



**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. 45/14

Date to Members: 07/11/14

Member's Deadline: 13/11/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

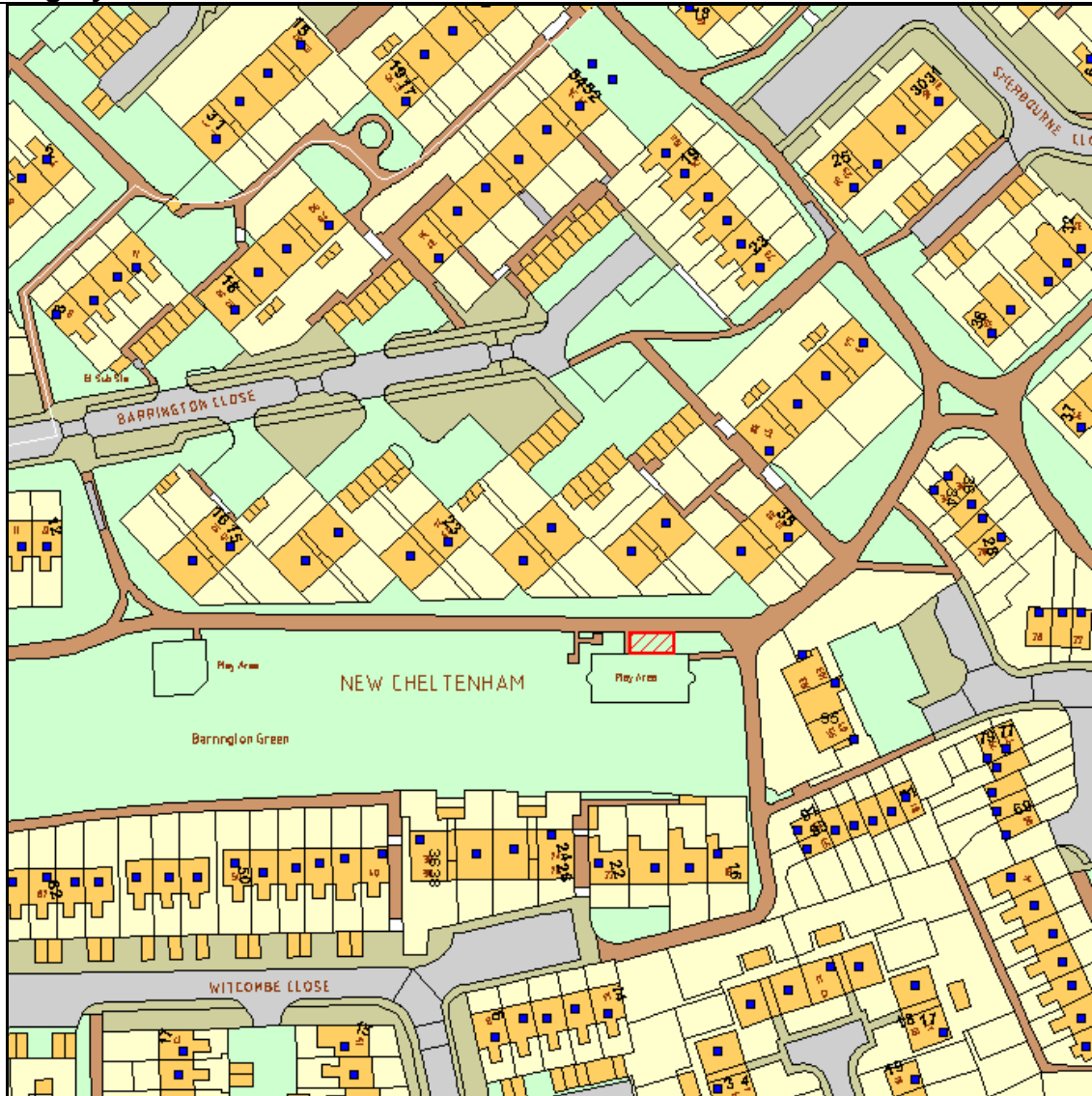
- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s)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

CIRCULATED SCHEDULE - 07 November 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/3130/R3F	Deemed Consent	Land Opposite Barrington Close Kingswood South Gloucestershire BS15 4QD	Kings Chase	None
2	PK14/3347/F	Approve with Conditions	Hamswell Farm Freezing Hill Lane Cold Ashton Bath South Gloucestershire BA1 9DG	Boyd Valley	Cold Ashton Parish Council
3	PK14/3385/F	Approve with Conditions	253 Badminton Road Downend South Gloucestershire BS16 6NR	Emersons	Downend And Bromley Heath Parish Council
4	PK14/3522/F	Approve with Conditions	The Horseshoe 2 High Street Chipping Sodbury South Gloucestershire BS37 6AH	Chipping	Sodbury Town Council
5	PK14/3578/TRE	Approve with Conditions	Stanley Hall 21 Stanley Gardens Oldland Common South Gloucestershire BS30 9PZ	Oldland	Oldland Parish Council
6	PK14/3669/RV	Approve with Conditions	The Highwayman Hill Street Kingswood South Gloucestershire BS15 4EP	Kings Chase	None
7	PK14/3783/F	Approve with Conditions	6 Station Road Warmley South Gloucestershire BS30 8XH	Siston	Siston Parish Council
8	PT14/3680/F	Approve with Conditions	227 Gloucester Road Patchway South Gloucestershire BS34 6ND	Patchway	Patchway Town Council
9	PT14/3681/F	Approve with Conditions	81 Gloucester Road Rudgey South Gloucestershire BS35 3QS	Thornbury South And Alveston	Alveston Parish Council

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.:	PK14/3130/R3F	Applicant:	South Gloucestershire Council
Site:	Land Opposite Barrington Close Kingswood Bristol South Gloucestershire BS15 4QD	Date Reg:	7th October 2014
Proposal:	Installation of a shipping container for use as a bicycle store.	Parish:	None
Map Ref:	365669 174507	Ward:	Kings Chase
Application Category:	Minor	Target Date:	31st October 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 Planning permission is sought for the installation of a shipping container to be used as a bicycle store on public open land in New Cheltenham in Kingswood.
- 1.2 The shipping container would be placed adjacent to the existing fenced sports court and footpath. The site would be screened by a number of trees. A children's' play area is located in the same open space, further up the incline of the hill to the east.
- 1.3 The storage container would measure 5.8 metres long, 2.3 metres wide and 2.3 metres high. Once erected, the container would be painted a dark blue or dark green before some community artwork is displayed.

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

CS4A Presumption in Favour of Sustainable Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS29 Communities to the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape

L5 Open Areas within Existing Urban Areas

T7 Cycle Parking

T12 Transportation

LC3 Proposals for Sports and Leisure Facilities within the Urban Area

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is unparished

- 4.2 Drainage
No comment

- 4.3 Transport
No objection

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the installation of a shipping container to use as a bicycle store.

5.2 Principle of Development

Policy CS8 promotes the provision of sustainable travel options other than the private car and policy LC3 generally permits proposals for outdoor sports and leisure opportunities within the existing urban area subject to a specific criteria. Therefore the proposal is acceptable in principle but should be determined against the analysis set out below.

5.3 Location of Development

The site for the proposed storage container is within the existing urban area. It is therefore considered to be a highly sustainable location which is easily accessible on foot or by public transport. By locating a development such as this within the urban area, it can encourage greater use of sustainable transport methods to meet the aspirations of policy CS8.

- 5.4 However, the site of the proposed container is within an open area and therefore the location of the proposal should be assessed against the provisions of policy L5.

- 5.5 Development which adversely affects the contribution that an open area makes to the character or amenity of a locality will not be permitted. The site is a large grassed area on a slope with a children's play area to the west and a court to the east. A network of paved paths runs around the outside of the green. The area cannot be described as a 'park' as it is more informal in nature; however, it could be described as a recreation area. The siting of a storage container would have no effect on the purpose of the area or the amenity it provides for outdoor recreation. Much of the area has houses backing onto it and therefore the open area does not have a street scene. The installation of a shipping container would not have an adverse impact on the character of the area or the contribution that the open area makes to the locality.

5.6 Residential Amenity

Development should not prejudice residential amenity. The site is located within public view of a number of properties. However, it is not considered that the container would prejudice amenity. This is because it is a small ancillary structure which is not overbearing. The use of the structure would not result in a loss of privacy.

5.7 Placement of the structure may result in additional disturbance to nearby occupiers. However, the land is public open space and therefore no restrictions on the use of the land are in place unless by local bylaw. The use of the structure as a cycle store is unlikely to result in activity at unsocial hours or indeed after dark. A condition will be attached that restricts the use of the structure to a bicycle store so that any other use can be assessed for its impact on residential amenity.

5.8 Design

A shipping container has a very specific design and appearance. It tends to be a corrugated metal box. The design is considered to be acceptable for the purpose of the structure which is for the storage of bicycles.

5.9 Transport and Parking

The proposed development is considered to encourage more sustainable transport and recreation. It would not lead to the loss of parking spaces or result in great on-street parking. The proposal is therefore considered to be acceptable.

5.10 Environment

The proposal is located on a managed and mown urban grass land. It is considered to have little ecological value. The proposed development is not considered to have an unacceptable environmental impact or to result in drainage issues.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. The container hereby approved shall be used for the storage of bicycles and for no other purpose.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy LC3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.:	PK14/3347/F	Applicant:	Mr Richard Wharton
Site:	Hamswell Farm Freezing Hill Lane Cold Ashton Bath South Gloucestershire BA1 9DG	Date Reg:	11th September 2014
Proposal:	Installation of 10 kW ground mounted photovoltaic array of solar panels.	Parish:	Cold Ashton Parish Council
Map Ref:	373240 171618	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	22nd October 2014



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PK14/3347/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The below report appears on the Circulated Schedule as it is a departure from the adopted local plan.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the installation of 10kw ground mounted photovoltaic array of solar panels. The application site is an isolated farm situated within the Bristol/Bath Green Belt, outside any settlement boundary and within the AONB. Hamswell Farm, Cold Ashton is grade II listed but the panels would be positioned outside the listed curtilage.
- 1.2 The proposed panels would provide electricity for the agricultural buildings associated with the farm. They would be positioned approximately 125 metres to the north west of the farm buildings and the listed farm house and would be viewed within the context of the agricultural buildings. It would be located on grade 3 agricultural land which is good to moderate quality and therefore the loss of this grade agricultural land is acceptable.
- 1.3 Following initial comments from the Highway Engineer additional information was supplied by the agent. These details were sufficient to clarify the situation and subsequent comments removed the requirement for a construction traffic management plan.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L2	AONB
L11	Archaeology
L13	Listed Buildings
L16	Protecting the Best Agricultural Land
EP2	Flood Risk and Development
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy (Adopted) December 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS3	Renewable and Low Carbon Energy Generation
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS34	Rural Areas

- 2.3 Supplementary Planning Guidance
 South Gloucestershire Design Checklist (Adopted) 2007
 Development in the Green Belt (Adopted) 2007
 Draft Renewable Energy SPD (public consultation closed March 2014 but not yet formally adopted)
 South Gloucestershire Landscape Character Assessment (Draft Review 2013)
 - The site lies within the Ashwicke Ridge, LCA Area 3

3. **RELEVANT PLANNING HISTORY**

- | | | |
|------|------------------------------|---|
| 3.1 | PK03/2309/LB

Approved | Demolition of WC and erection of single storey garden room extension on north/east elevation.
2.10.03 |
| 3.2 | PK03/2217/F

Approved | Demolition of WC and erection of single storey garden room extension on north/east elevation.
2.10.03 |
| 3.3 | PK00/1150/F

Approved | Variation of Condition 7 attached to planning permission P97/4305 to permit the agricultural unit to be used for holiday accommodation
8.11.01 |
| 3.4 | P97/4552/L

Approved | Alterations and extension to provide annexe accommodation.
28.10.97 |
| 3.5 | P97/4305

Approved | Conversion of barn to form 1no. agricultural dwelling and 1no. holiday unit.
7.11.97 |
| 3.6 | P97/4304/L

Approved | Conversion of barn to form 1no. agricultural dwelling and 1no. holiday unit
7.11.97 |
| 3.7 | P95/2229/L

Approved | Repointing of stonework to south and part of west elevation.
8.12.95 |
| 3.8 | P95/1379

Approved | Installation of two dormer windows and internal and external alterations
10.5.95 |
| 3.9 | P95/1251/L
Approved | Internal and external alterations
11.5.95 |
| 3.10 | P88/1978/L | Alterations and extension to provide bedroom, |

	Approved	bathroom and boxroom at first floor level, and accommodation for water tanks at second floor level 6.7.88
3.11	P88/1977	Alterations and extension to provide bedroom, bathroom and boxroom at first floor level, and accommodation for water tanks at second floor level 6.7.88
	Approved	

4. **CONSULTATION RESPONSES**

4.1 Cold Ashton Parish Council
No objection

4.2 Other Consultees

Archaeologist

No objection in principle subject to a condition attached to the decision notice regarding a watching brief

Listed Building Officer

No objection

Landscape Architect

This is a fairly modest development, however due to the sites designation within the AONB and the open views from the Cotswold Way the location of the panels need to be located or screened to minimise their visual impact.

Highway Drainage

No comment

Sustainable Transport

We note that this planning application seeks to construct a 10kw solar farm at Hamswell Farm, Freezing Hill Lane, Cold Ashton. As with all solar farms the main transportation impact will occur during the construction phase. Hence, we would wish to see this recognised by the applicant who

must provide a Construction Traffic Management Plan for the site. This document should describe the sites proposed to construction access arrangements, the connection with the site from the surrounding highway network, identify any impacts this would have and detail any mitigation measures needed to address the issues raised. This document must pay particular attention to Freezing Hill Lane and its junction with the A420.

To ensure that this document is produced, we believe that this must be addressed by conditions placed on any planning permission granted for this site. These conditions should be as follows:

In the interest of highway safety, no development should commence until full details of the proposed site construction access arrangements are submitted to and approved in writing by South Gloucestershire Council.

