

**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. 32/14

Date to Members: 08/08/14

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

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

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

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

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

CIRCULATED SCHEDULE – 8 AUGUST 2014

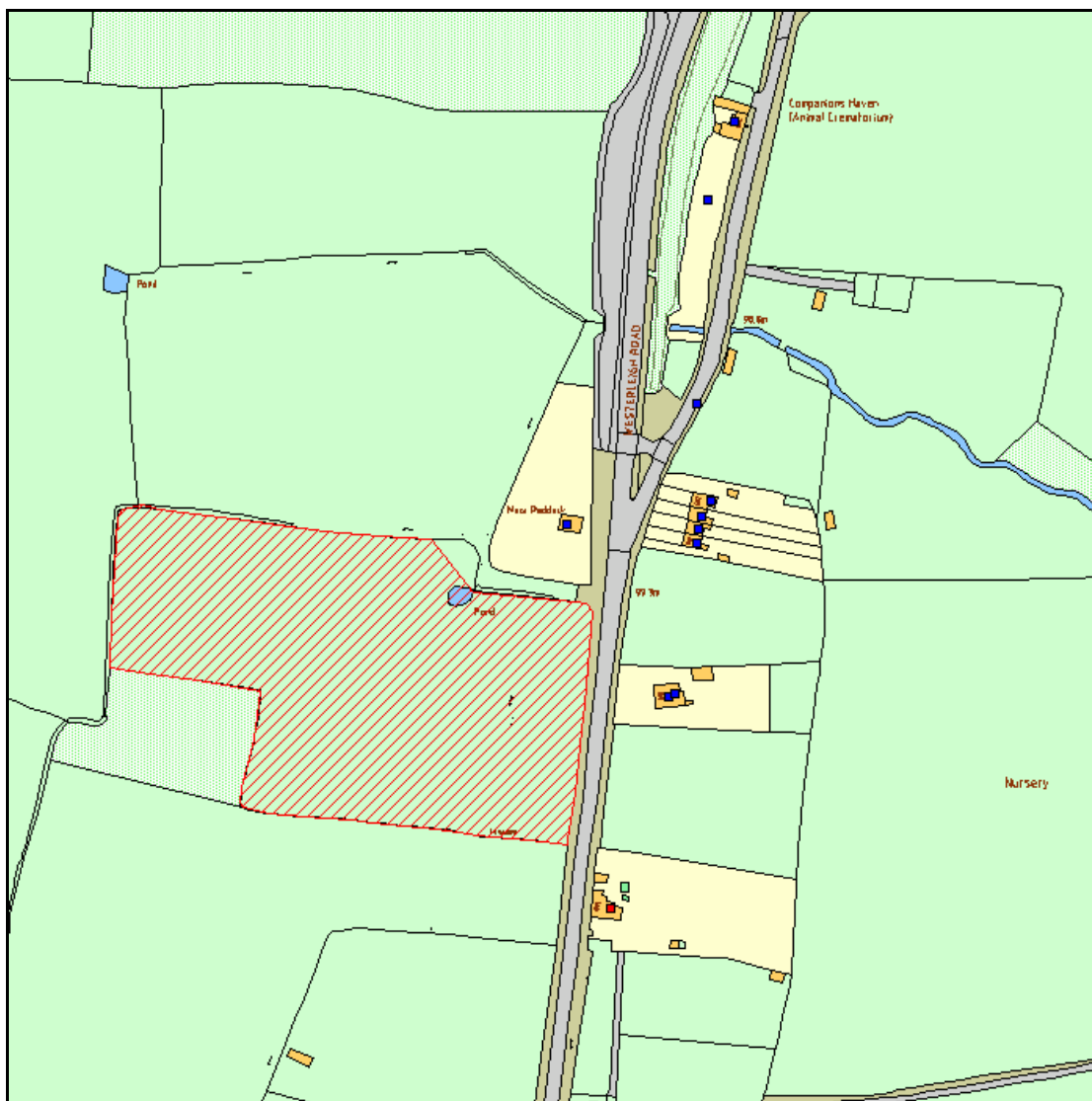
ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/1655/F	Approve with Conditions	Land at Westerleigh Road Pucklechurch South Gloucestershire BS16 9PY	Boyd Valley	Pucklechurch Parish Council
2	PK14/1803/F	Approve with Conditions	The Stables Mousewell Farm Dodington Road Chipping Sodbury South Gloucestershire	Westerleigh	Dodington Parish Council
3	PK14/1889/CLE	Refusal	Old Kemps Plants Site Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Westerleigh	Westerleigh Parish Council
4	PK14/2192/F	Approve with Conditions	Land adj. to 166 Badminton Road Coalpit Heath South Gloucestershire BS36 2SX	Westerleigh	Westerleigh Parish Council
5	PK14/2384/F	Approve with Conditions	33 Bath Road Bitton South Gloucestershire BS30 6HX	Bitton	Bitton Parish Council
6	PK14/2453/ADV	Approve	Tesco Express Westons Way Kingswood South Gloucestershire BS15 9RR	Woodstock	None
7	PK14/2522/F	Approve	56 Ram Hill Coalpit Heath South Gloucestershire BS36 2TX	Westerleigh	Westerleigh Parish Council
8	PK14/2582/CLP	Approve with Conditions	Charnhill Lodge Charnhill Drive Mangotsfield South Gloucestershire BS16 9JR	Rodway	None
9	PK14/2625/RVC	Approve with Conditions	Domino's Pizza Emerson Way Emersons Green South Gloucestershire BS16 7AE	Emersons	Mangotsfield Rural Parish Council
10	PT14/0415/F	Approve with Conditions	Kingmor Swan Lane Winterbourne South Gloucestershire BS36 1RW	Winterbourne	Winterbourne Parish Council
11	PT14/2136/F	Approve with Conditions	19 Lamord Gate Stoke Gifford South Gloucestershire BS34 8UT	Stoke Gifford	Stoke Gifford Parish Council
12	PT14/2312/F	Approve with Conditions	The Surgery Haw Lane Olveston South Gloucestershire BS35 4EG	Severn	Olveston Parish Council
13	PT14/2385/CLP	Approve with Conditions	MOD Abbeywood Station Road Filton South Gloucestershire BS34 8JH	Frenchay And Stoke Park	Stoke Gifford Parish Council
14	PT14/2470/F	Approve with Conditions	34 Blackberry Drive Frampton Cotterell South Gloucestershire BS36 2SN	Frampton Cotterell	Frampton Cotterell Parish Council
15	PT14/2536/F	Approve with Conditions	25 Badgers Close Bradley Stoke South Gloucestershire BS32 0BS	Bradley Stoke North	Bradley Stoke Town Council
16	PT14/2598/NMA	No Objection	15 Florence Park Almondsbury South Gloucestershire BS32 4HE	Almondsbury	Almondsbury Parish Council

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/1655/F	Applicant:	Mr Wayne Ayers
Site:	Land At Westerleigh Road Pucklechurch Bristol South Gloucestershire BS16 9PY	Date Reg:	30th May 2014

Proposal:	Change of use of land from agricultural to land for the keeping of horses and erection of stable block and tack room.	Parish:	Pucklechurch Parish Council
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Map Ref:	370122 177302	Ward:	Boyd Valley
Application Category:	Major	Target Date:	18th August 2014



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 100023410, 2008. **N.T.S.** **PK14/1655/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule owing to comments made by the Parish Council and three neighbours.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a stable block and the change of use of the land from agricultural to the keeping of horses (sui generis).
- 1.2 The application relates to 2.02 hectares of agricultural land situated to the west of Westerleigh Road. The site is situated within the adopted Bath/Bristol Green Belt and within the open countryside. The land is accessed from an existing agricultural gate.
- 1.3 During the course of the application the siting of the stable has been relocated, an access track has been provided, further details have been provided and the materials have been amended.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS8 Improving Accessibility
- CS9 Managing Environment and Heritage
- CS34 Rural Areas

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

- E10 Horse Related Development
- L1 Landscape Protection and Enhancement
- L16 Protecting the Best Agricultural Land
- EP2 Flood Risk and Development
- T12 Transportation DC Policy

- 2.3 Supplementary Planning Guidance
Development in the Green Belt SPD (Adopted) 2007
Landscape Character Assessment (Adopted) 2005

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/0012/CLP Application for a certificate of lawfulness for a proposed change of use of land from agricultural to land for the grazing of five horses. Decision: A certificate was issued for the grazing of three horses.

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection for the following reasons:

1. A certificate of lawfulness was issued for the grazing of a maximum of 3 horses on this field based on its size but 5no stables have been proposed along with a tack room. PPC does not consider this to be a small stable development. PPC is also concerned that the land is not capable of supporting a higher number of animals without increasing the number of vehicle movements related to the delivery of food stuffs, bedding etc.
2. No information has been supplied regarding:
muck heaps
water supply
waste removal
traffic/vehicle movements
lighting
3. The site sits within the green belt and the building appears to have been unnecessarily positioned in the centre of the field and so would not be well screened by pre-existing hedges. This positioning would be detrimental to the preservation of the openness of the greenbelt
4. Highway safety may be compromised - no information has been supplied regarding changes that would be required to improve the visibility of the gateway to ensure highway safety both for riders, drivers, deliveries etc.

Should this application be approved PPC would expect conditions to be applied to the effect that the field should not be sub-divided nor jumps erected in order to preserve the openness of the Green Belt.

No livery business should be operated from the site.

4.2 Highway Drainage

No comment

4.3 Transportation DC

No objection subject to a condition preventing use for livery riding school or other business purposes whatsoever.

4.4 Landscape Architect

No objection subject to amendments from the original submission.

4.5 Environment Agency

No response received

4.6 Avon Wildlife trust

No response received

4.7 Wessex Water

No response received

Other Representations

4.8 Local Residents

3 responses from the consultation process which objection to the proposal.

- Concern at location of stable in centre of the field
- Concern about overgrazing
- Reference to British Horse Society (BHS) recommendations
- No horses have been seen on the field.
- There is no reference to hard-standing or access road for servicing the stables.
- There is no reference to a double gated access to prevent horses escaping onto the highway, nor tree /hedge protection from grazing horses.
- The stables should be as inconspicuous as possible, using shelter beds or trees to reduce impact.
- White is inappropriate colour for eth stables. Dark colours are less intrusive.
- It is not clear how water and power might be provided, nor how the muck heap is dealt with.
- It is not clear if trailers or horse boxes are to be provided on site – how will they be shielded from view?
- Concern about what will follow – something more residential.
- Do we need more stables locally?
- Are these for business or personal use?
- Concern that there has already been weak planning applications locally which allowed the house opposite to be built.
- There is no storage for hay or straw.
- Should the stable be wooden instead.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a stable block and the change of use of the land from agricultural to the keeping of horses. The application relates to 2.02 hectares of land situated within the adopted Bath/Bristol Green Belt and within the open countryside. The National Planning Policy Framework 2012 states that new buildings within the Green Belt should be considered inappropriate development in the green belt with the exception of the categories of development identified within paragraphs 89 and 90. Under paragraph 89 amongst others the following development is considered to be an exception:

'provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'

5.2 The proposal for the erection of a stable block is considered to fall within the above exception and as such the principle of the stable is considered acceptable. Details of location and design, together with any other equine paraphernalia can all affect the openness of the green belt and how the

proposal impacts on the visual amenity of the Green belt and these will be assessed below. Policy E10 of the SGLP permits proposals for horse related development outside the boundaries of settlements subject to criteria relating to environmental effects, residential amenity, highway safety, access to riding ways, horse welfare, and provided no existing suitable buildings are available which are capable of conversion.

5.3 Green Belt

The site is a 2.02Ha piece of open grazing land upon which the Council has recently issued a certificate of lawfulness for grazing of three horses. The application now seeks to use the land for the keeping of horses with the erection of a five stable block and a tack room. The building proposed would be a block built and rendered stable block which would be painted or through coloured brown and have a stone front facing away from the Westerleigh Road and which would have a double roman tiled roof. The building would have a maximum height of 4.5m high and a length of 19.5m long and 6.5m wide. The stable block would accommodate 5no. stables and a tack room. The proposed location of the stables has changes during the course of the application and is now to be sited within three metres of the hedge running along the eastern boundary. An associated hardstanding parking and turning area, together with a narrow apron at the front of the stable is shown to the north of the stable. The rest of the land would be kept open for the grazing of the horses.

- 5.4 It is considered that the scale of the building is appropriately modest, being only for the personal use of the applicant. The siting of it is well screened from the few surrounding houses and from general passing traffic on Westerleigh Road. Some visibility would be gained from the bus stop located close the vehicular access and it is suggested that landscaping could help in this regard and tree planting in particular would further the aims of the Forest of Avon. The scale and siting would preserve the openness of the Green Belt. The use of the land for the keeping of horses would have no material impact on openness provided that no additional fences or structures are erected across the land, and other equine paraphernalia such as horse boxes are not stored at the site. This can be adequately secured by condition.

Accordingly it is considered that the proposal would not conflict with the fundamental aim of the Green Belt policy, which seeks to preserve openness and is acceptable.

5.5 Visual Amenity/ Landscape

The application site consists of 2.02 hectares of open agricultural land situated within the open countryside. The land is distinctly open and rural. The land is reasonably open from the south and west but is well screened from the highway by existing mature vegetation and it is now proposed to site the stable building in that location. There are no public right of ways that cross the land.

- 5.6 It is considered that the proposed use of the land for the keeping of horses would not prejudice the open or the rural character of the land. This is with the provision that no additional field divisions or associated equine paraphernalia are stored on the land. This can adequately be ensured by a condition attached to the decision notice.

The proposal is to keep up to five horses on the land which is above the guidance provided by the British Horse Society for permanent grazing, which indicates that 1-1.5 acres per horse should be allowed. This is a recommendation and the current proposal is not for permanent grazing but for stabled horses. Non the less the site equates to 4.8 acres, having taken off the area shown as access road and as such the site cannot reasonably accommodate five horses under the BHS guidance. No information have been provided about the availability of extra grazing land and as such the application can only be considered as submitted. Whilst the Certificate of lawfulness issued in February 2014 was for three horses this was on the basis that no food or other provisions would be brought onto the land to support the welfare of the horses (permanent grazing). In this instance the horses would not simply be left to graze (permanent grazing) but would be serviced by the applicant at the stable and as such it is considered that the site could reasonably provide outdoor grazing space for up to four horses (thereby allowing 1.2 acres per horse given that 4.8 acres is to be left as open pasture). This accords with the BHS guidance and should prevent the land from being overgrazed or damaged by the horses in the interest of both the landscape and the horses. It is recognised that there are five stables in the proposed block and it is considered that the spare stable can be utilised for eth bedding and feed needs of the site which should prevent the need for outside storage to occur.

5.7 In terms of the building it is considered that it would be largely screened from the adjacent highway due to existing vegetation. It would however be visible from views to the north and south/southwest. There are no other existing buildings within the site that could be utilised. In order to screen the building from these views it is considered necessary for additional planting to be introduced to provide mitigation in views from the wider Green Belt to the south and glimpsed views into the site from the access gateway. A condition will secure the submission of details of this planting alongside an additional five year maintenance schedule. Final details of the tilesm reber colour and stone have not been submitted and as such a materials condition is necessary. Subject to the conditions identified above there are no objections to the proposed development on grounds of landscape character or visual amenity.

5.8 Highway Safety

The proposal is to utilise the existing access which is acceptable for private domestic use. Accordingly use as livery, riding school would need to be controlled by a condition. During the course of the application additional details have been submitted to show a three metre wide track between the gate and the stable block. Despite this it is considered that the turning area shown is likely to be too small for realistically turning a vehicle at only nine metres wide and as such details of the parking and manoeuvring areas need to be conditioned for further approval.

5.9 The site is situated within a rural area and although there no bridleways directly from the site it is considered that it is appropriately located to provide suitable and safe riding.

5.10 Residential Amenity/ Environmental Effects

The site is located within the open countryside and the neighbouring residences are directly north and east of the site. It is considered that the development would not give rise to any material impact on the amenity of the occupiers of these dwellings as there is at least thirty metres between the stable and the closest house. A muck heap at this distance is not likely to cause harm to residential amenity. The agent has advised that the muck is to be loaded onto a trailer and disposed of. This would appear to be an acceptable means of disposal although the storage of vehicles on site is generally considered to be unacceptable paraphernalia in the Green belt and should not be stored on site. Having considered the trailer proposal however with good pasture management in mind, a modest trailer (4m long and 1.2m high) would provide a sensible means of transporting the muck off site on a regular basis without being visible from outside the site. As such the location of a small, low level trailer will be sought by condition. This should be able to be located close to the building and adequately screened from the site access. It is considered that the proposed development, by virtue of the nature of the use, would not give rise to any unacceptable environmental effects.

5.11 Horse Welfare

The size of the site is considered on balance to be adequate to comfortably accommodate four horses. The proposed stables are a minim size of 3m by 3.7m which are sufficient and suitable to ensure the welfare of the horses.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Informatives:
Plans

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to the commencement of development a scheme of landscaping, which shall include a mixed native hedgerow to the southern side of the stable block, a hedge and tree(s) close to the entrance gate, shall be submitted to the Local Planning Authority for approval. Details shall include the size, species and location of the proposed planting. Development shall be carried out in accordance with the agreed details and planting shall take place in the first planting season following the implementation of the development hereby approved.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

4. Prior to the commencement of development a schedule of landscape maintenance for a minimum period of five years shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the method of maintaining a weed free area around the young plants and method of protecting plants from grazing animals including rabbits and horses. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policies L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. Prior to the commencement of development an area for the parking and turning of modest trailer (to be used to store the muck heap) and a car shall be submitted to the Local Planning Authority for approval. The development shall be carried out in accordance with the agreed details before the development is first brought in to use,

with the turning area kept clear at all times for the manoeuvring of vehicles. The hardstanding shall be constructed in a permeable compacted stone surface.

Reason

In the interests of highway safety, and to accord with saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. At no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.

Reason

In the interests of highway safety, and to accord with saved Policies E10 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. The number of horses kept on the site edged in red on the site location plan received 19th May 2014 shall not exceed four.

