, this was 'a matter that is afforded considerable weight' (Para 18 of appeal reference APP/P0119/A.12/2178258 – Leechpool Dairy Farm, Tanhouse Lane, Yate).
- 5.12 The GTAA therefore continues to be a material consideration of significant weight, (paragraph 16 of appeal Ref. APP/P0119/A/10/2141502 – The Meadows, Pucklechurch, South Glos. June 2011) although it is accepted these decisions post date the PPTS but pre date the July 2013 Ministerial Statement.

### **The proposed development**

- 5.13 The application proposes the change of use of land to a private gypsy caravan site comprising 1 no. mobile home and amenity building and gates. The site was previously granted a 4 year temporary consent for the stationing of a caravan with amenity unit for the occupation of Mrs Wendy Ayres (an acknowledged Gypsy) and her dependents, the approval for which was granted on appeal in 2007 (APP/PO119/A/07/2037329/NWF – 85a Parkfield Road, Pucklechurch). An application was submitted in December 2011 to renew this consent (PK11/3976/F) but was never formally determined; the current occupation of the site is therefore unauthorised, the temporary consent having expired in August 2011. The application site is situated in open countryside outside the settlement boundary of Pucklechurch and in the Bristol & Bath Green Belt. A new mobile home has recently replaced the caravan that previously stood on the site for many years. The amenity building was erected in about 1994 but has been recently refurbished, the entrance gates have already been erected.
- 5.14 In accordance with S38(6) of the Planning and Compulsory Purchase Act 2004, this application falls to be considered in accordance with up to date saved policies within the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of the Core Strategy. Also of relevance is the NPPF and Supplementary Planning Documents listed at para. 2.3 above.
- 5.15 The Government attaches great importance to Green Belts. The NPPF is clear at paragraph 87 that in the case of proposals which come forward in the Green Belt, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Furthermore, the NPPF also states that the fundamental purpose of the Green Belt is to preserve its openness.

5.16 It should be noted however that the 2007 appeal decision (APP/PO119/A/07/2037329/NWF – 85a Parkfield Road, Pucklechurch) highlighted that although the development was inappropriate and would therefore by definition impact on the openness of the Green Belt, the site is well screened and did not appear to negatively impact on visual amenity. However since this previous decision, as identified above, both the Planning Policy for Traveller Sites (PPTS) and July Ministerial Statement are now significant material considerations.

#### Very Special Circumstances

5.17 The Council consider that the proposal represents inappropriate development in the Green Belt and this appears to be acknowledged by the applicant. As such the applicant has submitted a list of very special circumstances that he considers would justify the inappropriate development in the Green Belt; these are as follows:

- i) The need for further sites for Gypsies and Travellers nationally, regionally, locally and personally for this family;
- ii) The unavailability of suitable alternative sites;
- iii) The family's personal circumstances (including the Ayres family status as Gypsies and Travellers) in particular health and educational needs.
- iv) Deficiencies with Development Plan policy provision for Gypsy and Traveller caravan sites in South Gloucestershire;
- v) The consequence of the application being dismissed for the family;
- vi) And Human Rights considerations.

Whilst submitting this list of very special circumstances, the applicant has not expanded on any of the individual issues or provided accompanying evidence in support.

5.18 As regards the need for Gypsy and Traveller Sites in South Gloucestershire, this matter is not contested, as evidenced in the preceding paragraphs of this report. The recent Ministerial Statement by the Rt. Hon. Brandon Lewis M.P. states that:

*“The Secretary of State wishes to make clear that, in considering planning applications, although each case will depend on its facts, he considers that the single issue of unmet demand, whether for traveller sites or for conventional housing, is unlikely to outweigh harm to the Green Belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the Green Belt”.*

5.19 Officers consider that the statement does not totally preclude every case of unmet need, making it clear that each case will depend on its facts. The statement goes on to confirm this by stating that it is ‘*unlikely*’ to outweigh harm to the Green Belt, therefore implying that in certain cases unmet need alone might outweigh the harm by reason of inappropriateness.

- 5.20 In this case, officers consider that there are other very special circumstances to consider, in that the site has been occupied by Gypsies since as early as 1970, which in itself is a most unusual situation. Furthermore, a previous application PK05/1991/F relating to the site, for a similar proposal, was the subject of a successful appeal, albeit that consent was granted for a 4 year temporary and personal consent only. The site was however considered sufficiently adequate for use as a Gypsy & Traveller Site to include it in the list of those Safeguarded under Policy CS21 of the Core Strategy and previously under Policy H12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- 5.21 In the appeal decision letter (para.18) it was acknowledged that at that time there was a significant unmet need for Gypsy & Traveller Sites in South Gloucestershire and that a DPD was still forthcoming to make provision. The Inspector gave substantial weight to this matter and considered that consideration should be given to granting a temporary permission. Little has changed in this regard, in that future site allocations are now to be brought forward through the Policies, Sites and Places DPD, which is still pending. Policy CS21 of the now adopted South Gloucestershire Local Plan Core Strategy does however provide a strategic policy, which envisages that some site provision would come via the Development Management Process in the form of windfall sites.
- 5.22 The application site is small and as such would not represent a significant encroachment into the Green Belt and open countryside. Furthermore the Inspector for the recent appeal (para.27) considered the site to have some merit in being near an existing settlement with access to local services, including shops and a GP.
- 5.23 The Core Strategy lists those Gypsy/Traveller sites to be safeguarded at Policy CS21. The existing site at 85a Parkfield Road is currently included in this list but will be removed if this application is refused. Notwithstanding this, it is Council policy that existing, authorised Gypsy and Traveller sites are safeguarded until such time as it can be proven there is no longer an outstanding need for such sites. It is however acknowledged that the site is currently unauthorised, the earlier approval having lapsed on the 21 August 2011.
- 5.24 The site however continues to be occupied by Gypsy/Travellers albeit on an unauthorised basis. The Council's position is to try and hold on to its existing supply of those sites capable of use by Gypsies and Travellers. To give up existing sites will simply compound the existing shortfall and make the challenge of finding new sites more difficult. The 2007 appeal decision highlighted that the site has been occupied (by Gypsies) since about 1970. The length of time that gypsy occupation of the site has occurred is considered to be a material consideration of some weight.
- 5.25 Personal Circumstances  
The site is currently occupied by a family of Gypsy and Traveller status comprising Mr & Mrs John Ayres and their 17 year old son Aaron. A submission from the Welfare Liaison Officer (see para. 4.2 above) confirms that the family had previously supported Mrs Wendy Ayres who previously lived on the site

under the temporary and personal planning consent. It is confirmed however that Wendy Ayres, having been ill for a long time has now moved out to live with other relatives. The current occupants Mr. & Mrs. John Ayres, have apparently been connected with the area for many years and are now the new owners of the application site.

- 5.26 Since Mrs Wendy Ayres has now moved elsewhere, her health considerations are no longer a very special circumstance; that said the Inspector for the earlier appeal opined at para. 34 of his Decision letter that, '*in principle the appeal site is not the only place where Mrs Ayres health needs could be met*'. Although the applicants have included 'health' within their list of very special circumstances, it is unclear as to what these health issues are; furthermore this claim is contradicted by the Welfare Liaison Officer who clearly states that '*there are no health issues*'.
- 5.27 In terms of alternative Gypsy & Traveller Sites, the Council's Gypsy Liaison Officer has confirmed that the two Council sites are full with waiting lists and there are no other alternatives.
- 5.28 The education needs of presumably Aaron Ayres is also listed as a very special circumstance. It has recently been confirmed by the Council's Welfare Liaison Officer that Mr & Mrs Ayres' son Aaron has successfully enrolled on a 'Construction Course' at Filton College and will go on to do a level 2 course in September 2014. Mr & Mrs Ayres support Aaron in getting to Filton and back as Aaron is not yet old enough to drive.

#### Human Rights

- 5.29 Officers consider that in the event of this current application being refused, the likelihood would be that the Council would serve an enforcement notice and the family would have to seek accommodation elsewhere or at worst take up a nomadic roadside way of life.

The applicant contends that refusal of the application would result in violation of his human rights. As quoted in the previous appeal Decision Letter para. 31 this violation would relate to Article 1 of the First Protocol (protection of property) and Article 8 (respect for private and family life and the home) of the European Convention on Human Rights, which is incorporated into the Human Rights Act 1998. Article 8 reads as follows:

*"Article 8  
Right to respect for private and family life.*

- 1. Everyone has the right to respect for his private and family life, his home and his correspondence.*
- 2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.*



Officers consider that the operation of the Planning system does not conflict with the Human Rights Act. The Council has not acted unfairly in preparing the Local Plan or Core Strategy and then making decisions based upon the policies contained therein. Both plans have been tested at public enquiry and subsequently found to be sound.

- 5.30 Having regard to the unusual and complex planning history of this site and the length of time that Gypsies have been associated with the site, together with the acknowledged unmet need for Gypsy & Traveller Sites within South Gloucestershire and to some extent the personal circumstances of the applicant, officers consider that the very special circumstances to overcome the harm by reason of inappropriateness and any other harm, to justify the development in the Green Belt, have been adequately demonstrated. There is therefore, on balance, no in-principle Green Belt objection to this proposal.

#### Other Considerations

5.31 Highway Issues

The previous appeal relating to PK05/1991/F was supported by a traffic survey which at the time was sufficient to persuade the Council to withdraw its original highway objection, subject to certain conditions being imposed. Officers are satisfied that in transportation terms, little if anything has altered along Parkfield Road since. Given that this current application relates to the same site; that occupation remains limited to one mobile home utilising the same access, parking and turning areas; that subject to the same conditions imposed by the Inspector for the appeal, a refusal reason based on highway grounds could not reasonably be justified in this case. In this respect, the proposal accords with Policies CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6<sup>th</sup> Jan 2006 and Policy T12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006.

5.32 Landscape Issues

Whilst the Inspector for the appeal into PK05/1991/F accepted in his Decision Letter (para. 7) that the presence of the then mobile home, amenity block and small shed detracted from the area's openness and that the developed, occupied appearance of the site resulted in encroachment into the countryside; he opined that '...the site is well screened by hedges and so the development does not cause significant harm to the Green Belt's visual amenities.

- 5.33 Whilst it is acknowledged that the existing mobile home is a grander affair than the original caravan that stood on the site, it nevertheless remains well screened from Parkfield Road and from neighbouring residential property, by the existing hedgerows. Concern has however been raised about the appearance of the mobile home when viewed across the fields to the rear of the site. Officers are however satisfied that these concerns can be adequately addressed by imposing a condition to secure a scheme of soft landscaping to retain the existing boundary hedgerows and enhance the planting on the rear (southern) boundary. Subject to this condition the scheme would satisfy Policy L1 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6<sup>th</sup> Jan 2006.

5.34 Design Issues

There have been previous objections about ribbon development along the southern side of Parkfield Road but given the scale of the mobile home and amenity block and the length of time that these and the previous caravan have been on the site, officers consider that these structures have become reasonably well incorporated into the street scene and that any harm to result is now outweighed by the other considerations outlined above.

- 5.35 The mobile home is not typical of other Gypsy occupied accommodation in the countryside and even Green Belt locations, indeed there is a similar style Gypsy Site almost directly opposite the application site. Similarly, although the entrance gates have a somewhat domesticated appearance, similar gates are often seen in rural locations e.g. opposite the site. On balance therefore the scheme accords with Policies CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) 6<sup>th</sup> Jan 2006.