Any highway modifications required to achieve satisfactory vehicular access are to be completed and approved before construction commences. Where necessary any temporary modifications must be made good after completion of construction. The submitted Construction Traffic Management Plan is to be implemented in full and adhered to throughout the construction phase of the development. Pursuant with Section 59 of the 1980 Highway Act, South Gloucestershire Council will wish to recover the cost of any damage caused to the highway by construction traffic. Hence we will require highway condition surveys to be undertaken before and after the development of the site. To this end, no development shall commence until a highway condition survey (including photographs) of Freezing Hill Lane is submitted to and approved in writing by the South Gloucestershire Council. Likewise, on completion of the sites construction work, a second highway condition survey shall be submitted to and approved in writing by the Council. This will enable the extent of any repairs will be assessed at a meeting with the Developer on completion of the construction work.

Revised comments:

Having reviewed the additional comments made by the applicant Officers broadly concur with their conclusions and will not require a Construction Management Plan for this particular site. However Officers continue to request that construction access is obtained from Freezinghall Lane and the A420 to the north of the site rather than via Lansdown.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 The proposed development consists of the provision of an array of solar panels to provide electricity to support the working farm. The equipment is to be sited in an open field to the northwest of the listed curtilage of Hamswell Farm.
- 5.2 Principle of Development
This application proposes a small scale Renewable Energy Installation that would provide domestic electricity primarily for use within the agricultural buildings associated with Hasmwell Farm. Although the applicant has not indicated the amount of potential electricity that can be generated by the equipment, the applicant has indicated that any surplus would be fed back into the National Grid.
- 5.3 There is a strong national agenda to reduce CO2 emissions through the generation of energy from renewable sources and the National Planning Policy Framework provides the basis for the delivery of the national objective by encouraging renewable energy developments.
- 5.4 Most government initiatives have focussed upon the delivery of renewable energy resources through commercial installations. Nonetheless, this does not devalue the contribution of domestic installations which, although very minor in

their own right, have the potential to cumulatively make a valuable contribution to the wider initiative to reduce CO2 emissions in the United Kingdom. Accordingly, the local policy framework does not make specific distinction between commercial and domestic installations and are generally supportive of all renewable energy generation, whatever its scale. The National Policy Framework sets out (in respect of the determination of planning applications for renewable energy installations) that Local Planning Authorities should;

- i) Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy.
- ii) Recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions.
- iii) Approve applications if the impacts are (or can be made) acceptable (subject to other material considerations – such as Green Belt issues).

5.5 Policy CS1 of the South Gloucestershire Local Plan: Core Strategy recognises that renewable and low-carbon energy sources have a key role to play in responding to climate change. The policy is supportive of the promotion of new sources of energy providing the siting of these installations is appropriate. Policy CS3 also provides general support for proposals for the generation of renewable energy installations, provided that development would not unacceptably compromise (individually or cumulatively) areas of local landscape value or by national landscape designations.

5.6 South Gloucestershire Council adopted a Climate Change Strategy and Action Plan in December 2006, revised in December 2008. In particular, the strategy sets out the Council's commitment to increase the generation of energy from renewable sources and encourage development which would contribute towards its important role in meeting carbon reduction targets. In addition, the South Gloucestershire Council Plan includes a priority action to promote and support the development of renewable energy installations. This represents a positive strategy for the provision of renewable energy production in South Gloucestershire.

5.7 It is clear that there is a strong supportive policy framework in favour of renewable energy development. Domestic scale installations are no exception. However, the site is located within the Green Belt. The National Planning Policy Framework acknowledges that renewable energy installations are unlikely to represent appropriate development within the Green Belt. The National Planning Policy Framework continues to set out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. One of the purposes of including land within the Green Belt is to assist in safeguarding the land from encroachment. Although relatively modest, it is not considered that the proposed structure would act to maintain openness. Indeed, the development would encroach onto the open countryside.

5.8 The proposed development falls outside of the categories of development, which are appropriate within the Green Belt and on this basis, there must be very special circumstances related to the proposed development which would

outweigh the 'harm' to the Green Belt as a result of the loss of openness. The onus is with the applicant to demonstrate this.

- 5.9 Notwithstanding the above, the National Planning Policy Framework acknowledges that there will be instances where renewable energy installations are proposed within the Green Belt and that these may comprise inappropriate development. The document also indicates that the case of very special circumstances to outweigh the harm to the Green Belt may include the wider environmental benefits associated with increased production of energy from renewable sources.
- 5.10 The applicant argues that the proposed development would provide wider environmental benefits with increased production of renewable energy. The need to also protect the setting and appearance of the listed building (Hamswell House) would preclude the positioning of the structure any closer to or onto the house or buildings or land within the curtilage of the listed building. Officers would concur with this view, and also consider that the proposed scale and position of the structure is such that the impact upon the openness of the Green Belt is limited; and is outweighed by the wider environmental benefits.
- 5.11 On this basis Officers consider that there are very special circumstances in place such that the defined harm to the openness of the Green Belt is outweighed and subject to the considerations as detailed below, the proposed development is acceptable. However, the proposal would be considered a departure from the adopted local plan. Under the Direction 2009 local planning authorities no longer have to notify the Secretary of State about all departures, only those that would have, in this case, *a significant impact* on the openness of the Green Belt. However, this departure must be publicised and would require the LPA to place an advertisement in the local newspaper. If no concerns/objections are received the decision can be issued after a period of 21 days following the publication of the advert.
- 5.12 Landscape and Visual Amenity
The site lies within the Ashwicke Ridges Landscape Character Area (LCA). The South Gloucestershire Landscape Character Assessment states that "the Ashwicke Ridges LCA is distinctly rural and largely tranquil, with a harmonious relationship between landform, vegetation and settlement. The lack of urban influence, modern development, limited road access and containment of many view, adds to the feeling of remote countryside within the majority of the landscape character area and in particular the deep valleys. This area is therefore highly sensitive to change, which has the potential to erode the physical and visual character of the area."
- 5.13 The Cotswold Way which is a designated as a major recreational route runs in an approximately north/south direction to the east of the site. The solar array will be screened by intervening topography, buildings and vegetation from the section of the Cotswold Way and an adjacent footpath to the immediate east of the site. However it will be visible in glimpses from the Cotswold Way and a length of footpath which runs between Toghill Barn Farm and the Cotswold Way, which are on the opposite side of the valley to the site. It may also be visible from Greenway Lane, which the Cotswold Way uses, during the winter

months when the vegetation is leafless. From these views the solar array will be seen in the context of agricultural buildings and farm houses, however due to its location offset from the buildings and its industrial form it will look slightly incongruous.

- 5.14 Policy CS3 states that 'proposals for the generation of energy from renewables or low carbon sources, providing that the installation would not cause significant demonstrable harm to residential amenity, individually or cumulatively will be supported'. However it also states that "Renewable or low carbon energy installations will not be supported in areas covered by national designations and areas of local landscape value unless they do not individually or cumulatively compromise the objectives of the designations especially with regards to landscape character, visual impact and residential amenity."
- 5.15 It may be possible to screen the array from these views by planting native scrub or hedgerow. This would be to the north of the array and would not cause a problem with shading. The impact of the array could also be reduced by moving them to the south and closer to the existing agricultural building and ideally the solar panels would be located on one of the farm buildings. Officers have spoken with the agent regarding the alternatives but have been advised that the existing buildings are unsuitable either due to their orientation, the size or condition of the roofs and therefore cannot be considered viable options.
- 5.16 Notwithstanding the above, the proposal is modest in scale and a landscape planting condition would help to screen the panels from the wider general view. A balanced judgement is therefore required and these measures along with the local and national backing for renewable energy initiatives means that overall the proposed development is acceptable in landscape amenity terms.
- 5.17 Listed Building Considerations
Hamswell Farm is a Grade II Listed building with an extensive listed curtilage. The proposed site is located on land to the northwest of the farmhouse and to the west of the most northern modern agricultural barn. In this instance there are other buildings within the farm yard that could accommodate the panels (other than the listed building). However, the agent has indicated that the existing agricultural buildings have a poor orientation and would not achieve sufficient solar gain as to be viable alternative options. As such the panels have been located in the adjoining field close to the barns and just outside the listed curtilage. The solar array would be some distance from the farmhouse itself and not visible from it. It is considered that given the modest scale and position of the proposed panels, screened by intervening buildings and trees there would be no material impact upon the setting of the listed building and therefore no objection on this basis.
- 5.18 Archaeologist
Although the design and access statement infers that the proposed site is not within an area of archaeological potential this is not correct. It is adjacent to the Medieval manor of Hamswell, which is recorded as far back as 1276. Field systems and enclosures are recorded in the wider landscape (less than 200m from the proposed site) and flint artefacts have also been found, suggesting that archaeology may be preserved. Whilst the site was previously cultivated

and used for pigs, this is unlikely to have resulted in significant disturbance to archaeological deposits and as the arrays will involve poles to a depth of 1.8m this will go significantly deeper than any previous agricultural activity. Little information has been provided on the cable route, other than its location, but it is presumed to be subterranean to minimise impact to the setting of heritage assets.

5.19 As such this would also have an impact to any buried archaeology. This said, the proposal is modest and Officers do not feel that this requires any form of pre-determination archaeological work and as such there is no in principle objection, provided a condition for a programme of archaeological work is added to any permission that is granted. There is no sensible way to mitigate the impact of the poles without recourse to evaluation trenches, which it is felt would be onerous in this case. However a watching brief should be maintained during groundworks, focusing the cable routes from the array to the farm buildings and any other form of ground reduction/levelling that may be required for the construction of the array. This will be secured by a suitably worded condition.

5.20 Residential Amenity

The proposed panels would be positioned to the west of some existing large barns/agricultural buildings which screen the site from the main farmhouse. Other neighbours to the north are situated on hills some distance away with only limited views into the site and neighbours to the south are screened by various farm buildings and planting. The proposed development would not produce any noise as part of the generation of electricity. The surfaces of solar panels are specifically design to absorb sunlight energy and as such there is minimal reflection given off from the surface of the panels. Nonetheless, the orientation of the proposed equipment is such that they would not face directly towards any building within close proximity. Given the relationship of the proposed development with the surrounding dwellings it is considered that there would be no material impact in respect of the privacy and residential amenity of the occupants of the nearest dwellings.

5.21 Transportation

The nature of the proposed development is such that there would be little traffic generation as a result of it. On this basis, it is considered that the proposed development would have no material impact in transportation terms and can be supported.

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. In this case the proposal is considered to be a departure from the adopted local plan. Its small scale is considered not to significantly impact on the openness of the Green Belt and so the proposal has not been referred to the Secretary of State but will be advertised for a period of 21 days giving local residents the opportunity to comment.

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

7. RECOMMENDATION

- 7.1 That the application be **APPROVED** subject to conditions attached to the decision notice; and subject to the expiry of the advertisement period with no new planning issues being raised (that are not already considered in this report) as a result of representations received.

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. Prior to the commencement of development a scheme of proposed planting which shall include details of proposed species, size of plants and times of planting shall be submitted to the Local Planning Authority for approval. The planting is to be located to the north of the panels the purpose being to screen the hereby approved solar panels from wider view. Development shall be carried out in accordance with the agreed details.

Reason

To protect the character and appearance of the area, the Green Belt and the AONB to accord with Policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and the NPPF (2012).

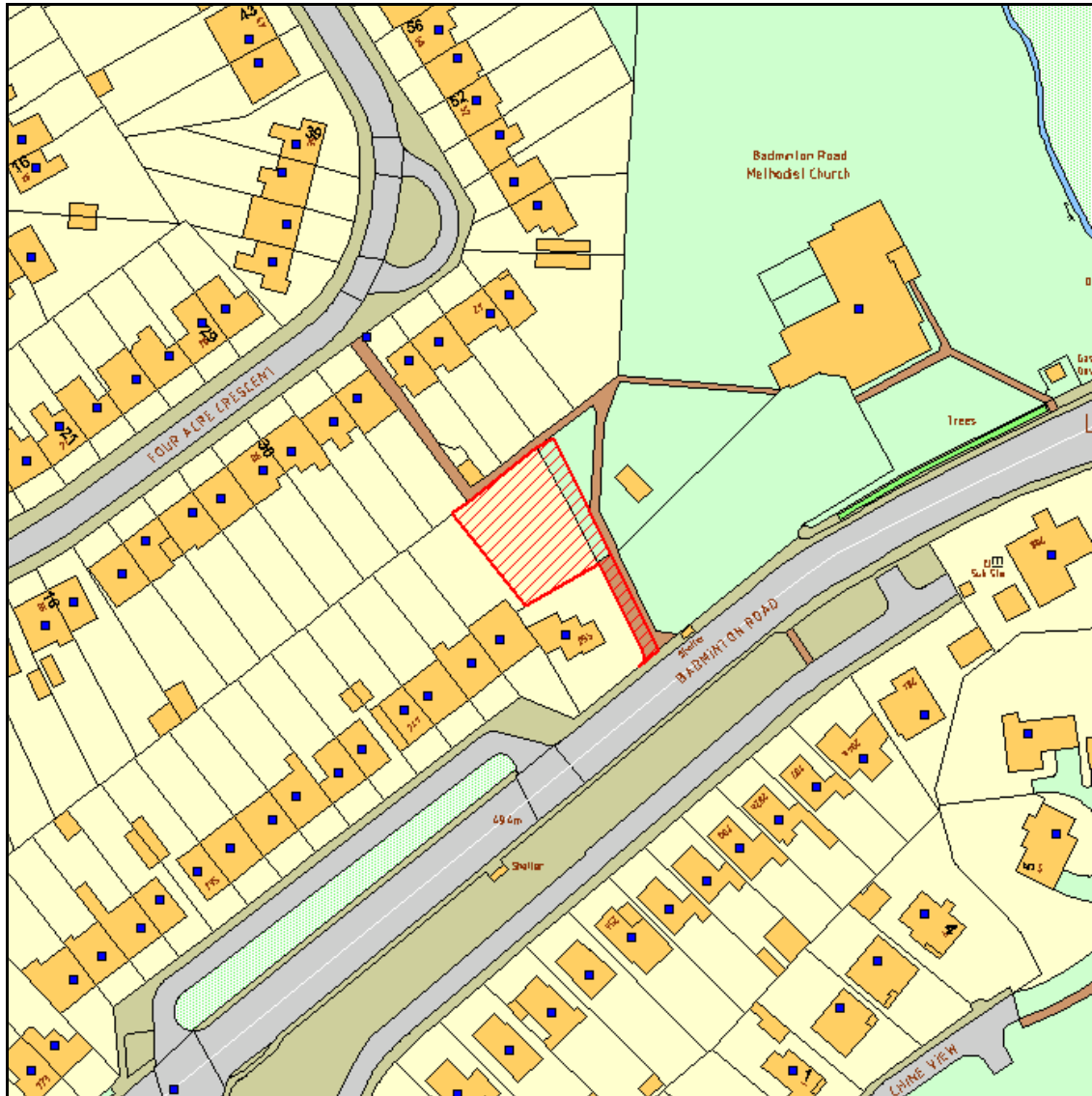
3. Prior to the commencement of development a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects.