Reason

In the interests of the welfare of the horses; to prevent overgrazing and poaching of the land in the interests of the character of the landscape and; to accord with saved policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

8. No jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected or stored on the land.

Reason

To preserve the rural character of the land and the openness of the Green Belt to accord with saved policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework

9. At no time shall horse boxes, trailers (other than one with maximum dimensions of four metres long and 1.2 metres high for the storage and transportation of muck), van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To preserve the rural character of the land and the openness of the Green Belt to accord with saved policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework

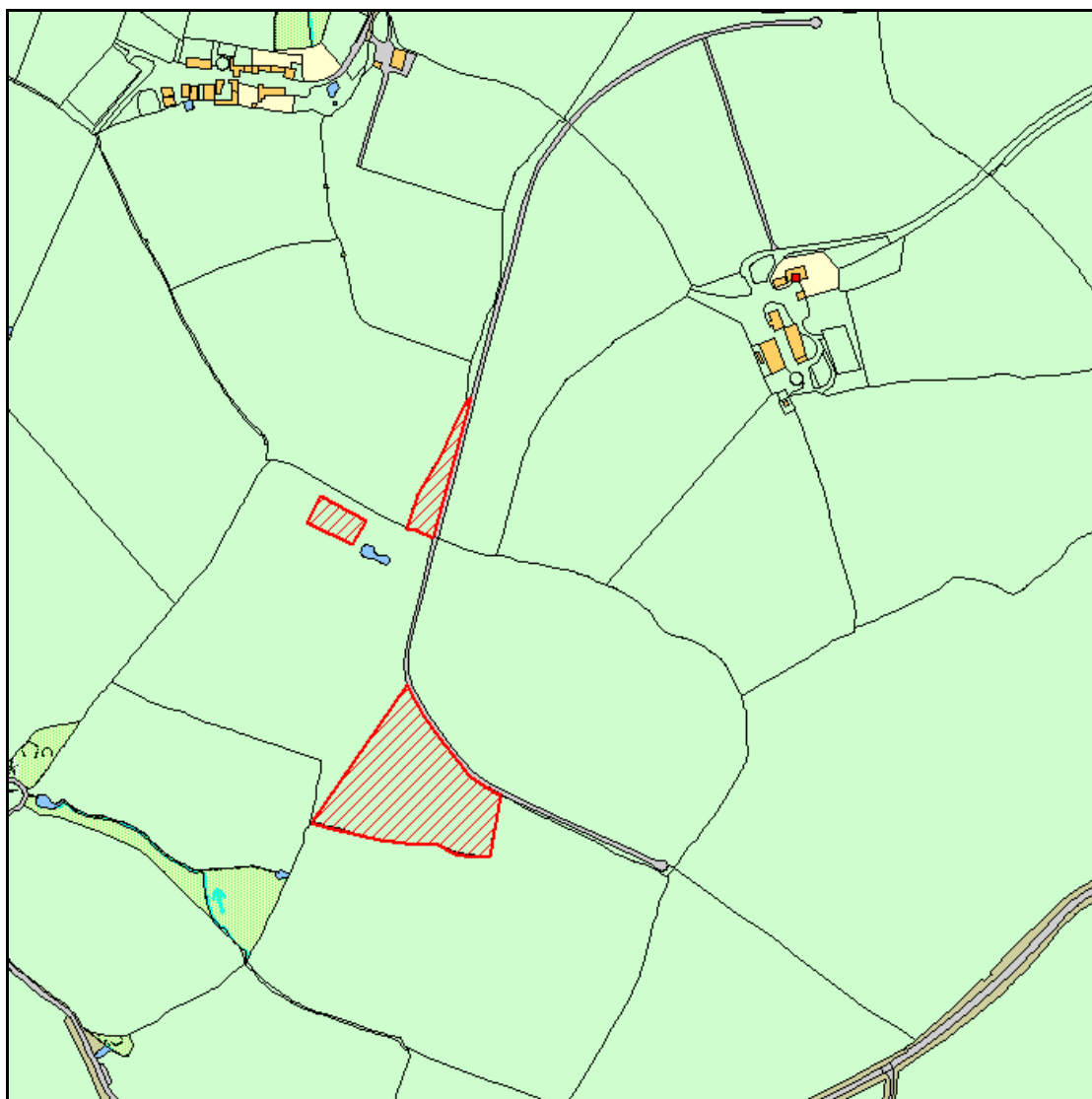
10. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

To preserve the rural character of the land and the openness of the Green Belt to accord with saved policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006, policy CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, the Development in the Green Belt SPD (Adopted) 2007, and the provisions of the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/1803/F	Applicant:	Miss K Moore
Site:	The Stables Mousewell Farm Dodington Road Chipping Sodbury South Gloucestershire BS37 6SA	Date Reg:	23rd May 2014
Proposal:	Change of use of land from agricultural to land for the keeping of horses, also construction of manege with associated works	Parish:	Dodington Parish Council
Map Ref:	372262 180686	Ward:	Westerleigh
Application Category:	Minor	Target Date:	15th July 2014



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 100023410, 2008. **N.T.S.** **PK14/1803/F**

REASONS FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of concerns raised by Doddington Parish Council which are contrary to the officer recommendation.

1. THE PROPOSAL

1.1 The application relates to land located in the open countryside and Green Belt to the south of Yate/Chipping Sodbury. It is proposed to change the use of the land from agricultural to the land for the keeping of horses. The land comprises part of a field (2.75 acres) to the west of Mousewell Farm, enclosed by hedgerows and laid to pasture, plus a smaller sliver of land (0.25 acres) located to the west of the access track into the site. Access is by a track off the main entrance to the farm via Claypit Hill. The land, the subject of this current application, forms part of a larger field which was previously granted consent (PK12/0634/F) for the change of use from agricultural land to the keeping of horses plus the erection of a stable building and associated hard standing. Also now proposed is the construction of a manege or all weather riding arena, to be located just north of the existing stable block.

2. POLICY

2.1 National Guidance

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

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) 6th January 2006

L1 - Landscape Protection and Enhancement
EP2 - Flood Risk and Development
E10 - Horse related development
T12 - Transportation
LC5 - Proposals for Outdoor Sports and Recreation outside Existing Urban Area and Defined Settlement Boundary
LC12 - Recreational Routes

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

CS1 - High Quality Design
CS5 - Location of Development
CS34 - Rural Areas

2.4 Emerging Plan

Draft Policies Sites and Places Plan – June 2014

PSP2 - Landscape
PSP7 - Development in the Green Belt
PSP10 - Development Related Transport Impact Management
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts

2.5 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) – Adopted August 2007
Development in the Green Belt SPD – Adopted June 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/0634/F - Change of use of land from agricultural to land for the keeping of horses. Erection of stables with associated works.
Approved 25 June 2012

4. **CONSULTATION RESPONSES**

4.1 Doddington Parish Council

Doddington Parish Council has reservations regarding the proposed lighting for the site and concerns regarding light pollution in the Green Belt area.

4.2 Other Consultees including internal consultees of the Council.

Highways Structures

No comment

PROW

The proposal for change of use will affect public footpaths LDO 3 and LDO 4 that pass through the site. The manege should not affect the footpaths. No new gates are to be installed across the public right of way without authorisation. Any structure proposed must be in accordance with the least restrictive access principle from BS5709:2006. Standard informatives apply.

Highway Drainage

No objection

The Ramblers Association

No response

Other Representations

4.3 Local Residents/ Land Owners

No responses

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The NPPF has recently superseded various PPS's and PPG's, not least PPS7 – Sustainable Development in the Countryside, and carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the development plan and this includes the Local Plan.

Para 12 states that the NPPF does not change the statutory status of the development plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date development plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

- 5.2 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application.
- 5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted and also forms part of the Development Plan. The Policies Sites and Places DPD is only a draft plan and as such carries little weight.
- 5.4 Policy LC5 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006, states that proposals for outdoor sports and recreation outside the urban area and defined settlement boundaries will be permitted, subject to a number of criteria being met.
- 5.5 Furthermore Policy E10 of the South Gloucestershire Local Plan reinforces the view that *'proposals for horse related development.... will be permitted outside the urban boundaries of settlements'*, subject to the following criteria being met:
- A. Development would not have unacceptable environmental effects; and
 - B. Development would not prejudice the amenities of neighbouring residential occupiers; and
 - C. Adequate provision is made for vehicular access, parking and manoeuvring and would not give rise to traffic conditions to the detriment of highway safety; and
 - D. Safe and convenient access to bridleways and riding ways is available to riders; and
 - E. There are no existing suitable underused buildings available and capable of conversion; and
 - F. The design of buildings, the size of the site and the number of horses to be accommodated has proper regard to the safety and comfort of horses.

The analysis of the proposal in relation to these criteria is considered below.

- 5.6 Impact on the Openness of the Green Belt and Landscape Issues
Paragraph 79 of the NPPF states that the government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

- 5.7 Inappropriate development is by definition harmful to the openness of the Green Belt and should not be approved except in very special circumstances (para. 87). In this case officers consider that openness would be retained as there would be no erection of buildings and the existing field would continue to be used for grazing purposes. Only the manege would alter the appearance of a small part of the site already granted consent for the keeping of horses but not to the extent that openness would be compromised.
- 5.8 The manege would measure 20m x 40m which is standard size and being located immediately to the north of the stable, would not be prominent in the landscape. The manege would be enclosed by a low (1.4m High) post and rail fence and surfaced with synthetic fibre, blended with equestrian silica sand. The manege would be illuminated at night by 5 low level red lights located on top of 3m scaffold poles. Given that appropriate facilities for sport and recreation are not inappropriate in the Green Belt (NPPF para. 89) officers have no objection to these associated structures. The scheme is not therefore considered to be inappropriate development in the Green Belt, furthermore, given its scale and location, the development would not have a significant adverse impact on the landscape in general and as such accords with Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006. The manege would provide an all weather exercise area thus preventing poaching of the fields when wet. The additional grazing land would more than compensate for that lost to the manege.
- 5.9 Ecology
The land has no special ecological designation and is laid to pasture. A biodiversity action plan was previously secured by condition via the earlier consent PK12/0634/F. There are therefore no objections on ecological grounds.
- 5.10 E10: Would the development have unacceptable Environmental Impacts?
The site does not lie in a Flood Zone. Whilst the Parish Council did not specifically object to the proposal they did raise some concerns about possible light pollution. The site does however lie relatively close to the established settlements of Yate and Chipping Sodbury with their associated light overspill so only low powered red lights (12 volt 30 Watt LED) would need to be used to illuminate the manege; furthermore the applicant has confirmed that these lights would not need to be used after 8.00pm. It is therefore considered that this criterion of policy E10 has been satisfied.
- 5.11 E10: Impact on Residential Amenity
Given the remote rural location of the site and the surrounding agricultural use it is considered that using the land for the purpose proposed would make no difference in terms of impact on residential amenity. It is therefore considered that the proposal accords with this criterion of policy E10.
- 5.12 E10: Vehicular access, Parking and Highway Safety
The proposal would not increase the number of horses (5) kept on the site and the use would be for non-commercial uses only. The condition to prevent riding school or livery use of the site is again considered necessary and appropriate

to address any highway safety concerns over intensifying the trip generation to and from the site. The existing parking and access facilities would be utilised. Subject to the above-mentioned controls, this aspect of the proposed development is considered to accord with policy E10.

An informative will be added to address the comments of the PROW officer.

5.13 E10: Access to Bridleways

There are no direct links from the site to bridleways, however the manege itself would provide an exercise area for the horses. It is considered that this situation is satisfactory to accord with this criterion of policy E10.

5.14 E10: Preferred use of other existing buildings on the site

This criterion is not relevant to this proposal.

5.15 Drainage

The site does not lie in a Flood Zone. The manege would be self draining. A culvert lies close by but is only 0.7m deep and is maintained and owned by the neighbouring land owner. As the site lies on the highest point there is very little water in the culvert. Appropriate informatives would be added to any decision notice for consent.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

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

Reason

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

2. At no time shall the manage and the associated land, the subject of this application, be used for livery, riding school or other business purposes whatsoever.

Reason

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

3. Other than those hereby approved, no jumps, fences, gates or other structures for accommodating animals and providing associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area and the openness of the Green Belt, and to accord with Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF and South Gloucestershire - Development in the Green Belt SPD.

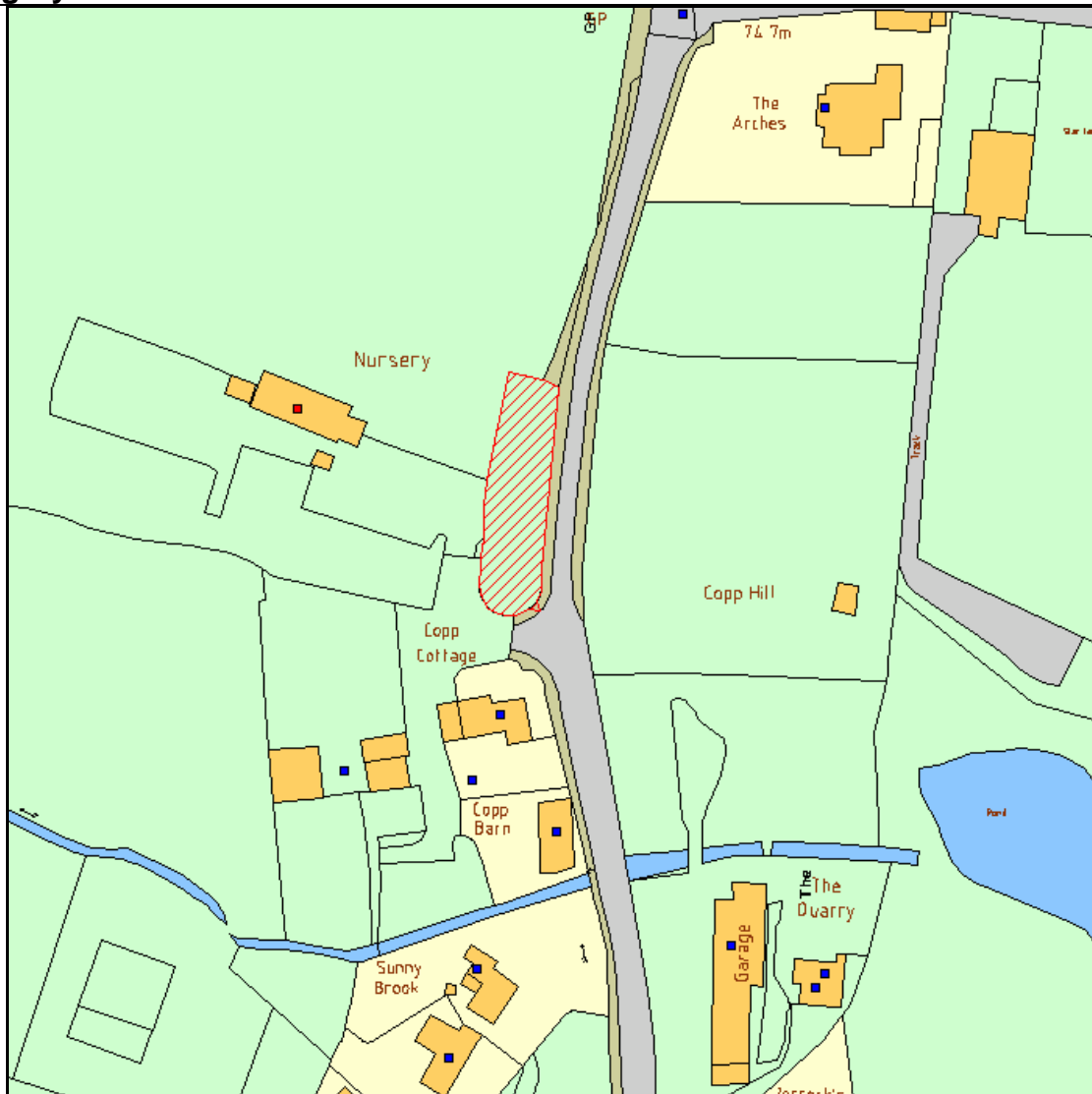
4. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than for the loading and unloading of horses.

Reason

To protect the character and appearance of the area and the openness of the Green Belt, and to accord with Policies E10 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and the requirements of the NPPF and South Gloucestershire - Development in the Green Belt SPD.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/1889/CLE	Applicant:	Miss Teresa Woods
Site:	Old Kemps Plants Site Westerleigh Road Westerleigh South Gloucestershire BS37 8QH	Date Reg:	27th May 2014
Proposal:	Application for a certificate of lawfulness for the existing use of land for the stationing of a residential caravan.	Parish:	Westerleigh Parish Council
Map Ref:	369886 180134	Ward:	Westerleigh
Application Category:	Minor	Target Date:	10th July 2014



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application is for a Certificate of Lawfulness for the existing use of the land edged in red for the stationing of a residential caravan. The application therefore seeks to demonstrate that the land has been in residential use for a period in excess of 10 years prior to the date of the submission.
- 1.2 The application site comprises part of a former nursery (horticultural) accessed from Westerleigh Road.
- 1.3 During the course of the application the applicant has been allowed additional time (six weeks) in which to submit further evidence in support of the application. Further information was received 30th July 2014 as outlined in paragraph 4 of this report.

2. POLICY CONTEXT

2.1 National Guidance

- I. Town and Country Planning Act 1990
- II. Town and Country Planning (Development Management Procedure) Order 2010
- III. Town and Country Planning (General Procedures) Order 1995
- IV. National Planning Practice Guidance 2014

3. RELEVANT PLANNING HISTORY

- 3.1 None of the history associated with the site is directly relevant to this application for a certificate of lawful development.

4. SUMMARY OF EVIDENCE SUBMITTED IN SUPPORT OF APPLICATION

- 4.1 The following evidence has been submitted by the applicant in support of this application:
 - Letter from Northavon District Council dated 8th March 1996
 - Letter from Wendy Hill dated 28th July 2014
 - Receipt for 1x1990 Willerby Bermuda 35x12-2Bed – dated 13th December 2003.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None submitted

6. CONSULTATION RESPONSES

6.1 Westerleigh Parish Council
No comments

6.2 Transport Officer
No comment

Other Representations

6.3 Local Residents
None received.

7. EVALUATION

7.1 This application for a Certificate of Lawfulness is purely an evidential test irrespective of planning merit. The only issues which are relevant to the determination of an application for a Certificate of Lawfulness are whether, in this case, the use described has or has not been actively in use on site for a consistent period of not less than ten years and whether or not the use is in contravention of any Enforcement Notice which is in force.

7.2 The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probabilities”. Guidance contained within the National Planning Practice Guidance 2014 states:

‘the applicant is responsible for providing sufficient information to support an application...’

‘If a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.’

7.3 Assessment of Evidence

The applicant is seeking to prove that the land outlined red in the application submission has been in use for the stationing of a residential caravan for a continuous period for or in excess of ten years. In this instance the claim of the applicant is that the land has been in the specified use since March 1996, though some of the supporting evidence states that the caravan has been in place since January 2006. The evidence submitted is considered in detail below:

7.4 The applicant has submitted in support of the application a letter from Northavon District Council dated 8th March 1996. The subject of this letter relates to a potential enforcement notice in respect of *‘building operations comprising erection of polytunnels and use of land for stationing of residential caravan on OS parcel number 8718, Westerleigh Road, Westerleigh’*.

- 7.5 In consideration of the evidence provided it is acknowledged that at the time of the letter (March 1996) on the balance of probability a residential caravan was present somewhere within OS parcel number 8718 and had been connected to mains electricity and to a water supply. Whilst the evidence suggests that a caravan was once in situ on the site there is no evidence to suggest that the use of the land has been actively in use a consistent period of not less than ten years. In the absence of any further enforcement action or correspondence following on from this letter it cannot be confirmed that the caravan in question was not subsequently removed from the land.
- 7.6 During the course of the application additional evidence has been submitted by the applicant consisting of a letter from Ms Wendy Hill dated 28th July 2014, and a receipt for 1x1990 Willerby Bermuda 35x12-2Bed – dated 13th December 2003.
- 7.7 In terms of the additional evidence submitted the receipt provided is evidence that Ms Hill purchased a caravan on 13th December 2003. It does not however provide evidence for where the caravan was sited, nor does it relate in any way to the application site. The receipt alone therefore does not clearly or unambiguously justify the granting of a certificate.
- 7.8 The certificate therefore relies on the letter from Ms Wendy Hill, which is dated 28th July 2014. The letter is unsworn but signed by Wendy Hill. It states the following:
- 'I am writing to confirm I sited the caravan in January 2004. It has been used as a residential unit since this time'.*
- 7.9 Whilst Ms Hill has clearly purchased a caravan as per the receipt, the letter does not confirm that it was sited in the land edged in red and no evidence has been provided to suggest who has lived in the caravan for the time period given. The letter is therefore not considered to be precise or unambiguous. Despite additional time being given to the applicant no other evidence been submitted to support Ms Hill's statement and as such this statement, which is not sworn, cannot be substantiated.
- 7.10 The guidance contained within the NPPG 2014 states that if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application. This is however with the provision that the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.11 The Local Planning Authority is not in receipt of any evidence which is contrary to the applicant's claim. However, on consideration of the evidence provided by the applicant it is considered that the evidence submitted alone does not precisely, clearly or unambiguously demonstrate that the use of the land has been active for a period of at least 10 years. On the balance of probability, it is concluded that the evidence does not prove that use of the land for the stationing of a residential caravan is lawful.

8. CONCLUSION

8.1 Insufficient evidence has been submitted to precisely, clearly or unambiguously demonstrate that, on the balance of probability, the use of the land for the stationing of 1no. residential caravan has been active for a period of 10 years or more.