5.36 Environmental Issues

The site is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination and neither is the site prone to flooding. The site was previously considered to be habitable being granted temporary consent at appeal and included within the list of safeguarded sites under both Policy H12 of the South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> Jan 2006 and Policy CS21 of the recently approved South Gloucestershire Local Plan Core Strategy, both plans having been tested at Public Enquiry.

- 5.37 Foul disposal would continue to be to the existing cess pit. A concern was raised by a neighbour about smells from the cess pit but this appears to have been because the pit needed emptying.

- 5.38 No information about the condition or capacity of the Cess Pit has been submitted and this was the situation when the previous appeal was determined. In his Decision Letter, at paras. 9-13, the Inspector concluded that in the circumstances it was appropriate to impose a condition to secure an investigation of the cess pit and assessment to identify the condition of it and measures to avoid pollution risks and remedial measures if necessary. Officers consider it appropriate to impose a similar condition should planning permission be granted for the current application. The Councils Drainage Engineer has raised no objection subject to a condition to secure the submission and approval of a SUDS drainage scheme. Subject to these conditions the proposal accords with Policies CS1 and CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec. 2013.

5.39 Impact on Residential Amenity

The nearest residential property likely to be affected is no.85 Parkfield Road which lies adjacent to the site, to the east. The existing mobile home and amenity block are single-storey constructions and are not overbearing on no.85. Furthermore the site is well screened by the high vegetation that grows on the boundary between these respective properties and also along the road frontage to the site, so there are no issues of overlooking or loss of privacy.

- 5.40 Only a family of three currently occupy the site whereas the Appeal Decision refers to Mrs. Wendy Ayres, her husband and 4 children having at one time occupied the site, but later only Mrs Wendy Ayres occupied the caravan that formerly stood on the site. The Inspector for the previous appeal at para. 30 of his Decision Letter, noted the lack of enforcement action over a period in excess of 30 years and considered that this reflected the limited practical harm arising from the development, as well as the then lack of local residents' individually expressed concerns.
- 5.41 Whilst it is acknowledged that the existing mobile home is large the overall impact on residential amenity is considered to be limited.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 This application has presented something of a dilemma for officers in that the acknowledged harm to the Green Belt together with the concerns raised by the Parish Council and local residents, must be balanced against the continued unmet need for Gypsy and Traveller Sites, the unusual planning history of the site and personal circumstances of the applicant and his family.
- 6.3 Policy CS21 envisages that some new Gypsy & Traveller Sites will be delivered through the development management process as windfall sites. Given that South Gloucestershire is heavily constrained with large areas of AONB (22%), Green Belt (43%) and areas of high flood risk (18%), finding sufficient land for Gypsy and Traveller Sites outside these areas is a considerable challenge for the Council. Given this situation officers consider that it most likely that in certain cases there will be circumstances whereby the provision of a Gypsy & Traveller Site will occur in these areas; indeed some of the safeguarded sites listed under Policy CS21 of the Core Strategy do lie within these areas.
- 6.4 The site at 85A Parkfield Road is quite unique in that it has been associated with Gypsy occupation since as long ago as 1970 without to date any successful enforcement; although it was granted a temporary 4 year and personal consent for this use.
- 6.5 The site is not large and would be restricted to in as much as 1no. pitch only. The occupants have local connections and are relatives of the previous occupant to whom the temporary consent was granted. There is little or no prospect of the present occupants finding an alternative Gypsy & Traveller site locally if they were turned off the site.
- 6.6 Given that the Policies, Sites and Places DPD is still pending, officers have considered whether a further grant of temporary consent would be appropriate in this case. Having regard to para. 4-1133 of Circular 11/95 – Use of Negative Conditions; the circular states that '*....a temporary permission will normally only be appropriate either where the applicant proposes temporary development, or*

*when a trial run is needed in order to assess the effect of the development on the area.'*

- 6.7 In the first instance the applicant has not applied for a temporary consent but a full planning permission. Given that the site has been occupied by gypsies since 1970 it could not now be reasonably argued that a trial period of occupation is required. Furthermore Policy CS21 makes provision for windfall sites subject to the criteria listed therein. The circular goes on to say that 'A second temporary permission should not normally be granted.'... 'Usually a second temporary permission will only be justified where highway or redevelopment proposals have been postponed, or in the cases of hardship where temporary instead of personal permission has been granted for a change of use.'
- 6.8 In this case officers consider that the combination of the unique circumstances and personal circumstances of the applicant, combined with the unmet need of Gypsy & Traveller Sites described previously, outweigh the harm to the Green Belt. Furthermore, subject to the conditions proposed, a further temporary consent would not be appropriate and full planning consent should be granted.
- 6.9 The recommendation to grant planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

1. No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

2. No commercial activities shall take place on the land including the storage of materials.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

3. The existing landscaping along the boundaries of the site shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority. Within 60 days of this decision, a scheme of planting, to enhance that along the southern (rear) boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed scheme of planting shall be implemented in accordance with a time frame to be agreed in writing by the Local Planning Authority.

Reason

To enhance the screening of the site to protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

4. The hedgerows of the site which abut the highway shall be kept trimmed to maintain at all times a visibility splay to the near side carriageway edge at the site access of not less than 2.0m x 13.0m to the left (west) and 2.0m x 38m to the right (east).

Reason

In the interests of highway safety and to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5. The existing turning and manoeuvring areas within the site shall be retained and those areas shall not thereafter be used for any purpose other than the turning and manoeuvring of vehicles.

Reason

In the interests of highway safety and to accord with Policy T12 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

6. Within 6 months of the date of this decision, an investigation and assessment to identify the condition of the cesspool and measures to be taken to avoid pollution risks shall be carried out in accordance with details which have been submitted to and approved in writing by the Local Planning Authority. Any measures necessary to avoid pollution risks shall be submitted to and approved in writing by the Local Planning Authority and the approved measures shall be carried out within 6 months of the date of their approval.

Reason

To avoid pollution of the land and to ensure adequate provision for foul disposal in accordance with Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and to comply with Section 11 of The National Planning Policy Framework 27 March 2012.

7. No more than one mobile home or caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any one time.

Reason

To protect the visual amenity of the Green Belt and landscape in general to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS34 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

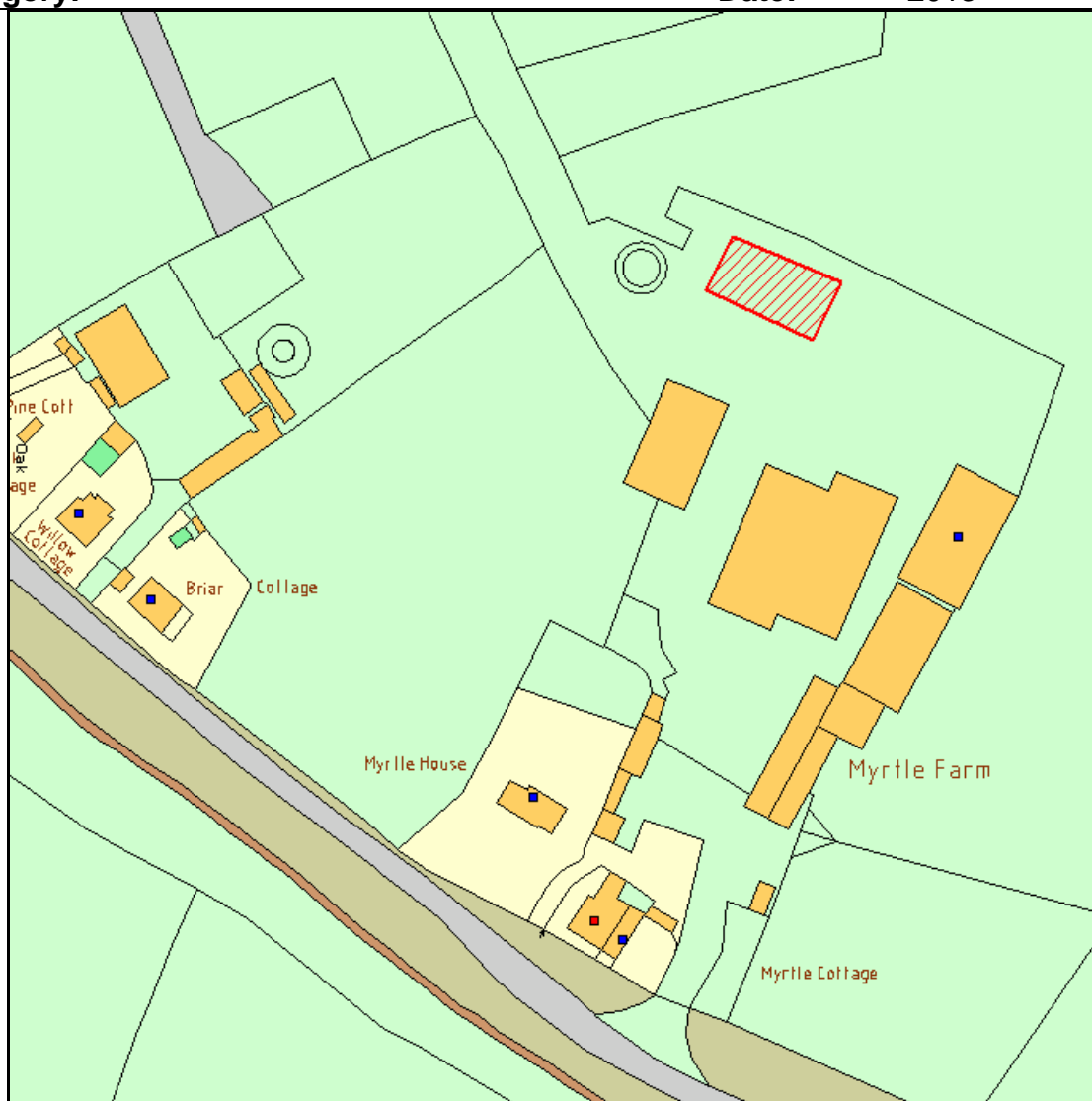
8. Within 6 months of the date of this permission, drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Thereafter the drainage scheme so approved shall be implemented in accordance with the approved details and to a timescale to be agreed in writing by the Local Planning Authority.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS21 of The South Gloucestershire Local Plan Core Strategy (Approved) Dec 2013.

**CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014**

<b>App No.:</b>	PK13/3332/F	<b>Applicant:</b>	Mr M Williams Prompt Transport Ltd
<b>Site:</b>	Myrtle Farm Siston Hill Siston South Gloucestershire BS30 5LU	<b>Date Reg:</b>	25th October 2013
<b>Proposal:</b>	Erection of storage building (Class B8) as defined in the Town and Country Planning (Use Classes) Order 1987 as amended	<b>Parish:</b>	Siston Parish Council
<b>Map Ref:</b>	367384 174371	<b>Ward:</b>	Siston
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th December 2013



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 100023410, 2008. **N.T.S.** **PK13/3332/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Siston Parish Council, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The former Myrtle Farm complex is now used by Prompt Transport as a storage and distribution centre. Myrtle Cottage to the south of the yard is Locally Listed but does not form part of the application site. The application site and buildings benefit from a Certificate of Lawfulness granted in respect of the use of the land and buildings for B8 Storage and Distribution purposes under reference PK12/2494/CLE; prior to this planning permission K1887/3 was granted for B1 and B2 industrial uses for the site. The site lies in the open countryside and is washed over as Green Belt. There is an existing vehicular access into the site from Siston Hill.
- 1.2 The application seeks full planning consent for the erection of a further storage building falling within the B8 use Class to meet the business needs of the current operators. The building would be located on the northern part of the site on land currently used for B8 storage and distribution purposes under the existing Certificate of Lawfulness.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

National Planning Policy Framework March 2012

#### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement

L4 Forest of Avon

L11 Archaeology

L15 Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality

EP2 Flood Risk and Development

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

LC12 Recreational Routes

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

CS1 High Quality Design

CS9 Managing the Environment and Heritage

CS34 Rural Areas

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

Development in the Green Belt SPD (Adopted) June 2007.