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. 45/14 – 7 NOVEMBER 2014

App No.:	PK14/3385/F	Applicant:	Mrs Julie Windsor
Site:	253 Badminton Road Downend South Gloucestershire BS16 6NR	Date Reg:	22nd September 2014
Proposal:	Erection of 1no. detached dwelling with access and associated works.	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365603 177882	Ward:	Emersons Green
Application Category:	Minor	Target Date:	13th November 2014



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N.T.S.

PK14/3385/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule to take into account comments of objection received during the public consultation on this application. Such comments are contrary to the officer recommendation for approval.

1. THE PROPOSAL

- 1.1 This application seeks permission for the erection of a dwelling at a property in Downend. This application is tantamount to a revision of planning permission PK12/1841/F.
- 1.2 The application site is within the established urban area. No further planning designations cover the site.
- 1.3 The proposed development consists of a two-storey detached dwelling, and driveway and access. At present the site forms part of the large garden of no.253 Badminton Road.

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
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS16 Housing Density
CS17 Housing Diversity
CS29 Communities to the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape
T12 Transportation
H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1841/F Approve with Conditions 24/05/2013
Erection of 1 no. detached dwelling with access, parking and associated works.
- 3.2 PK12/0408/F Withdrawn

Erection of 1 no. dwelling with parking and associated works (Resubmission of PK11/2989/F)

- 3.3 PK11/2989/F Withdrawn
Erection of 1 no. dwelling with parking and associated works

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
'No objection as long as the right of way is clearly identified and maintained as such.'
- 4.2 Mangotsfield Rural Parish Council
No objection
- 4.3 Transport
Necessary to manage potential conflicts between users by creating identified routes. The proposed parking is acceptable.
- 4.4 Highway Structures
No comment
- 4.5 Drainage
Request SUDS condition

Other Representations

- 4.6 Local Residents
Two comments have been received that raise the following points –
- a barrier between vehicular and pedestrian traffic should be installed
 - development will lead to overlooking
 - first floor windows are proposed in the east and west elevations
 - property has been increased in size
 - property has been rotated by 90° since earlier applications was approved
 - sewers and drains appear to be outside of the application site

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a new dwelling on land adjacent to an existing dwelling in Downend.
- 5.2 Principle of Development
Planning permission has previously been granted for a dwelling on this site; furthermore, the site is within the existing urban area where policy CS5 directs development. Therefore, in principle, the proposed development is acceptable but the application should be determined against the analysis set out below.

- 5.3 Changes from Extant Planning Permission
Planning permission PK12/1841/F granted planning permission for the erection of a 1½ storey two-bedroom bungalow. The building was very plain in appearance with simple fenestration details.
- 5.4 A two-storey dwelling is now proposed. The front elevation is more quirky in appearance with a mix of window sizes and orientations and the general appearance of the property is less subdued. Windows are also now proposed on the first floor front and side elevations. The proposed dwelling is also slightly larger.
- 5.5 As there is an extant permission on this site for a dwelling, only the impacts of the dwelling (rather than the principle of development) shall be debated.
- 5.6 Design
Since the adoption of the Core Strategy in December 2013, the Council's design policy seeks 'the highest possible' standards of site planning and design. The proposal meets a good standard of design; the building is well proportioned and has a strong sense of being designed. The layout of the plot, with the dwelling to the back, makes the most efficient use of the site whilst retaining maximum private amenity space.
- 5.7 It is considered that the proposed building meets a high standard of design and therefore accords with the relevant policy considerations.
- 5.8 Residential Amenity
Development should not be permitted that is prejudicially harmful to the residential amenity of nearby occupiers. The impact that the proposal has on nearby occupiers needs careful consideration.
- 5.9 To the north of the site is Four Acre Crescent. The properties closest to the application site are approximately 26 metres from the dwelling. This distance is considered to be acceptable to protect existing levels of privacy. Indeed, no first floor windows are proposed in this elevation. It is also considered that the separation distance prevents the proposal from being overbearing.
- 5.10 To the south of the site, the development proposals may affect no.255 Badminton Road. Approximately 29 metres stands between the proposed dwelling and the boundary and 43 metres between each property. As above, these distances are considered to reduce any impact on privacy or being overbearing and are therefore considered acceptable.
- 5.11 The amenity of properties to the side should also be considered. There are four side first floor windows proposed. The distance to the east means that windows facing this direction are unlikely to result in any impact on residential amenity. However, the windows to the west are only 2 metres from the property boundary. A condition will be imposed that ensures these windows are obscure glazed only. A further condition will be imposed preventing new windows from being added to the property.

5.12 Parking and Transport

The main issue with this site is the shared access, some of which is adopted highway and some of which is not. The vehicular access leading to the application site is a small section road, approximately 4 metres wide, which links the application site to Badminton Road. This lane also links Badminton Road to Four Acre Crescent by a pedestrian footpath. The lane is not currently used by vehicular traffic and the pedestrians enjoy using the entire width of the lane. The proposed new dwelling would result in vehicular traffic using the lane.

5.13 This leads to potential conflict between users of the lane. Therefore, the route must be demarcated so that it is clear which parts of the road are for pedestrians and which are for vehicles. The plans submitted indicate that demarcation will occur. However, the demarcation would be undertaken on the adopted highway and therefore the consent of the highway authority would be required. A planning condition is therefore required to secure these works. This will be in part a "Grampian" style condition – that is that it will require the footpath works to be undertaken on land outside the ownership of the applicant before occupation of the dwelling can occur. Such a condition should generally only be imposed where there is a reasonable prospect of the owner (in this case the Highway Authority) agreeing to such works – and in this case the comments of the transportation officer regarding highway land would seem to support that there is such a reasonable prospect subject to any works would have to be carried out to the satisfaction of the highway authority and the applicant being liable for the costs of such works.

5.14 The level of parking proposed is considered to be sufficient for the needs of the property and accords with the provisions of the Residential Parking Standard SPD.

5.15 Drainage

The drainage engineer has requested that a SUDS condition be imposed. This is considered to be excessive considering the scale of development and availability of public sewers within the urban area. Therefore, it is considered that drainage can be adequately addressed through Building Regulations.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development details of the access route and new footway adjacent to the access road, including demarcation and surface treatment materials, shall be submitted to the local planning authority. The details shall be agreed in writing with the local planning authority and be completed in full prior to the first occupation of the dwelling hereby approved.

Reason

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

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

Reason

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

5. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor windows on the west elevation shall be glazed with

obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed.

Reason

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

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

Reason

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

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.: PK14/3522/F
Site: The Horseshoe 2 High Street Chipping
 Sodbury South Gloucestershire BS37 6AH

Applicant: The Horseshoe
Date Reg: 18th September 2014

Proposal: Change of use from Class A1 (Shops) to Class
 A4 (Drinking Establishment) as defined in the
 Town and Country Planning (Use Classes)
 Order 1987, as amended (Resubmission of
 PK13/1649/F) (Retrospective)

Parish: Sodbury Town Council

Map Ref: 372573 182205
Application Minor
Category:

Ward: Chipping Sodbury
Target 31st October 2014
Date:



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is being reported to the Circulated Schedule given that one or more letters of objection have been received which are contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application proposes the change of use of a Grade II Listed Building and associated garden area situated along Chipping Sodbury High Street from a Class A1 (shops) to Class A4 (drinking establishments). The application site falls within the designated Chipping Sodbury Conservation Area.
- 1.2 The application site stands on the corner of Horseshoe Lane and the High Street, where Horseshoe Lane has a terrace of cottages facing the side of the site. The site is designated as part of the Secondary Shopping Frontage within the South Gloucestershire Council Local Plan (adopted January 2006).
- 1.3 Planning application PK13/1649/F is the currently implemented planning permission which permits the building to operate as an A4 (drinking establishment) use from the building. However, the consented red line plan attached to this permission does not cover the garden area to the rear.
- 1.4 Therefore, this application, whilst submitted as a re-submission of PK13/1649/F, is in reality a part-retrospective application that seeks to regularise the garden area which is considered ancillary to the use permitted by planning permission PK13/1649/F.
- 1.5 The main building of the application site is a Grade II Listed building which currently operates as the Horseshoe Public House (class A4). Ancillary manager's accommodation is included within this building and part of the garden is used as a private garden in association with the manager's accommodation. The application proposal includes a Georgian style street lamp and smoking shelter which the latter does not benefit from any affixture to the land.
- 1.6 To the east of the application site is Holly House; a grade II listed building which is currently occupied as B1 office premises. The garden area of the application site is situated on significantly higher ground than the surrounding buildings and, therefore, occupies an elevated position which overlooks the car park and rear windows of Holly House.
- 1.7 Equally, to the west of the application site are a row of Grade II Listed terraced cottages which look in an easterly direction to the application site. These cottages are situated on slightly lower ground than the rear garden and, therefore, the garden area appears elevated when viewed from these adjacent cottages.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance March 2014
- 2.2 Development Plans
South Gloucestershire Council Local Plan (adopted January 2006) (saved policies)
Policy L12 Conservation Areas
Policy RT10 Secondary Shopping Frontages in Town Centres

Policy T12 Transportation Development Control Policy for New Development
Policy L13 Listed Buildings

South Gloucestershire Council Core Strategy (adopted December 2013)

Policy CS1 High Quality Design
Policy CS4A Presumption in Favour of Sustainable Development
Policy CS9 Managing the Environment and Heritage
Policy CS14 Town Centres and Retail

- 2.3 Supplementary Planning Guidance
 Chipping Sodbury Conservation Area Supplementary Planning Document (February 2009)

3. RELEVANT PLANNING HISTORY

- 3.1 The planning histories to the main building of this site are complex with previous applications both including and omitting the rear garden. However, summarised below are the applications which are considered to be relevant in the determination of this application.
- 3.2 Application LPA ref: PK12/2979/F proposed the *change of use from Class A1 (shops) to Class A3 (restaurants and cafes) as defined in the Town and Country Planning (Use Classes) Order 1987, as amended* and was refused on 19th November 2012.
- 3.3 Application PK12/2979/F was refused on the basis that the level of details submitted was considered to be insufficient to allow an informed assessment of the potential impact of the proposal on the significance of the listed building.
- 3.4 Application LPA ref: PK13/1649/F proposed the *change of use from Class A1 (shops) to Class A4 (drinking establishment) as defined in the Town and Country Planning (Use Classes) Order 1987, as amended* and this formed a re-submission of the refused 2012 application. This application was retrospective in nature.
- 3.5 Planning permission was granted for this proposal on 16th July 2013 subject to conditions, including the following:

The use hereby permitted shall not be open to customers outside of the following times 1000 to 2300 from Sundays to Thursdays and 1000 to 2400 on Fridays and Saturdays.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
 Sodbury Town Council submitted an objection to the application on the basis that the previous application was refused and the potential noise nuisance.
- 4.2 Other Consultees: Listed Building and Conservation Areas Officer
 The Listed Building and Conservation Areas Officer has submitted a comment of no objection to the proposal, on the basis that this is a change of use application only and involves no alterations to the listed building.
- 4.3 Other Consultees: Highway Drainage
 Highway Drainage has submitted no comment in respect of this proposed application.
- 4.4 Other Consultees: Transportation DC
 Transportation has submitted a comment of no objection to this proposal.

4.5 Other Consultees: Environmental Protection

Environmental Protection has provided a comment of no objection in principle but recommend that the beer garden be cleared and closed by 2200 hours 7 days a week, to all members of the public.

They have further stated that they have previously investigation two noise complaints to this premises, since August 2014. The allegations of loud music were linked with the front doors and windows being opened, and not linked with the use of the rear garden after 2200 hours.

They have stated that since a meeting with the DPS the situation has improved significantly with all windows and doors appearing to be kept closed (where possible) with the volume levels having been decreased.

Other Representations

4.6 10 letters and 1 petition have been received throughout the consultation period in respect of this application. In summary, these 10 letters comprise of 5 letters of support, 1 petition in support and 5 letters of objection.