9. RECOMMENDATION

9.1 That the Certificate of Lawfulness is REFUSED.

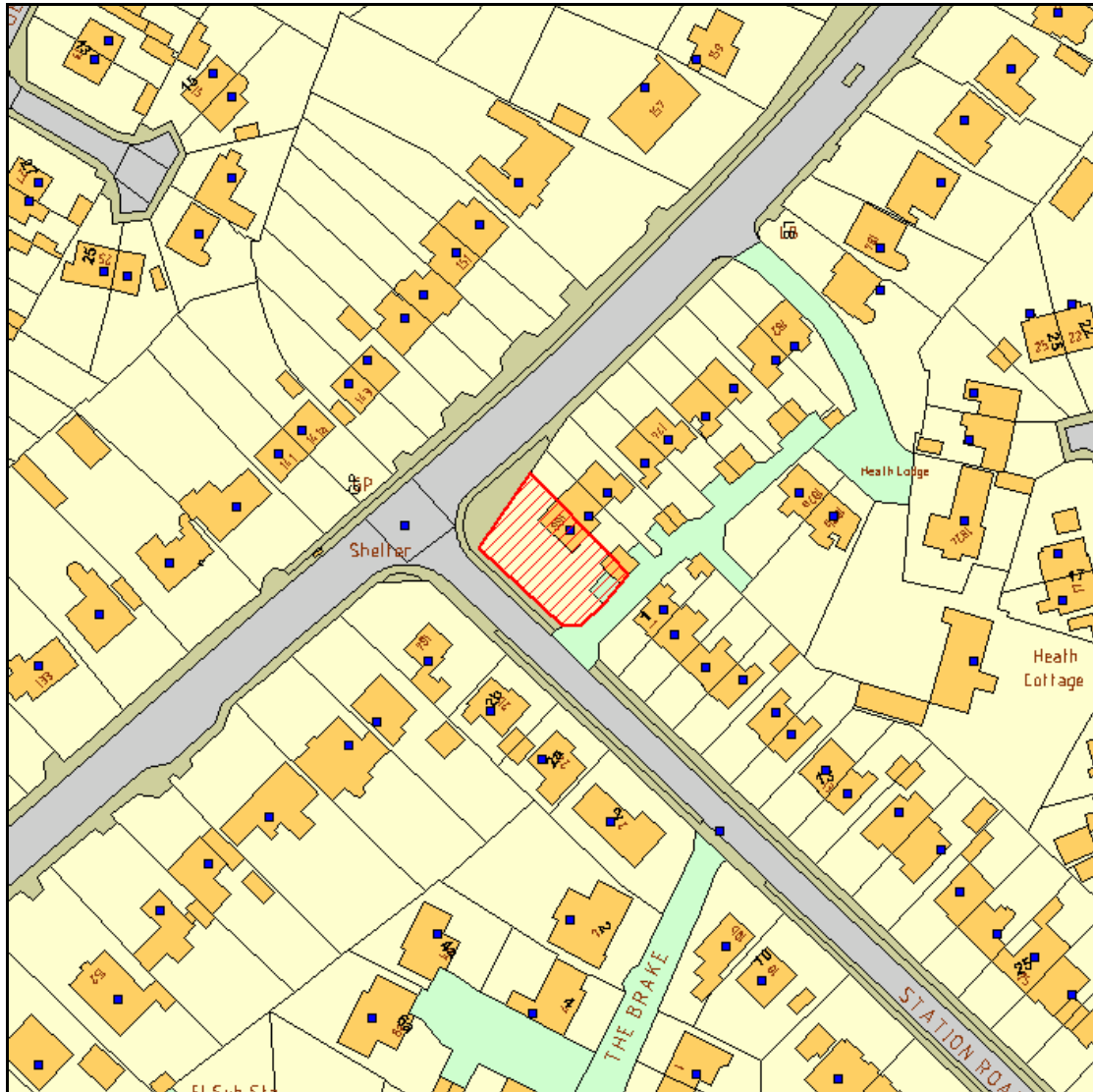
Contact Officer: Sarah Fordham
Tel. No. 01454 865207

REASONS FOR REFUSAL

1. Insufficient evidence has been submitted to precisely, clearly or unambiguously demonstrate that, on the balance of probability, the use of the land for the stationing of 1no. residential caravan has been active for a period of 10 years or more.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/2192/F	Applicant:	Mr Ken Smith
Site:	Land Adj To 166 Badminton Road Coalpit Heath South Gloucestershire BS36 2SX	Date Reg:	
Proposal:	Erection of 1no. detached dwelling with associated works.	Parish:	Westerleigh Parish Council
Map Ref:	367232 180488	Ward:	Westerleigh
Application Category:	Minor	Target Date:	14th August 2014



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INTRODUCTION

This application is referred to the Circulated Schedule in accordance with procedure given that objections have been received that are contrary to the officer's recommendation

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single two-storey, three bed dwelling in the side garden area of No.166 Badminton Road. To facilitate the development a section of wall to the rear will be removed and two parking spaces will be provided. Parking provision is retained for No.166. A close boarded fence will form the boundary between the new property and the existing house.
- 1.2 The application site is situated within the urban boundary at the junction of Badminton Road and Station Road.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework (March 2012)

National Planning Policy Framework Technical Guidance (2012)

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H4 Development within Existing Residential Curtilages

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS17 Housing Diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Residential Parking Standards SPD

3. RELEVANT PLANNING HISTORY

- 3.1 PK10/2376/O Erection of 1 no. dwelling (outline with access determined)
Refused due the design of the proposal, its position and the impact upon the visual amenity of the area

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

No Objection

4.2 Other Consultees

Highway Structures

No Objection

Environmental Protection

No Objection subject to hours of construction condition

Coal Authority

The applicant has submitted information, in the form of a letter from The Coal Board dated 10 November 1989 and an 1882 edition map, suggesting that the mine entry (ref. 367180-008) on The Coal Authority's records is a well feature. The Coal Authority have re-visited the source data in light of the Coal Board letter and agree that the recorded mine entry is likely to be a well; any updates to our records will be investigated and completed by our Mining Information department.

The Coal Authority is satisfied that no further consideration of coal mining legacy issues is required for this planning application.

Highway Officer

No Objection

The current proposal remains the same as the application in 2010 which though refused was acceptable on highway grounds, The proposal has an acceptable access and parking provision on site

Tree Officer

Initial concerns were raised however following a visit to the site revised comments from the tree officer have been received stating

Due to the negligible amenity value of the retained cypress trees I am happy to forgo the need for a full tree survey. This can be covered by the following condition:

"Prior to commencement of development tree protection as detailed in BS5837:2012 *Trees in relation to design, demolition and construction – Recommendations* be installed around all retained trees that could be affected by the development"

Other Representations

4.3 Summary of Local Residents Comments

4 no, letters of objection have been received. The grounds of objection can be summarised as follows

- Access would be difficult given that cars park opposite any extra access
- Concern regarding where construction vehicles would park
- Concern as to how visitor parking would be accommodated

- An access at the junction would be hazardous
- There are parking problems in Station Road which should be considered

One letter has been received requesting that construction hours are restricted in the interests of residential amenity.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

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

5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling. It is noted that paragraph 64 of The National Planning Policy Framework advises that '*Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*'. Policy T12 alongside H4 considers the highway implications.

5.3 Design/ Visual Amenity

The proposed new dwelling is to be erected in the side garden of No.166 Badminton Road. The two storey dwelling follows the building line of properties along Badminton Road. The property is two storey but its height is marginally lower than the adjoining terrace. It is considered that this is appropriate given that it is a detached property. The design and appearance is appropriate to the area. All materials are to match those of the original property No.166 and in this respect the dwelling would integrate into the streetscene. It is not considered that building in the side garden will detract from visual amenity as the site is large enough to accommodate the development while retaining amenity space for both proposed and existing property. It should be noted that the attractive hedge around the boundary of the property is to be retained.

The form, scale, materials and detailing are considered acceptable and in this respect the proposal meets the aims and objectives of Policy H4 and CS1.

5.4 Residential Amenity

Policy H4 indicates that development is acceptable subject to whether it is acceptable in terms of the impact upon the residential amenity of neighbouring occupiers. Residential amenity is assessed against whether the proposal would affect the outlook of the neighbour, appearing oppressive or overbearing or whether the proposal would result in loss of privacy through overlooking. Furthermore Policy CS1 of the Local Plan Core Strategy considers whether the development affords future occupiers sufficient amenity space for their needs.

With respect to the original property although there is one window at first floor level in the south west elevation (end elevation), this is not a main window. Two small ground floor windows would sit below the fence level between the properties but again these are not main windows. The new property also sits marginally beyond the rear elevation of No166 but not such as it would appear oppressive or overbearing. This relationship is considered acceptable both in terms of impact upon outlook and privacy

With respect to the impact upon No.1 Station Road, the new dwelling would be sited approximately 20 metres from the nearest part of that dwelling. Given this relationship it is not considered that the proposal would result in loss of outlook or result in significant overlooking.

Having regard to the amenity of future occupiers, the proposed development will provide a reasonable level of private amenity space (and retain such space for the original property).

It is considered that the proposed development is acceptable in these terms.

A condition will be attached to the decision notice to limit construction hour working times in order to protect the residential amenity of neighbouring occupiers.

5.5 Trees

A large hedge around the boundary of the site is to be retained. Some small trees have already been removed and one cypress is to be removed. The submitted plans do show a tree retained at the front corner.

The tree officer considers that this cypress has little amenity value albeit it is a feature and for this reason a condition is recommended to secure tree protection measures for all retained trees. Subject to this condition the proposal is considered acceptable in these terms.

5.6 Highway Safety

Concern has been raised that the proposal will exacerbate existing traffic and parking problems that exist both within the rear lane and Station Road.

While concerns are noted regarding the existing situation the matter for consideration is whether the development itself will have an adverse impact. Policy T12 is quite clear:

When considering proposals for new development new development should make adequate, safe, and appropriate provision for the transportation demands which it will create

The plans show the provision of two parking spaces for the proposed property which accords with the Council's parking standards. Access for these spaces is onto a private lane. Some concern has been raised that people park in the lane and that might have an impact upon the access. This is a matter that would be between the parties involved as the lane is private. The plans show that vehicles can move into and out of the site. A condition is recommended to ensure that these spaces are in place prior the first occupation. The existing house also shows one parking space and there is clearly the opportunity to provide additional space. A condition is recommended to require full details for two parking spaces for this property and that these be in place prior to the first occupation. Parking is unrestricted on a large part of Station Road as well

Concern is raised that the development will have an impact upon Station Road and it is mentioned that "Keep Clear" signs are ignored close to the junction. Given that the site caters for its own parking to the standard required by the Council it is not considered that any existing traffic issue away from the site can determine the outcome of the application. A single three bed house is not a significant generator of traffic

Concern is raised regarding construction traffic. It is considered that it would be excessive to have a construction management plan for the erection of a single house however an informative will be attached to the decision to remind the applicant to have regard to this matter.

In summary subject to the two conditions recommended the proposed development is considered to be acceptable in these terms.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning Permission is approved subject to the conditions on the decision notice.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

2. 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 and the South Gloucestershire Residential Parking Standards December 2013.

3. Prior to the commencement of development details show 2 no, parking spaces to the rear of No.166 Badminton Road shall be submitted to and approved in writing by the Local Planning Authority. The parking spaces shall be provided in accordance with the approved details and shall be retained as such thereafter.

Reason

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

4. The hours of working on site during the period of construction shall be restricted to 0730 hours to 1800 hours Monday to Friday and 0800 to 1300 hours Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

5. Prior to commencement of development tree protection as detailed in BS5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be installed around all retained trees that could be affected by the development.

Reason

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

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/2384/F	Applicant:	Mr Victor Selman
Site:	33 Bath Road Bitton Bristol South Gloucestershire BS30 6HX	Date Reg:	7th July 2014
Proposal:	Change of use from agricultural land to a touring caravan and camping site (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of associated amenity building.	Parish:	Bitton Parish Council
Map Ref:	367538 169992	Ward:	Bitton
Application Category:	Minor	Target Date:	15th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from the local Parish Council and from 7no. neighbours contrary to the Officer recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the change of use from agricultural land to a touring caravan and camping site (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) and the erection of an associated amenity building. The application site relates to a field adjacent to Knights Folly Farm in Bitton. The site is outside any settlement boundary, in open countryside and also within the Bristol/Bath Green Belt.
- 1.2 The application site currently holds a certificate from the Caravan and Camping Club which permits them to have up to 5no. caravans plus 10 no. tents on the site without the need for planning permission. This application is to increase the number of pitches from 15no. at present to a total of 20.no which could be any combination of touring caravans and tents. The site is used by registered members of the Caravan and Camping Club and has been operated on the site for 3no. years. To facilitate the development a new amenity block is proposed and this would replace an existing agricultural building and an existing fence would also be replaced by a new rail and post fence of approximately 1.2 metres in height to mark the northern boundary of the site.
- 1.3 The site is within the Green Belt and the application is for a change of use of land from agricultural field to that of a sui generis class use for touring caravans and tents. The site is immediately adjacent to the busy A431 Bath Road. Although it is within the Green Belt two very large businesses operate in the immediate vicinity namely Bitton Sports and Social Club on the opposite side of the road and Fonthill Garden Centre. The application site lies to the east of both of these enterprises and a single residential unit is in between the application site and the garden centre.

2. POLICY CONTEXT

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

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS7 Strategic Transport Infrastructure
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS23 Community Infrastructure and cultural activity
- CS24 Green Infrastructure, Sport and Recreation Standards

CS34 Rural Areas

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

- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L16 Protecting the Best Agricultural Land
- T7 Cycle Parking
- T8 Parking Standards
- T12 Transportation Development Control Policy For New Development
- E8 Farm diversification
- E11 Tourism
- LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
- LC12 Recreational Routes

2.3 Supplementary Planning Guidance

South Gloucestershire SDP: Design (Adopted) 2006

South Gloucestershire SPD: Development in Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------------------|---|
| 3.1 | K2337/3
Approved | Erection of replacement milking parlour
8.6.92 |
| 3.2 | P97/4566
Approved | Conversion of redundant farm building to dwelling
3.3.98 |
| 3.3 | P98/4228/PA
Approved | Prior Notification of modification to access
5.5.98 |
| 3.4 | P98/4721
Approved | Alteration to vehicular access
30.11.98 |

4. CONSULTATION RESPONSES

4.1 Bitton Parish Council

Councillors noted that the site lies in the Green Belt and that the appropriate policies should be applied on that basis. They were concerned that further development of this site which lies adjacent to residential properties could cause noise disturbance and nuisance to neighbours and so object to the proposals.

4.2 Other Consultees

Sustainable Transport

No objection subject to conditions re: details of waiting bay inside site boundary; entrance gate being set back from edge of highway; access into site be surfaced with permeable bound material

Highway Structures

No comment

Landscape architect

No objection subject to conditions attached to the decision notice regarding a management plan

Ecologist

No objection subject to conditions attached to the decision notice regarding a management plan and an informative

Highway Drainage

No objection subject to conditions attached to the decision notice regarding SUDS

Other Representations

4.3 Local Residents

Both letters of support and objection have been received by the Council.

11no. letters of support have been received and the points made are summarised as:

- The venture will help the local economy and in particular my business
- A small caravan and camp site is ideal for the local area. With easy access to the beautiful cities of Bristol and Bath the start of the Cotswold Way close by it would bring in a much needed boost financially to the local businesses
- Being the manager of a local bar we have been suffering badly financially this year due to road closure – more people to the area is a big plus to me and my business
- Elderly family members have stayed at the site and frequented local businesses. Although the site has families staying at same time it was nevertheless quiet especially at night. I was impressed by the low visual impact of the site facilities, they blend in well with the general farm environment and the site is clean and tidy
- Site has received nominations to the Camping and Caravan Club website by satisfied customers
- Low key development.
- The number of caravans is only increasing by 5. All campsite users are members of the Caravan Club – not an organisation generally associated with late nights and rowdy behaviour
- I pass the site twice daily the site is popular but very low key. At no time have I witnessed any traffic incidents or issues.
- The camp site is also closed during the winter months when we receive the highest rainfall
- I have read the online reviews which are excellent
- The amenity building would comply with current planning guidelines and be subject to limitations re appearance, construction and environmental planning
- The owners live on the premises

- The development is a sustainable low impact tourism venture ideally suited to the location and in-keeping with Rural Development policies and best practice.
- Would bring a wide range of socio-economic benefits to the surrounding area having ideal networks to public transport, cycling and walking. Exactly the type of enterprise that should be supported, particularly in light of the road closure to Kelston which has affected every local business
- Expansion of the campsite can only benefit the local economy providing potential jobs and revenue for other businesses apart from the applicants
- Camping is the perfect business in this setting
- I regularly use the site which is very quiet during the day as guests are out sightseeing. The only noise is at night on the road outside from locals leaving the Social Club opposite
- The site is surrounded by hedges and wall meaning that no properties are overlooked. The nearest property visible from the site is the property next door and it is only the upper windows that are visible from the top of the site and is approx. 100 yards away
- When I visit I use the local village shop and also the café in the garden centre and Avon Valley Railway as well as local pubs. Every time I visit I spend at least £100 on fuel at the local petrol station.
- The site can now arrange bicycle hire with a local company again helping a local business
- At times I have not been able to book into Knights Folly as it has been full and with the closure of the Baltic Wharf site in Bristol later this year there is a desperate need for more touring pitches in the area
- As another local business in the area (Bitton Railway Station) we often get customers asking for places to stay nearby
- The applicant has been very open to incorporating trees/foliage into the site

7no. letters of objection have been received and the points made are summarised as:

- The development will overlook my property and encroach on my privacy and quality of life which will undoubtedly lead to devaluing my property
- Prospect of looking out onto caravans is deeply upsetting
- My hedge to eastern boundary is well cut and managed while hedge on west side has been allowed to grow artificially high to mask true impact of the development
- I will be overlooked in my kitchen and garden and in my orchard
- Concerned about level of noise from this large site which will encroach into the evenings
- How will the site be lit and what impact will this have on me and the environment?
- Access could be a problem: during the long football season at weekends and evenings and also with summer events cars can be parked on both sides of the road down from the football club making access for vehicles difficult and caravans coming and going will make matters worse. Police were called last year to issue warnings and tickets to motorists parking on the pavement on both sides of the road
- Drainage. During wet periods water runs off the site entrance onto the pavement. This freezes in the winter. Although the applicant has laid down a small drainage system this has yet to be tested in a wet period

- Where is new north boundary fence of the development? The pond halfway up the field on the west boundary has not been included in the drawings. It may be dry now but used to support newts and frogspawn
- Proposed new build shower block, not a replacement or renovation of an existing structure. The building will be well lit at night and would be visible from my bedroom window as well as the on-site caravans and campers
- Would have a visual and detrimental effect on the countryside, wildlife and entrance to village and would outweigh suggestion of 'economic growth' to the region
- NPPF says development in the Green Belt is inappropriate and harmful and should not be approved except in very special circumstances
- Visitors' stay to the site would be on a temporary basis but infrastructure and amenity building would be permanent development with a permanent impact.
- Though the site has been partially used for touring caravans and camping accommodation the proposal will see a four-fold increase on capacity to 20 pitches with significant implications for the openness of the site and surrounding area
- The proposal will conflict with NPPF objective to safeguard countryside from encroachment and will change the character of the site from an agricultural field to a site populated by caravans, tents, cars and other paraphernalia. It would prove exceptionally difficult to restrict incremental increases to the intensity
- The site has an elevated position from the road, increasing its prominence and visibility and will have an impact on our residential and visual amenity – noise will be unfiltered by any screening or noise containment
- Proposal does not reconcile with objective to check unrestricted sprawl
- High degree of inter-visibility
- Applicant has not had support from neighbours when setting up 5 pitch caravan business and often has a greater number than 5 on his property overnight
- We have experienced visitors driving into our property in search of the entrance to the camp – we have children and are concerned increasing numbers may increase this nuisance and invade our privacy to the rear of our property.
- There seems to be no provision for parking of in excess of 20 cars on the proposed site
- Any form of hard landscaping in this field is likely to increase the run off and worsen flooding into the main road
- The proposal should not be considered as a 'recreational facility' in the Green Belt but as a tourist or temporary accommodation should be regarded as being closer to the 'C' use classes as opposed to recreation which is 'D' class use.
- Applicant has not demonstrated very special circumstances
- National planning policy position on caravan pitches and amenity buildings for Gypsy and Traveller accommodation states travellers sites in the Green Belt are inappropriate development and this proposal is substantially similar in character and use
- We have lived next door for 14 years & last year, the drains all backed up for the 1st time. I hope that sufficient work has been done to ensure that we

can still flush our toilets. This increase in effluent did not suddenly occur from our home

- The site is in the heart of the conservation area. Many of us were against the original 5 caravans but were unaware of the original planning application to make our opinions known. We accepted the 5 which are fairly discreetly housed behind a hedge.
- The applicant does not live on the site and is simply running it as a business
- Where will the expansion stop?
- The caravan site would not benefit the community and neighbours consider it a blight on their homes
- The proposal would increase the size of the site by four times turning it into a commercial camping and caravanning site. As neighbours, because of its size we hardly notice the current site and there have never been issues with noise or other nuisance but increasing the size will put this in jeopardy
- Current site has no negative visual impact but the increase in size may change this and there is no provision for landscaping to maintain the current visual appeal of the area
- Current sewerage and drainage is clearly insufficient. The A431 outside our homes floods during every rainstorm and this has been reported to the Council with no action and no response. Increasing the size of the site will make a terrible situation worse

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is for the change of use from agricultural land to a touring caravan and camping site (sui generis) and the erection of an amenity building. The application is therefore to be assessed against the above listed policies and all material considerations. The application site lies in the Green Belt, outside of the defined settlement boundary and in the open countryside. National planning policy advises of the limited categories of development that may be considered acceptable in the Green Belt. Policy LC5 of the adopted local plan sets out the Council's criteria for assessing the development of facilities for outdoor sports and recreation outside of settlement boundaries and Policy E11 encourages tourism in response to market demand. Policy CS1 is also important in detailing that new development will be required to demonstrate a high standard of design. Finally, Policy T12 seeks to ensure that new development will not have any adverse transportation effects.