The Local List (SPD) Adopted Feb. 2008.

SG Landscape Character Assessment as adopted Aug 2005:-



The site lies within Landscape Character Area 6; Pucklechurch Ridge and Boyd Valley.

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

- 3.1 K1887 - Two storey extension to existing farm house to provide enlarged living room, utility room and WC with two bedrooms and sewing room over.  
Approved 27 July 1977.
- 3.2 K1887/3 - Change of use of land and buildings to B1 and B2 industrial units, parking provision and demolition of buildings.  
Approved May 1996
- 3.3 PK12/1561/CLE - Application for Certificate of Lawfulness for use of land and buildings and associated building operations for storage and distribution uses Class B8 as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended). Resubmission of PK12/1561/CLE)  
Withdrawn 14 June 2012
- 3.4 PK12/2494/CLE - Application for Certificate of Lawfulness for use of land and buildings and associated building operations for storage and distribution uses Class B8 as defined in the Town & Country Planning (Use Classes) Order 1987 (as amended).  
Approved 14 Sept. 2012
- 3.5 PK13/1364/PNA - Prior notification of the intention to erect an agricultural building for the storage of fodder and machinery.  
No objection 20 May 2013

### **4. CONSULTATION RESPONSES**

- 4.1 Siston Parish Council  
Object : Further development (class B8) of this onetime traditional agricultural site, located in an area of outstanding natural beauty and environmental interest. Heavy goods vehicles to/from site should be strictly controlled. If erection takes place, would expect an archaeological survey to take place as a suspected roman road passes nearby. In summary, erection of further buildings used for B8 storage and distribution purposes on this sensitive, protected site should be strongly resisted.
- 4.2 Other Consultees
- Highways Drainage  
No comment
- Sustainable Transport  
No objection

The Coal Authority

No objection subject to standard informative.

Landscape Officer

To be in accordance with Policy L1 the proposal would need to contribute to the restoration of the landscape character and visual amenity of the area. This could be achieved through improving the maintenance of the hedges under the ownership of the applicant and through additional hedge and tree planting.

Environmental Protection

No adverse comments.

**Other Representations**

4.3 Local Residents

No responses

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The proposed building would be located within the existing complex of buildings on land that is already authorised for B8 uses under the existing Certificate of Lawfulness PK12/2494/CLE. The NPPF under para. 28 states that: *'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:'*

- *Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings.*

5.2 The site lies within the Bristol & Bath Green Belt within which inappropriate development is by definition, harmful to the openness of the Green Belt; openness being the most important attribute of Green Belts.

5.3 The NPPF at para. 80 lists the five purposes of including land within the Green Belt, these being:

- To check the unrestricted sprawl of large built-up areas;
- To prevent neighbouring towns merging into one another;
- To assist in safeguarding the countryside from encroachment;
- To preserve the setting and special character of historic towns; and
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

5.4 At para. 88 the NPPF states that, *'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'*

- 5.5 Para. 89 states that *'Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt'* unless falling within one of the exceptions listed. It is noted that bullet point 4 includes within this category: *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*
- 5.6 In the Council's 'Development in the Green Belt' SPD the glossary of terms defines infill development as *"Development that is small in scale and which fits into an existing built up area."*
- 5.7 Myrtle Farm represents a previously developed site where buildings and hard-standings have already been established for B8 uses. The proposed new building would represent infilling within the existing group of buildings and as such, would have limited impact on the openness of the Green Belt. The erection of the proposed storage building is not therefore considered to be inappropriate development. The proposal represents the intensification of use of an existing B8 use but does not encroach beyond the existing authorised boundaries of the site. The proposal would not have a greater impact on the openness of the Green Belt and the purposes of including land within it than the existing development.
- 5.8 In reaching this conclusion officers have noted that there are several buildings within the site of similar scale and design to that proposed. Furthermore, although the proposed building would represent an increase in the overall bulk of development on the site, the Green Belt Policy contained within the adopted Green Belt SPD generally allows house extensions of up to 30% increase of the volume of the original dwelling; in this case the overall increase in overall built volume, albeit for commercial use, would be considerably less.
- 5.9 Scale and Design  
The building would have an agricultural appearance being constructed of concrete panels and metal sheeting and be similar in scale and appearance to other buildings within the site. The dimensions of the building would be 32m x 13.4m with eaves at 6m and the apex of the pitched roof at 8m. This is considered appropriate for the use proposed and is commensurate with the scale of the existing buildings within the site and the agricultural building to be erected in the adjoining field to the north.
- 5.10 Landscape Issues  
Saved Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 seeks to protect the character, distinctiveness, quality and amenity of the landscape.
- 5.11 The site lies within the Green Belt between Webb's Heath and Siston Common; it does not, as the Parish Council suggest, lie within or close to the Cotswolds AONB. The location is rural in character and the buildings within the site are agricultural in style. The proposed building would not be visible from the roadway - Siston Hill to the south due to the intervening buildings.

- The site is reasonably well enclosed by the vegetation that grows on the boundaries to the north, east and west. The building would be further screened by an agricultural building of similar scale, to be erected under permitted development rights (see PK13/1364/PNA), in the field immediately to the north. The proposed building would be set some 5m from the boundary hedge as would the aforementioned agricultural building and would screen some of the less visually attractive areas of the site used for parking and storage, which would be a visual enhancement.
- 5.12 The vehicles and buildings within the site are currently visible from the Community Forest Path which runs for a short length to the west and then turns and runs east-west to the north. The site is also visible through vegetation from a public footpath running south-north to the east. The B8 use of the site contrasts with the wider rural character of the location but any additional visual harm can be adequately mitigated for by imposing a condition to secure the prior submission and approval of a scheme of additional hedge and tree planting to include a 5 year maintenance plan.
- 5.13 Transportation Issues  
At officer request the applicant has now submitted plans showing details of the location of the car parking, lorry parking and manoeuvring areas within the site. Officers are satisfied that these areas together with the existing access arrangements are adequate to serve the site together with the proposed new building. All vehicles would continue to enter and exit the site in forward gear. The site is an established Transport Yard with good communications to the Ring Road and Motorway beyond. Under the existing Certificate of Lawfulness there are no conditions controlling the use of the site and on this basis officers consider it unreasonable to impose any conditions of use on the proposed building. There are therefore no transportation objections.
- 5.14 Heritage Issues  
Given the location of the Locally Listed Cottage to the south, the proposed building would not have any adverse impact on the setting of this building, there being several existing buildings between it and the proposed building.
- 5.15 Concern has been raised by the Parish Council about the impact of the scheme on a nearby Roman Road. The Council's Archaeologist has confirmed that the Roman Road runs to the east of the site and would not be directly affected by the proposal. Given however the possibility of roadside occupation, where any deep excavations have the potential to disturb archaeology, a condition to secure a watching brief is recommended.
- 5.16 Impact upon Residential Amenity  
The nearest dwellings Myrtle House and Myrtle Cottage lie to the south of the site some 120m from where the proposed building would be erected. Given that the site is an existing uncontrolled storage and distribution yard with several buildings already lying in closer proximity to these dwellings than the proposed building, officers do not consider that there would be any significant increased adverse impact on residential amenity over and above that which currently exists.

#### 5.17 Environmental Issues

The site is not prone to flood and the Council's Environmental Health Officer has raised no objection to the proposal. Surface water drainage would be to soakaways. A Coal Mining Risk Assessment has been submitted to the Coal Authority's satisfaction. Whilst there would be some additional disturbance during the construction phase, this can be mitigated by a condition to control the hours of working.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the National Planning Policy Framework (para.123).

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

Reason

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

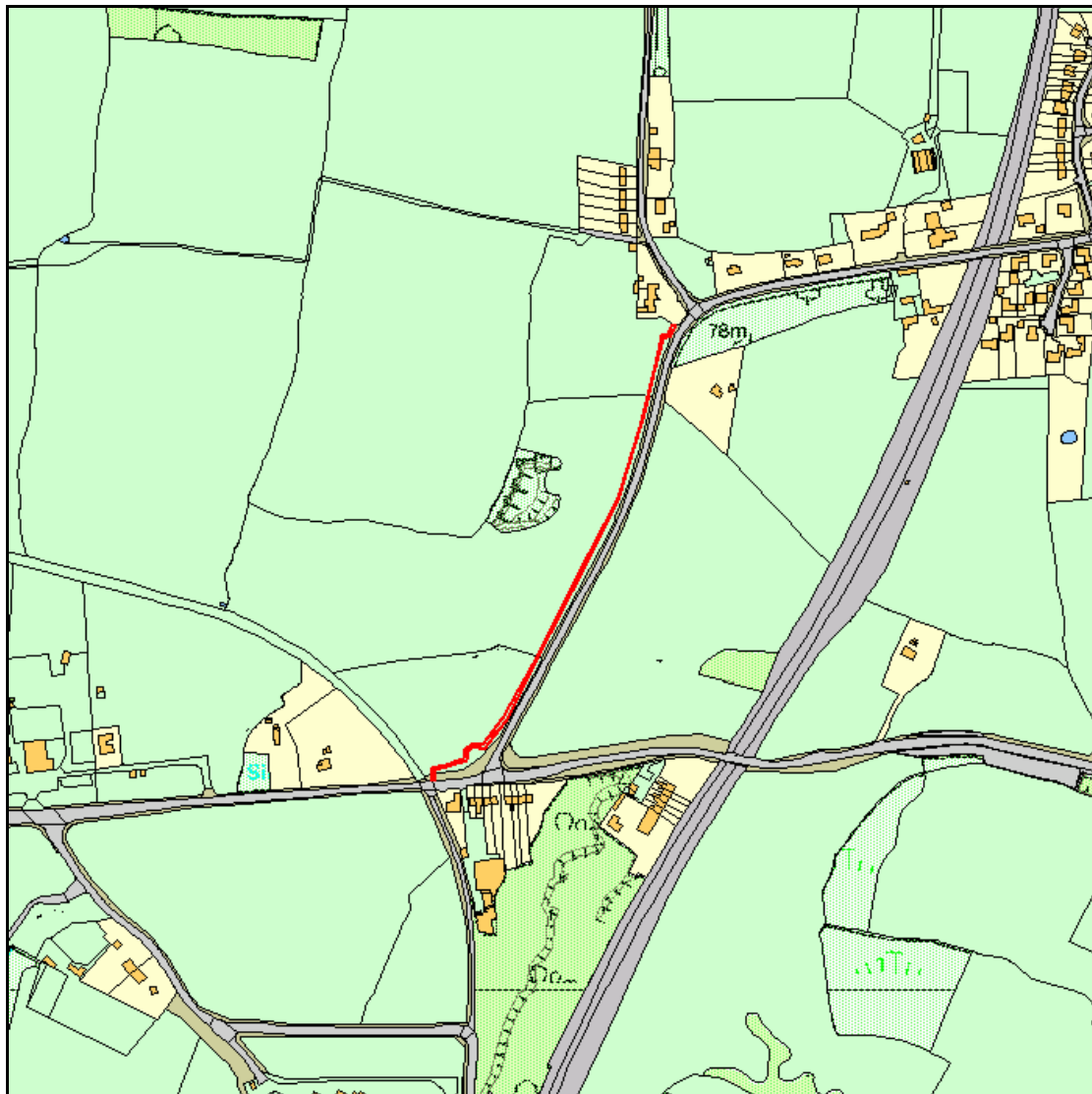
4. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in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

Reason

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

**CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014**

<b>App No.:</b>	PK13/3875/F	<b>Applicant:</b>	John Grimshaw and Associates
<b>Site:</b>	Land Adj . Cornerways Day Nursery The Old School Broad Lane Westerleigh Bristol South Gloucestershire	<b>Date Reg:</b>	
<b>Proposal:</b>	Link of shared use path in highway verge to connect field edge path with Broad lane and associated works	<b>Parish:</b>	Westerleigh Parish Council
<b>Map Ref:</b>	369420 179588	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	20th December 2013



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 100023410, 2008. **N.T.S.** **PK13/3875/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from a local resident, the concerns raised being contrary to the Officer Recommendation. Furthermore the application has been submitted on behalf of South Gloucestershire Council and as such, under the Council's Scheme of Delegation, must be determined via the Circulated Schedule.