4.7 The consultation responses have noted the following matters:

- *Music being played in the garden is loud enough to cover the garden and surrounding area*
- *Hardworking residents are unable to get their sleep*
- *The garden is mostly occupied by smoking and beer drinking customers who spill out of the rear gate which opens opposite the cottages*
- *To license the garden, bearing in mind the Grade II listed cottages are only 12ft away, would be dreadful for residents*
- *The granting of a change of use from A1 to A4 will not promote the licensing objections, particularly the prevention of crime, disorder and anti-social behaviour*
- *Already a saturation of licensed premises in the area*
- *Increase in late night noise, littering and urinating, which at present is a constant problem*
- *Some neighbours are already sandwiched between two licensed premises*
- *Activities of the garden are considered to be affect staff of nearby offices in terms of noise and smoke affecting their work*
- *Female employees of neighbouring buildings have had to pull down blinds to the front of Chipping Sodbury High Street as users of the facility peer into the windows, drink outside the premises, often making unpleasant and vulgar remarks demonstrating a loss of amenity*
- *Frequent unloading and loading of beer barrels with lorries parking on what is used as a pedestrian crossing at the brow of the hill, causing a disruption to the flow of traffic and pedestrians seeking to use the pavement/crossing leading to a potentially dangerous situation*
- *Proposals are contrary to the aims of the NPPF which must ensure that, when considered, provides and protects a good standard of amenity for all existing and future residents and adjacent occupiers, which is evidently not the case with this application*
- *A combination of raised garden height and low upstairs cottage windows across a very narrow lane has led to a total loss of privacy and a massive audible and visual invasion of our home affecting our quality of life and privacy*
- *Standing in the garden it is possible to look right into our upstairs windows and the loss of privacy is unacceptable*

- Council has a duty of care to the surrounding residents with regard to pollution (both noise, light and air pollution)
- The actual use of Horseshoe Lane for smoking and drinking is now also happening on a regular basis with the opening and shutting of the side pedestrian access gate into the garden late into the night and shouting of the garden wall, being both a daily and nightly occurrence
- Glasses and cigarette butts left along Horseshoe Lane
- Increase of traffic collecting and waiting outside of the pedestrian gate with engines running has also become an ongoing problem not addressed by the licensee
- There should be no customer or business access via the residential gate nor allowance of glasses out onto the lane to save us all from the noise and disturbance
- Although a level of activity does take place, this is no more than would be expected from any commercial premises operating in a thriving Local Centre
- The Officer's delegated report on the previous application dated 5th July 2013, that the use of the back garden was taken into account in the second paragraph under the heading 'Residential Amenity and Environmental Effects.'
- It is clear that after careful consideration, it was concluded that 'this would not have such an impact on residential amenity that a refusal reason would be warranted'
- The comments made on behalf of Sodbury Town Council by Jackie Stallard refer to a previous application being rejected – as far as I can see all previous applications have been either approved, approved with conditions or returned, with the exception of an application from 2012 which was refused (inter alia) based on the lack of reasonable "kitchen extraction system"
- This is NOT relevant to the current retrospective reapplication (which is simply an administrative exercise due to the local council's previous mis-interpretation of the application of 2013)
- Many local people use this facility to meet in a friendly atmosphere
- During the summer months the garden is punctiliously closed at 10pm
- It is rare for local pubs to be opened and fresh employment made available in the town
- The Horseshoe is a positive contribution to Chipping Sodbury
- The road remains quiet for residents and suitable for pedestrians
- Rear garden is closed at 10:00pm prompt and should patrons wish to continue to drink/smoke outside they are asked to use the front of the premises facing the main street
- Locals should also note that this is not the first time Horseshoe Lane has played host to a pub, with the original being located almost opposite the current beer garden
- The tenants of The Horseshoe should be applauded for not only opening a new licensed drinking premises, but one that's extremely popular with the locals, and a real asset to the community
- Licensee has a blatant disregard for the discomfort and suffering of his neighbours
- Residents are disturbed at night by the constant kicking in of the refrigeration unit
- This is a totally unsuitable place for a pub and should be put back to an A1 shop
- What begun as an application for a wine and tapas bar has now escalated into a noisy drinking pub
- The garden has been used unlicensed for the past eighteen months and has given much cause of concern as the landlord has no respect for the quality of life of neighbouring residents
- Planning permission for use of the garden of this Grade II listed property was never applied for in any of the previous applications yet the Council feel it is okay to waive charges for this planning application
- The garden has never been used for business use at any time and has never been anything other than residential garden dating from when the houses were built; so surely the change of use from Class A1 to A4 is not the correct application
- Current tenants of 2 High Street appear they are above the planning and licensing laws and are yet again blatantly flouting both the planning and licensing laws

- *Tables are also set out on the front pavement, making it difficult for your way to work through them*
- *To the rear of the building the Occupier has constructed a large wooden structure to provide somewhere for smokers to congregate. This structure is considered to be permanent, in appropriate to the setting of a Grade II listed building (Holly House and the Horseshoe) and to the Chipping Sodbury Conservation Area as a whole*
- *Installation of a commercial street light and wet weather smoking shelter in the garden*

4.8 These matters are discussed and addressed further throughout section 5 of this report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks the change of use from Class A1 (Shops) to a Class A4 (drinking establishment) use within a Grade II Listed Building and associated garden area. The application does not propose any works to the Grade II listed building as a result of this application and, therefore, listed building consent is not required.

The building currently benefits from the above A4 (drinking establishment) use through extant planning permission PK13/1649/F.

It should be noted, however, that the applicant's fall back position is such that they would be able to claim that the use of the garden area is ancillary to the use of the main building; exempt of any control via conditions etc. Therefore, in potentially granting a formal consent which includes the rear garden area, this will allow further controls to be obtained over issues which would otherwise be outstanding.

Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006) permits the change of use of the ground floor level of secondary shopping frontages for a change of use; except in the circumstances as outlined within the two point criteria. The proposal for the building has not been altered from the extant permission and, therefore, in principle, this application is supported; subject to the determination of all other material considerations.

Therefore, this application will consider whether the formal inclusion of the rear garden area within this permission will result in additional impacts over and above those which were previously considered with the extant permission.

Nevertheless, it should be noted that the extant permission represents the applicant's fall back position; which is that the garden area can be used ancillary to the existing consented A4 use.

In light of the above, the subsequent sections of this report will focus on the change of use of the garden area and building of the application site, in light of the considerations contained within Policy RT10 and other material considerations.

5.2 Planning Issues: Residential Amenity (Noise, Light, Smoking)

Part B of adopted Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006) requires the proposed use not to prejudice residential amenity.

Throughout the consultation period specific concerns were raised in respect of noise, light and smoking which derives from the use of the garden area by patrons.

Since the introduction of the smoking ban, the provision of facilities in association with public houses are considered to be a factor for all drinking establishments with the scale of the premises considered to be of significance.

The application proposed, does not change the capacity of the existing building over that of the extant permission; although a minor increase in capacity permitted by the rear garden area would be expected.

Within the existing application, it was noted by the case officer that there would not be a significant number of smokers using the premises; and this appears to remain as such within this application.

Whilst it is acknowledged that there will be some limited impacts on residential amenity at the rear, it should be noted that the property benefits from two entrances/exits.

Therefore, it would not be unreasonable to deduce that smokers would be able to use both the front areas and rear garden area for the purposes of smoking.

Taking into account the numbers of patrons of the premises, and the two different locations available for smoking, impacts on residential amenity are not considered to be such that a reason for refusal would be warranted.

Further, the issues of noise deriving from patrons using the rear garden area can be suitably controlled via the imposition of conditions. Therefore, conditions will be imposed restricting the times within which the rear garden area can be used for the consented use (i.e. from 1000 hours to 2200 hours daily).

It is not considered that the extent of the impacts on residential amenity would be such that it would prevent persons from reasonably undertaking daily activities. Further, it is not considered that the impacts deriving from the use of the garden, within restricted hours of operation (until 2200 hours each day), would be so great that the neighbouring operations of the business would be materially harmed.

Further, it should be acknowledged that whilst there will be limited impacts that derive from the potential granting of a consent, this is to be expected within this location. The character and nature of Chipping Sodbury is such that multiple uses interact on a close spatial scale amongst one another; and therefore, subsequent impacts which derive from this should be reasonably expected.

Additionally, conditions can be imposed which restricts the applicant from installing and using any external lighting in order to ensure that light pollution is not experienced by local residents and businesses; given the elevated position of the garden. This condition would be considered to be more applicable to the winter months when daylight hours are restricted.

In light of the above, whilst it is considered that there will be some limited impacts in terms of noise, light and smoking on the neighbouring occupiers of the application site, it is not considered that these would be to such an extent that a refusal of planning permission would be warranted or justified given the use of appropriately worded conditions.

It should be highlighted that the applicant's fall back position would not allow for the additional conditions to be imposed in terms of lighting, and hours of operation, which would permit the applicants to install and use additional lighting at their convenience.

The Council's Environmental Protection department have not submitted any objection to this proposal, subject to the imposition of appropriate conditions in respect of opening hours for the garden use.

5.3 Planning Issues: Residential Amenity (Privacy and Overlooking)

As previously stated, the rear garden occupies a relatively elevated position in respect of the neighbouring properties which allows for impacts associated with privacy and overlooking.

There are two elements in respect of privacy issues which are present in respect of this proposal and these comprise of the following:

- 1) *Privacy of Residential Cottages along Horseshoe Lane*
- 2) *Privacy of Offices at Holly House*

These issues are addressed accordingly within the following paragraphs of this report.

The land levels of the rear garden are such that the garden is at the mid-point level of the two storeys of the residential properties.

The size of the rear garden is such that only a limited number of tables and chairs are physically available. It is reasonable to deduce that users of the garden area will likely spend most of their time sat down on chairs and, combined with the planting along the western boundary; opportunities for loss of privacy of the neighbouring properties will be significantly reduced.

Therefore, whilst there may be a limited loss of privacy associated with the change of use of this garden area, this loss of privacy is not considered to be additional to that which would be permitted under the applicant's fall back position.

Equally, it should be understood that Horseshoe Lane is a public thoroughfare and, therefore, issues relating to residential privacy could similarly be present from the general use of the lane by the public. It is not considered that the seating area would lead to undue additional impacts with regards to residential privacy and this is to be expected within this type of town centre locality.

Further, the topographical levels of the rear garden do provide some overlooking into the rear windows of Holly House which are currently used as offices. The typical nature of offices, however, is not considered to be as sensitive as that of residential dwellings, given the nature of the activities and, therefore, the significance accorded to issues such as privacy should be accordingly weighted.

It should also be noted that the issue of overlooking and privacy which derives from the garden use, on the office use, would only be present throughout office hours of the day. The nature of having an office use within such an area as Chipping Sodbury will naturally come with a degree of interference from associated impacts from such neighbouring uses. However, this is typical of this type of locality and it would be inappropriate for the determination of this application to prioritise the rights of the activities taking place on one parcel of land, over another.

Whilst it is noted that there will be some impacts in terms of overlooking and privacy which derive from this use, these would still be present within the applicant's fall back position which could be undertaken in an unrestricted manner.

The ability to gain control over other associated issues, including lighting and hours of operation, are considered to outweigh the limited impacts on privacy and overlooking that would be present on the adjacent offices.

5.4 Planning Issues: Traffic

Part B of Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006) requires the proposed use to not result in unacceptable transportation effects.

Equally, Policy T12 of the above Local Plan permits new development provided that the proposal, in terms of transportation, accords with the adopted 8 point criteria.

Throughout the consultation period concerns were raised in respect of traffic that derives from the use of the public house. The marginal additional capacity is considered to lead to a slight increase in the capacity of the application site, however, this would still be the case with the applicant's fall back position.

Giving weight to the additional control which the Council are able to gain through the granting of consent, it is considered that this would outweigh the limited impacts which would impact upon traffic from the marginal increase in capacity.

The issues in respect of traffic would remain similar if this application were refused, and would not be significantly exacerbated if consent were granted.

It should be noted that the Council's Transport Officer has not submitted any objection to this proposal.

Therefore, the issues raised in respect of traffic are considered to be that which are negligible and would not warrant a refusal of planning permission upon this basis.

5.5 Planning Issues: Impacts on Grade II Listed Building – Horseshoe Public House

Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006) requires any change of uses of the ground floor of the premises to not undermine the established character, vitality or civic role of that frontage.

The application does not propose any physical alterations to the grade II listed building and, therefore, listed building consent is not required. Equally, the absence of any physical alterations to the building, internally and externally, results in the character, vitality and civic role of the frontage to remain, in accordance with the requirement of RT10.

Policy L13 of the South Gloucestershire Council Local Plan (adopted January 2006) is the policy which guides development which has the potential to alter the setting of a Listed Building.

Policy L13 provides a 3 point criteria which highlights the circumstances when development of a listed building will be permitted.

The retention of the historical link between the building and garden area is considered to preserve the character and historic form of the building. The lack of alterations to the listed building will not result in the structural integrity of the building being altered.

The lack of alterations will equally allow the features of architectural and historical interest to be retained and the lack of operational development within the garden area will allow the setting of the listed building to be retained.

The smoking shelter, included within the red line application, is considered to adversely affect the setting of the Grade II Listed Building. Therefore, a condition will be imposed which will require its removal within a specified time period from the date of the permission.

Equally, the siting of a Georgian gas street lamp is also considered to adversely affect the setting of the Grade II Listed Building and its removal will be required through the imposition of a condition within a specified period of the date of the permission.

In light of the above, it is considered that the proposal would not materially affect the grade II listed building as a result of this proposal.

It should also be noted that the Council's Listed Building and Conservation Area Officer has not provided any objection in respect of this proposal.

5.6 Planning Issues: Impacts on Setting of Grade II Listed Building – Holly House B1 Offices

Holly House is a grade II listed building which is currently used for the purposes of offices (Class B1) and the application site, including the rear garden, falls within the setting of the grade II listed building.

The application does not propose any physical operational development within the proposal, in terms of buildings or structures, and therefore, it is considered that the setting of the grade II listed neighbouring building, is unaffected by this proposal.

The only structures which are present on the site, which includes the smoking shelter and Georgian style street lamp, will be removed via the imposition of an appropriate condition.

Further, the Council's Listed Building and Conservation Areas Officer has not provided any objection in respect of this proposal.

In light of the above, it is not considered that the setting of Holly House is affected and, therefore, there would be no reason to refuse this application upon this basis.

5.7 Planning Issues: Overspill onto Horseshoe Lane

Part B of Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006) requires the proposed use to not result in unacceptable environmental effects.

Throughout the consultation period significant concern was raised in relation to the overspill of patrons onto Horseshoe Lane, and the use of the side gate access into the garden area.

Conditions can be imposed regarding the use of the side gate to be used solely for the purposes of deliveries and emergency access only; ensuring that any impacts on residential amenity, and detriment to the locality, would be minimised.

This will ensure that patrons are unable to use Horseshoe Lane as an extension of the consented A4 (drinking establishment) use which will seek to protect the residential amenity of neighbouring occupiers along Horseshoe Lane.

5.8 Planning Issues: Impacts on Chipping Sodbury Conservation Area

The application site falls within the Conservation Area of Chipping Sodbury and is, therefore, subject to the provisions and contents of the Conservation Area SPD adopted in February 2009.

Further, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires special attention to be paid to the desirability of preserving *or* enhancing the character *or* appearance of that area.

The rear garden of the application site falls within the Burgage Plots area of the Conservation Area which is characterised by the grid pattern. This grid pattern has resulted in long narrow strips of properties extending back from narrow frontages.