- 5.2 The most recent national planning policy regarding Green Belt is considered under the NPPF (2012). As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

5.3 Green Belt policies

National Planning Policy Framework (2012) clearly states that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The Green Belt serves five purposes:

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

5.4 The application proposes the change of use of land from agricultural use to a caravan/camping site and the erection of a building to support that change of use. The provision of appropriate facilities for outdoor recreation (as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it) is listed as being one of the exceptions in the NPPF. However, it should be highlighted that the change of use of land is NOT one of exceptions or other forms of development that are considered to be appropriate development in the Green Belt.

5.5 This is supported by the recent judgement of Justice Green in *Timmins/Lymn v Gedling Borough Council* (March 2014). The judgement states that any development in the Green Belt is inappropriate and can only be justified by “very special circumstances” except for the defined circumstances set out in paras 89 and 90 of NPPF. However, it must be noted that para 89 begins by talking of *the construction of new buildings* and the listed exceptions refer to new building in relation to these exceptions but makes no reference to the change of use of land. As such a new building for appropriate facilities for outdoor sport, outdoor recreation and cemeteries (as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it) would be not be inappropriate, but the change of use from, for example, in this case agricultural land to that for caravans and camping, would be inappropriate. Para 90 of the NPPF exempts certain other forms of development.

5.6 The proposal should however, be assessed in its entirety i.e. both the change of use and the new building. Given that the above has set out that the proposal constitutes inappropriate development in the Green Belt, the proposal must be justified by very special circumstances.

5.7 The applicant has submitted the following very special circumstances to justify the granting of planning permission for the proposal as:

- a. The use proposed will have no harmful impact on the openness of the Green Belt (as already confirmed by the Council in its letter of 6 th

February 2014). A further material point on this aspect is that the limit of the use is not on a permanent annual basis. It will only be from 1 st March until 31st October.

- b. The use proposed (already defined by the Council in its letter of 6 th February as being open recreation) is wholly compliant with the range of uses set out in paragraph 81 of the NPPF that the Government encourages Local Planning Authorities to “plan positively” for.
- c. There are no prohibitive factors associated with the proposal (in respect of transportation, visual impact or residential amenity). In respect of visual amenity it is material to note that the site is in an urban fringe location extremely close to the urban edge of Bristol. In the immediate vicinity of the site are a range of buildings / structures associated with Knights Folly Farm, an adjacent Garden Centre and the Bitton Sports Club
- d. The use proposed will meet an identified need. Such camping / caravan tourist facilities are a key part of the local rural economy. Recently the Newton Mill Park site in Bath ceased providing such facilities (176 pitches) and in the near future the Baltic Wharf site (65 pitches) in Bristol will close. The current facility at Knights Folly Campsite has been operating very successfully for some three years and the modest enhancement of the facilities as proposed will help to meet the demand that has and will be generated by the loss of the facilities at Newton Mill Park and Baltic Wharf
- e. The scheme will represent farm diversification at Knights Folly Farm, which will be to the economic well-being of the farm, will assist this rural enterprise and create a sustainable tourism facility. This is fully in compliance with the Government’s objectives for the rural economy as set out in Section 3 of the NPPF
- f. The site is currently an integral part of local tourism facilities in the locality, in particular providing visitors to the various events at the Bitton Railway Station with a local camping / caravan site. Although in the Green Belt, the site is essentially an urban fringe location providing excellent vehicular access to both Bristol and Bath. Furthermore, the site has good public transport facilities nearby and is extremely well located to the Bristol / Bath Cycle Path. On this particular point there is a close synergy between the camp site and a local bike hire business at Jarrett’s Garden Centre whereby users of the site hire bikes regularly to use on the Cycle Path
- g. The scheme is a modest increase intensification compared to the current use at the site. Currently there are 5 caravan / motorhome pitches and 10 camping pitches. There will only be a modest increase to 20 caravan / camping pitches

5.8 The case for very special circumstances has therefore comprised a number of elements which Officers consider are very relevant and support the proposal. The application is for a modest increase by 5no. pitches to an existing and established business and would be limited to operating/opening only at certain times of the year. Policy LC5 supports rural businesses, as does the NPPF and as such this albeit limited expansion has the opportunity of helping the current farm business to diversity further, to provide employment opportunities within the area either directly on the site or indirectly in terms of increased use of local businesses including pubs, cafes, shops, tourist attractions and the hire of equipment. In addition, the applicant has indicated a reduction in the number of camping and caravan facilities in Bath and Bristol and as such this

site would continue to provide facilities and opportunities for tourists to visit the area, bringing with them the associated economic benefits to the local and wider community. It is considered that these factors would hold significant weight in favour of being an appropriate change of use of land in the Green Belt.

5.9 With regard to its location, as an existing business it would be unreasonable to request the proposal to be located elsewhere and given its position in very close proximity to large businesses (Fonthill garden centre and Bitton sports club) the proposed recreational development would fit in well in this location. It is considered that this would hold considerable weight in balancing the scheme with regard to it not being inappropriate development in the Green Belt. If the application is approved a condition would be attached to the decision notice regarding landscaping the maintenance of existing hedgerows to retain these important features.

5.10 In pre-application advice given in February 2014, the proposal was considered to be recreational use and appropriate in the Green Belt. Since that time a high court ruling has established that any change of use in the Green Belt is inappropriate due to harm to the openness of the Green Belt unless very special circumstances can be shown. It is Officer opinion that the above details provided by the applicant have shown that there exist very special circumstances in this particular and specific case that outweigh the harm to the Green Belt by reason of inappropriateness and as such the application can be supported.

5.11 Design and Visual Amenity of Shower block

The application site currently has a large wooden agricultural shed in the middle of this open field. The proposal would remove this structure and replace it with a purpose built shower block to serve the camp site. The proposed building would be similar in size, design and materials. Furthermore, it would be positioned just outside the field in a currently underused area in-between a large barn open-sided barn and the boundary hedge of the field. As this new building would be used in connection with the proposed change of use and necessary to it, it is considered to fall within the list of permitted exemptions within the NPPS (2012). In addition the change in position of this proposed permanent building would in fact improve the openness of the Green Belt as the building would be tucked away in a less obtrusive position and read as being part of the many existing and varied outbuildings serving the farm. Neighbours have expressed concerns regarding disturbance from light within the building but given its position and distance from neighbours, Officers consider there would be very little adverse impact resulting from this. Often such buildings have timers on their lights and so any disturbance would be minimal. The building is therefore acceptable in terms of its appropriateness and impact on the openness of the Green Belt.

5.12 Assessment

The site has been run under the regulations of the Camping and Caravanning Club for 3 years. The Club holds exemptions from Natural England (formerly DEFRA) which allows land owners to set up their own small campsites. These exemptions allow a certificated land owner, such as the applicant to:

- Accommodate up to 5no. caravans or motorhomes plus 10no. tents at any one time
- Be open all year round or to specify the months of opening

One comment received from a local resident expressed concerns that a planning application giving permission for 5no. caravans on site had not been made public. As illustrated above, for this number of caravans planning permission is not required, merely a special licence which the applicant had obtained. The applicant has therefore acted correctly.

5.13 A number of objections have been received which are copies and repetitions of the points raised in a single letter. One of the points raised has indicated that the size of the site will increase fourfold. This is incorrect. The current allocation is for 15no. pitches stipulated as being made up of a combination of 5no. caravans and 10no. tents. The proposal would be for a total increase in pitches to 20no. but which could comprise any combination of caravans or tents as long as it did not exceed 20no. pitches altogether. The increase would only be 5no. pitches. Following on from this concern has been expressed that if this site is granted planning permission then further extensions/additions would occur in the future. Should this particular application gain permission then a condition would be attached to the decision notice limiting the number of pitches on the site and any subsequent changes would need to be fully assessed under a new planning application. It should be noted that the size of the pitches complies with standards set by the Caravan and Camping Club and this includes space for the provision of parking.

5.14 It has been asserted that the proposal would conflict with the purposes of the Green Belt, add to urban sprawl, result in encroachment into the countryside and impact on the visual amenity of the area. The proposal would be restricted in both its size and usage and would be located adjacent to existing large businesses. The site holds a discreet position set back from the highway, but enclosed within a defined area of field. The entrance to the site is also shared by the working farm and the site can be read as being part of this group of buildings associated with the farm, which includes some particularly large barns. This is especially true of the proposed shower block which would be located next to a large barn and opposite another stone outbuilding. In terms of visual amenity this building would replace an existing structure of similar size, currently situated in the middle of the field. This would be demolished and the replacement positioned in a less visible location. Officers consider that improvements could also be made with a landscaping scheme and this would be a condition of any approval. On balance, given the position of the site in close proximity to existing large businesses, the replacement of the ancillary building and a proposed landscape plan, Officers consider there would be no unacceptable adverse impact on visual amenity from the proposed development and the proposal would not result in urban sprawl or encroachment into the countryside.

5.15 Residential Amenity

The application site is adjacent to the busy A431 where two large developments associated with leisure and recreation can be seen in the

immediate area. Just opposite the site are large football fields and one objector has stated that these current uses create traffic hazards by the inconsiderate parking of patrons. The proposed change of use would not exacerbate this situation as the potential users would be able to park within the site. It has been noted by some objectors that the Social Club associated with the football club and grounds can be very noisy particularly at weekends and in the evening. Conversely, supporters of the application state that the camp site is quiet and that caravanners and campers are generally quiet participants. Given the very small increase in the number of pitches from 15no. to 20no. and the fact that to use the site clients have to be members of the Caravanning and Camping Club, Officers judge that this level of intensification would not result in unacceptable levels of noise to the detriment of neighbours over and above that already existing.

- 5.16 Neighbours to the west of the application site have made comments regarding potential for inter-visibility, overlooking and encroachment of privacy in kitchen, garden and orchard, the neatness of their hedge when compared with that of the application site, loss of views and the potential for devaluing the property. The closest proposed pitch would be approximately 25 metres away from this neighbouring dwellinghouse, separated by two different hedgerows. It is acknowledged that the site slopes up to the north, but the applicant has deliberately allowed the boundary hedge to grow up on his side in an attempt to reduce any negative impact on the residential amenity of this neighbour. Having visited the site Officers consider the distance between the neighbour and the proposed pitches would not result in any inter-visibility or encroachment. With two separated and distinct hedges the issues of overlooking would be minimal, particularly when the hedge is in leaf which would be the case for the majority of the time given that the opening of the site is to be limited to 1st March to 31st October every year. A condition would be attached to the decision notice to restrict the opening to these timings. There is no right to a view and given the position of the proposed caravan/tent and distance separating the site and its neighbour, Officers consider that there would be no loss of views to address. Any potential devaluing of property is not a planning matter to be discussed under the remit of this report. These neighbours are concerned about disturbance from light from the caravans at night. Any light from within tents or caravans would be minimal and likely to be diffused or of low domestic wattage. A balanced judgement is needed regarding any changes which must be considered alongside the degree and level of lighting coming from a tent or from a caravan, the distance away from the neighbouring property and the time of year the site would be in use. Furthermore, the economic benefit would also be taken into consideration. Overall Officers consider that the resulting changes would not be of such an unacceptable level to warrant the refusal of the application for this reason.
- 5.17 Neighbours to the other side, the east of the site have expressed concerns regarding a 'high degree of inter-visibility'. This neighbour is approximately 75 metres plus away from the closest proposed pitch and also screened somewhat by several large barns and outbuildings associated with the farm. Officers consider there would be no issues of inter-visibility or overlooking resulting affecting this neighbour from the proposed development. These neighbours have mentioned that their driveway is occasionally mistakenly used

by caravanners/campers and they are concerned for the safety of their children. Clearly, such an issue is outside the control of any planning application. If this is continually happening the signage of the property might need to be improved. The application site has the appropriate official Caravaning and Camping logo sign on the entrance gates to the site indicating the location of the site.

5.18 Sustainable Transport

Existing site access is via the A431 Bath Road and visibility from the site access on to the public highway is considered acceptable. The road outside the application is reasonably straight and as such forward visibility for drivers along this section of highway is also good. Plans submitted with this application show a waiting bay 4m wide by 12m long within the site boundary and there is proposal to relocate the entrance gate further back into the site. Whilst the existing access is adequate, it is considered that the additional alteration to it (i.e. creation of waiting bay and relocation of entrance gate) would further assist with two-way traffic and potential towing caravans through at site entrance.

5.19 In view of this therefore, there is no highway objection to this application. In the case that the Council is minded to approve this then a series of conditions would be attached to the decision notice in respect of the waiting bay, the gates and surface of the access.

5.20 Landscape architect

The site is located in the Green Belt on the Bath Road just to the west of Bitton. There are a number of residential properties located along the road. The site is currently allowed to have 5no. caravan pitches and 10no. camping pitches. The proposal is to increase the number of pitches to 20no. There is a native hedge along most of the southern boundary along the Bath Road and a double hedge on the western boundary. The site is open to the countryside to the south, there are no public footpaths within view of the site. It is understood that the proposed pitches would not be used during the winter months when the hedges would be less effective as a screen.

5.21 Due to the site being fairly level and the screening by the existing native hedges the increase in number of pitches will not have a significant impact on the landscape character of the surrounding area. To protect and enhance the landscape character in accordance with Policy L1 the native hedge should be extended along the whole length of the southern boundary and along the eastern boundary. A native hedge with trees should also be planted on the southern side of the access road; this will help to screen views of the pitches through the gateway of the site. If it is well looked after this new planting should start to effectively screen the views into the site within 5 – 10 years. The existing and new hedges should be maintained at a height of 3 – 4m, it is important that these hedges are properly maintained and not left to become overgrown and gappy.

5.22 The amenity building is a modest scale and is at a location where it is associated with existing buildings, it is also screened by an existing hedge. Officers have no objection in landscape terms subject that to be in accordance with Policy L1 a landscape condition should be attached requiring a detailed

landscape plan, showing addition native hedge planting, and a five year maintenance plan for the existing and proposed planting to be submitted and approved.

5.23 Highway Drainage

Engineers have assessed the application and consider there are no objections subject to a condition regarding sustainable drainage whereby the disposal of surface water is controlled to Greenfield run-off rate and surface water from the development i.e. the impermeable areas should be restricted to a 1 in 100 year event plus climate change allowance.

5.24 With regard to comments on foul sewage, there is a public foul sewer in the highway and therefore all foul drainage disposal should not be an issue – connection to the public foul sewer would be subject to Wessex Water’s approval. Any drainage problems as detailed in the objections are a matter to be discussed between the relevant parties and cannot be addressed under the remit of a planning report.

5.25 Highway flooding has been highlighted by a local resident. Officers state that highway flooding is an issue for the Council as the Highway Authority and it is a responsibility to ensure that the highway drainage system is maintained as necessary. Any adverse drainage issues should be referred to the Highway Authority. In addition the landowner should ensure that any ditches or watercourse that exist across the site are managed to collect run-off and convey it into the existing highway culvert/s within Bath Road.

5.26 Ecology

The site consists of a large intensive agricultural field to the west of Knights Folly Farm on the northern side of Bath Road in Bitton. The site is not covered by any statutory or non-statutory nature conservation designations.

5.27 The application does not include any supporting ecological information. That said, the application site consists of a large intensive agricultural field (improved grassland) of only low value for nature conservation. Furthermore, there are no ponds adjoining or near to the application site on the northern side of Bath Road which would offer habitat for amphibians such as great crested newts and enable the species to utilise the site. The most valuable habitat for local wildlife on site is the network of boundary hedges. Paragraph 118 of the National Planning Policy Framework states that:-
‘Opportunities to incorporate biodiversity in and around developments should be encouraged’.

5.28 The South Gloucestershire Biodiversity Action Plan lists a range of species and habitats for which the Council will require developers to take measures to safeguard and enhance within planning applications (where appropriate). A landscape and ecological management plan will be required as a planning Condition and should clearly demonstrate how it will contribute towards the BAP, for example by:-

- Retaining and sympathetically managing all existing boundary hedges to maximise their value for wildlife; and planting new lengths of hedgerow

along the northern and eastern site boundaries (relevant action plans within the BAP – Hedges and Field Margins; Hedgehog; Bullfinch; Song Thrush).

5.29 Given the above there are no ecological constraints to granting planning permission subject to a condition relating to a landscape and ecological and management plan.

5.30 Other matters

Reference has been made to the national planning position on caravan pitches and amenity buildings for Gypsy and Travellers and it is stated that this proposal is substantially similar in character and use. This is incorrect as Gypsy and Travellers are recognised as a distinct ethnic group with specific needs and concerns. One definition of Gypsy and Travellers has defined this group as ‘persons who wander or travel for the purpose of making or seeking their livelihood’. This is clearly not the case here where people using the campsite do so for recreational purposes, make a booking and pay a fee for staying a few nights.

5.31 Some comments have suggested the application should not be regarded as being a ‘recreational facility’ in the Green Belt but as a tourist or temporary accommodation and should be regarded as being closer to the ‘C’ use classes as opposed to recreation which is ‘D’ class use. Officers of the Council use a comprehensive guide to land uses and their use classes to ascertain the class use of the site and as the site would be for caravans and tents and would be known as a campsite the attributed sui generis class use is correct.

5.32 Assertions have been made that the proposed development would not benefit the local community. This has been directly challenged by comments received in support of the application by local business owners who welcome the opportunity for new business and trade from the campsite users and also by comments received from people who have stayed in the campsite and used local shops, pubs, cafés, petrol station and cycle hire companies.

5.33 A comment has stated that the applicant does not live on the site and is simply running it as a business. Officers understand that the business is a family run affair with the senior members of the family living on site. It is not unusual or unacceptable for one family member to submit an application on behalf of the others. The venture is currently running as a business, alongside the farm, and as such there can be no objection in these terms.

6. CONCLUSION

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

6.2 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The camp site for a maximum of 20 pitches hereby permitted shall be occupied only during the following period 1st March to 31st October each year. For the avoidance of doubt a pitch refers to a single caravan or campervan or tent.

Reason

To protect the character and appearance of the area and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006, the South Gloucestershire SPD: Green Belt (Adopted) 2007 and the NPPF (2012)

3. The entrance to the site shall be set back from the edge of the highway and located as shown on Drawing no. 01

Reason

In the interest of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

4. The road access into the site shall be surfaced with permeable bound surface materials across its full width and for a minimum distance of 15 metres when measured from the edge of the road and maintained satisfactorily thereafter

Reason

In the interest of highway safety and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006

5. The extended site shall not be occupied until full details of the waiting bay inside the site boundary have been submitted for written approval by the Council. The waiting bay shall be provided in accordance with the approved plan and retained for that purpose at all times thereafter

Reason

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

6. Prior to commencement of development a landscape and ecological management plan shall be drawn up and agreed with the Council in writing. The plan should include details of the existing habitat to be safeguarded and any new habitat to be created (hedgerows). It should also include a sympathetic management regime to benefit local wildlife and monitoring of all works for a period of 5 years. All works are to be carried out in accordance with said plan

Reason

To protect the wildlife and the ecological interests of the site in accordance with Policy L9 of the South Gloucestershire Local Plan (Adopted) 2006

7. Within 3 months from the date of decision a detailed landscape plan showing additional native hedge planting and a five year maintenance plan for the existing and proposed planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the arrangements for its implementation including planting times. Development shall be carried out in accordance with the approved schedule.