### **1. THE PROPOSAL**

- 1.1 Full planning permission PK10/0404/R3F was granted for the construction of a new shared use cycle/pedestrian and part equestrian path between the existing Bristol & Bath Railway Path at Coxgrove Hill to Shire Way, Yate. The approved route is approximately 3 miles long. The width of the cycle path/bridle way corridor would vary between 5 and 10 metres depending on the requirements for each section. The minimum width of the smooth bitumen surfaced path would be 3m. Generally the cycle path would be a 220mm deep paved layer. In some sections a parallel grass verge would be provided for equestrian use. Appropriate stock or other fencing would be provided to delineate the boundary of the path and retain animal stock.
- 1.2 The route starts in the south at Coxgrove Hill and runs generally north along the disused railway before passing under the M4 and following the edge of farmland adjacent to the rail sidings. It then uses the Westerleigh level crossing located on a restricted rail line, and traverses an overgrown hill and short length of dismantled railway to reach Westerleigh Road.
- 1.3 From Westerleigh Road to its junction with Nibley Lane at Yate, the route runs over agricultural land, existing tracks and public highway, before terminating at Shire Way, Yate.
- 1.4 The southern part of the route from Coxgrove Hill to Westerleigh Road was previously granted permission in Sept. 2002 (see PK02/1373/F) but this permission lapsed due to lack of funding. In 2008 however the situation changed when South Gloucestershire Council along with Bristol City Council, were given Cycling City status, with the aim of doubling the number of regular cyclists in Greater Bristol by 2011. The proposal forms part of Route 15, the Mangotsfield to Yate Cycle Path, the preferred route of which has been derived from historic consultations with landowners, route location and more recent design work.
- 1.5 The current application seeks to amend a small section of the originally approved scheme to provide a link from the fields section parallel with Westerleigh Road onto Broad Lane; this being due to land ownership problems.

### **2. POLICY CONTEXT**

- 2.1 National Policy  
The National Planning Policy Framework 27 March 2012



## Development Plans

- 2.2 The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013  
CS1 - High quality designs  
CS7 - Strategic Transport Infrastructure
- 2.3 South Gloucestershire Local Plan (Adopted) 6<sup>th</sup> January 2006  
L1 - Landscape Protection and Enhancement  
L4 - Forest of Avon  
L8 - Sites of Regional and Local Nature Conservation Interest  
L9 - Species Protection  
T6 - Cycle Routes and Pedestrian Routes  
T12 - Transportation Development Control Policy for New Development.  
LC7 - Allocated sites for formal and informal open space.  
LC12 - Recreational Routes.
- 2.4 Supplementary Planning Guidance  
The South Gloucestershire Landscape Character Assessment (adopted) Aug 2005 - Character Area 12 : Westerleigh Vale & Oldland Ridge.  
The South Gloucestershire Design Check List (SPD) Adopted August 2007.  
Trees on Development Sites Adopted Nov. 2005.  
Development in the Green Belt (SPD) June 2007.

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

- 3.1 PK02/1373/F - Change of use from railway sidings and agricultural land to shared use path as extension to national cycle network.  
Approved 30<sup>th</sup> Sept. 2002.
- 3.2 PK10/0404/R3F - Change of use from agricultural land to shared use path as extension to national cycle network.  
Deemed Consent 4 Nov 2010.

### **4. CONSULTATION RESPONSES**

- 4.1 Westerleigh Parish Council  
No objection

- 4.2 Other Consultees

#### Highway Drainage

No objection subject to a SUDS Drainage Scheme.

#### Sustainable Transport

No in principle objection. The scheme would be subject to safety audit.

#### PROW

No objection

#### Open Spaces Society

No response

Property Services

No response

Fisher German LLP

No response

Historic Environment

No objection

Landscape Officer

No objection

**Other Representations**

4.3 Local Residents

1 no. letter of objection was received from a local resident. The concerns raised are summarised as follows:

- The exit from the shared Cycle Way would be on a bad bend on the Westerleigh Road/Broad Lane junction where the road would be only 4m wide.
- There is restricted vision in both directions around this bend.
- The proposed path is only 1.5m wide which is too narrow for horse riders.

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

In the first instance the application must be determined in light of the Green Belt policy within the NPPF and The South Gloucestershire Development in the Green Belt SPD.

5.2 The NPPF (para.81) confirms that one of the primary objectives of the Green Belt is to provide opportunities for outdoor sport and outdoor recreation. Furthermore (para.89), it confirms that the use of land for an appropriate recreation facility is not considered to be inappropriate development provided that it preserves the open character of the Green Belt and does not conflict with the purposes of including the land within it.

5.3 Policy CS7 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013, safeguards routes of dismantled railways as transport routes, with preference given to cycle/walkways and includes the route from Bristol-Mangotsfield-Yate and Bath. This strategy is intended to reduce congestion by providing alternative modes of transport to the car.

5.4 Furthermore Policy T6 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 also safeguards land for proposed cycle/pedestrian routes and lists those routes that are protected. Although not all of the proposed route is safeguarded it includes the route from the Bristol & Bath Railway Path through to Broad Lane. The schedule to Policy T6 includes under Westerleigh – 1. Westerleigh Village; 2. Broad Lane and 3. Kidney Hill/Westerleigh.

Policy LC12 seeks to retain and improve upon the rights of way network. Particular importance is attached to routes that provide links between residential areas and major employment sites and/or town centres and routes that link urban areas with the open countryside. Officers are therefore satisfied that since the proposal meets the above criteria, that it is acceptable in principle subject to consideration of the following issues:

5.5 Landscape and Green Belt Issues

Consideration must be given to whether or not the proposal retains the openness of the Green Belt and whether the character, distinctiveness, quality and amenity of the landscape in general would be sufficiently conserved and enhanced in accordance with the NPPF, Green Belt SPD and Policy L1 respectively of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. Under the previous consents it was established that the Cycle Path is considered to be an essential recreational facility which would not be inappropriate within the Green Belt; as such it is by definition not harmful to the openness of the Green Belt. Furthermore the proposal is not considered to be harmful to the visual amenity of the Green Belt or have adverse effects on the attributes of the landscape which make a significant contribution to the character or distinctiveness of the landscape along the Cycle Way route.

5.6 The slight deviation, from the originally approved Cycle Path route, the subject of this current proposal, is relatively small, involving a section only approximately 43m long. The proposal now utilises an area of highway verge at the junction of Westerleigh Road and Broad Lane, having previously been intended to skirt around the back of Cornerways Nursery.

5.7 Transportation Issues

The proposed section of the Cycle Way provides the link from the Westerleigh Road Section into Broad Lane and lies on the south-western section of the junction. The proposed section varies in width but is predominantly 3m wide with a 1.8m wide pinch point approaching the junction from the south. The edge of the Cycle Way would be delineated by full height kerbs to the road side and a concrete edge to the verge. The section of Cycle Way would be surfaced with tarmac. Ramps of tactile paving would be provided either side of the Broad Lane junction and a 3.8m section of dropped kerb provided for southbound cycle access onto the path from Broad Lane. New 'give way' markings would be provided at the road junction. The existing garden wall to Cornerways Nursery would be retained.

5.8 Officers are satisfied that the proposal would enhance the existing pedestrian and cycle provisions at or near the junction and hence, it is considered a 'betterment' situation. In response to the local resident concerns, all highway schemes, prior to implementation, irrespective of whether or not they require planning permission, are subject to an independent safety audit report to ensure compliance with safety. The proposal is therefore considered to comply with Policy T12 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

### 5.9 Environmental Issues

The Council's Highways Drainage Engineer raises no objection to the scheme subject to a condition to secure a SUDS Drainage Scheme. The site is not prone to flooding.

## 6. CONCLUSION

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

6.2 The recommendation to grant planning 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) Dec 2013 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

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

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

## CONDITIONS

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

Reason

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

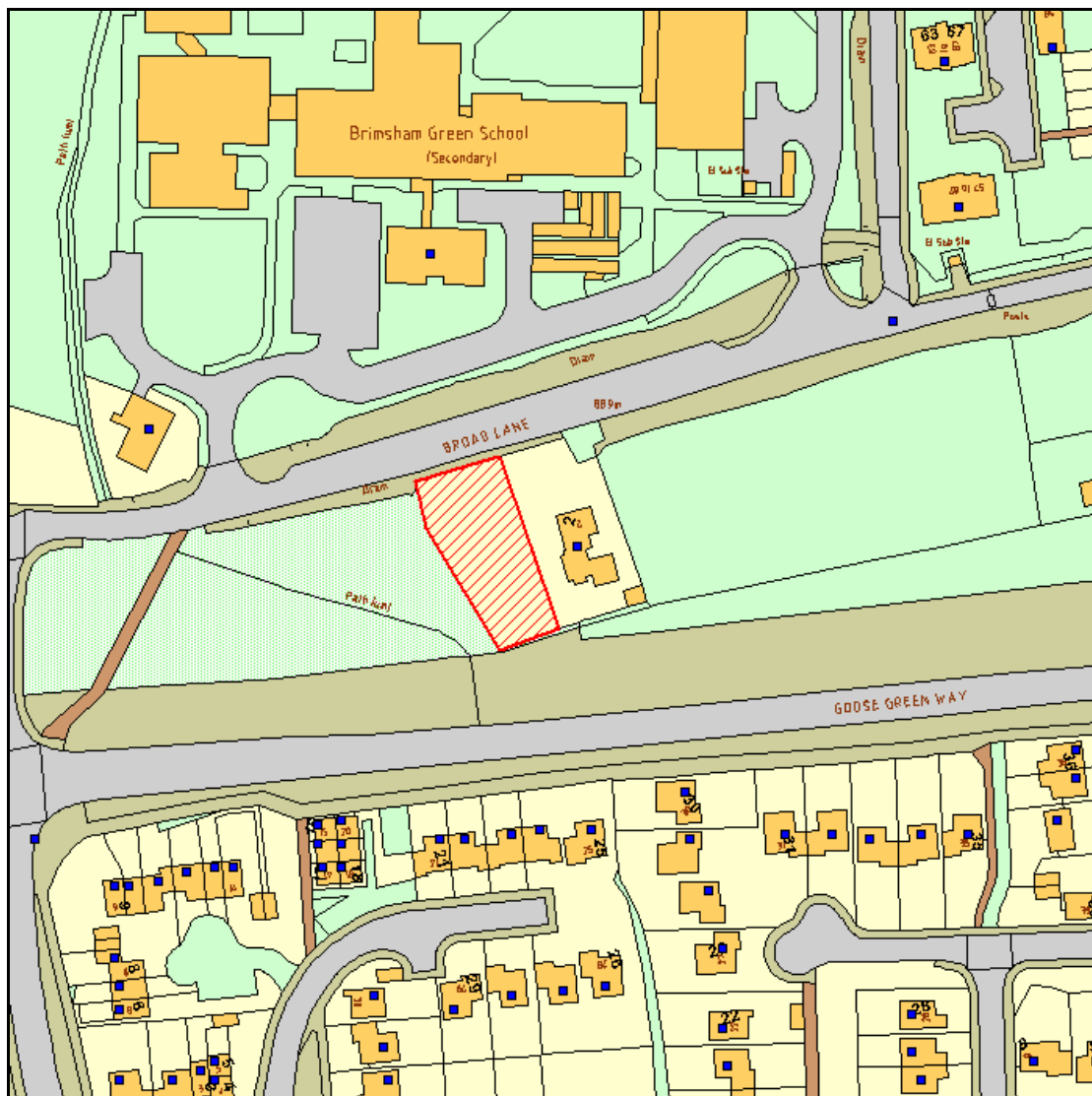
2. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems (SUDS) and confirmation of hydrological conditions (e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning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