Historically, the burgage plots typically contained a narrow dwelling on the market frontage and a rear yard, served by a back access lane. This still remains a feature of the application site, as submitted, in the side gate to the rear garden off Horseshoe Lane.

A key issue which is considered by the SPD to threaten the character and appearance of the Conservation Area is the impacts of suburban development which has resulted in the encroachment of commercial and residential development into the rear of burgage plots.

This application changes the use of the historical burgage plot, but retains the historical physical link of the rear area; being used for a purpose that is in connection and reliant upon the use of the main building.

The Conservation Area SPD makes it clear that the survival of the deep burgage plots running back from the frontage properties are considered to be an important part of the character of the settlement of Chipping Sodbury.

These plots are characterised by a quieter character with a softer green feel provided by gardens, trees and planting which provide an attractive setting and contrast to the traditional buildings.

The application proposals are considered to maintain and enhance this historic significance which is noted to be under threat within the adopted Conservation Area, whilst according with the preservation and enhancement strategies of this area.

In light of the above, it is considered that the proposal, in relation to the use of the rear garden, would seek to preserve the character (through the retention of the urban grain) of the Chipping Sodbury Conservation Area.

5.9 Imposition of Conditions

Conditions will be imposed in respect of this development in accordance with the statutory tests as outlined within paragraph 206 of the National Planning Policy Framework (adopted March 2012).

These conditions are considered to make the development which would otherwise be unacceptable, acceptable, in this location.

These planning conditions are considered to be necessary, relevant, enforceable, precise and reasonable in all aspects.

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 accounted for all documents submitted within this application proposal, all comments submitted throughout the consultation period, and the contents of all meetings undertaken throughout the course of this application process.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 It is recommended that planning permission be granted subject to the following conditions:

- 1 The use of the building hereby permitted shall not be open to customers outside of the following times:

1000 - 2300 hours Sundays to Thursdays; and

1000 - 0000 hours Fridays and Saturdays

REASON

To maintain a reasonable level of residential amenity within the locality in accordance with the provisions of paragraph 123 of the National Planning Policy Framework (adopted March 2012) and Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006).

- 2 The use of the garden hereby permitted shall not be open to customers outside of the following times 1000 - 2200 hours on all days of the week inclusive.

REASON

To maintain a reasonable level of residential amenity within the locality in accordance with the provisions of paragraph 123 of the National Planning Policy Framework (adopted March 2012) and Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006).

- 3 No external lighting shall be installed in, or surrounding, the garden area without the written consent of the Local Planning Authority.

REASON

To maintain a reasonable level of residential amenity within the locality in accordance with the provisions of paragraph 123 of the National Planning Policy Framework (adopted March 2012) and Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006).

- 4 The side gate that connects the rear garden area to Horseshoe Lane on the western boundary shall only be used for the purposes of deliveries and emergency access only.

REASON

To maintain a reasonable level of residential amenity within the locality in accordance with the provisions of paragraph 123 of the National Planning Policy Framework (adopted March 2012) and Policy RT10 of the South Gloucestershire Council Local Plan (adopted January 2006).

- 5 The Georgian style street lamp shall be removed in its entirety within 60 days of the date of this permission

REASON

To maintain a reasonable level of residential amenity within the locality and protect the setting of the Grade II Listed Buildings within the locality in accordance with the provisions of paragraph 123 of the National Planning Policy Framework (adopted March 2012), Policies RT10 and L13 of the South Gloucestershire Council Local Plan (adopted January 2006).

- 6 The smoking shelter shall be removed in its entirety within 60 days of the date of this permission.

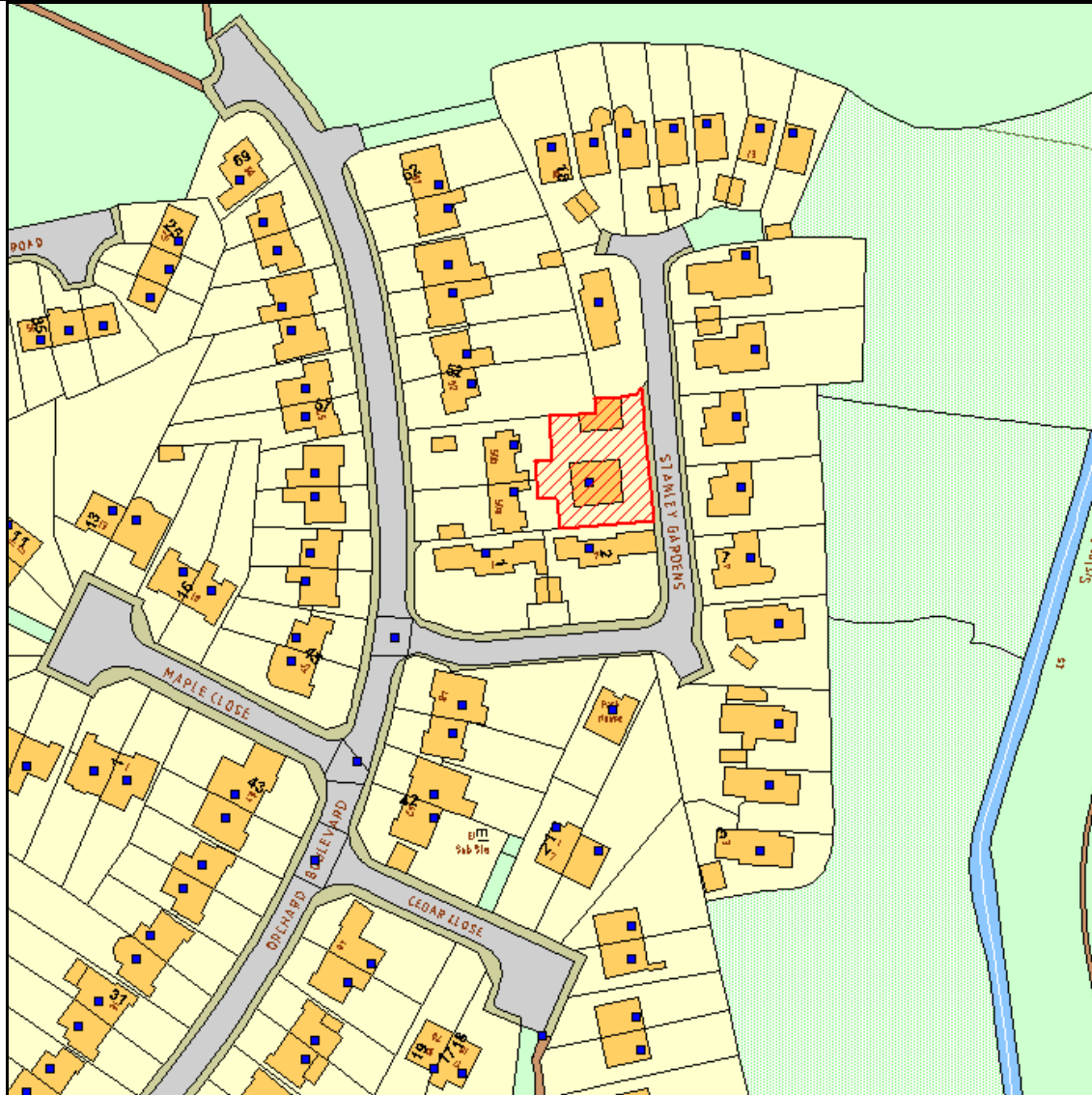
REASON

To maintain a reasonable level of residential amenity within the locality and protect the setting of the Grade II Listed Buildings within the locality in accordance with the provisions of paragraph 123 of the National Planning Policy Framework (adopted March 2012), Policies RT10 and L13 of the South Gloucestershire Council Local Plan (adopted January 2006).

Contact Officer: James Cross
Tel. No. 01454 863162

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.:	PK14/3578/TRE	Applicant:	Mrs Jacqui Ryding
Site:	Stanley Hall 21 Stanley Gardens Oldland Common South Gloucestershire BS30 9PZ	Date Reg:	30th September 2014
Proposal:	Works to fell 1no. Handkerchief tree and 1no. Lawson Cypress and crown reduce to previous points (approx. 40%) a group of Holly, all covered by Tree Preservation Order KTPO 02/79 dated 29 October 1979.	Parish:	Oldland Parish Council
Map Ref:	366709 171726	Ward:	Oldland Common
Application Category:		Target Date:	10th November 2014



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 100023410, 2014. N.T.S. PK14/3578/TRE

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the circulated schedule because an objection has been received from a member of the public to the removal of the Handkerchief Tree and the Lawson Cypress..

1. THE PROPOSAL

- 1.1 The proposal is to fell 1no. Handkerchief tree and 1no. Lawson Cypress and crown reduce to previous points (approx. 40%) a group of Holly, all covered by Tree Preservation Order KTPO 02/79 dated 29 October 1979.
- 1.2 The trees are situated within the grounds of Stanley Hall, 21 Stanley Gardens, Oldland Common, South Gloucestershire, BS30 9PZ.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council has no objection to this proposal

Other Representations

- 4.2 Local Residents

One comment has been received in support of the proposal. The neighbour comments that the Handkerchief tree is in close proximity to their fence, foundations and a sewerage drain and that the roots of the tree may be causing damage to the adjacent tarmac.

One comment has been received objecting to the proposal. A member of the public feels that as the trees are not diseased nor causing damage she cannot see a reason for them being felled.

5. ANALYSIS OF PROPOSAL

- 5.1 The proposal is to fell 1no. Handkerchief tree and 1no. Lawson Cypress and crown reduce to previous points (approx. 40%) a group of Holly, all covered by Tree Preservation Order KTPO 02/79 dated 29 October 1979.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The area Tree Preservation Order(TPO) was made in 1979 to protect the mature trees that were present at that time. Under the legislation it is only the trees that were within the area that are protected. Trees planted subsequently are not covered by the TPO. The Handkerchief tree is not, therefore, protected and does not require consent for its removal.

5.4 Similarly the Lawson Cypress has been planted subsequent to the making of the TPO and is, therefore, not covered.

5.5 The group of Holly is mature and stands on the northern boundary of the property. The proposed works are to cut back regrowth to previous pruning points which is a necessary ongoing maintenance operation.

6. RECOMMENDATION

6.1 That consent is GRANTED for the works to the Holly subject to the conditions below.

Contact Officer: Simon Penfold
Tel. No. 01454 868997

CONDITIONS

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

Reason

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

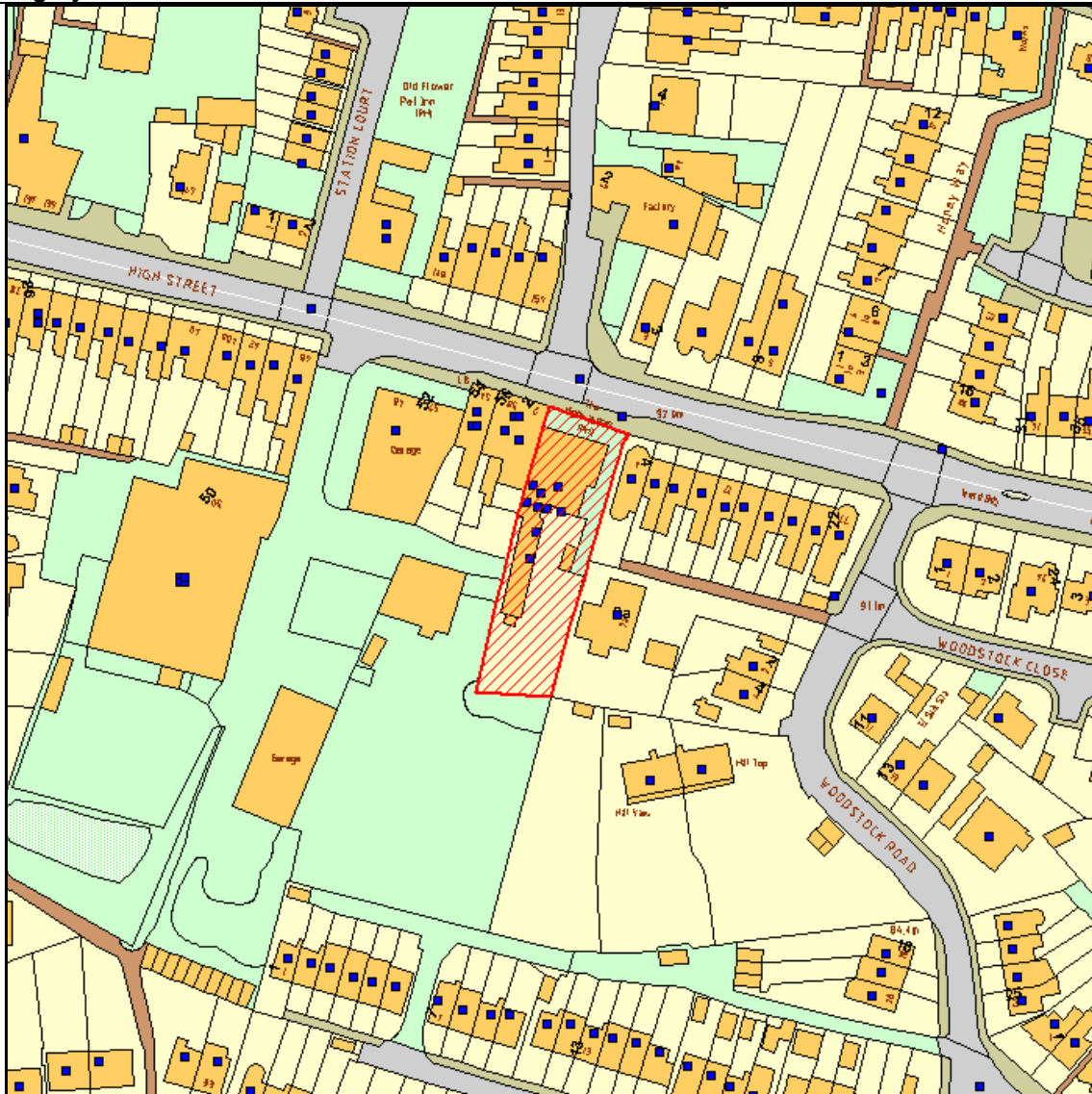
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree(s), and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.:	PK14/3669/RVC	Applicant:	Mr Mike Wintle
Site:	The Highwayman Hill Street Kingswood Bristol South Gloucestershire BS15 4EP	Date Reg:	3rd October 2014
Proposal:	Variation of planning permission PK12/3531/F to substitute approved plan number 1027-13-B with plans numbered 1408-1000-A and 1408- 2000-A to facilitate alterations to roof design and provision of additional windows in the East elevation and West elevation.	Parish:	None
Map Ref:	365672 173729	Ward:	Kings Chase
Application Category:	Minor	Target Date:	20th November 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as there are objections to the proposed development, whilst the officer recommendation is one of approval.