Reason

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

8. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts) within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details. Surface water disposal should be controlled to Greenfield run-off rate and surface water from the developed (impermeable) areas is restricted to 1 in 100 year event plus climate change allowance

Reason

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

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/2453/ADV	Applicant:	Tesco Stores Limited
Site:	Tesco Express Westons Way Kingswood South Gloucestershire BS15 9RR	Date Reg:	7th July 2014
Proposal:	Display of 1no. externally illuminated fascia sign, 2no. internally illuminated fascia signs, 1no. internally illuminated projecting sign, 1no. externally illuminated vinyl, 4no. non-illuminated vinyls and 1no. non-illuminated wall sign.	Parish:	None
Map Ref:	365727 173035	Ward:	Woodstock
Application Category:	Minor	Target Date:	18th August 2014



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 100023410, 2008. **N.T.S.** **PK14/2453/ADV**

SUBMISSION TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The site is located on Westons Way in Kingswood, within a residential area and adjacent to two hot food takeaways and a public house, all of which is served by a small car park to the east of the Tesco Express store.
- 1.2 The application is to update and replace existing signage which appears to have been approved under application number PK03/2530/ADV. The proposal is to display 1 no. externally illuminated fascia sign, 2 no. internally illuminated fascia signs, 1 no. internally illuminated projecting sign, 1 no. externally illuminated vinyl, 4 no. non illuminated vinyls and 1 no. non-illuminated wall sign.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisement) Regulations 2007
The Town and Country Planning Act 1990 Section 220
- 2.2 Development Plans

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

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
- 2.3 Supplementary Planning Guidance
Shopfronts and Advertisements (Adopted) April 2012

3. RELEVANT PLANNING HISTORY

- 3.1 The site has been subject to numerous applications, the five most relevant and/or recent have been listed below.
- 3.2 PK07/2607/F Approved 16/11/2007
Alterations to roofline to facilitate the erection of two storey side extension to form 1 no. retail unit (Class Use A1) and 1 no. unit (Class Use A5) hot food takeaway, with 4 no. additional self contained flats above with balcony and associated works.
(Extension of time given in 2010, but has now expired)

- | | | | |
|-----|---|-------------------------|------------|
| 3.3 | PK03/3184/F | Approve with conditions | 26/01/2004 |
| | Installation of new shop front and refrigeration plant. (Retrospective) | | |
| 3.4 | PK03/2530/ADV | Approve with conditions | 19/09/2003 |
| | Display of 1 no internally illuminated fascia sign, 1 no. aluminium fascia panel with down lighting, 1 no. internally illuminated projecting sign, 1 no. externally illuminated fascia sign. Various signs associated with ATM including 1no. projecting ATM sign, 6 no. window vinyls. | | |
| 3.5 | PK02/1189/F | Refused | 20/05/2002 |
| | Installation of refrigeration condenser unit | | |
| 3.6 | P99/4048/A | Advert Approval | 29/04/1999 |
| | Display of illuminated ATM cash dispenser sign | | |

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The site is not within a Parish boundary.

4.2 Other Consultees

Sustainable Transport
No comment.

Other Representations

4.3 Local Residents
One letter of objection has been received from a local resident who is concerned about the following:

- The shop already has adequate signs
- The illuminated signs may attract youths to gather outside at night
- This area is not a shopping precinct and more traffic is not necessary
- Tesco think they can get whatever they like so consider the residents for a change

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
The Town and Country Planning (Control of Advertisement) Regulations 2007 relevant to the proposal indicate that the main issue for Local Planning Authorities to consider is the impact of signs on the amenity and public safety and taking into account the cumulative impacts. The National Planning Policy Framework (2012) states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements that will clearly have an appreciable impact on a building or their surroundings should be subject to the Local Planning Authorities detailed assessment.

In terms of amenity the effect of the proposal on the visual amenity in the immediate neighbourhood has to be considered. With regard to public safety, Local Planning Authorities must ensure any advertisement does not create a traffic hazard, especially in terms of causing a distraction.

5.2 Visual Amenity

The proposal is to display 1 no. externally illuminated fascia sign, 2 no. internally illuminated fascia signs, 1 no. internally illuminated projecting sign, 1 no. externally illuminated vinyl, 4 no. non illuminated vinyls and 1 no. non-illuminated wall sign on a Tesco Express store set back from Westons Way, Kingswood. The majority of these signs are to replace existing signs to incorporate Tesco's new branding, with the exception of a wall mounted promotional banner with a wooden frame on the north elevation. This additional sign is not visible from any highways, and can only be seen when heading towards the site via footpath. It is considered that given the scale of the proposed signage, its position and location on an existing grocery shop with extensive signage, it is thought that the proposal would not harm the visual amenity of the locality in its own right. Indeed the signage is considered to be an improvement on the existing situation, as it allows the building to have an updated and more modern frontage, particularly with the use of woodtex fascia panels. On this basis, the signage is considered acceptable in visual terms.

5.3 Cumulative Impact

There is a variety of signage in the area with the adjacent public house 'The Plough' and the attached hot food takeaway restaurants. As the majority of signage is to update and replace existing signs at the application site, it is considered that the proposals would not have a cumulatively detrimental impact on the visual amenity of the surrounding area as the situation would not differ significantly from the present.

5.4 Residential Amenity

The proposed sign, by virtue of scale and proposed method of illumination is not considered to prejudice the residential amenity of nearby occupiers. This is due to the level of internal illumination to not be changing significantly from the existing situation, and any external illumination is to be done via an existing trough light. The concerns raised by the local resident have been taken into account, however it is unlikely that the amount of traffic and type of people using the site will significantly change as the use is not changing, only the signage on an existing store. The closest houses along Gee Moors are angled away from the Tesco Express and the dwellings closest to the store have adequate screening in the form of a 3 metre tall hedge, and therefore the proposal is considered acceptable in residential amenity terms.

5.5 Public safety

The proposed sign has been assessed by the Council's Transport Officer and there are no objections to the proposal on grounds of public safety. The proposed signage would be positioned on the existing building. They would not obstruct pedestrian and vehicular movements in the locality and are unlikely to cause distraction. On this basis, it is considered that the proposed signage is acceptable from a public safety perspective.

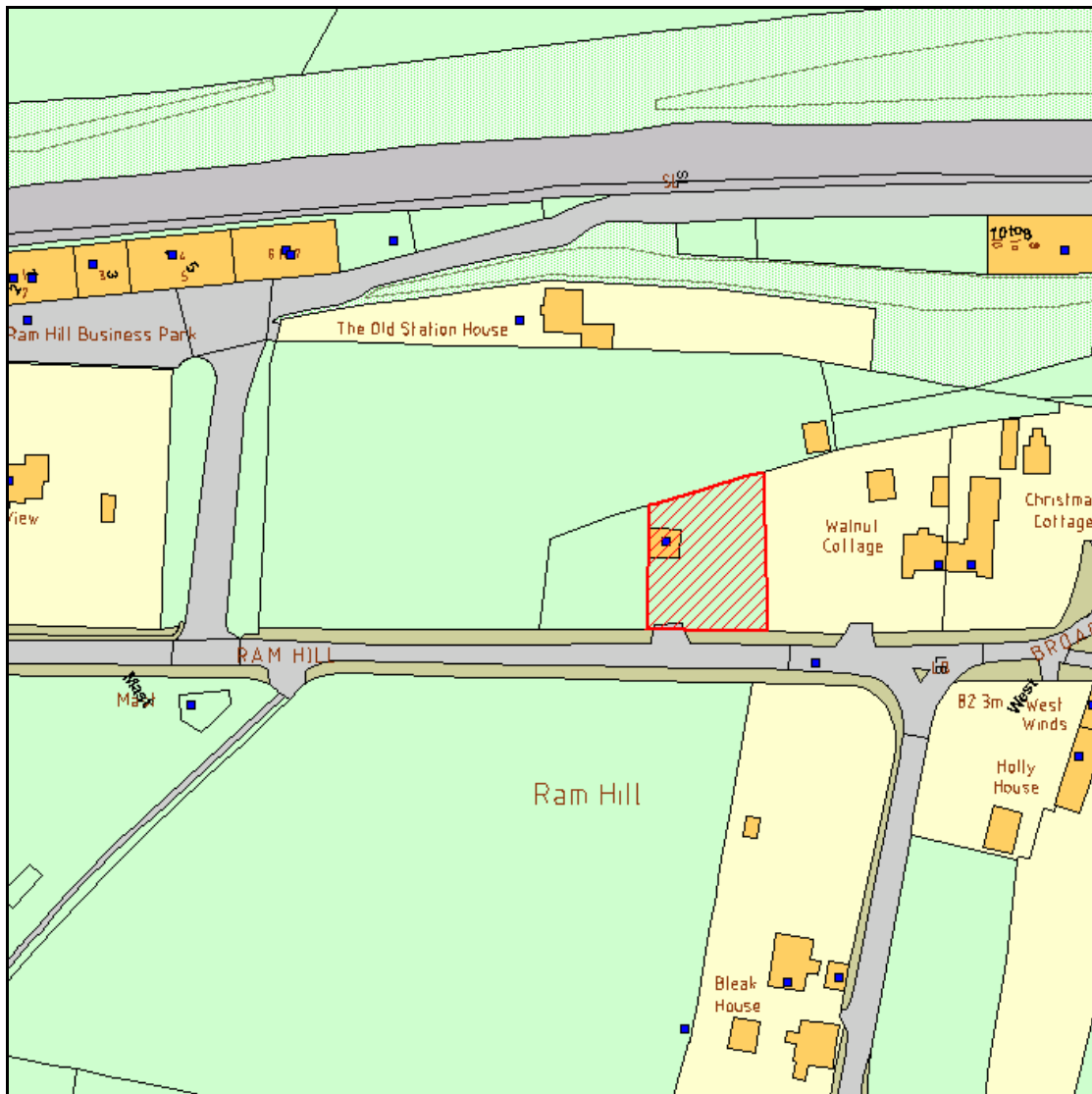
6. **RECOMMENDATION**

6.1 It is recommended that this application be **APPROVED**.

Contact Officer: Trudy Gallagher
Tel. No.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/2522/F	Applicant:	Mr William Murphy
Site:	56 Ram Hill Coalpit Heath South Gloucestershire BS36 2TX	Date Reg:	3rd July 2014
Proposal:	Removal of existing hedgerow and erection of 1.5metre high (max) wall along boundary with Ram Hill. (Retrospective)	Parish:	Westerleigh Parish Council
Map Ref:	367811 180231	Ward:	Westerleigh
Application Category:	Householder	Target Date:	22nd August 2014



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 100023410, 2008. **N.T.S.** **PK14/2522/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from Westerleigh Parish Council contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a reconstructed stone boundary wall to a height of 1.5 metres with stone pillars at a height of 1.8 metres along the front boundary of 56 Ram Hill. The wall replaces an overgrown leylandii hedgerow. The development has already been implemented and the application is therefore retrospective.
- 1.2 The application site is located off Ram Hill approximately 0.4km from the settlement of Coalpit Heath. The site is situated between two dwellings known as 'The Old Station House' and 'Walnut Cottage'. To rear of these properties there is a small business park and a railway line.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

H4 Development within Existing residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

3. RELEVANT PLANNING HISTORY

- 3.1 None

4. CONSULTATION RESPONSES

4.1 Westerleigh Parish Council

Objection. Council object to this application due to encroachment of the boundary line. They would wish to see the wall move back to the position of the original hedgerow.

4.2 Tree Officer

No objection.

4.3 Transportation Officer

No objection

Other Representations

4.4 Local Residents

2 letters of support have been received and are summarised below.

- The wall has made the verge a lot better and safer for pedestrians
- This new wall looks outstanding and blends well with many others in Ram Hill

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 Development within Existing Residential Curtilages is permissive of proposals for development within existing residential curtilages subject to considerations of design, residential amenity and highway safety. Residential amenity, design and siting are also covered by Policy CS1 High Quality Design.

The proposal must also satisfy Policy T12 Transportation Development Control as the wall adjoins a highway.

5.2 Residential Amenity

The development is modest in height and runs along the length of the dwelling's boundary with Ram Hill. The wall replaced an overgrown and untidy leylandii hedgerow, a letter of support has been received from the nearest adjoining property supporting the application and stating that the wall has been erected on the same line as the overgrown leylandii hedgerow.

Westerleigh Parish Council has objected to the application on the grounds that the wall has been built in front of the replaced hedgerow. From information and photographs submitted and comments received from the nearest neighbour it appears that the wall follows the line of the replaced hedgerow and has not been built in front of the replaced hedgerow.

The development is considered to have no impact on the residential amenity of the adjoining properties due to its location and height and therefore accords with Policy H4 and Policy CS1.

5.3 Design

The wall replaced an overgrown leylandii hedgerow that was untidy and considered an eyesore and difficult to maintain. The new boundary wall is considerably smaller in height than the leylandii hedgerow measuring 1.5 metres with pillars to 1.8 metres. The development is modest in size and the materials used are good quality stone and in keeping with other boundary walls and fences within the locality.

The hedgerow that has been removed was predominantly a leylandii hedge forming the domestic curtilage for the site. The hedgerow removal does not infringe the hedgerow removal regulations and neither would the hedge have been a candidate for protection under Tree Preservation order as it did not fulfil the criteria. Therefore there are no arboricultural reasons for the refusal of this application.

The development is therefore considered appropriate in design terms and complies with Policy H4 and Policy CS1

5.4 Transportation issues

There are no transportation objections as the wall is set on the same line as the replaced leylandii hedgerow and is smaller in height and is considered not to cause any highway safety issues. The replaced leylandii hedgerow had become overgrown and the height could not be controlled by planning legislation.

On that basis, there is no transportation objection to the proposed development. Therefore the development is in accordance with Policy T12.

6. CONCLUSION

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

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

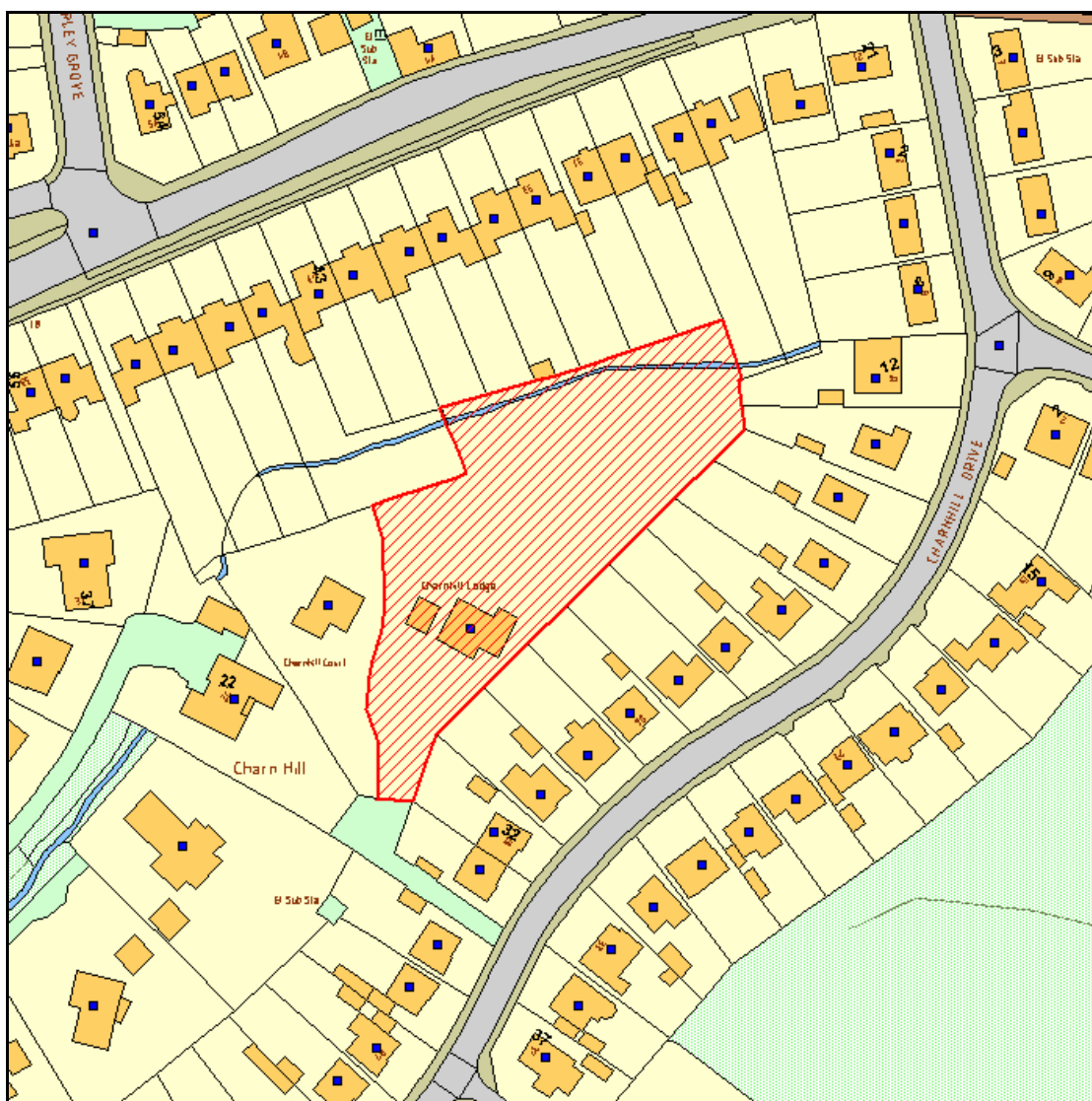
7. RECOMMENDATION

7.1 It is recommended to grant permission.

Contact Officer: Kevan Hooper
Tel. No. 01454 863585

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/2582/CLP	Applicant:	Mr Barry Eldon
Site:	Charnhill Lodge Charnhill Drive Mangotsfield South Gloucestershire BS16 9JR	Date Reg:	14th July 2014
Proposal:	Application for certificate of lawfulness for the proposed erection of a two storey rear extension. (Resubmission of PK14/1470/CLP).	Parish:	None
Map Ref:	365981 175840	Ward:	Rodway
Application Category:	Minor	Target Date:	26th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a two storey rear extension at Charnhill Lodge, Mangotsfield, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly, there is no consideration of planning merit; the decision is based on the facts presented.
- 1.3 This application is a resubmission of PK14/1470/CLP, which was refused because it did not comply with part (c) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse*. This issue has now been addressed following discussions with the agent, prior to the resubmission of the application.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning Act 1990 Section 192

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

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------|---|
| 3.1 | PK14/1470/CLP | Application for certificate of lawfulness for the proposed erection of a two storey rear extension.
Refused 27.06.14 |
|-----|---------------|---|

Reason or refusal:

Failed to comply with part (c) *the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse*

4. CONSULTATION RESPONSES

- 4.1 **Parish Council**
Unparished

- 4.2 Highway Drainage
No comment

Other Representations

- 4.3 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 The following evidence was submitted to the Local Planning Authority on 14 April 2014 -
- Location Plan and Site Plan
 - Existing Lower Ground Floor Plan, Roof Plan, Front, Rear and Side Elevations
 - Proposed Lower Ground Floor Plan, Roof Plan, Front, Rear and Side Elevations
 - Proposed Section, Site Front Elevation and Site Rear Elevation

6. EVALUATION

6.1 Principle of Development

The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit; the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.

- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO (As Amended) 1995.

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

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

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

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

- (a) **As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposed extension would not exceed 50% of the total area of the curtilage.
- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal would not exceed the horizontal line from the eaves of the existing dwellinghouse.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The proposed extension would be on the rear elevation of the dwellinghouse.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
The proposal is a two storey rear extension; therefore (e) is not relevant.
- (ea) **until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
The proposal is a two storey rear extension and therefore (ea) is not relevant.
- (f) **The enlarged part of the dwellinghouse would have more than one storey and –**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
(ii) **be within 7 metres of any boundary of the curtilage of the dwellinghouse opposite the rear wall of the dwellinghouse;**

The proposal would not extend beyond the rear wall of the original dwellinghouse by more than 3 metres or be within 7 metres of the boundary of the curtilage.

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

The proposal would not be within two metres of the boundary of the curtilage of the dwellinghouse.

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

- (i) exceed 4 metres in height**
- (ii) have more than one storey, or**
- (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal would be on the rear elevation; therefore (h) is not relevant.

- (i) It would consist of or include—**

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

The proposal does not include any of the above.

- A.2. In the case of a dwellinghouse on article 1(5) land, development is not permitted if:**

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**

- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**

- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

The site is not located within article 1(5) land.

CONDITIONS

- A.3. Development is permitted by Class A subject to the following conditions:**

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

It is proposed to use brickwork detailing to match the existing.

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

Plans have been submitted that indicate that the first floor window in the side elevation of the two storey extension will be obscure glazed.

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

The proposed extension has a flat roof and the original dwellinghouse has a low pitched roof. It would not be practical to continue the pitched roof or replicate the existing pitched roof in the rear extension.

7. RECOMMENDATION

- 7.1 That a Certificate of Lawfulness for Proposed Development is granted for the following reason:

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

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PK14/2625/RVC	Applicant:	Third State Pizza Company
Site:	Domino's Pizza Emerson Way Emersons Green South Gloucestershire BS16 7AE	Date Reg:	16th July 2014
Proposal:	Variation of condition 2 attached to planning permission PK04/0041/RVC to extend hours of operation to 0900 - 0500.	Parish:	Mangotsfield Rural Parish Council
Map Ref:	367219 177122	Ward:	Emersons Green
Application Category:	Minor	Target Date:	1st September 2014



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 100023410, 2008. **N.T.S.** **PK14/2625/RVC**

INTRODUCTION

This application is referred to the Circulated Schedule given that an objection has been raised contrary to the Officer recommendation

1. THE PROPOSAL

- 1.1 This application seeks to vary condition 2 of planning permission ref. No. PK04/0041/RVC, which states:

The use hereby permitted shall not operate outside the hours of 0900 to 2300. For the avoidance of doubt this shall include any food preparation or cooking, any customer related activities and the operation of any deliveries.