Reason

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

**CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014**

<b>App No.:</b>	PK13/4008/F	<b>Applicant:</b>	Mr And Mrs Jeffries
<b>Site:</b>	Land adjacent to 2 Broad Lane Yate South Gloucestershire BS37 7LB	<b>Date Reg:</b>	14th November 2013
<b>Proposal:</b>	Erection of 1no. detached dwelling and detached double garage with games room/store above, new access and associated works.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370682 183702	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	6th January 2014



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 100023410, 2008. **N.T.S.** **PK13/4008/F**

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

This application has been referred to the Circulated Schedule following the receipt of an objection from Yate Town Council, the concerns raised being contrary to officer recommendations.

### **1. THE PROPOSAL**

- 1.1 The application relates to a two-storey, detached dwelling house, set in spacious grounds within an individual plot located between Broad Lane and Goose Green Way, Yate; the house and garden lies opposite Brimsham Green Secondary School. The location is suburban in character although Broad Lane has a sylvan character, with a variety of building types and land uses along it.
- 1.2 It is proposed to erect a two-storey, detached, 4-bedroom dwelling and detached double garage, within the garden of no.2, to the west of the existing house. The roof space of the double garage would be utilised to provide a games room and store. The existing garden would be sub-divided to provide separate amenity areas for the existing and proposed houses. Three parking spaces would be provided within the site to serve the new dwelling and these would be accessed via a new separate access off Broad Lane, which runs to the front of the site.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

The National Planning Policy Framework 27 March 2012

#### 2.2 Development Plans

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

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

##### South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Landscape Protection and Enhancement
- L5 - Open Areas within the Existing Urban Areas and Defined Settlements
- EP2 - Flood Risk and Development
- EP6 - Contaminated Land
- H4 - Development within Existing Residential Curtilages
- LC2 - Provision of Education Facilities
- T7 - Cycle Parking Provision
- T8 - Parking Standards
- T12 - Transportation Development Control Policy for New Development
- LC4 - Proposals for Educational and Community Facilities Within the Existing Urban Area.

### Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) adopted 23<sup>rd</sup> August 2007.

Trees on Development Sites (SPG) Adopted Nov 2005.

The South Gloucestershire Residential Parking Standards (Adopted)

## **3. RELEVANT PLANNING HISTORY**

- 3.1 N5872 Erection of 2 storey rear extension to provide lounge and bedroom. Erection of front and rear entrance porches. Erection of double domestic garage.  
Approved 23 August 1979
- 3.2 N5872/1 Change of use of highway verge to garden associated with 2 Broad Lane.  
Approved 11 Feb. 1982
- 3.3 P88/2951 Erection of extension to provide additional bedroom with en suite bathroom above an existing garage.  
Approved 16 Nov. 1988

## **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
Objection to the additional access and turning movement opposite an already established accessway. Access to the new build should be made via the access to the current site or by creating a system of in and out to the facility removing any turning option.
- 4.2 Other Consultees (including internal consultees of the Council)

### PROW

The proposed development is unlikely to affect the nearest public right of way that is public footpath LYA66/10 that runs along the carriageway to the immediate northern boundary of the site. No objection subject to standard informatives.

### Highway Drainage

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

### Environmental Protection

No objection subject to a condition relating to land contamination and standard informatives relating to construction sites.

### Sustainable Transport

There is no footway to the frontage of the site and no detail of available visibility has been submitted with these proposals. Due to the location of the site, in close proximity to a school and on a public right of way, the visibility splay should ideally be 2.4m by 43m in both directions. Any visibility splay would need to be kept clear of any obstructions at all times i.e. any vegetation above ground level would need to be removed. Subject to acceptable visibility splays

being provided, there is no transportation objection to the proposed development as submitted.

The Open Spaces Society

No response

Tree Officer

No response but made the following comments in relation to the pre-application enquiry:

*An additional dwelling at this location would be acceptable subject to the Walnut Tree and Oak Tree within the garden being kept and protected during the construction phase. It would be preferable to remove the conifer hedge to the front and replace it with a native hedge similar to the existing hedge on the opposite side of the road.*

**Other Representations**

4.3 Local Residents

No responses

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

The South Gloucestershire Local Plan Core Strategy was adopted in Dec. 2013 and the policies therein are also a material consideration. Policy CS16 seeks efficient use of land for housing. It states that: *Housing development is required to make efficient use of land, to conserve resources and maximise the amount of housing supplied, particularly in and around town centres and other locations where there is good pedestrian access to frequent public transport services.*

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



- 5.2 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.3 Density  
The NPPF seeks to make efficient use of land in the Urban Area for housing. The proposal is considered to make efficient use of the land in what is a relatively sustainable location, close to the centre of Yate within easy distance of the shopping and community facilities and main bus routes. In this respect the proposal therefore accords with government guidelines and in terms of its density alone, the development is not considered to be an overdevelopment of the site.
- 5.4 Scale and Design  
Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 only permits new development where good standards of site planning and design are achieved. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.
- 5.5 The existing dwelling is a large C1930's building with cream rendered walls and a brown tiled roof. The materials to be used to construct the proposed dwelling would be facing brick, with fibre cement slate roof tiles. The existing dwelling has mainly hipped roofs whilst the proposed dwelling would have gabled roofs. Whilst the proposed form and materials differ from those of the existing dwelling, this would not look out of place within this street scene, which has a variety of building types with no established, special architectural vernacular, that needs to be conformed to. The proposed roof ridge and eaves would be set at a similar level as the existing house
- 5.6 The proposed dwelling, like that existing, would be large with an individual design, measuring 10.5m in width and 11.6m deep, which is not dissimilar to the footprint of no.2. The proposed eaves would be set at 5m with the roof apex at 7.5m, similar to the existing house. The respective houses would be adequately spaced.
- 5.7 Officers are satisfied that the proposed scale, form and design of the dwelling would be sufficiently in-keeping with the locality; indeed the proposed dwelling is considered superior in design to that existing. The scale and design of the proposed built form is therefore considered to be acceptable and would sufficiently respect the character of the street scene, which accords with the requirements of Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

5.8 Landscape

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

5.9 The application site is relatively secluded, being well enclosed by trees and hedgerows to the north and south and a wooded area that lies to the west. The development would lie wholly within the existing garden area, which is relatively large for a property of this size. The Tree Officer has identified an Oak and a Walnut Tree within the garden. A Cypress Hedge on the front boundary with Broad Lane is considered to be of no great landscape value.

5.10 An arboricultural report has been submitted with the application, which concludes that the two trees are of moderate quality and due to their relatively small size and the surrounding trees screening them from view, are of limited amenity value to the area. Future growth could increase their prominence in the area but the faster growing species in the woodland to the west will always be more prominent. It is not therefore proposed to retain the trees. In mitigation for the loss of the trees however, some new tree planting would be introduced between the front gardens of the existing and proposed houses and this can be secured by condition.

5.11 The site has been assessed against Policy L5 in relation to its value as an open space but officers consider that in this case the criteria attached to L5 are of limited weight as up to 50% of the garden area could be built upon using permitted development rights. The land is well screened from the public domain. On balance therefore and subject to the landscape condition suggested above, there are no objections on landscape grounds.

5.12 Transportation Issues

3 car parking spaces would be provided to serve the proposed 4 bedroom house. This level of parking provision complies with the new minimum standards listed in Appendix A of the South Gloucestershire Council Residential Parking Standards. The existing parking areas would be retained for the existing dwelling. There should be adequate room within the garage and garden to provide cycle parking and bin stores the details of which can be secured by condition. It is proposed to introduce a new separate vehicular access for the proposed dwelling, from Broad Lane through the existing hedgerow at the front of the site. Broad Lane is a no through road and is Class 4 only; as such the access could be implemented under permitted development rights and cannot therefore be reasonably resisted. The existing access serving the existing house would be retained.

5.13 The Town Council has raised concerns about the additional access and turning movement opposite an already established accessway. The access to Brimsham Green School is in fact not directly opposite the site but would be off set by some 50m; furthermore due to the presence of a turning area within the application site, all cars would be able to enter and exit in forward gear.

5.14 The Council's Transportation Officer has raised no objection subject to a visibility splay of 2.4 x 43m either side of the access; a plan has been submitted to show this and would be secured by condition should planning permission be granted. Subject to this condition, there are no highway objections.

5.15 Impact Upon Residential Amenity

The two-storey dwelling would not protrude beyond the rear elevation of no.2 and would only protrude a short distance beyond the front elevation; there would be fully 4.5-5.0m between the respective side elevations of the two properties. Being of similar height and scale as no.2, the proposed dwelling is not therefore considered to have a significant overbearing impact for neighbouring occupiers. A 1.2m -1.8m high close boarded fence would be erected between the respective properties, which would ensure a reasonable level of privacy at ground floor level; furthermore additional tree planting would be introduced on the common boundary of the respective front gardens

5.16 A first-floor en-suite window and glazed ground floor utility door would be inserted in the side elevation facing no.2. To ensure that privacy levels are maintained, a condition would be imposed on any consent, that these windows be obscurely glazed.

5.17 Adequate amenity areas would be retained to serve the respective family sized dwellings. Having considered all of the above, officers are satisfied that there would be no significant loss of residential amenity to result from the scheme.