1. THE PROPOSAL

- 1.1 The site is located on Hill Street, Kingswood on land formerly occupied by the 'Highwayman' Public House. Development is well underway on the site relating to the approved planning permission PK12/3531/F as detailed in paragraph 3.3 of this report.
- 1.2 This application seeks approval to vary the planning permission in order to replace the approved 'mono-pitch' roof structures over the approved houses (located to the rear of the main building containing 7 flats and a shop unit) with dual pitch roof structures and the provision of an additional first floor window in the East elevation of the houses.
- 1.3 In this instance, the case officer site visit revealed that the development is well under way and that the houses subject of this application have been implemented according to the proposals submitted under this application. To this end, the development (where it relates to the houses) was unauthorised at the time that the officer site visit was carried out. However, the applicant has submitted revised plans to address concerns raised on site by the case officer. A further period of consultation has been carried out in relation to the amendments. For the avoidance of doubt, this application is to be assessed on the basis of the revised submission and not on the basis of the unauthorised development.
- 1.4 For clarity, the extant planning permission (PK12/3531/F) has been subject to two applications for 'Non Material Amendments' (as detailed in paragraphs 3.1 and 3.2 of the officer report). Under section 96a of the Town and Country Planning Act 1990 (as amended), it is possible to make 'non-material amendments' to planning permissions provided that changes proposed are not-material. Non-material changes are such that they are extremely minor, or such that there would be no material impact on the scope of the extant consent. For example, the addition of a condition to list plans by which the development should proceed is not a material change provided that those plans are the same as considered under the assessment of the extant permission. In contrast, proposals to materially alter the scope of the planning permission by altering roof shapes or adding windows are not generally considered to be 'non-material'.
 - i) PK14/2750/NMA (as detailed in paragraph 3.2) sought to amend the development approved under PK12/3531/F (the extant planning permission) in the manner which is now submitted under this application. Essentially, the application for a non-material amendment was declined on the basis that the proposed changes would be significant and as such require consideration under a further planning application.

- ii) PK14/3397/NMA (as detailed in paragraph 3.1) sought to secure the plans considered under the extant planning permission as a condition of the planning permission. Officers allowed the amendment on the basis that it would not alter the scope of the extant planning permission.
- 1.5 The effect of the approval to vary the extant planning permission such that the plans are secured by condition (as ii) above) is such that the applicant can now make a formal planning application under section 73 of the Town and Country Planning Act 1990 (as amended) to vary the planning condition in order to substitute approved plans with revised plans. Such an application is in effect a full planning application. However, the Local Planning Authority can only consider the impact of the proposed changes. This application is submitted on this basis. The assessment of the impact of the changes is addressed in the main body of this report.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS6 Infrastructure and Developer Contributions

CS23 Community Infrastructure and Cultural Activity

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/3397/NMA Non-material amendment to PK12/3531/F to convert all approved plans as listed as an informative to a condition of the planning permission.

No Objection (approved)

- 3.2 PK14/2750/NMA Non-material amendment to PK12/3531/F to change roof configuration on 2no. houses at rear of site from lean-to/single pitch to traditional gable.

Objection (refused)

- 3.3 PK12/3531/F Demolition of existing public house to facilitate the erection of 9no. self contained residential units and 1 no. commercial unit for A1 use

(as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works. Creation of new vehicular access and off street parking. (Resubmission of PK11/2760/F).

Approved (Subject to s106). S106 signed on 5th April 2013 securing funds for school places.

- 3.4 PK11/2760/F Demolition of existing public house to facilitate the erection of 11 no. self contained residential units and 1 no. commercial unit for A1 use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works. Creation of new vehicular access and off street parking. (Resubmission of PK11/1486/F)

Refused (29th March 2012) and Dismissed at Appeal (14th September 2012)

- 3.5 PK11/1486/F Demolition of existing public house to facilitate the erection of 11 no. self contained residential units and 1 no. commercial unit for A1 use (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) with associated works. Creation of new vehicular access.

Application withdrawn

4. CONSULTATION RESPONSES

- 4.1 Parish Council
The area is un-parished
- 4.2 Highway Authority
No Comment
- 4.3 Drainage Engineer
No Objection
- 4.4 Archaeologist
No Objection
- 4.5 Urban Design Officer
Objection on the basis that the alterations to the roof design would impact on the provision of roof mounted solar panels.
- 4.6 Coal Authority
No Objection

Other Representations

- 4.7 Local Residents

One objection is received, with further concern being raised during the second period of public consultation. The comment raises specific concern that the windows allow direct overlooking in to the living accommodation of the dwelling which is adjacent to the site. The writer also raises concern that the fact that

the development has proceeded prior to being granted consent. The writer has acknowledged the amendments to the proposal and the provision of timber boarding to prevent over-looking. However, the writer raises concern that the arrangement now proposed can be altered in the future such as to reinstate the overlooking problem; and seeks assurances that this cannot be done.

5. ANALYSIS OF PROPOSAL

5.1 The application seeks to vary planning permission PK12/3531/F so as to replace mono-pitched roof structures (as approved) with dual-pitched roof structures and to provide additional windows in the East and West elevations of the dwellings.

5.2 Principle of Development

The principle of the development is established through the planning permission PK12/3531/F. The development has been implemented and where required all conditions have been discharged.

5.3 This application seeks to vary the approved plans as described in paragraph 5.1 above. The nature of this application is such that the Local Planning Authority cannot re-address the principle of the development and can only consider the impact of the changes when compared to the approved development. In this instance, the nature of the changes is such that the issues for consideration are the impact visual/design, and the impact upon the residential amenity (of the occupants of the surrounding dwellings and the occupants of the new dwellings) as a result of the additional windows. This is considered below.

5.4 Impact on Residential Amenity

The initial submission shows two additional windows in the East elevation of the building and one additional window in the West Elevation of the building (when compared to the approved development). It is also proposed to alter the type of roof structure from a mono-pitched roof system to a dual pitched roof system. For clarity, the proposed windows would replace roof lights to house one that are shown in the approved plans

5.5 *Revised Roof Structure*

With regards to the alteration of the roof type, it is noted that the overall height and mass of the building would not be materially different as a result of the change. On this basis, officers conclude that there is no material impact upon the residential amenity of the occupants of nearby dwellings as a result of this alteration in its own right.

5.6 *Additional Window in the West Elevation*

The window shown to be inserted in the West elevation of the building would serve bedroom two of house one (due north when viewed facing the dwellings from inside the site). This window has been inserted in the development which is underway (and in that respect this element of this application is retrospective) and provides light, and escape to bedroom two of the dwelling. This replaces a roof light previously approved. The window gives a view out across car-parking and turning space associated with the existing shop unit and other business

uses located to the West of the application site. The window would not give rise to any overlooking of nearby residential dwellings and in this regard the window is considered acceptable.

5.7 *Additional Windows in the West Elevation*

The approved development is well under way, however the officer site visit revealed that the East facing windows originally proposed with this application have been installed. This has allowed a very accurate assessment of the impact of the windows to be carried out by the Local Planning Authority. Officers consider that the windows would have an unacceptable impact upon the occupants of the dwelling at 2A, Woodstock Road which sits approximately 5 metres from the boundary of the application site and approximately 10 to 12 metres from the building subject of this application. Officers consider that the windows installed allow an unrestricted view into the private curtilage area and into the principal rooms of the dwelling. This impact is further compounded by the fact that the dwelling at 2A Woodstock Road is approximately half to one metre below the level of the subject site; and is a single storey dwelling.

5.8 Officers have negotiated with the applicant in order to specifically address this impact and find an acceptable solution. In this instance, the applicant has submitted revised plans which show a 'box type' or 'oriel' window. Each window would be solid timber on its Eastern elevation whilst the North and South elevation would contain glass (the Northern facing pane being obscured to prevent overlooking between the new dwellings). Officers are satisfied that this approach would remove the potential for direct over-looking into the dwelling at 2A Woodstock Road and as such would reduce the impact on the residential amenity of the occupants of the dwelling.

5.9 Whilst these changes have been acknowledged by the occupant of the dwelling at 2A Woodstock Road, concern is raised as to the potential for reverting back to a full window (so creating an unacceptable impact) at a later date, without the requirement for a further planning permission. This is a legitimate concern and can be addressed by applying specific conditions to any approval such that the development must proceed and be retained in accordance with the revised submission. It is also appropriate to restrict the insertion of any further windows (in addition to those being proposed under this application). Such conditions would be necessary and reasonable to ensure that the development is acceptable in planning terms and are enforceable. A further condition can be used to ensure that the revised proposal is implemented and the currently unauthorised (and unacceptable) arrangement removed.

5.10 Subject to the use of the above suggested conditions officers are satisfied that the revised proposals are acceptable in residential amenity terms.

5.11 Design and Visual Amenity

It is considered that the changes to the roof shape of the building are relatively minor in scale and would not result in detrimental impact over and above the approved development. Similarly it is not considered that the insertion of the window in the West elevation would have an unacceptable impact in terms of the appearance of the development.

5.12 Notwithstanding the above, the revised submission would introduce 'box type' or 'oriel' windows into the East elevation of the new dwellings. In each case the windows would project from the East elevation by approximately 800mm and would be approximately 1200 mm wide. The East elevation of each widow (1200mm wide) would be clad with Cedar Boarding whilst the North and South Elevations of each window would be glazed. The design of the windows is in response to identified over-looking problems affecting the neighbouring properties. Nonetheless, given the contemporary styling of the building on the site, the use of cedar boarding and projecting box window is consistent with the styling of the development it relates to in general terms. It is therefore considered that the proposed windows would not have a detrimental impact on the design and visual amenity of the development or the surrounding locality.

5.13 Legal Agreement

The principle planning application PK12/3531/F is subject to a Unilateral Undertaking (s106 legal agreement) which secures a sum of £10,898 for education (school places) to offset the impact of the development. The money is payable on first occupation of the first dwelling in the development. Under the Definitions (section 1.6) of the Unilateral Undertaking allows for the transfer of the legal agreement to 'any application relating to the Application Land which in the reasonable opinion of the Director is substantially similar to the Planning Application'. In this instance, the application details changes to the approved development under PK12/3531/F but does not alter the scope of the development. In particular there is no change to the amount of residential units as a result of the amendments. On this basis, it is considered that the extant legal agreement applies equally to this application and can be carried forward to it in the event of approval. The funding for school places is therefore safeguarded.

5.14 Other Matters

The Urban Design Officer has raised objection to the proposed changes to the roof structure on the basis that the change would impact on the potential for the provision of solar panels on the building. Planning permission PK12/3531/F did show an indicative position for Solar Panels on the previously approved roof structure. However the development was not approved on the basis that Solar Panels were to be installed; nor to the extent that without them the proposal would have been refused. Nonetheless, the revised design does not necessarily preclude the installation of solar panels should future occupant wish to consider this option. On this basis, officers apply very limited weight to this matter.

6. CONCLUSION

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

(Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That consent to vary planning permission PK12/3531/F is approved subject to the following conditions

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. The 'box type' or 'Oriel' Windows as shown on drawings numbered 1408/1000 Rev A and 1408/2000 as (received by the Council on 23rd October 2014) shall be installed and shall replace the existing widows installed on the East Elevation of the building (House 1 and House 2) not later than 3 months from the date of this planning permission or prior to the first occupation of house 1 and 2, whichever is the sooner. Thereafter the development shall be retained as such.

Reason

In the interests of the residential amenity of the dwellings located to the East of the development site; including 2A Woodstock Road and to accord with policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

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

Reason

In the interests of visual and residential amenity given the restricted size of the plots and to accord with Policies CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

3. The hours of working on the site for the period of construction of the development hereby approved, shall be restricted to 07.30 to 18.00 Monday to Friday and 08.00 to 13.00 Saturday and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site. Any use of the site outside these hours shall have the prior written consent of the Local Planning Authority.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policies EP1 and H2 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the first occupation of the development hereby permitted, the pedestrian access, vehicle access, turning and parking arrangements as indicated on the approved Drawing no. 1027_05D (as received by the Council on 3rd November 2014) shall be provided and maintained as such thereafter. For the avoidance of doubt, the parking arrangements shall be maintained for the purpose of the development hereby approved only.

Reason

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

5. No new windows, other than those shown on drawings numbered 1408/1000 Rev A and 1408/2000 as (received by the Council on 23rd October 2014) shall be installed on the Eastern Elevation of the development hereby approved at any time.