The reason given for imposing this condition is as follows:

To safeguard the amenities of the locality and to accord with policy KLP11 of the adopted Kingswood Local Plan and policy RT9 of the South Gloucestershire Local Plan (revised deposit draft).

- 1.2 This proposal would see the premises close at 0500 on all days
- 1.3 The site stands within a retail area. It is part of a primary shopping frontage and major town centre. All the properties within the immediate vicinity are in a retail or commercial use with the nearest residential property situated approximately 87 metres to the south-west of the premises. There is some limed parking to the front and within the main car park of the Emersons Green retail centre.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
RT1 Development in Town Centres
RT9 Primary Shopping Frontages

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS9 Managing the Environment and Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PK04/0041/RVC Variation of condition 2 of planning permission PK02/2249/F dated 16th December 2002 to extend trading hours until 23:00 on all days. (Approve)

PK02/2249/F Change of use from retail (A1) to hot food takeaway (A3) (as defined in the Town & Country Planning (Use Classes) Order 1987) (Approve)

4. CONSULTATION RESPONSES

4.1 Objection, the committee would not object to extend the operating hours to 0900 to 1200 midnight

4.2 Other Consultees

Environmental Protection

No objection raised – records indicate that there have been no complaints about this site with regard to odours, light or noise. The nearest residential properties are 80 metres plus away.

Sustainable Transport

No objection raised, the store is within a retail area, we do not consider that it is likely to raise any significant transport issues as the store is within a retail area

Other Representations

4.3 Local Residents

No objections received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is within a Major Town Centre (Policy RT1) and Primary Shopping Frontage. Both policies seek to secure the vitality and viability of these areas and as such this proposal would in accord with such an aim however any such development must not have an adverse environmental impact, transportation effect or adverse impact upon residential amenity.

This application stands to be assessed against the policies listed above, in the light of all material considerations. The issue is considered to be the impact of the later opening on residential amenity, in terms of noise and disturbance between the hours of 2300 and 0500 all days (as this is the increase in hours).

5.2 Impact on Residential Amenity

The nearest residential property to the site is situated at a distance of approximately 87 metres from the site. Environmental Protection Officers have noted that to date there have been no complaints raised in connection with the current operation of the site which currently ceases operations at 2300 hours. It is possible to park close to the site at the front and if necessary to the rear within the large car park associated with the centre.

It is not considered that the proposal would result in any detriment to residential amenity however for the avoidance of doubt it is considered appropriate to allow the extension in hours for one year only.

This will allow monitoring of the situation to take place during that period and to assess whether the extension of hours has given rise to any problems. After a year if no significant issues have arisen, should the applicant apply to extend the consent it would be possible to grant the consent on a permanent basis.

5.3 Transportation

Given the location of the site within an established town centre with adequate available parking it is not considered that the proposal would adversely affect highway safety.

6. CONCLUSION

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

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 condition is amended.

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

1. The use hereby permitted shall not operate outside the hours of 0900 to 0500. For the avoidance of doubt this shall include any food preparation or cooking, any customer related activities and the operation of any deliveries

Reason

To safeguard the amenities of neighbouring residential occupiers and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy December 2013

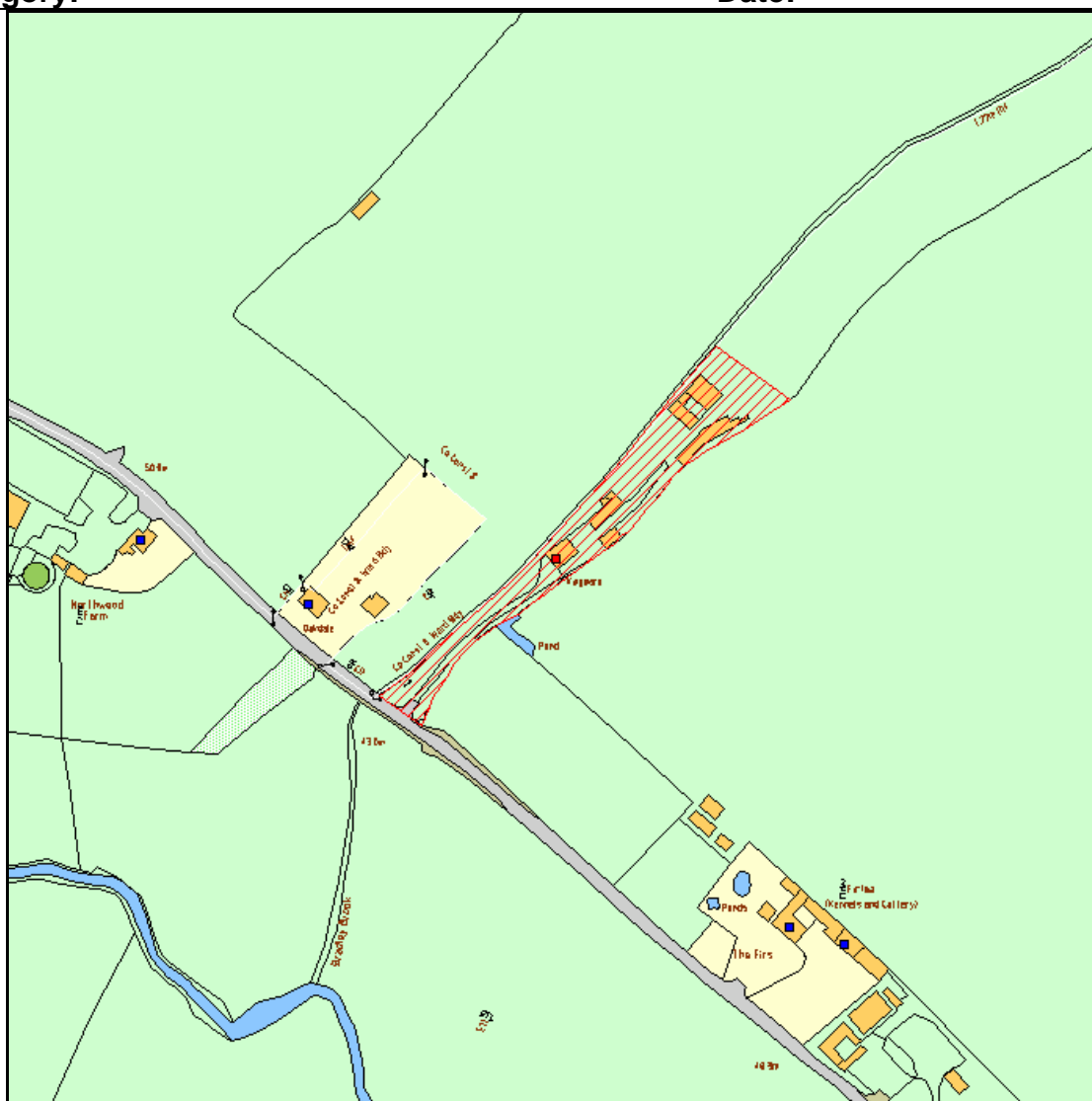
2. This consent allows the extension of opening hours to 0900 to 0500 hours for a period not exceeding 31st August 2015. After that date the opening hours shall revert back to 0900 to 2300 hours.

Reason

To assess the impact of the extension of hours and permission will allow the Local Planning Authority to re-assess the development in the light of experience, the provisions of the Development Plan and any other material considerations at the end of the one year period and to accord with Policy CS9 of the South Gloucestershire Local Plan Core Strategy December 2013.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PT14/0415/F	Applicant:	Mr Martin Sheppard
Site:	Kingmor Swan Lane Winterbourne Bristol South Gloucestershire BS36 1RW	Date Reg:	21st February 2014
Proposal:	Erection of extension to main dwelling with two storey side extension to form additional living accommodation. (Amendment to previously approved scheme PT13/1510/F). Erection of detached carport and shed.	Parish:	Winterbourne Parish Council
Map Ref:	364142 181974	Ward:	Winterbourne
Application Category:	Householder	Target Date:	15th April 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is circulated as a result of the comments by the Parish Council.

1. THE PROPOSAL

- 1.1 This full application relates to the extension of a bungalow and the erection of a detached car port and shed in the garden. This application follows the approval of a similar extension to the dwelling but that included a wide spanning single gable on the rear elevation and large rooflights to the front elevation. The current application proposes four smaller dormer windows on the rear and three on the front of the extended property. Also proposed this time is an open fronted car port with an integral shed.
- 1.2 The extension proposed is formed by extending the form of the dwelling a further 4m north-eastwards and by inserting the gabled dormer windows. The car port measures 6.5 by 8m.
- 1.3 This site is located within the green belt and outside of any settlement area. The extension works would be finished in materials to match the existing dwelling and the car port would be in timber with a tiled roof to match the annex. All access to the site remains via Swan Lane.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Section 7 Requiring good design
Section 9 Protecting Green Belt land

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

H3	Residential development in the countryside
H4	Development Within Existing Residential Curtilages, Including Extensions and New Dwellings
T12	Transportation Development Control Policy for New Development
L1	Landscape

South Gloucestershire Local Plan Core Strategy adopted December 2013

CS1	High Quality Design
CS5	Location of development
CS34	Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted) August 2007
Development in the Green Belt SPD adopted May 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/1510/F Erection of extension to main dwelling with two storey side extension to form additional living accommodation. Erection of single storey detached building to form annexe ancillary to main dwelling. Resubmission of PT13/0355/F Approved
- 3.2 PT14/0605/F Demolition of existing outbuildings and erection of open fronted barn. Pending decision
- 3.3 PT13/0355/F Erection of first floor extension to main dwelling with two storey side extension to form additional living accommodation. Erection of single storey detached building to form annexe ancillary to main dwelling. Refused 16.04.2013 due to the size of the extension and lack of justification for the annex.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
Objection. The previous approved application was for velux windows but these have now been replaced by dormer windows and there has been no validation given for the change.

- 4.2 Other Consultees

- Highway drainage

- No objection subject to informatives.

Other Representations

- 4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

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

- In assessing applications for residential extensions, planning policies CS1 and H4 are particularly relevant. Policy CS1 seeks good design, respecting the site and wider area. Policy H4 specifically relates to residential development, including extensions, and considers issues such as design, residential amenity and highway safety.

However before considering these matters consideration has to be given to green Belt policy as this application is located within the open countryside and within the Bristol/bath Green Belt.

- 5.2 The NPPF carries a presumption against 'inappropriate development' within the area designated as Green Belt. This sets out that inappropriate development is harmful to the Green belt and goes on to set out that the construction of new buildings is inappropriate in the Green Belt unless it is for one of five defined purposes. One of these purposes is for the limited extension or alteration of an existing building. Another is for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
- 5.3 The Councils adopted Supplementary Planning Guidance facilitate 'Limited extensions that do not result in disproportionate additions over and above the size of the original building. Further guidance on what would be called disproportionate is found in page six of the Supplementary Planning Guidance. This clearly sets out that 30% is likely to be acceptable but that a volume increase of 50% or more would most likely be considered in excess of any reasonable interpretation of 'limited extension'.
- 5.4 In the case of the extension to the dwelling, the original dwelling appears to measure around 358m³ and the current submission increases this to 501m², resulting in a volume increase of 40%. This extension actually creates less volume than the previously approved proposal for the rear gable and does not raise the roof of the chalet bungalow. This is considered to be proportionate to the original house. The extension to the dwelling would not be detrimental to the openness of the Green Belt.
- 5.5 Turning to the open fronted carport a range of significantly larger and higher buildings are to be taken down. These were offered for removal as part of the previous scheme to offset the modest height increase of the shortened annex building but in reality their mass vastly outweighs the modest need of that application. It is considered that the newly proposed carport, measuring 169m³ can also be justified for consent with the removal of these buildings. Together the workshop/garage, shed and pole barn total some 283.6m³ and as such overall there would be a significant reduction in buildings on the plot and an increase in openness of the Green Belt. As such the car port is considered to be appropriate development, being a replacement of a building, in the same use and not materially larger than the one it replaces. A condition is proposed to ensure that the workshop/garage, shed and pole barn are removed and that permitted development rights to erect other buildings within the red lined site area are withdrawn.
- 5.6 Design
The proposed extension would be finished in matching render and brown concrete tiles to match the existing chalet bungalow which is acceptable in design terms and would not be intrusive in the landscape. A condition can adequately ensure matching materials.

The proposed extension and car port are low key forms of development which respect the original scale of the chalet bungalow, and other existing buildings on site and would not be easily visible from outside of the site.

5.7 Residential Amenity

With respect to residential amenity there are no neighbours sufficiently close to be overlooked or be subject to an overbearing impact.

5.8 Transportation

The access to the property is unchanged and adequate off road parking exists. As such there is no transportation objection in accordance with policy T12 of the Local Plan or the Residential Parking standards.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Informatives:

Watercourse maintenance
Plans

Contact Officer: Karen Hayes

Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the extension and the roof of the car port hereby permitted shall match those used in the existing dwelling.

Reason

To ensure the satisfactory external appearance of the development in the interests of visual amenity and to accord with Policy CS1 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

3. Prior to the first use of the carport/shed hereby permitted the workshop/garage, shed and pole barn shown on the existing block plan shall be demolished and permanently removed from the site.

Reason

The car port is only granted given the particular merits of the case which include the removal of these buildings to increase the overall openness the of the Green Belt and to accord with section 9 of the NPPF.

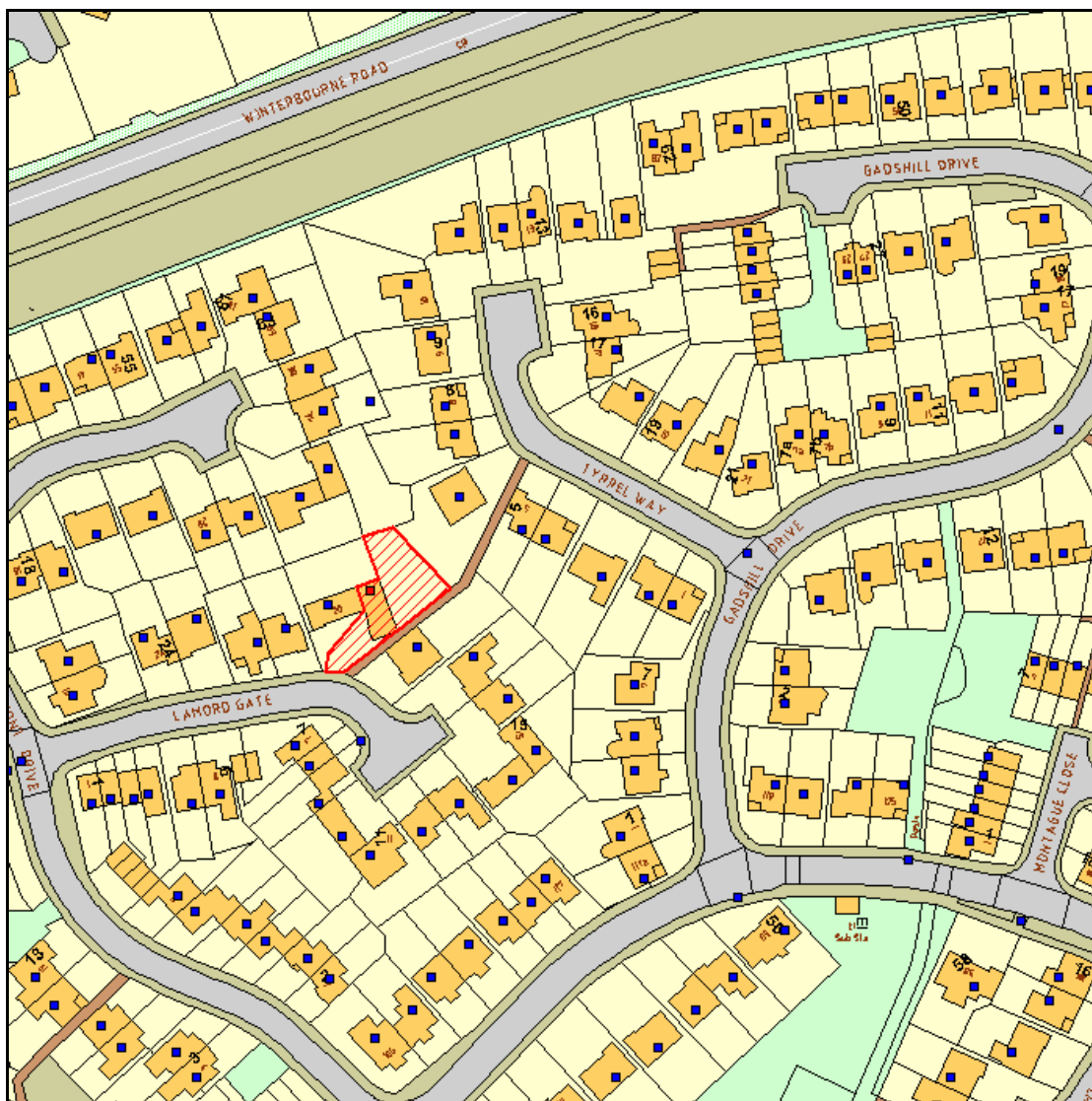
4. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E and G), other than such development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

Reason

The car port is only granted given the particular merits of the case which include the removal of these buildings to increase the overall openness the of Green Belt and to accord with section 9 of the NPPF.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PT14/2136/F	Applicant:	Mr Gareth Pickard
Site:	19 Lamord Gate Stoke Gifford Bristol South Gloucestershire BS34 8UT	Date Reg:	11th June 2014
Proposal:	Erection of single storey rear extension to form additional living accommodation. Erection of 1.8m high boundary fence and gates.	Parish:	Stoke Gifford Parish Council
Map Ref:	362257 180455	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	1st August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule due to comments made by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to form additional living accommodation and the erection of a 1.8 metre boundary fence and gates. The proposed extension would measure 5.6 metres narrowing to 4.1 in width by 3.8 metres in depth, with a maximum ridge height of 3.7 metres.
- 1.2 The application site relates to a semi-detached dwelling within the established residential area of Stoke Gifford. The property is a semi-detached dwelling, which is set at a right angle to the road. On the southern boundary of the property runs a public footpath which allows access between Lamord Gate and the neighbouring cul-de-sac Tyrrel Way.
- 1.3 During the determination of this application, it was agreed to slightly reduce the height of the single storey pitched roof to sit under the first floor bedroom window and to replace the boundary wall like for like, rather than with a wooden fence. Amended plans have been received.

2. POLICY CONTEXT

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

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007
South Gloucestershire Residential Parking Standards (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 None.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Town Council

Objection; boundary should be re-built as per existing wall and not replaced with a fence and a gate.

- 4.2 Drainage
No objection.

Other Representations

- 4.3 Local Residents
No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

Policy CS1 of the Core Strategy (adopted) 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved.

The proposal is considered to accord with the principle of development.

5.2 Design

The application site is located in the corner of the cul-de-sac and is set back from the road, with an existing front driveway. The host dwelling is a semi-detached house. There is a footway which runs alongside the southern boundary of the property, through to Tyrrel Way. The proposed rear single storey extension would partially replace the existing boundary wall, due to the angle of the host dwelling in relation to the rear boundary wall. This would give the proposed rear extension an unconventional shape, but one which fits within the corner of the rear curtilage and makes efficient use of the space. Due to the poor condition of the boundary wall, the applicants initially proposed to replace the wall with fence panels. It has been agreed that the boundary wall will be re-built at approximately 2 metres high.

- 5.3 The proposed extension would provide a modest single storey addition. It has been agreed with the applicants that the ridge height of the roof of the extension be reduced slightly to sit under the first floor window. The proposed pitched roof would match the existing attached single storey garage, which would sit behind the extension.

- 5.4 The proposed development is simple in design, with 1no. rooflight in the rear elevation and 1no. window and door in the side elevation. The extension will be constructed in brick cladding to match the existing house. The proposed extension is to the rear of the existing dwelling and would not be particularly visible from the public realm. As such, it is considered that the proposal is not harmful to the character and appearance of the host dwelling and street scene.