5.18 Environmental and Drainage Issues

Whilst there would inevitably be some disturbance for neighbouring occupiers during the construction phase, this would be on a temporary basis only and could be adequately mitigated for by imposing a condition to limit the hours of construction. Any increase in noise levels or anti-social behaviour, would be the subject of normal environmental health controls. In terms of drainage, the Council's Drainage Engineer has raised no objection to the proposal. A condition would however be required to secure the submission of a full drainage scheme, to include Sustainable Drainage Systems (SUDS) for approval before development could commence. The site is not prone to excessive flood risk. Any connections to the main sewers would need to be agreed with Wessex Water. There are therefore no objections on environmental grounds but due to the historic use of land within 250m as a former coal pit and filled ground, there is potential for contaminated land; to address this issue an appropriate condition would be imposed on any consent.

5.19 Affordable Housing

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

5.20 Education Service

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

5.21 Community Services

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

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

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

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

**CONDITIONS**

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

Reason

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

2. Prior to the commencement of development details/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) Dec 2013.

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

Reason

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

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

Reason

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

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

Reason

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

6. The approved vehicular access and car parking facilities, shown on the Proposed Site Plan No. 02 hereby approved, shall be provided and surfaced in a permeable bound material, before the first occupation of the dwelling so approved, and thereafter maintained as such and used only in conjunction with the occupation of the buildings' purpose.

Reason

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

7. No windows, other those shown on the plans hereby approved, shall be inserted at any time in the east side elevation of the dwelling house hereby approved.

Reason

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

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

Reason

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

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

Reason

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

10.
  - A) Previous historic uses(s) of land within 250m of the site may have given rise to contamination. Prior to commencement, an investigation (commensurate with the nature and scale of the proposed development) shall be carried out by a suitably qualified person into the previous uses and contaminants likely to affect the development. A report shall be submitted for the written approval of the Local Planning Authority prior to the commencement of development.
  - B) Where potential contaminants are identified, prior to the commencement of development, an investigation shall be carried out by a suitably qualified person to ascertain the extent, nature and risks the contamination may pose to the development in terms of human health, ground water and plant growth. A report shall be submitted prior to commencement of the development for the written approval of the Local Planning Authority setting out the findings (presented in terms of a conceptual model) and identify what mitigation measures are proposed to address unacceptable risks. Thereafter the development shall proceed in accordance with any agreed mitigation measures.
  - C) Prior to occupation, where works have been required to mitigate contaminants (under section B) a report verifying that all necessary works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.
  - D) If unexpected contamination is found after the development is begun, development shall immediately cease upon the part of the site affected. The Local Planning Authority must be informed immediately in writing. A further investigation and risk assessment should be undertaken and where necessary an additional remediation scheme prepared. The findings and report should be submitted to and agreed in writing to the Local Planning Authority prior to works recommencing. Thereafter the works shall be implemented in accordance with any further mitigation measures so agreed.

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

- i) A comprehensive desk study to identify all potential sources of contamination both arising on-site and migrating onto site from relevant adjacent sources.
- ii) A comprehensive ground investigation including sampling, to quantify the extent and nature of contamination.

- iii) An appropriate risk assessment to determine the scale and nature of the risks to human health, groundwater, ecosystems and buildings arising from the contamination. This will normally be presented in the form of a conceptual model.
- iv) A report detailing the remediation options including the final proposals for mitigating any identified risks to the proposed development.
- v) All works should be carried out with reference to the most relevant, appropriate and up to date guidance.

Reason

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

11. Prior to the first occupation of the development hereby approved, a visibility splay of 2.4m by 43m shall be provided to the left and right of the proposed vehicular access onto Broad Lane in accordance with the approved Proposed Site Plan Drawing No. 02-1. Thereafter the visibility splays shall be kept free of obstruction at all times.

Reason

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

12. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor en-suite window on the eastern side 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 and the ground floor utility room glazed door on the eastern side elevation, shall also be glazed with obscure glass to level 3 standard or above.

Reason

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

**CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014**

<b>App No.:</b>	PK13/4478/F	<b>Applicant:</b>	HSBC Bank Plc
<b>Site:</b>	HSBC 88 High Street Hanham South Gloucestershire BS15 3EJ	<b>Date Reg:</b>	23rd December 2013
<b>Proposal:</b>	Erection of 2.4m security fence and gates (Retrospective)	<b>Parish:</b>	Hanham Parish Council
<b>Map Ref:</b>	364251 172298	<b>Ward:</b>	Hanham
<b>Application Category:</b>	Minor	<b>Target Date:</b>	13th February 2014



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

This application appears on the Circulated Schedule because a letter of support has been received from a local resident contrary to the Officers recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the erection of 2.4 metre high security fence and gates. The gates and fence have already been erected therefore, this application will be assessed retrospectively.
- 1.2 The application site comprises the car parking area of a bank, which is located on the eastern side of Hanham High Street within the Hanham Town Centre.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
T12 Transportation Development Control Policy for New Development  
RT1 Development in Town Centres  
  
South Gloucestershire Local Plan Core Strategy (adopted) December 2013  
CS1 High Quality Design  
CS14 Town Centres and Retail  
CS29 Communities in the East Fringe of Bristol Urban Area
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Checklist SPD (adopted)

### **3. RECENT PLANNING HISTORY**

There is a long planning history for the site. The following application was received by the Council within the past 10 years.

- 3.1 PK11/0338/F, Construction of access ramp with associated steps and handrails and installation of new shop front, approval, 08/03/11.

### **4. CONSULTATION RESPONSES**

- 4.1 Hanham Parish Council  
Objection. Height, form and design is not aesthetically pleasing, not in keeping with the character of the High Street and not conducive to trading in Hanham.
- 4.2 Drainage Officer  
No comment

#### 4.3 Transportation DC Officer

No transportation objection to the proposed fencing as submitted.

### **Other Representations**

#### 4.4 Local Residents

One letter of support has been received from a member of the public. The respondent states that the proposal will protect their property from gangs of local youths who congregate within the car park late into the night causing disturbance and damage to our fence on our boundary.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

Policy RT1 of the South Gloucestershire Local Plan (adopted) January 2006; and policies CS14 and CS29 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 relate to the retail development within a Town Centre. These policies primarily relate to encouraging appropriate retail uses within Town Centres in the interests of their vitality and viability; ensuring that development is commensurate with the function of the centre; and to ensure that development safeguards the retail character and function of centres.

5.2 In this instance the proposal relates to an existing retail unit and does not involve the creation or loss of a residential unit. The main issues to consider are the scale and appearance of the proposal and the effect on the character of the area; the transportation effects; and the residential amenity effects.

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

The fence and gates enclose a parking area used by staff and customers and are primarily read alongside the principal elevation of the building, which comprises the shop front and main entrance, and to some extent neighbouring residential properties, which abut the site. Whilst the building is orientated side on to the high street so that its principal elevation faces away from the high street the principal elevation and the fence and gates are both visible from the High Street.

5.4 The fencing is chain-link style with galvanised steel posts and approximately 2.4 metres high. The gates are steel framed, secured by shoot bolts, padlock and chain-link cladding, and stand approximately 2.4 metres in height.

5.5 The gates are not considered to be attractive and are utilitarian/industrial in terms of scale and appearance. The scale of the gates and fencing, as well as their siting forward of the front elevation of the application shop and residential properties, which adjoin the site, makes them overly prominent in the streetscene. The fencing and gates, although securing a parking area, are read alongside the principal elevation of the shop and neighbouring properties and are visible from the High Street. The proposal fails to respect the prevailing retail context and, by reason of its scale and utilitarian appearance, appears adversely out of keeping with the character of the area.

5.6 The proposal harms the character and appearance of the area and is therefore, contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. Whilst it is noted that the gates may bring about some security benefits to the area, and a letter of support from a local resident is noted, on balance, it is not considered that this outweighs the harm caused to the area.

5.7 Residential Amenity

It is not considered that the proposal has a significant adverse effect on the residential amenity of neighbouring occupiers.

5.8 Transportation

The gates open inwards and therefore, will not encroach onto the highway. Accordingly, it is not considered that the proposal will have a significant adverse transportation effect. The Council's Transportation Officer has raised no objections to the proposal.

**6. CONCLUSION**

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

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

**7. RECOMMENDATION**

7.1 Planning permission is REFUSED for the following reason.

**Contact Officer: Jonathan Ryan**

**Tel. No. 01454 863538**

**REFUSAL REASON**

1. The proposal by reason of its scale, siting and appearance is adversely prominent and out of keeping with the character of the area to the detriment of the character and visual amenity of the area. The proposal is therefore, contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Design Checklist SPD (adopted).

**CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014**

<b>App No.:</b>	PK13/4681/F	<b>Applicant:</b>	Mrs A Hulin
<b>Site:</b>	25 Moorland Road Yate South Gloucestershire BS37 4BT	<b>Date Reg:</b>	19th December 2013
<b>Proposal:</b>	Erection of single storey rear and side extension and rear conservatory to form additional living accommodation.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	370508 182259	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Householder	<b>Target Date:</b>	11th February 2014



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of a single storey rear and side extension and rear conservatory to form additional living accommodation at 25 Moorland Road, Yate. The proposed rear extension would measure approximately 5.1 metres in depth, with a width of 6.7 metres, and a height of approximately 2.9 metres (3.5 metres to the top of the lantern in the rear extension). The existing conservatory is to be re-erected onto the proposed single storey rear extension.
- 1.2 The application site is situated on the junction between Moorland Road and Moordell Close. The application property is a semi-detached bungalow dwelling situated within the settlement boundary of Yate. The area is characterised by semi-detached houses on Moorland Road and semi-detached bungalows on Moordell Close.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
  
South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist SPD (Adopted) 2007  
Residential Parking Standards SPD (Adopted) 2013

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

- 3.1 None.

### **4. CONSULTATION RESPONSES**

- 4.1 Yate Town Council  
No objection
- 4.2 Highway Drainage  
No objection

## **Other Representations**

### 4.3 **Local Residents**

Several comments were received from one local resident:

- Further information from builder required indicating how they will remove wall to dig foundations and the water trench doesn't indicate how it would be unblocked if it got blocked
- Builder has said planning permission has been granted; work has already started on site
- Consultation card not received
- Site can be seen from the playing fields and public footpath
- Footings dug appear to come out 3 metres further than the plans show. Is the conservatory added on to the extension – if so, this would affect privacy and light
- Surveyor checked measurements – plans say 440mm, yet footings are 770m from the sitting room of the house. Therefore the conservatory will take this over the 3 metre rule.
- With the footings in place, the conservatory will break the rule of 50% of garden taken up by buildings, could take up to a 1/3 of the garden left.
- Plans incorrect – next door property is closer to the building than shown.
- Conservatory will have 3 metres of garden enclosed on both sides affecting light into neighbouring middle room which has no windows or natural light

## **5. ANALYSIS OF PROPOSAL**

### 5.1 **Principle of Development**

The application seeks permission for the erection of a single storey side and rear extension and rear conservatory to form additional living accommodation. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design. Policy CS1 seeks to ensure a high standard in design.

### 5.2 **Design/Visual Amenity**

The application property is situated at the entrance to the cul-de-sac of Moordell Close. Access to the property is from the side and as part of the application, a porch at the side of the dwelling is proposed. The proposed porch is predominantly glazing which would be visible from Moorland Road and Moordell Close.

5.3 The proposal also includes a single storey rear extension which would form additional living space by increasing the size of the kitchen and living/dining room. An objection has been received which relates to the size of the rear extension and conservatory combined and their effect on privacy and light in the neighbouring property at No.24 Moordell Close. The application includes the re-erection of the existing conservatory onto the proposed rear extension. Whilst the rear extension and conservatory combined have a reasonable depth, given the recent changes to the permitted development order which allows for additions of up to 8 metres in depth, it is not considered that an objection to the

depth of the proposal could be substantiated at appeal. In this instance, the proposal does not appear disproportionate to the main dwelling.