Reason

In the interests of the residential amenity of the dwellings located to the East of the development site; including 2A Woodstock Road and to accord with policy CS1 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

6. The development shall be implemented strictly in accordance with the following plans;

1027_05D
1027_07C
1027_08C
1027_12C
1027_15D

(as received by the Council on 3rd November 2014)

1408/1000 Rev A
1408/2000

(as received by the Council on 23rd October 2014)

1408/01 (Site Location Plan)

(as received by the Council on 25th September 2014)

L1279 (Landscape Plan and Plant Schedule)

(as received by the Council on 24th April 2014)

1027-06 Rev B (GF Plan)
1027-10 Rev B

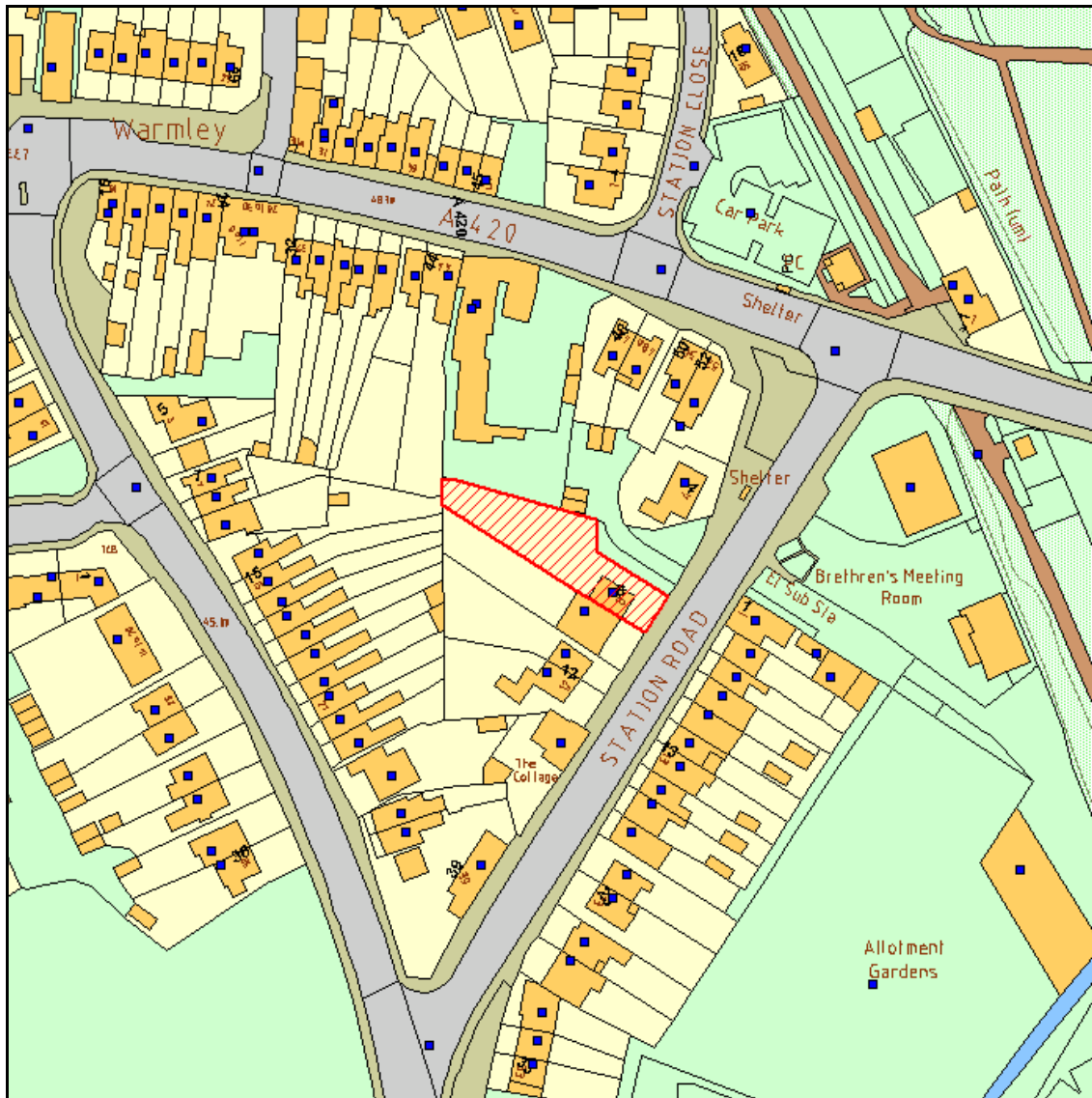
(as received by the Council on 23rd October 2012)

Reason

In order to ensure that the development is completed in accordance with the submitted and agreed plans in the interest of the character and visual amenity of the site and the surrounding locality and the privacy and residential amenity of the occupants of nearby dwellings; and to accord with Policy CS1 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.:	PK14/3783/F	Applicant:	Mr D Lethaby
Site:	6 Station Road Warmley South Gloucestershire BS30 8XH	Date Reg:	3rd October 2014
Proposal:	Erection of two storey side extension and single storey rear extension and conservatory to provide additional living accommodation	Parish:	Siston Parish Council
Map Ref:	367039 173473	Ward:	Siston
Application Category:	Householder	Target Date:	21st November 2014



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PK14/3783/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

An objection has been received from Siston Parish Council which go against officer recommendation of approval and as such, this application is required to be taken forward under the Circulated Schedule procedure.

It should be noted that this application was removed from the previous week's Circulated Schedule and resubmitted this week due to an error in the report. This analysis and recommendation however remains the same.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a two storey side extension and single storey rear extension to form additional living accommodation including adding a fourth bedroom.
- 1.2 The application site relates to a two-storey semi-detached property on the northern side of Station Road situated in Warmley, within the parish of Siston. The street scene is characterised by late Victorian terraced dwellings to the eastern side and later infill of suburban post-war dwellings to the western side of Station Road. The dwelling has a long, narrow residential curtilage approximately 58 metres long.
- 1.3 It should be noted that following discussions with the applicant regarding insufficient parking provision, revised plans were submitted to include the laying of hardstanding to the front garden to allow for a second off-street parking space to meet the SGC parking standards, as explained in further detail in the report.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 2012
National Planning Policy Guidance 2014
- 2.2 Development Plans

South Gloucestershire Core Strategy (Adopted) December 2013.
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted 2007)
South Gloucestershire SPD: Residential Parking Standards (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PK05/1593/F - Erection of 1no. detached bungalow – Refused 21/07/2005
- 3.2 PK03/0236/F - Erection of 1 No. detached bungalow with access and associated works – Refused 13/03/2003

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
Objection on the basis that the proposal would result in overdevelopment of the site.

- 4.2 Other Consultees

Sustainable Transport

In response to the original submission, there was no objection subject to the submission of a plan showing adequate parking provision.

Subsequently revised plans were submitted by the applicant showing an additional parking space to the front of the property which meets the Council's Residential Parking Standards SPD requirements, thus showing adequate parking provision, subject to advising that the dropped kerb is widened and a permeable bound surface is laid.

Highway Drainage

No objection

Public Open Spaces

Permission, in the form of a licence, should be sought from our Property Services section if the developer wishes to use this open space to erect scaffolding or gain access to his property across this land.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context. The proposal accords with the principle of development subject to the consideration below.

5.2 Visual Amenity

The semi-detached dwelling currently has a pebble dash render and roman tiled hipped roof. This is characteristic of the majority of dwellings on the northern side of Station Road. The proposed two storey side extension would be set back from the existing building line of the principal elevation and have a lower ridgeline than the existing dwelling resulting in a subservient appearance. To the rear, the two storey extension would extend backwards some 4.6 metres resulting in a long blank side elevation with only two windows. This however would only be visible from a private access to dwellings some distance away. The single storey rear extension would not be visible from the street scene, however would have a mono-pitched roof designed with respect to the character and appearance of the surrounding area. Cumulatively, the two storey side extension, single storey rear extension and conservatory would result in a large extension that would significantly increase the floor space of the dwelling, however given the large amount of space available in the curtilage and that the majority of works would be to the rear of the dwelling, the proposal is not considered to be inappropriate. Furthermore, the proposed materials would match those of the existing dwelling.

5.3 Overall, it is considered that the development has been informed by and respects the character of the site and the street scene and as such is considered acceptable in terms of visual amenity.

5.4 Residential Amenity

The application site is bound by rear gardens to neighbouring dwellings to the west and south and a private access and public house to the north. Windows are placed on the extension so as to avoid issues of overlooking, with no side facing windows to the south. The potential issue with the proposal however, is the rear of the two storey extension causing overshadowing to the dwelling to the south. It should be considered however firstly, the neighbouring dwelling as a single storey rear extension also, which would mitigate the loss of light due to its flat roof and secondly, due to the orientation of the extension the rear elevations would not receive a large amount of sun as existing. Therefore, on balance although the two storey extension extends backwards considerable, the impact on overshadowing or overbearing is minimal. Due to the single storey height of the rear extension and conservatory, it is not considered to cause any overlooking or overshadowing.

5.5 Overall, the proposal is not considered to be detrimental to the living conditions currently enjoyed by the dwellings in the surrounding area and it is therefore considered acceptable in terms of residential amenity.

5.6 Sustainable Transport

The dwelling currently has two bedrooms and a study with one off-street parking space, which means the dwelling does not currently meet the Council's minimum parking standards. The proposal would result in a four bedroom dwelling with a study which could be used as a fifth bedroom. There is the possibility of laying hardstanding and dropping the kerb to allow for a second parking space. The applicant has confirmed that they are willing to do this and so a condition will be imposed to ensure the works are done to facilitate a second off-street parking space before the extension is occupied. On balance,

the proposal is not considered detrimental to highway safety and as such, there is no objection.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Hannah Minett
Tel. No. 01454 862495

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. A minimum of two off-street parking spaces shall be provided within the residential curtilage of the 6 Station Road prior to the occupation of the extension and shall be permanently maintained thereafter.

Reason

To accord with policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the South Gloucestershire Residential Parking Standards SPD (Adopted) 2013.

CIRCULATED SCHEDULE NO. 45/14 – 7 NOVEMBER 2014

App No.:	PT14/3680/F	Applicant:	Messrs Philip Kite And Jason Bale
Site:	227 Gloucester Road Patchway Bristol South Gloucestershire BS34 6ND	Date Reg:	3rd October 2014
Proposal:	Change of use from a guest house (Class C1) to a house in multiple occupation (sui generis) as defined in Town and Country (Use Classes) Order 1987 (as amended).	Parish:	Patchway Town Council
Map Ref:	360775 182366	Ward:	Patchway
Application Category:	Minor	Target Date:	17th November 2014



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PT14/3680/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following comments received from a local resident.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use from a guest house (Class C1) to a house in multiple occupation (sui generis) as defined in the Town and Country (Use Classes) Order 1987 (as amended). The development is not listed as Class use C4 (house in multiple occupation) as this type of classification only relates to 'small shared houses occupied by between three and six unrelated individuals, as their only or main residence, who share basic amenities such as a kitchen or bathroom.' In this case the house is proposed to be occupied by 11no. unrelated individuals. Plans indicate that each bedroom would be en-suite and the property would also have 2no. kitchens on the ground floor a separate WC and a lounge/eating area for residents. As such this is a sui-generis use (a use which does not fall into any class in The Town and Country Planning (Use Classes) Order 1987 (as amended)).
- 1.2 The guest house had previously accommodated eight guests and the previous owners had lived in a two room flat on the second floor. The proposal would be to convert this flat comprising a bedroom, en-suite and living area into two bedrooms both with en-suite facilities and also to convert the existing dining room into a bedroom with en-suite. As such the works would be internal with no alterations to the external appearance of the building. Other alterations include some internal division of the integral garage which would then provide additional washing facilities and storage for 8no. bikes and bins/refuse which would be accessed from the outside. Five parking spaces would be provided on the forecourt to the front.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H5 Residential conversions, houses in multiple occupation and reuse of buildings for residential purposes.

T7 Cycle parking

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

EP4 Noise sensitive development

L1 Landscape

South Gloucestershire Local Plan Core Strategy adopted Dec 2013

CS1 High Quality Design

CS5 Location of Development

CS8 Improving Accessibility

CS17 Housing Diversity
CS25 Communities of the North Fringe

- 2.3 Supplementary Planning Guidance
Residential Parking Standards Supplementary Planning Document- adopted
Dec 2013

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|---|
| 3.1 | PT01/3101/F | Change of use from residential to Bed and Breakfast premises.
Approved 14.12.01 |
| 3.2 | P97/1843/CL | Use of part of ground floor of dwelling as separate residential unit (Certificate of Lawfulness)
Approved 28.11.97 |
| 3.3 | P96/1888 | Erection of side garage with front canopy, rear conservatory, pitched roof over single storey and two storey extensions and rear loft extension
Approved 15.8.97 |

4. CONSULTATION RESPONSES

- 4.1 Patchway Town Council
No comment

- 4.2 Other Consultees

Sustainable transport

No objection - the proposed amount of parking is considered sufficient and the proposal is located in a sustainable location well served by public transport

Highway drainage

No objection subject to an informative attached to the decision notice

Environmental Protection

No objection subject to informatives attached to the decision notice

Private sector housing

Officers have no objections to make in terms of the proposed layout or amenity provision proposed when compared to HMO standards, although Room 8 appears likely to be undersized and may need further consideration. In terms of fire safety, the layout is such that additional fire escapes are not required, as long as a suitable interlinked fire alarm system is installed and adequate fire protection is applied to risk rooms. Officers confirm that this property will require a licence to operate as a house in multiple occupation under the Housing Act 2004, at which point an inspection will need to be completed by PSH in order to confirm the necessary fire safety provisions required.

Other Representations

4.3 Local Residents

One letter of objection has been received:

- We are concerned that the increase to eleven letting rooms suggests that there is high likelihood for more resident's vehicles needing a parking space than the former authorised parking of seven vehicles on this property. We are aware that the plans submitted show the provision of cycle racking within the garage section
- The recently introduced bus lane immediately on the A38 at the front of the property with restricted parking times during high volume traffic periods, is therefore not available for parking by residents at those times.
- We also consider that no consideration has been shown by not providing additional fire escape exits as there is now potentially a larger number of residents on the upper floors than previously

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF sets a presumption in favour of sustainable development. This means that development proposals that accord with the development plan should be approved and where relevant policies are absent, silent or out-of-date, permission should be granted unless – any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole. This site is located within the urban area of Patchway and located directly on a major road/ bus route, close to local shops and schooling. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to the policies of the local plan.

- 5.2 The authorised use of the site is a guest house (Class C1) and a change of use from C1 to an HMO (sui generis) is dealt with under policy H5 of the Local plan which indicates that permission will be permitted provided that they:-
- A. Would not prejudice the character of the surrounding area; and
 - B. Would not prejudice the amenities of the nearby occupiers; and
 - C. Would identify an acceptable level of off-street parking; and
 - D. Would provide adequate amenity space.
 - E. The property is located within the existing urban areas and the boundaries of settlements, as defined on the proposals map.