5.5 Residential Amenity

Given the relationship of the host dwelling with neighbouring properties (a shared driveway to the south west and separated by a footway to the south), it is considered that the modest extension would have no material impact in respect of the privacy and residential amenity of the occupants of nearby dwellings. The rear curtilage is bound by a 1.8 metre high wall and the proposed extension is similar in size and scale to the existing attached single garage. Sufficient garden space remains to serve the property. Given that the scale of the extension, in combination with the existing boundary treatments in place, it is considered that the proposal would not result in any materially greater impact and does not harm the residential amenity of neighbouring occupiers.

5.6 Transportation

The application would not affect the existing off-street parking which is located to the front of the site, in the form of a garage and driveway area. It is therefore considered that the parking provision would remain in compliance with the Council's required parking standards as set out in the Residential Parking Standards.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The 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 granted subject to the conditions outlined on the decision notice.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

CONDITIONS

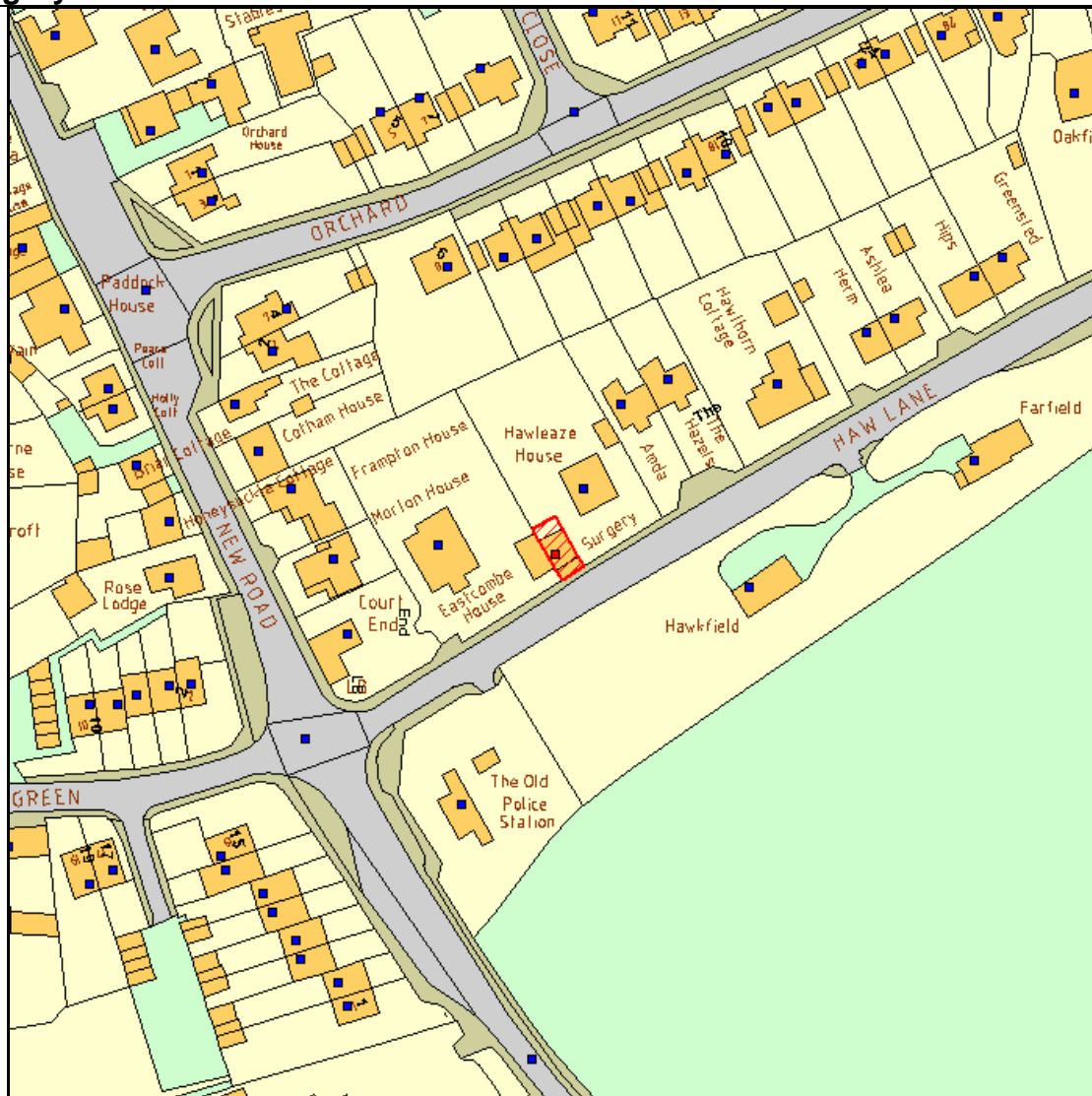
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 32/14 - 8 AUGUST 2014

App No.:	PT14/2312/F	Applicant:	Almondsbury Surgery
Site:	The Surgery Haw Lane Olveston Bristol South Gloucestershire BS35 4EG	Date Reg:	3rd July 2014
Proposal:	Conversion of existing surgery to form 1no. self contained dwelling and associated works. (Resubmission of PT13/1423/F).	Parish:	Olveston Parish Council
Map Ref:	360215 186900	Ward:	Severn
Application Category:	Minor	Target Date:	15th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the change of use of an old doctors surgery to a two bedroom house.
- 1.2 This site measuring 5.9m wide by 12.7m deep is located on Haw Lane and appears to be part of the garden to Hawleaze House as it is essentially a cut out from that garden but it is not and is in separate ownership. The building measures 8m by 5.4m wide and covers over half of the plot. The frontage area of 1.8m by 5.3m would accommodate a cycle store for two bicycles and at the rear an outdoor seating area approximately 5.3m wide by 2.4m deep would be provided.
- 1.3 Hawleaze House is a grade II listed building and the site is located in the Olveston Conservation Area.
- 1.4 This application follows a previous refusal for a similar scheme but changes have been made to the application. These relate largely to the quality of the environment in which the future occupant would live. Specifically this relates to the opening up of the living area by creating a mezzanine effect to the room upstairs and maintaining the current level of the outside courtyard area – rather than digging down to, in effect create a sunken yard below high fences.

2. POLICY CONTEXT

- 2.1 National Guidance
Planning (Listed Buildings and Conservation Areas) Act 1990
National Planning Policy Framework March 2012
Section 6 Delivering and wide choice of high quality homes
Section 7 Requiring good design
Section 9 Protecting Green Belt
Section 12 Conserving and Enhancing the Historic Environment' and accompanying Historic Environment Planning Practice Guide.
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
EP2 Flood Risk and development
H5 Residential conversions, houses in multiple occupation and re-use of buildings for residential purposes.
L12 Conservation areas
L13 Listed Buildings

South Gloucestershire Local Plan Core Strategy adopted December 2013
CS1 High Quality Design
CS5 Location of development
CS8 Improving Accessibility

CS9 Managing the environment and heritage
CS16 Housing density
CS17 Housing diversity

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD Adopted 2007

Residential Parking Standards Supplementary Planning Document adopted
December 2013

3. RELEVANT PLANNING HISTORY

3.1 PT13/1423/F Conversion of existing surgery to form 1no. self contained dwelling and associated works. Refused for two reasons:

- 1 That the proposal, by reason of its lack of outlook, limited unsatisfactory outdoor space and contrived design was considered to be a cramped form of development which is contrary to policy H5 of the South Gloucestershire Local Plan Adopted January 2006, policy CS17 of the South Gloucestershire Local Plan Core Strategy incorporating Inspectors Draft (October 2012) and Further (March 2013) Main Modifications and the National Planning Policy Framework paragraph 50 and paragraph 56.
- 2 That the Environment Agency 2nd generation Flood Maps for surface water showed ground profiles in this development area as being subject to overland flow or flood routing in the event of high intensity rainfall (i.e. non-watercourse and non-sewer surcharging).

4. CONSULTATION RESPONSES

4.1 Olveston Parish Council
No objection

4.2 Other Consultees
Transportation DC
No objection subject to cycle parking

4.3 Conservation
No objection

4.4 Drainage
No objection as the drainage maps used to formulate the previous refusal reason have been amended and no longer show a water risk.

4.5 Highway Structures
No objection

Other Representations

4.6 Local Residents

One letters of objection has been received in relation to the following matters:

- Fails to overcome the previous refusal reason regarding its inhabitants
- A new vehicular access directly opposite will likely force the occupier to park directly in front of either neighbour rather than in front of the actual premises.

The writer also noted the differences between the current application and the previous refusal and asked that the Council ensured that these were carried out. (namely- the obscure glazing in the windows overlooking the front and rear gardens at Hawleaze House, the retention of the location of the rear window, the lack of digging out the patio area)

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 Green Belt in the washed over settlement of Olveston and located close to local shops. As such the location is sustainable and the presumption in favour of development stands to be tested further in relation to relevant sections of the NPPF and the policies of the local plan.

5.2 Paragraph 90 of the NPPF cites the re-use of buildings, such as in this scheme to be not inappropriate within the Green Belt. More over given that the proposal does not extend the form of the building there will be no impact on the green belt as a result of the proposal.

5.3 The NPPF seeks to create a wide choice of high quality homes (para 50) and advises that local planning authorities should normally approve planning applications for change of use to residential use (para 51) however it also acknowledges that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people (para 56). The design of the proposal is considered below.

Policy H5 states that conversion of non-residential properties for residential use will be permitted provided that they would not prejudice the character of the surrounding area, or the amenity of neighbours, that acceptable off-street parking and adequate amenity space is identified. Further, where the property is changing from a non-residential use, the site should be located within the existing urban or defined settlement areas. This site is located in the Settlement area of Olveston and as such meets this last criteria. In this respect the application will be considered under the following headings.

5.4 Character and visual amenity

The site is part of a rural village lane where in general houses are set well back on their plots with reasonable gardens in front of houses. The proposed alterations are largely inside and the changes, as seen from outside of the site are a change from two to three roof lights on the southwest facing roof slope, a narrow window to the front elevation and a new rooflight on the northeast facing side. Whilst the property is located forward on the plot and is significantly smaller than other residential properties, this building is already in this situation. The proposal which makes little alteration to the scale or appearance of the building does not detrimentally affect the character and appearance of the site from public vantage points. As such the proposal does not materially affect the character or visual amenity of the area.

5.5 Residential amenity and design

Whilst the alterations have limited impact in the character of the site from public vantage points the internal change to create a first floor and use of two of the roof lights as primary windows would have some impact on the residential amenity outside of the site.

5.6 The rooflights facing Eastcombe House's front garden are located at first floor and would primarily face across an existing garage and onto the front drive, having only modest impact on the residential amenity of the occupiers of that house. A new house is proposed in the rear/side garden at Eastcome House and it is considered that the proposal would have limited impact on the privacy of that dwelling, once built. In any case until such a new house is actually constructed there is no residential amenity, related to that proposed house, to protect. With respect to the impact of the scheme on the residents of Hawleaze House, the windows which either directly abut the front garden of Hawleaze House, and facilitate a diagonal view into the front windows at about 8m distance and the window which faces directly rearwards over a private amenity area in the garden are proposed to be obscure glazed and retained in their current location. This prevents an unsatisfactory loss of privacy from occurring. Overall the proposal is not considered to cause material harm to the existing residents surrounding the site provided that conditions control the obscure glazing mentioned above and

5.7 Having considered the impact on the neighbouring dwellings, consideration should also be given to the residential amenity of the prospective occupants. The whole of the ground floor level is to be lowered by approximately 0.35m to facilitate a first floor. This brings the floor level to the level of the front patio slabs onto which the gutters currently drain and effectively raises the window cills to 1.3m from finished floor level. The northeast facing, obscure glazed windows offer very little solar gain to the building as a result of their orientation and this will be limited further by the neighbours planting and trees outside. However the applicant seeks to maintain these windows as obscure glazed which will prevent overlooking and lessen the likelihood of the neighbour further planting up their garden directly outside the windows. The only view out of the building from the ground floor would through the rear patio doors and up steps into the 2.5m deep patio. This element of the scheme has changed since the original submission and as a result the feel of the ground floor living area will be improved.

The change involves the cutting away of the ceiling/first floor surrounding the rear window which will create a more airy living space with light penetrating from the full height of the rear elevation windows. The previous scheme proposed to reduce the outside ground level to the level of the internal ground floor but this created a modest (2.5m deep by 5.4m wide) patio area with a 2.3m height fence and wall. This outside area was felt to be too enclosing on the modest patio area and the current scheme retains the outdoor area at its current height rather than reducing the patio level. This improves the outside appearance and the view achieved from inside the building.

- 5.8 On balance the alterations are considered enough to consider that on balance the proposal is acceptable in design terms for the re-use of an old building without materially affecting the amenities of neighbours. This overcomes the refusal reason of the previous application.
- 5.9 Furthermore whilst policy CS17 seeks to achieve diversity in the housing stock it also states that each home should have adequate private/semi-private and/or communal outdoor space and access to adequate open and play space (policy CS24). The closest outdoor play space is located over five hundred metres away from the site, as measured through the estate to the north of the site. This is just beyond the standards being brought forward in the Core Strategy but not so excessively so as to warrant a refusal solely on that basis.
- 5.10 Conservation
The building was one of five Reformed Methodist Chapels built in the area in the nineteenth century by Thomas Johnson Ward. It was converted to use as a surgery in the twentieth century although that use has now become redundant. The building is single storey, constructed of local Lias stone with a double roman clay tile roof. Characteristic of the Methodist chapels of this era in a village community, the building is of very simple form and appearance, and modest in size. It is characterised by its simple design and solid blank elevations, with little ornamentation or fenestration.
- 5.11 The building is directly adjacent to Hawleaze House which is a grade II listed building. Any externally visible alteration will therefore impact on its setting. The surgery and chapel are not understood to have been in the same ownership as Hawleaze House at the date of listing, and not used in association with the building, and is not therefore thought to be curtilage listed.
- 5.12 The most significant change to the building required to facilitate the conversion is the insertion of a first floor. A section shows that the window head will be boxed such that the ceiling is cut back and would take out part of the upper floor. The building currently has two large modern rooflights on the south west elevation. The proposal is to insert a third in this roof pitch. The plans show that these are reduced in scale and conservation rooflights are proposed which are an improvement on the existing rooflights. A narrow window is proposed in the front elevation and the door is to be elongated. Details of these features have been submitted and can be secured by condition. As such the alterations to the building are considered to have a neutral effect on the setting of the adjacent listed building and the Conservation Area.

5.13 Transportation

The proposal does not include any off-street parking, however this situation existed with the former use of the building as a Doctors Surgery and this would have generated a greater parking demand. Parking opportunities sufficient to accommodate the predicted demand for between one and two cars exist on-street along Haw Lane. In terms of accessibility the site is within a reasonable walking distance of local facilities at Olveston and a bus service connecting Olveston to Charlton Hayes, Almondsbury, Thornbury and Yate. Therefore no highway objection is raised subject to two cycle parking spaces being provided as submitted.

5.14 Drainage

This site appears to be drained by directly expelling water from the existing gutters onto the front curtilage area. The application form indicates that surface water would be transferred to the mains sewer.

On the previous application attention was drawn by the Drainage Officer to a potential flood risk showing up on the Flood Zone maps due to overland flows or flood routing in the event of high rainfall. During the pre-application discussion to this application it was established that the Environment Agency maps have amended and no longer consider this a risk. As such our drainage engineer raises no objection to the proposal and the second refusal reason of the previous application is no longer justified or defensible.

Notwithstanding this the proposal shows channel boarding for floodproofing should the need occur.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission is granted subject to the following conditions.

Informatives:

Plans

Land not within ownership

Land ownership - consent required

Contact Officer: Karen Hayes
Tel. No. 01454 863472

CONDITIONS

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

Reason

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

2. The development shall not be occupied until details of two enclosed, secure cycle parking spaces have been provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The cycle spaces shall then be maintained as such thereafter.

Reason

To promote sustainable transport choices and to accord with policy T12 and T8 of South Gloucestershire Local Plan (Adopted) January 2006.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking or re-enacting that Order with or without modification), no windows/dormer windows or rooflights [other than those expressly authorised by this permission] shall be constructed in the building.

Reason

To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and the NPPF.

4. Prior to the use or occupation of the dwelling hereby permitted, and at all times thereafter, the proposed first floor, rear window and the ground floor, north-east facing windows shall be glazed with obscure glass to level 3 standard or above and shall be permanently fixed in a closed position.

Reason

To protect the privacy and amenity of neighbouring occupiers, and to accord with Policy H5 of the South Gloucestershire Local Plan (Adopted) January 2006.

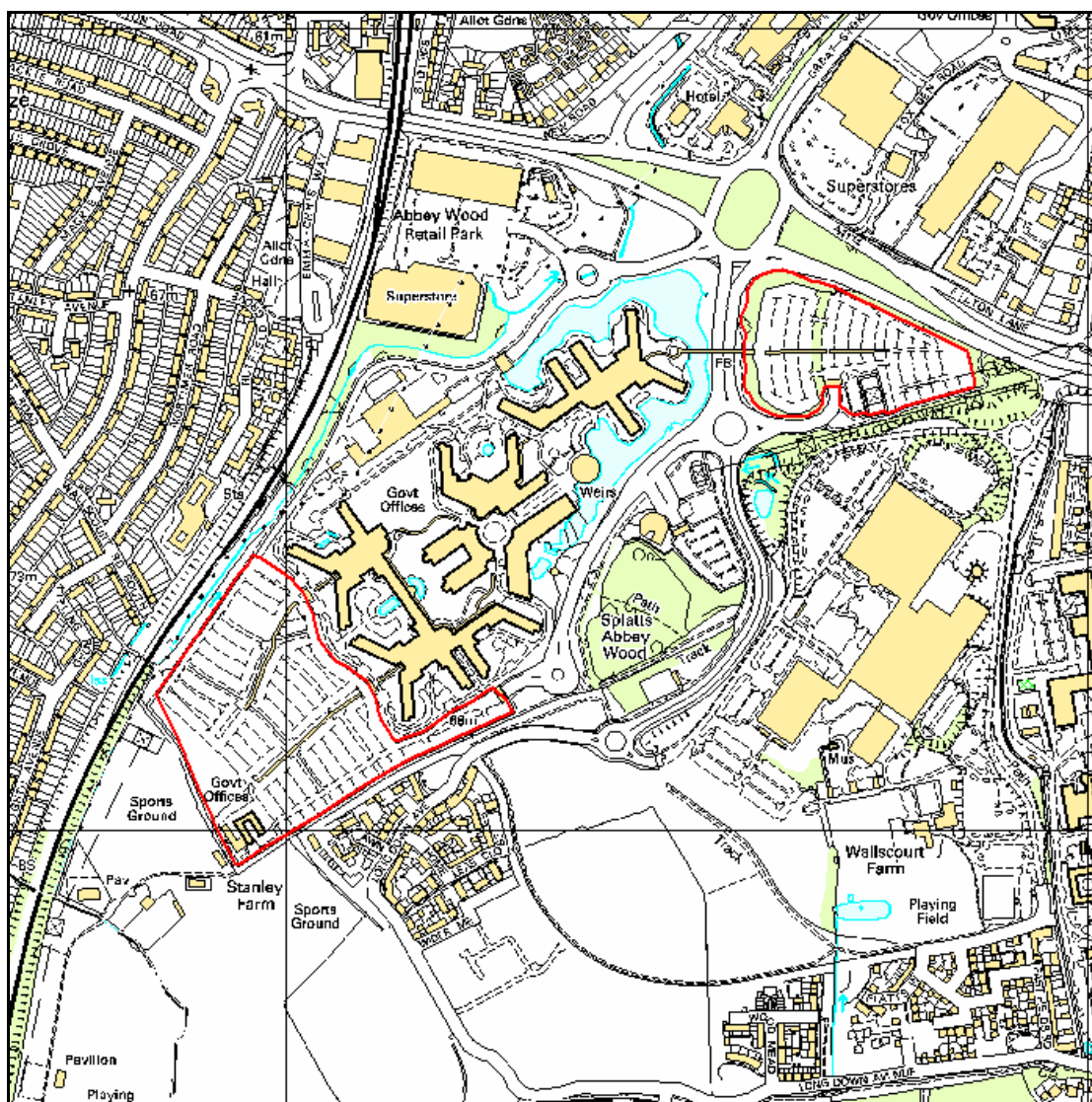
5. The proposal shall be carried out in strict accordance with the details submitted in drawing 13-1612-101 Rev C with regard to fenestration and the void area and external steps shall be created as shown on drawing 13-1612-102 Rev C and 13-1612-101 Rev C and shall be thereafter maintained as such.