5.4 The extension is to the rear of the existing dwelling and is not particularly visible from the public realm. Overall the proposed additions are of an appropriate standard in design and reflect the character of the dwellinghouse and surrounding properties. The rear extension is of a modest size and it is considered that the plot is of a sufficient size to accommodate the additions without it being harmful to the character and appearance of the principal dwelling.

5.5 Residential Amenity

The proposed rear extension would be single storey, with a flat roof (including a lantern) and would extend slightly beyond the side elevation wall, but still be set back behind the proposed porch. To the rear of the dwelling there are football pitches and a public cycle track. There is also an existing outbuilding in the rear garden.

5.6 The proposed relocation of the conservatory is to be set back 300mm from the boundary with the neighbouring dwelling No. 24. The neighbour has commented that there will be a loss of light as a result of the proposal in their middle room. Although the extension and conservatory would be to the west of the neighbouring property, it is considered that the impact in terms of loss of light would be very limited.

5.7 However, as discussed at 5.3, the extension is modest in scale and is considered to be acceptable in terms of design. There are no proposed windows in the conservatory facing No. 24 Moordell Close and for these reasons it is considered there is no overbearing impact on the neighbouring property. A condition is recommended below preventing the later insertion of side windows which would potentially overlook No. 24's rear garden.

5.8 The rear extension would not be readily visible and is considered to be in proportion to the host dwelling. The materials proposed are specified in the application to match those of the existing house and overall it is considered that there would be no harm to visual amenity. The proposal is considered to accord with policy CS1 of the adopted Core Strategy.

5.9 Parking and Highway Safety

The application would not effect the existing off street parking which is located at the front and side of the site in the form of a driveway area. It is therefore considered that the parking provision would remain in compliance and within the Councils required parking standards as set out in the South Gloucestershire residential parking standards.

5.10 Other Matters

One local resident has raised several issues concerning the application. The issue was raised that works on site have already commenced and the foundations being dug appear larger than the submitted plans show, according to the neighbour's surveyor. Although the applicants have already commenced works on site, it is at their own risk prior to the determination of the application.

The single storey 3 metre extension and total area of ground covered by buildings within the curtilage exceeding 50% do not apply to this proposal because the applicants are applying for express consent rather than exercising their permitted development rights.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

**Contact Officer: Katie Saunders**  
**Tel. No. 01454 863436**

## **CONDITIONS**

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

Reason

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

2. No windows shall be inserted at any time in the eastern side elevation of the extension hereby approved.

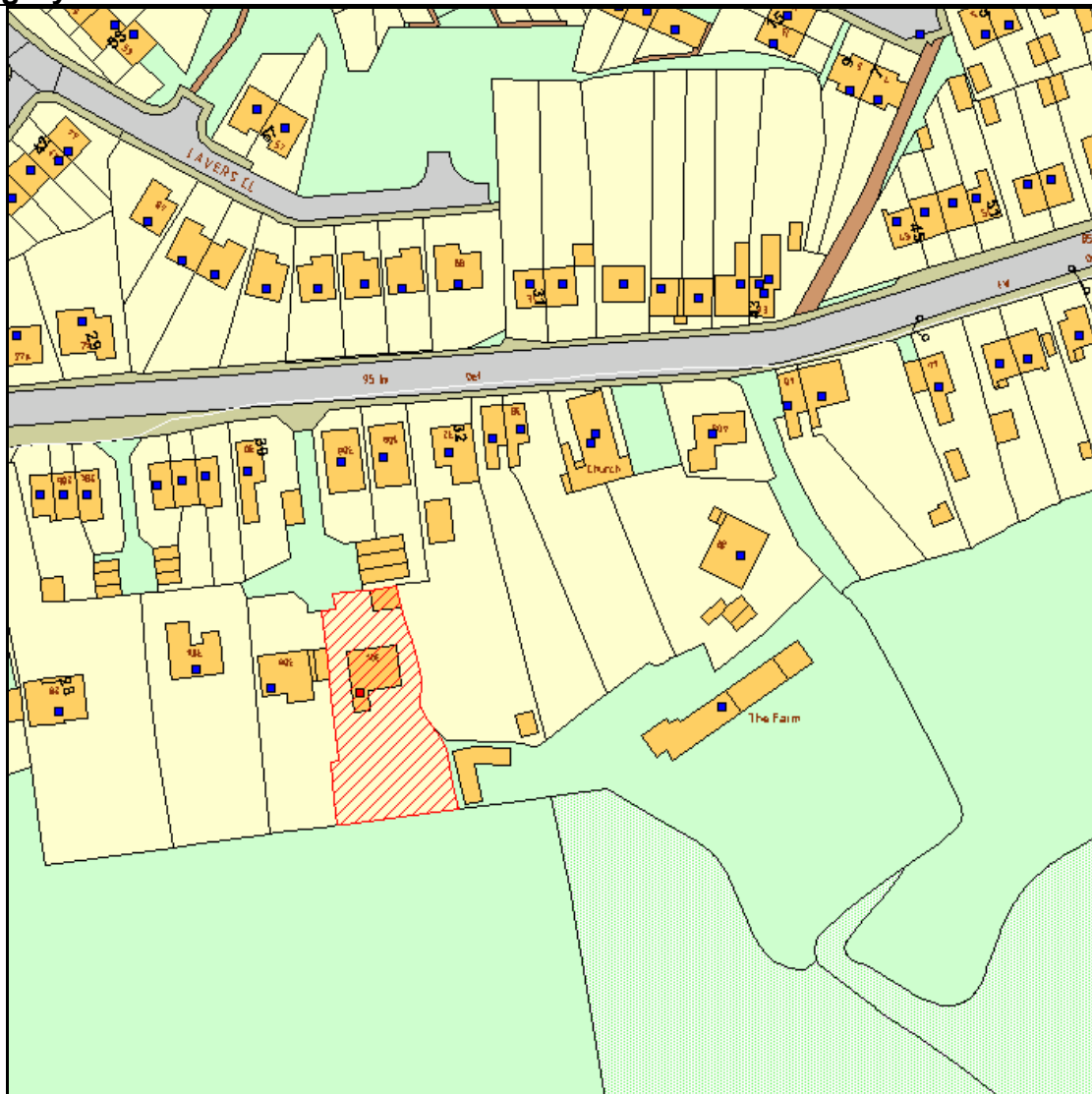
Reason

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 and Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013).



## CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014

<b>App No.:</b>	PK13/4760/F	<b>Applicant:</b>	Alexandra Partnership
<b>Site:</b>	30C Cock Road Kingswood Bristol South Gloucestershire BS15 9SH	<b>Date Reg:</b>	
<b>Proposal:</b>	Change of use from residential (Class C3) to residential care home (Class C2) as defined in the Town and Country Planning (Use Classes) order 1987 as amended.	<b>Parish:</b>	Oldland Parish Council
<b>Map Ref:</b>	365567 172715	<b>Ward:</b>	Parkwall
<b>Application Category:</b>	Minor	<b>Target Date:</b>	18th February 2014



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**PK13/4760/F**

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

This application has been referred to the Circulated Schedule for determination in order to take into account comments made by the adjacent neighbour and the Parish Council.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the change of use of an existing residential dwelling (Class C3 as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) into a residential care home (Class C2).
- 1.2 The application site is a detached chalet style bungalow located on Cock Road in Kingswood. The property is part of a small cul-de-sac located off (but numbered as part of) Cock Road.
- 1.3 It is proposed to use the property as a care home in conjunction with the existing care home at 30D and 30E Cock Road. No operational development is proposed, this is an application solely for a change of use.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS5 Location of Development  
CS8 Improving Accessibility  
CS17 Housing Diversity

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

T8 Parking Standards  
T12 Transportation

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

- 3.1 PK13/2114/RVC - Approved with Conditions - 17/09/2013  
Change of use of existing residential annexe (Class C3 - Dwelling House) adjoining 30C Cock Road to be used as ancillary accommodation to 30E Cock Road (Class C2 Residential Institution).
- 3.2 PK10/0797/F - Approved with Conditions - 15/07/2010  
Change of use from residential (Class C3) to residential care home (Class C2) as defined in the Town and Country Planning (Use Classes) order 1987 (as amended.)
- 3.3 PK08/0032/F - Approved with Conditions - 14/02/2008

Change of use from residential (Class C3) to residential care home (Class C2) as defined in the Town and Country Planning (Use Classes) order 1987 as amended.

- 3.4 K342/7 - Approval - 14/09/1981  
Erection of dwelling house and garage, formation of access way and turning area

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

- 4.1 Oldland Parish Council  
'It is felt that a traffic assessment on the site is necessary'

- 4.2 Drainage  
No comment

- 4.3 Transportation  
No objection

#### **Other Representations**

- 4.4 Local Residents  
One letter of objection has been received that raises the following points:

- It is possible to overlook no.32's garden from the application site;
- The development would lead to parking problems;
- Access could be gained from Cock Road Ridge;
- Development cannot be mitigated through the use of planning conditions.

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

- 5.1 This application seeks planning permission for a change of use of an existing residential dwelling (Class C3) into a residential care home (Class C2) within the existing urban area of Kingswood.

- 5.2 Principle of Development  
Residential institutions are included within the C Class of the Use Classes Order and therefore represent a predominantly residential land use. Policies regarding residential development therefore establish the principle of development in this instance.

- 5.3 The site has an existing residential use as the existing property is used as a dwelling house (Class C3). Policies CS5 and CS17 support residential development, and the development of residential institutions within the existing urban area. The analysis on whether this change of use is appropriate therefore should assess whether the site is suitable for a residential institution, and what impact the change of use would have on residential amenity and transport.

#### 5.4 Location of Development

All development is directed to the existing urban areas and defined settlements to encourage sustainable patterns of development and movement. The application site is located within the existing urban area of east Bristol and is an appropriate site for residential development and the siting of residential institutions.

5.5 Located adjacent to, and to be used in conjunction with, an existing Class C2 care home at nos.30D and 30E Cock Road, this application makes the most efficient use of land. Being located within the urban area the site offers good (and sustainable) access to existing services, shops and other facilities required for the residents and members of staff.

#### 5.6 Residential Amenity

Development should not prejudice the amenity of the site or nearby sites. This site has an established residential use where up to six persons can reside as a single household.

5.7 The proposed residential care home would provide accommodation for six residents and therefore there is little material difference between the use of the property as a residential institution or a dwellinghouse in terms of occupancy. As the site is to be used in conjunction with the existing care home at nos.30D and 30E there will only be a small increase in staffing associated with the wider site.

5.8 From the above, it would seem that the change of use would have little impact on residential amenity levels in the vicinity. Furthermore, as the site is a care home where staff are required overnight, it is not considered that the change of use would affect the amenity of the area at the evenings or weekends.

5.9 The care home provides support to an independent and mobile community of vulnerable persons. The residents have the opportunity to lead as much of an independent life as possible and this is also considered to minimise any adverse impact on amenity as residents would very much be going about their daily business when at the property.