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

5.3 Character of area

The site is located in the urban area of Patchway adjacent to the busy A38 and part of a mixed neighbourhood comprising residential properties and guest houses/hotels. The change of use of dwellings to non dwelling uses can affect the character of an area but in this case the property was previously run as a guest house and as such there would be no loss of a dwelling resulting from the application. The conversion from guest house to HMO would entail internal alterations only and the external appearance would not change and in this

respect there would not cause harm to the character of the busy urban area nor to the visual amenities of the site, subject to refuse and transport considerations being acceptably dealt with. Refuse arrangements are detailed below.

5.4 Residential Amenity

The application site is positioned in between two residential dwellings. It is acknowledged that the proposed change of use from a guest house to a house in multiple occupation could create changes for these neighbours in terms of the additional 3no. rooms being created. However, on balance it is considered that overall the change of use would not be significantly different from the current use and it is not likely that there would be an adverse impact on the neighbours sufficient to warrant a refusal of the application.

5.5 Transportation

Comments received from a local resident with regard to the potential for increase in parking requirements resulting from the development and the impact the new bus lane would have on existing parking are noted. Currently this site operates as a 8 bedroom guest house with the 'owners' living accommodation on the top floor, this proposal seeks to change that arrangement by changing the existing 'owners' accommodation into an additional 2 bedrooms and part of the dining room converted to another bedroom with the use changing to a HMO with 11no. rooms. No extensions are proposed as part of this proposal. In all other respects the proposal remains essentially the same although it is noticed that the existing garage is to be changed into a refuse store and cycle parking for the residents.

5.6 South Gloucestershire Council does not have any minimum parking standards for HMO's, rather it is acknowledged that they should be assessed on their own merits. In this instance the site is well located to public transport and also within walking/cycling distance of Aztec West, Rolls Royce and Airbus. It is noted that the site has a bus lane in front of the property giving priority to public transport in the vicinity. HMO's are generally considered to have a lower traffic demand when compared with both residential and guest houses, as such the proposed level of parking on site for 5no. vehicles is considered to cater satisfactorily for the proposed change of use particularly given the extant usage of the site. As a consequence there is no transportation objection to this proposal

5.7 Noise

Although the property is adjacent to the busy A38 it is set back from it by approximately 13 metres. Properties in the immediate area are a mixture of residential properties and guest houses, small hotels, some shops and businesses. The proposal would be to convert the internal arrangements to accommodate a further 3no. bedrooms with en-suite facilities. It is recognised that as an existing situation and noted that the windows and doors are double glazed. This arrangement is considered generally acceptable in controlling noise levels and as such there can be no objection to the proposal in these terms.

5.8 Refuse

Refuse facilities for the property would be provided within the integral garage. Currently the garage is used for domestic storage. The applicant proposes that the garage be sub-divided horizontally with the internal section serving as additional laundry facilities while the outer part, accessed by the garage door, would be used to store 8no. bicycles and a number of bins. It is considered that there would be sufficient room to accommodate 2no. x 240 litre wheelie bins (green and black waste collection), 1 x 240 litre biffa bin, 1 x 140 litre black wheelie bin, 4no. x recycling boxes plus room for additional sack space. The arrangement is considered acceptable.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

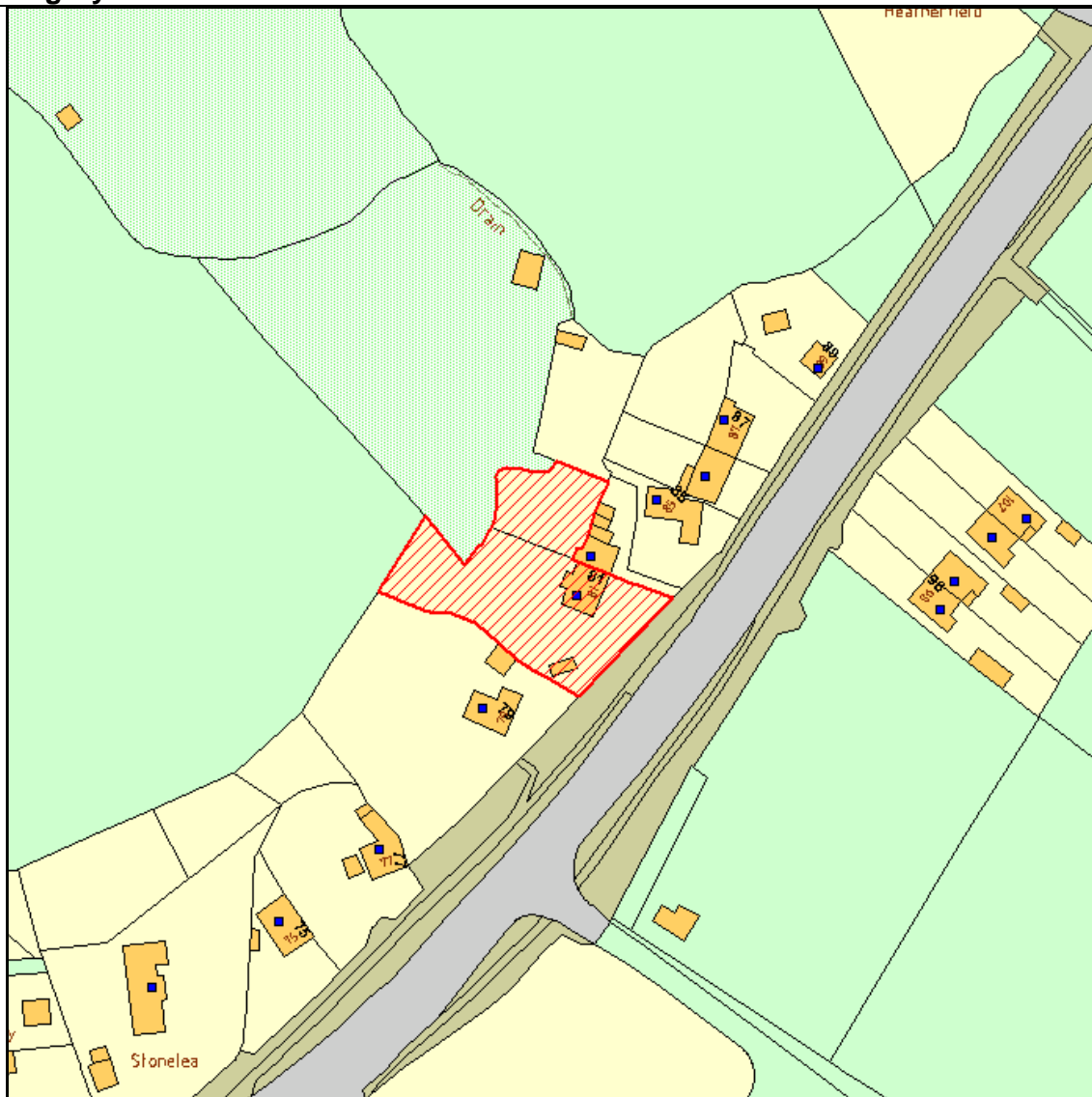
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 45/14 – 07 NOVEMBER 2014

App No.:	PT14/3681/F	Applicant:	Mr And Mrs Hodges
Site:	81 Gloucester Road Rudgeway Bristol South Gloucestershire BS35 3QS	Date Reg:	8th October 2014
Proposal:	Erection of single storey and two storey rear extension to provide additional living accommodation and erection of a terrace to rear elevation.	Parish:	Alveston Parish Council
Map Ref:	363009 187127	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	27th November 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been reported to the circulated schedule because an objection to the proposal has been received which is contrary to the officer's recommendation of approval.

It should be noted that this application has been circulated whilst still within the consultation period. Therefore, if any additional representations are received which raise issues that have not already been addressed in this report then the application will be removed from the schedule and resubmitted at a later date.

1. PROPOSAL AND SITE DESCRIPTION

- 1.1 The applicant seeks full planning permission the erection of a part single storey and part two storey rear extension to provide additional living accommodation including adding a fourth bedroom.
- 1.2 The application site consists of a large semi-detached cottage located on Gloucester Road (A38), in Rudgeway. The site lies outside of any defined settlement boundaries and within the green belt. The dwelling has neighbours to either side and faces onto open countryside to the rear, where the ground slopes downwards.
- 1.3 The semi-detached cottage has a pitched roof and white render exterior and double roman clay tiles. The dwelling has a large residential curtilage, with further land owned to the northwest. There is a driveway expanding the width of the curtilage to the front of the property and a single detached garage in the southern corner of the site. The cottage has a distinctive rural character which enhances the street scene of a busy main road (A38), however is not listed or locally listed.
- 1.4 No.81 is attached to a significantly smaller cottage (No.83) to the north which although is a separate residential unit, appears as an annexe. The private amenity space of No.81 is located to the north of the dwelling and as such, the rear elevation of No.83 faces directly into the rear garden of No.81.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Policy Guidance March 2014 and ongoing
- 2.2 Development Plans
South Gloucestershire Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan (Adopted) January 2006

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

- 2.3 Supplementary Planning Guidance
Design Checklist (Adopted 2007)
Development within the Green Belt SPD (Adopted 2007)
Residential Parking Standards SPD (Adopted 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

This application has not been subject to pre-application advice.

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection

- 4.2 Other Consultees

Sustainable Transport
No objection.

Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
One objection from neighbours at No.83 (the occupiers of the attached property) has been received which can be summarised as follows;
- the proposed rear elevation would adversely affect both light and views from ground floor and first floor windows on adjoining property;
- the neighbouring ground floor window already has restricted light and views which the extension would hamper further; and
- the neighbouring first floor window has an uninterrupted view of open countryside which would be lost.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 allows the principle of extensions within residential curtilages, subject to considerations of visual amenity, residential amenity and highway safety. Furthermore, CS1 of the Core Strategy seeks that the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character, distinctiveness and amenity of both the application site and its context.

5.2 As equally pertinent in the consideration of this application is the principle behind extensions in the green belt. Section 9 of the NPPF affords substantial weight to any harm to the green belt making it clear that Local Authorities should not approve development that is considered inappropriate unless outweighed by special circumstances. Furthermore, policy H4 and South Gloucestershire's Green Belt SPD reflects this, advising that special attention must be taken to ensure that development would not result in a disproportionate appearance, would complement the existing character and would protect the openness of the green belt. This is discussed in detail further into the report, however providing the proposal is acceptable in terms of visual amenity, residential amenity and highway safety and does not cause harm to the green belt, the proposal is considered acceptable.

5.3 Visual Amenity

The application proposes a single storey rear extension with a lean-to roof to the northern side of the rear elevation and a two storey extension with a gable end to the southern side of the rear elevation. The proposal is considered to have been well designed and would not be seen from the highway, retaining the distinctive frontage and rural character. The extensions are subservient and have been designed to respect the character and rural features of the original dwelling, for example, by using side hung casements for the windows, as opposed to imitating the existing wooden sash windows. As such, the extensions would appear clearly as an addition so that the distinct character of the original dwelling can be recognised as so. Furthermore, the proposed extensions are simplistic in their design and would result in a dwelling of three clear components; the original dwelling; the two storey extension; and the single storey rear extension. In my opinion this would enhance the currently irregular form of the rear elevation by resulting in a simple and clear design.

5.4 The proposal also includes the erection of a terrace to the rear elevation, which would extend outwards some 2.2 metres and wrap around the whole rear and part of the side elevation. As the ground slopes downwards to the west much of the rear garden is sloping and there is little flat land. The terrace would therefore provide some flat outdoor amenity space adjoined to the dwelling which is considered acceptable.

5.5 Overall, the proposal is considered to safeguard and enhance the character and appearance of the dwelling and surrounding area and would be supported by local and national policy. As such, the proposal is considered acceptable in terms of visual amenity.

5.6 Green Belt

Paragraph 89 of the NPPF states that extensions should "not result in disproportionate additions over and above the size of the original building". South Gloucestershire's Green Belt SPD reflects this, advising that special attention must be taken to ensure that the proposal would not result in disproportionate appearance, would complement the existing character and protect the openness of the green belt.

Furthermore, the SPD states that any addition resulting in a volume increase of 50% or more of the original dwelling would most likely be considered in excess of a 'limited extension' and as such, would not be viewed as a proportionate addition.

- 5.7 The proposal would result in a volume increase of approximately 35% which is not considered to be unacceptable or disproportionate in the green belt. As previously assessed in terms of visual amenity, the extensions are considered to respect the existing character of the dwelling and its surroundings. Furthermore, given that the extensions are relatively compact, would not be visible from the highway and would be very well screened, the proposal is not considered to harm the openness of the green belt.
- 5.8 Overall, the proposal demonstrates compliance with national policy and the Council's supplementary guidance on green belts and as such, is considered to be appropriate development in the green belt.
- 5.9 Residential amenity
As previously explained, the semi-detached dwelling has a large plot with significant space and two detached garages between No. 81 and the neighbouring dwelling to the south (No. 79). The site is very well screened with trees and hedgerows on all fenestrations and as such, poses no issues of overlooking or overshadowing to No. 79. The dwelling is however attached to No. 83 which as previously explained, has an irregular residential curtilage and so the rear elevation backs immediately onto the rear garden of No. 81.
- 5.10 It should be noted that an objection was received by No. 83 whereby concerns were raised that the extensions would overshadow the neighbouring ground floor and first floor windows. The neighbouring windows however are very small and due to the existing trees and hedgerows together with the utility room on No. 81, they do not receive much natural light as existing. The two storey extension is considered further enough away to not affect the amenity of No.83. Furthermore, the ridge height of the single storey extension would sit below the neighbouring first floor window and so is not considered to result in a loss of light to the first floor bedroom, or to result in a loss of countryside views. Whilst the single storey extension may result in a further loss of daylight to the neighbouring ground floor window, it should be considered that the rear elevation is west facing, the rear garden is very well screened, and the utility room already blocks sunlight from the south. Therefore the extent to which the single storey extension would result in further loss of light is not considered to be materially detrimental.
- 5.11 Sustainable Transport
The proposal would add a fourth bedroom to the dwelling which requires a minimum of two off-street parking spaces, as stated in the Council's SPD. The property has a large driveway with more than adequate off-street parking and as such, the application is supported by local policy and receives no objections.

6. **CONCLUSION**

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

7. **RECOMMENDATION**

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

Contact Officer: Hannah Minett
Tel. No. 01454 862495

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).