5.10 Finally, public comments have been received that it would be possible to see into the garden of the neighbouring property from the application site. No operational development is proposed and the comments refer to an existing situation. Whether the garden is overlooked by a Class C3 dwelling house or a Class C2 residential institution is of no consequence as both are residential in use and the application would not alter the existing arrangement. Should there be concerns regarding overlooking or the existing boundary treatments these should be addressed by the respective landowners and not through the planning system.

#### 5.11 Transport

A change of use has the potential to alter the transportation and parking needs arising from the site. The residents of the care home are not car drivers and do not have access to a vehicle. Movements to and from the site are restricted to staff and visitor journeys.

- 5.12 The proposed change of use would provide an additional 4 parking spaces to compliment the existing provision. As there is not projected to be an increase in staffing levels, these spaces will be available for use by staff and visitors.
- 5.13 For the residents and non-drivers, the site is located in a location with good access to bus services into the city centre, as well as nearby local centres such as Staple Hill, Longwell Green and further afield to Cribbs Causeway. The site is walking distance from local shops and leisure facilities.
- 5.14 It is considered that the proposed development provides a suitable and sustainable location and that a traffic assessment is not necessary. The proposed change of use will not have an adverse impact on highway safety, the free movement of traffic, or parking provision.

## **6. CONCLUSION**

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed change of use has been assessed against the policies listed above. This development would contribute to increasing the diversity of housing in the district, particularly meeting the needs of young adults with learning difficulties. The site is located in a sustainable and suitable location that makes the most efficient use of land and provides good access to public transport and existing goods, services, and facilities. It is not considered that the proposal would impact on residential amenity.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

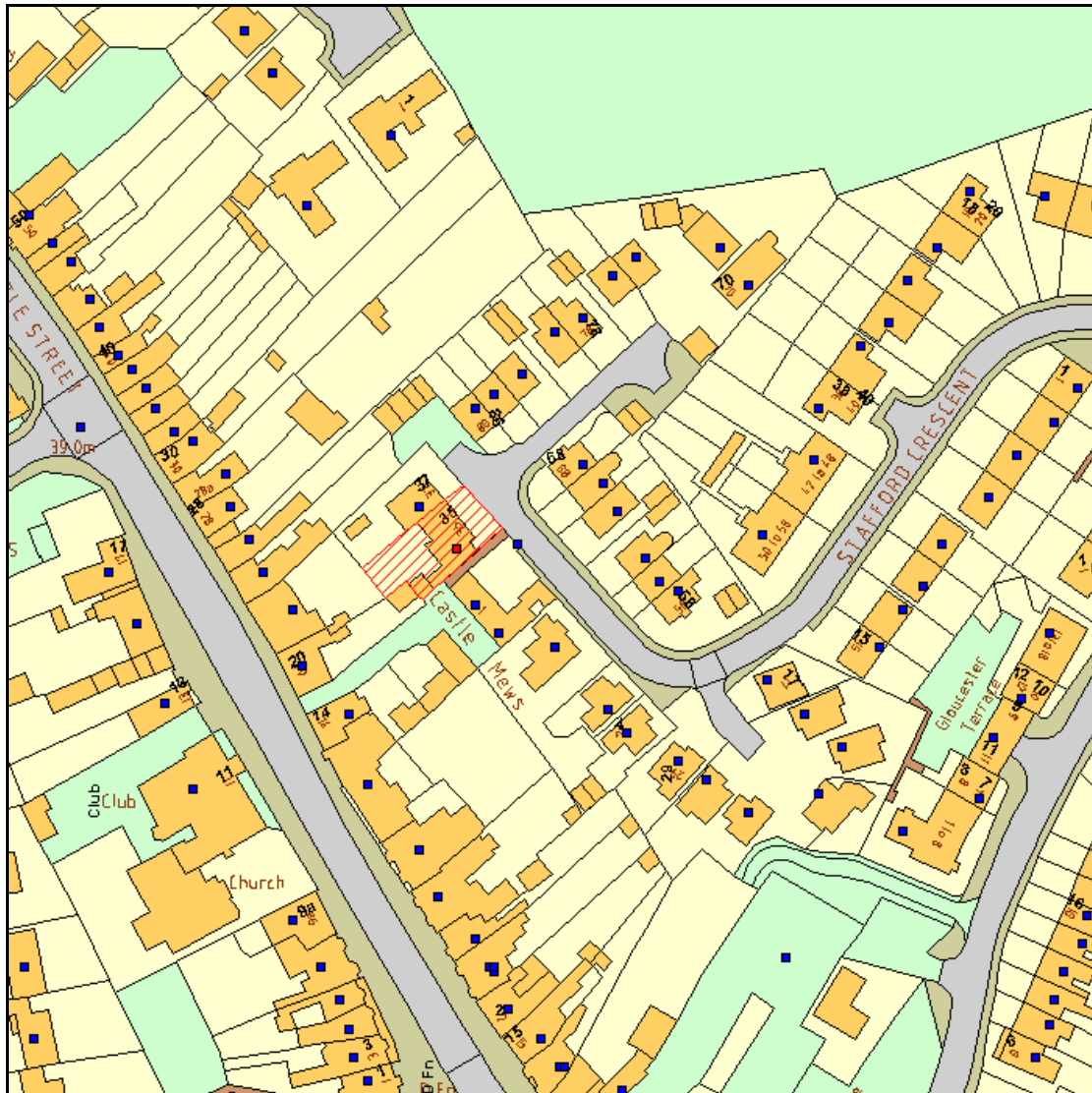
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 06/14 – 7 FEBRUARY 2014

<b>App No.:</b>	PT13/4499/F	<b>Applicant:</b>	Mr W Rowe
<b>Site:</b>	35 Stafford Crescent Thornbury Bristol South Gloucestershire BS35 1DH	<b>Date Reg:</b>	6th December 2013
<b>Proposal:</b>	Erection of first floor rear extension to form additional living accommodation	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	363665 190322	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	28th January 2014



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

The application appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application is for the erection of a first floor rear extension to form additional living accommodation.
- 1.2 The property is a semi-detached rendered finish 20<sup>th</sup> Century chalet style dwelling situated within the residential area of Thornbury, just outside of the boundaries of the Thornbury Conservation Area.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
T8 Parking Standards  
T12 Transportation Development Control Policy for New Development  
L12 Conservation Areas  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) 2007.  
South Gloucestershire Residential Parking Standards (Approved for development management purposes 27<sup>th</sup> March 2013)

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

- 3.1 P89/1314 – Erection of extension to existing side garage. Approved 5<sup>th</sup> April 1989.
- 3.2 P90/2369 – Erection of single storey rear extension to form enlarged lounge. Erection of chimney. Approved 12<sup>th</sup> September 1990.
- 3.3 PT00/1751/F – Erection of rear conservatory. Approved 27<sup>th</sup> July 2000.

## 4. CONSULTATION RESPONSES

### 4.1 Thornbury Parish Council No objection

#### Highway Drainage No comments

#### Conservation Officer

The application relates to a 20<sup>th</sup> century dwelling situated just outside the conservation area boundary and backing onto the unlisted cottages on the north-east side of Castle Street. The proposal is to extend above a single storey addition to create a third bedroom. The building is not prominent from within the conservation area and the proposal is acceptable in principle. In terms of design, it may be preferable to use a steeper pitch on the extension by lowering the eaves to try and make it relate more to the host dwelling.

### Other Representations

#### 4.2 Local Residents

Objections from two local residents have been received. These are summarised below: (Full details are available on the Council's website)

- Existing dormer windows on the application property are set back sufficiently and are in keeping with the Crescent
- The proposed extension would overlook the gardens to the rear and rear windows of these properties would be directly on view from the windows of the proposed extension
- The windows would look, from a greater height than any boundary treatment, directly down into gardens to the rear.
- The proposals will affect the privacy and enjoyment of the rear gardens behind
- The extension and its proximity to the adjoining rear gardens would block light and be a dominating feature over the small gardens to the rear
- Concern over the degree of intrusion the proposed extension would create
- The proposed size of the window is not in proportion with other first floor windows in the property or neighbouring properties
- There is a question of how access would be gained to carry out the building works as there is no rear access to the property
- Property was originally granted permission has a bungalow
- The property has already been extended, does the proposed extension not exceed normal percentage allowance for domestic development work?

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and



surrounding area, they shall not prejudice the amenities of nearby occupiers, and shall not prejudice highway safety nor the retention of an acceptable level of parking provision or prejudice the retention of adequate amenity space.

5.2 Design / Visual Amenity

The proposed extension is of an appropriate standard in design and is not out of keeping with the character of the main dwelling house and surrounding properties. The extension is of an acceptable size in comparison to the existing dwelling and the site and surroundings. Materials used will match those of the existing dwelling. It is considered that the roof pitch and design as submitted by the applicants is acceptable and integrates adequately with the existing dwelling in its own right, the proposed extension is not within nor is it prominent from, its impact upon the wider Conservation Area.

5.3 Residential Amenity

There are two existing rear facing dormer windows in the roof of the property. One of these dormer windows would be replaced by the proposed first floor gabled extension, itself with a rear facing window. The window in the proposed extension would contain three panes (approx. 1.7 metres wide) as opposed to the two of the existing dormer (approx. 1.2 metres wide) and is not considered in its own right to be materially out of keeping with the existing site or surroundings on the basis of size or design. The window itself would be set only approximately 2.4 metres beyond where the existing dormer is located and would be approximately 14 metres away from the rear boundary shared with the properties on Castle Street and around 25 metres away from the rear of the nearest part of the properties in this direction. In this context, the change from the current situation and the distance to the nearest properties would not in its own right be considered to significantly or materially impact upon the reasonable amenities of nearby properties such as to warrant refusal of the application.

5.4 The proposed extension would be to a width of 5.3 metres and protrude 2.4 metres from the existing rear wall of the dwelling with a gabled end finish linking it to the main roof of the existing dwelling. Given the size and scale of the extension, its location within the context of the existing dwelling and its relationship with the surrounding area it is not considered that any impact would be such that it would give rise to what could be construed as a materially overbearing impact upon surrounding properties.

5.5 Given the overall scale of the extension and its relationship with the existing dwelling and surrounding properties it is not considered that it would give rise to a significant or material overbearing impact upon neighbouring properties such as to warrant or sustain a refusal of the planning application. It is considered therefore that the proposal would be acceptable in terms of residential amenity.

5.6 Reference to percentage allowance to domestic developments works are not relevant in this instance, the proposals are not sought under permitted development rights and the site is not located within the Green Belt, each application should therefore be addressed on its own individual merits. The grant of planning permission does not grant permission for development on, or access rights over land not within the control of the applicant, which is a civil

legal matter for the applicants to address, should the need arise, any decision notice would contain informatives to this effect.

5.7 Sustainable Transportation

It is considered that adequate off-street parking provision would exist to serve the property such as to meet the Council's adopted parking requirements for the dwelling.

6. **CONCLUSION**

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

6.2 The proposed extension is of an appropriate standard in design and is not out of keeping with the main dwelling house and surrounding properties. Furthermore the proposal would not materially harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact such as to warrant refusal of the application. Sufficient off-street parking would be available to meet the Council's parking standards. As such the proposals accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).

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

7. **RECOMMENDATION**

7.1 That planning permission is granted.

**Contact Officer: Simon Ford**  
**Tel. No. 01454 863714**

**CONDITIONS**

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

Reason

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

2. The colour, type and texture of the rendered finish to the external walls of the proposed extension shall match that of the existing building.

Reason

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

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

Reason

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