Reason

The permission has been granted solely having regard to the particular details submitted and use not in accordance with the requirements of the condition would require the further consideration of the Local Planning Authority in the light of policy H5 of the South Gloucestershire Local Plan Adopted January 2006, policies CS1 and CS17 of the South Gloucestershire Local Plan Core Strategy adopted December 2013 and the National Planning Policy Framework paragraph 50 and paragraph 56.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PT14/2385/CLP	Applicant:	Secretary Of State For Defence
Site:	MOD Abbeywood Station Road Filton South Gloucestershire BS34 8JH	Date Reg:	3rd July 2014
Proposal:	Application for Certificate of Lawfulness for the proposed provision of new and replacement hard standing to be used for car parking and new landscape planting.	Parish:	Stoke Gifford Parish Council
Map Ref:	361292 178359	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	15th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 A certificate of Lawfulness for a proposed development has been applied for in relation to the proposed provision of new and replacement hard standing to be used for car parking and new landscaping planting at MOD Abbeywood Station Road, Filton. During the course of the application, a revised proposal was submitted to slightly change the parking layout at South West Car Park and to reduce the original total 353 parking spaces to 340 parking spaces. In order to support the proposal, the agent has submitted a letter of authorisation from the Defence Infrastructure Organisation to make this application and the letter has confirmed that Ministry of Defence Abbeywood Filton is part of Ministry of Defence establishment, which form part of an operational Crown land.
- 1.2 This application is a formal way of establishing whether or not the proposal falls within the permitted development rights under the Town and Country Planning (General Permitted Development) Order 1995. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24 Town and Country Planning (General Permitted Development) Order 1995, Schedule 2, Part 34, Class D.

3. RELEVANT PLANNING HISTORY

The site has been subject to a number of planning applications in the past, and the following are the most relevant to the determination of this application.

- 3.1 PT14/016/SCR Reconfiguration of existing car parks to accommodate up to 350 additional car parking spaces. EIA is not required. 06.06.2014.
- 3.2 PT01/3145/C84 Construction of 206 parking spaces. No objection. 18.03.2002
- 3.3 P91/0056/28 Erection of building totalling 1.2 million sq feet for offices and ancillary use. Construction of related access roads and car parking facilities; provision of landscaping (outline) no objection 08.04.1992

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection.

Conservation Officer

The only concern is the proposed intensification of the car parking in the south-western corner of the 'south-west car park'. The proposals would see the car park extend into what is an area of landscaping that can be considered important in providing a visual buffer between the car park the grade II listed Stanley Farmhouse and courtyard buildings. In light of the negative impact the extensive car parking has had on the setting of these listed buildings, the last thing we should be doing is bringing the car park closer to these listed buildings. It is therefore advised that in the interests of preserving what is left of the setting of the listed buildings, the proposals in the southwest of the car park are reconsidered.

Public Rights of Way Officer

No objection

Landscape Officer

No objection to the revised proposal. The applicant submitted a revised proposal and further justification taking consideration of officer's initial concerns over the loss of the existing landscaped area. Landscape Officer has now confirmed that the proposals are acceptable.

Highway Officer

Highway Officer notes that this application seeks a Lawful Development Certificate to provide additional hardstanding to allow the rearrangement and extension the car parking provided at the Ministry of Defence Procurement Centre at Abbeywood, Filton.

At present the site is provided with 3,291 car parking spaces and as a result of the current application it is proposed to reduce the landscaping on the site to allow the addition of 353 new spaces to this total. This will increase the overall car parking provision on the site by about 11%.

This proposal is matter of great concern, as an increase in car parking spaces of this magnitude is bound to lead to a similar increase in vehicular trips to this site. Moreover, as the MOD is an employment site, these trips are likely therefore to take place in the traditional peak periods. This, in-turn, will increase traffic movements on the adjoining highway network, especially the A4174 and Abbey Wood Roundabout.

As a consequence, Highway Officer would normally recommend the refusal of this application. It is noted that the applicants consider that this development is covered by crown immunity and is therefore a permitted development. Hence we are not able to follow this course of action.

Environmental Protection

Environmental Protection notes that this application seeks a lawful development certificate as the applicant considers this development is covered by crown immunity and is therefore a permitted development.

The comments below are comments which would be made under normal circumstances and we recommend that these are still taken into consideration.

i. Air Quality

In line with recognised guidance produced by Environmental Protection UK (EPUK) Development Control: Planning for Air Quality (2010), an air quality assessment should be undertaken and submitted as part of the planning application. The assessment should consider the impact of the proposed development in terms of the air quality objectives described in the National Air Quality Strategy and should be carried out by a suitably qualified person. An assessment is considered necessary because the proposal involves an increase in car parking of 353 spaces (i.e. triggering the criteria of more than 100 spaces outside of an air quality management area). Also the proposal could also be considered as one that will generate or increase traffic congestion, particularly when the cumulative impacts are considered in light of other developments in the area. It is recommended that the Environmental Protection Team is contacted for further advice on what should be considered in the assessment.

It is strongly recommended that consideration is given to increasing the number of 2+ parking spaces proportionately to encourage car sharing and therefore, more sustainable travel by staff. Also the installation of an appropriate number of electric vehicle charging points should be considered to encourage the take-up and use of vehicles with no (local) emissions, thereby, reducing the impact of vehicle emissions in this area.

ii. Contaminated Land

The north eastern car park is on the site of a former refuse tip and former Harry Stoke Drift mine (coal). It is appreciated that this development only involves reconfiguration. Should the development involve any significant ground works and/or excavation of material however, then prior to the works commencing a suitable and sufficient ground investigation and risk assessment should be carried out in line with current best practice and guidance to assess whether any remediation works are required to ensure a safe development.

iii. Noise

There are no comments in respect of noise, but advised precautionary measure should be carried out during the construction period in order to minimise adverse impact upon the neighbouring occupiers. No noise survey is necessary for this proposal.

4.2 Local Residents

One letter has been received and the resident raised an issue that there was a delay to display the site notice.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The purpose of this application for a Certificate of Lawful Development is to establish whether or not the proposed development can be implemented lawfully without the need for Planning Consent. This is not a Planning Application but is an assessment of the relevant planning legislation, and as such the policies contained within the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy (Adopted) December 2013 do not apply in this instance.

It stands to be ascertained whether the proposed development falls within the limits set out in Part 34 Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995.

- 5.2 The application site consists of two car parks namely the North East Car Park and the South West Car Park, and both of them are situated within the MOD Abbeywood South complex. The applicant has stated that the MOD Abbeywood operational site houses the Defence Equipment and Support procurement organisation. Planning permissions was granted for the MOD Abbeywood procurement centre, subsequently, MOD has occupied the site and thereafter the site has become operational Crown Land.

Crown bodies have additional permitted development rights to enable them to carry out certain development without requiring a planning application be made and these are set out in Parts 34-38 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995. Some of these permitted rights granted by Parts 34, 35 and 36 of Schedule 2 to the Order only apply to operational Crown land and to operational Crown buildings.

Operational Crown land is land owned or managed by Crown bodies which is used or held for operational purposes. These purposes relate to the carrying out of the functions of the Crown body. The Ministry of Defence – responsible for a wide range of military bases, training and research facilities is one of examples of Crown bodies that have operational land.

As a letter of authorisation from Defence Infrastructure Organisation to make this application has been submitted with this application, officers are satisfied that Ministry of Defence Abbeywood Filton is operational Crown land, and the proposal would fall under Schedule 2, Part 34 of Town and Country Planning (General Permitted Development) Order 1995.

Class D of Part 34 of the Town Country Planning (General Permitted Development) Order 1995 states

‘Permitted Development - The provision by or on behalf of the Crown of a hard surface within the curtilage an operational Crown building.’ It should be highlighted that no condition is applied to Class D, Part 34.

Currently the North East Car Park and South West Car Park accommodate 1,035 and 2,256 parking spaces respectively. The proposal is to reconfigure the existing car parks and to provide new and replacement hard standing to provide additional 340 parking spaces. The works would involve a removal of some of existing landscaping areas and a formation of new and replacement hardstanding. Parking layout plans and landscaping plans have been submitted with the application. Officers consider that the submitted plans have demonstrated that the proposal would fall under Schedule 2, Part 34, Class D of the GPDO.

Prior to the submission of this application, a screening request to confirm if Environmental Impact Assessment is required for the provision of 350 parking spaces has been made and it is concluded that the Environmental Impact Assessment is not required for the proposed 350 parking spaces within the site.

In this instance, it is considered that the proposed provision of new and replacement hard standing to be used for car parking and new landscape planting would be permitted development under Schedule 2, Part 34, Class D of the GPDO.

5.3 Other Issues

Officers have acknowledged that there are concerns over the transportation issues, air quality, contaminated land, noise and impact upon the setting of the listed building, Stanley Farm. Giving that this application is a formal way of establishing whether or not the proposal falls within the permitted development rights and the decision is based on the facts presented, therefore the above concerns cannot be form part of the assessment of this application.

Nevertheless, the applicant has been advised of the concerns raised by the consultees.

A resident raised the issue with regard to the delayed display of site notice by the applicant. In this instance, the consultation has been extended to 6th August 2014 and no further comments were received.

6. RECOMMENDATION

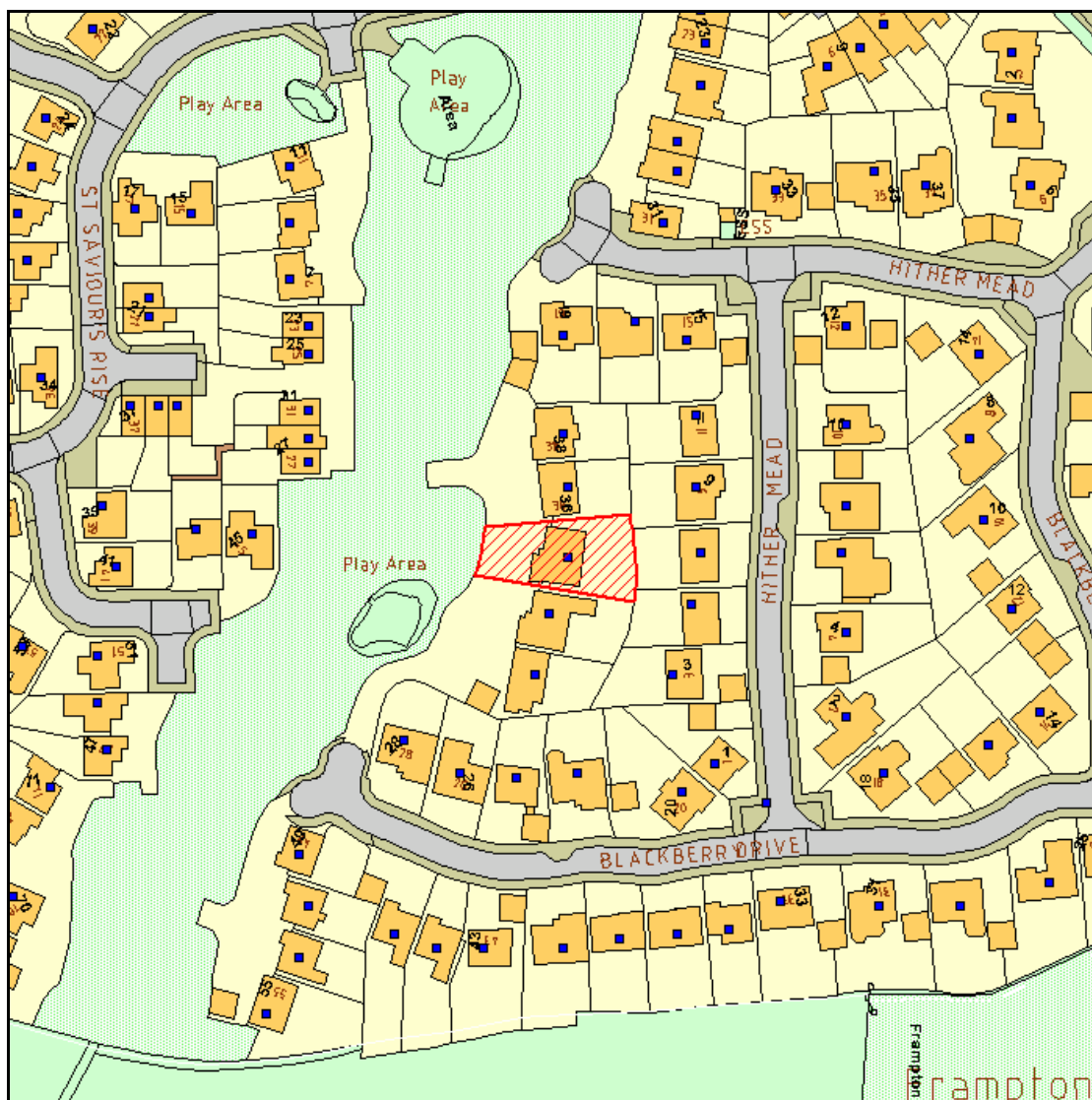
- 6.1 That a certificate of Lawfulness for Proposed Development is granted for the following reason:

Evidence has been provided to demonstrate that the development falls within permitted development for Development by the Crown of the Town and Country Planning (General Permitted Development) Order 1995.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PT14/2470/F	Applicant:	Mr And Mrs Fromberg
Site:	34 Blackberry Drive Frampton Cotterell Bristol South Gloucestershire BS36 2SN	Date Reg:	8th July 2014
Proposal:	Erection of single storey side extension and conversion of garage to form additional living accommodation. Erection of extension to front porch and installation of balcony to front elevation.	Parish:	Frampton Cotterell Parish Council
Map Ref:	366938 180702	Ward:	Frampton Cotterell
Application Category:	Householder	Target Date:	19th August 2014



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INTRODUCTION

This application appears on the Circulated Schedule because objections have been received from Frampton Cotterell Parish Council and a neighbouring occupier contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension and the conversion of an existing garage to form additional living accommodation. Permission is also sought for the erection of an extension to the front porch and the installation of a balcony to the front elevation.
- 1.2 The application site comprises a two-storey detached dwellinghouse located on the eastern side of the cul-de-sac Blackberry Drive within the established residential area of Frampton Cotterell. The property overlooks an area of Public Open Space (POS) to the west.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages
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
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)
The Frampton Cotterell Village Design Statement

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
Objection. This is out of character with the village design statement and street scene. This will be detrimental to the amenities and privacy of the neighbouring properties.
- 4.2 Drainage Officer
No comment

Other Representations

4.3 Local Residents

The neighbouring occupier at no. 32 Blackberry Drive has objected to the proposal and two letters of objection have been submitted to the Local Planning Authority from this occupier. The following is a summary of the reasons given for objecting:

- The description of the application refers to a veranda as opposed to a balcony and is incorrect;
- Overlooking from the property from the balcony resulting in loss of privacy;
- The balcony will generate an unreasonable level of noise during the evenings and weekends due to the close proximity the neighbouring property;
- The proposal is out of keeping with the character of the surrounding built form;
- Concerns the use of security shutters will result in the utility room proposed being used for other purposes;
- Human Rights Act, in particular Protocol 1, Article 1, states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Planning policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) allows for the principle of the proposed development. The main issues to consider are its appearance/form and the effect on the character of the area; the residential amenity effects; and the transportation effects.

5.2 Appearance/Form

The proposal extends the existing porch forward by approximately 1 metre, level with the front wall of an existing lean-to integral garage projection, to form an enlarged entrance area. It is not considered that the proposal will appear adversely out of keeping with the character of the dwelling in terms of siting. A lean-to roof is proposed over the entrance area and uPVC windows are proposed for the walls. It is considered that this part of the proposal is acceptably in keeping with the character of the host dwelling in terms of form and appearance. The side extension projects just 1.8 metres from the side elevation of the dwelling and is encompassed by a lean-to glazed roof. This part of the scheme is acceptably in-keeping with the character of the dwelling.

5.3 The existing lean-to roof over the projecting double garages is proposed to be replaced with a slate grey GRP flat roof deck to provide a balcony area. A frameless 1.1 metre high glass balcony screen with acid etched glazing is proposed along the front of the balcony. A first floor bedroom window is proposed to be replaced by UPVC French doors to provide access onto the balcony from the bedroom. It is not considered that the proposal will have a significant adverse effect on the character or appearance of the dwelling. No alterations are proposed to the scale, form and proportions of the main dwelling. Although the proposal will change the appearance of the principal elevation and will be noticeable from the street, it is not considered that it will

- appear adversely out of keeping, as the host dwelling is a modern property which fronts onto an area of POS within a modern residential estate. The use of balconies in dwellings to take advantage of views over public open space close by is not considered to be unusual. The use of high quality materials will also ensure that the proposal fits acceptably with the character of the dwelling and surrounding area.
- 5.4 An existing garage is to be converted to a utility room, which will necessitate the removal of an existing up and over door and the replacement with sliding doors. The applicant has specified that these doors will be fitted with a security shutter, and details were requested from the agent to ensure that this part of the scheme does not have an overly industrial appearance out of keeping with the character of the host dwelling. No information has been submitted at this point; therefore, a condition is recommended if permission is granted to ensure the security shutters are not installed until details have been agreed with the Local Planning Authority.
- 5.5 The Parish Council has objected on the basis that the proposal is contrary to the Frampton Cotterell Village Design Statement. However, this document has not been adopted by the Local Planning Authority and therefore, can only be given limited weight. In addition, it is not considered that the proposal is contrary to the main aims of the document.
- 5.6 Residential Amenity
The side extension and the front porch extension do not project significantly past the footprint of the existing building and are single storey in scale. As such, it is not considered that there will be a material effect on the residential amenity of neighbouring occupiers through loss of natural light or outlook. The balcony proposed does not project significantly past the front elevation of neighbouring properties; therefore, it is not considered that there will be a significant adverse effect on occupiers through loss of natural light or outlook.
- 5.7 As the proposal involves the provision of a balcony the main issue is the effect on neighbouring occupiers in terms of loss of privacy and through additional noise.
- 5.8 The neighbouring property that will be most impacted by the balcony is no. 32 directly to the south due to the fact that it will be situated within close proximity to the balcony. The concerns raised by neighbouring occupiers regarding the possibility of overlooking directly into their property are noted; however, the applicant has proposed a 1.8 metre high glass privacy screen on the southern side of the balcony. The plans show that the proposed 1.8 metre privacy screen does not extend the entire length of the side of the balcony, and is set back some 0.4 metres from the front edge. Subject to a condition to ensure that amended details are agreed with the Local Planning Authority, which demonstrate the privacy screen extending the entire length of the south side of the balcony at 1.8 metres in height, and for the screen to be installed prior to the first use of the balcony and retained at all times thereafter, it is not considered that there will be a significant adverse effect on the privacy of neighbouring occupiers of no.32 to the south.

- 5.9 No privacy screens are proposed on the northern side of the balcony. The neighbouring property no.36 is located approximately 7.5 metres from the proposed balcony. Notwithstanding the level of separation, in order to avoid an unreasonable degree of overlooking across the front of the neighbouring property towards windows in the front elevation, a condition is recommended, if permission is granted, for an additional 1.8 metre high privacy screen to be located on the northern side of the balcony.
- 5.10 Objections have been received on the basis that the balcony proposed will generate an unreasonable level of noise especially in the evening and weekends. However, given the scale of the balcony it is not considered that the proposal will generate an unreasonable level of noise to the detriment of the residential amenity of neighbouring occupiers. Privacy screens to be installed along the sides of the balcony will help mitigate any noise generated.
- 5.11 An objection received has highlighted the fact the Human Rights Act, in particular Protocol 1, Article 1, states that a person has the right to peaceful enjoyment of all their possessions which includes the home and other land. However, it is considered that the usual planning process of balancing the most relevant issues, such as the effect on the amenity of neighbouring occupiers, in the public interest is sufficient to satisfy the Convention in this instance.
- 5.12 Concerns have been raised regarding how a utility room that is proposed to be secured by a security shutter will be used. However, it is considered that the proposed installation of a security shutter does not necessarily indicate that it will be used in a way that is not ancillary to the enjoyment of the dwellinghouse.
- 5.13 Transportation
The proposal will result in the loss of a single garage space; however, two off street parking spaces and a single garage space will remain to serve the dwelling. This level of provision is considered to be in accordance with the South Gloucestershire Residential Parking Standards SPD (adopted).

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. Notwithstanding the details submitted, prior to the commencement of the development revised plans for the balcony screens shall be submitted to and agreed in writing by the Local Planning Authority. The screens shall be provided in accordance with the agreed details prior to the first use of the balcony and retained thereafter. (For the avoidance of doubt the revised plans shall demonstrate an additional 1.8 metre high screen on the north side of the balcony, and the 1.8 metre high screen on the southern side of the balcony extending the full length to the front edge of the balcony).

Reason

In the interests of the privacy of neighbouring occupiers and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

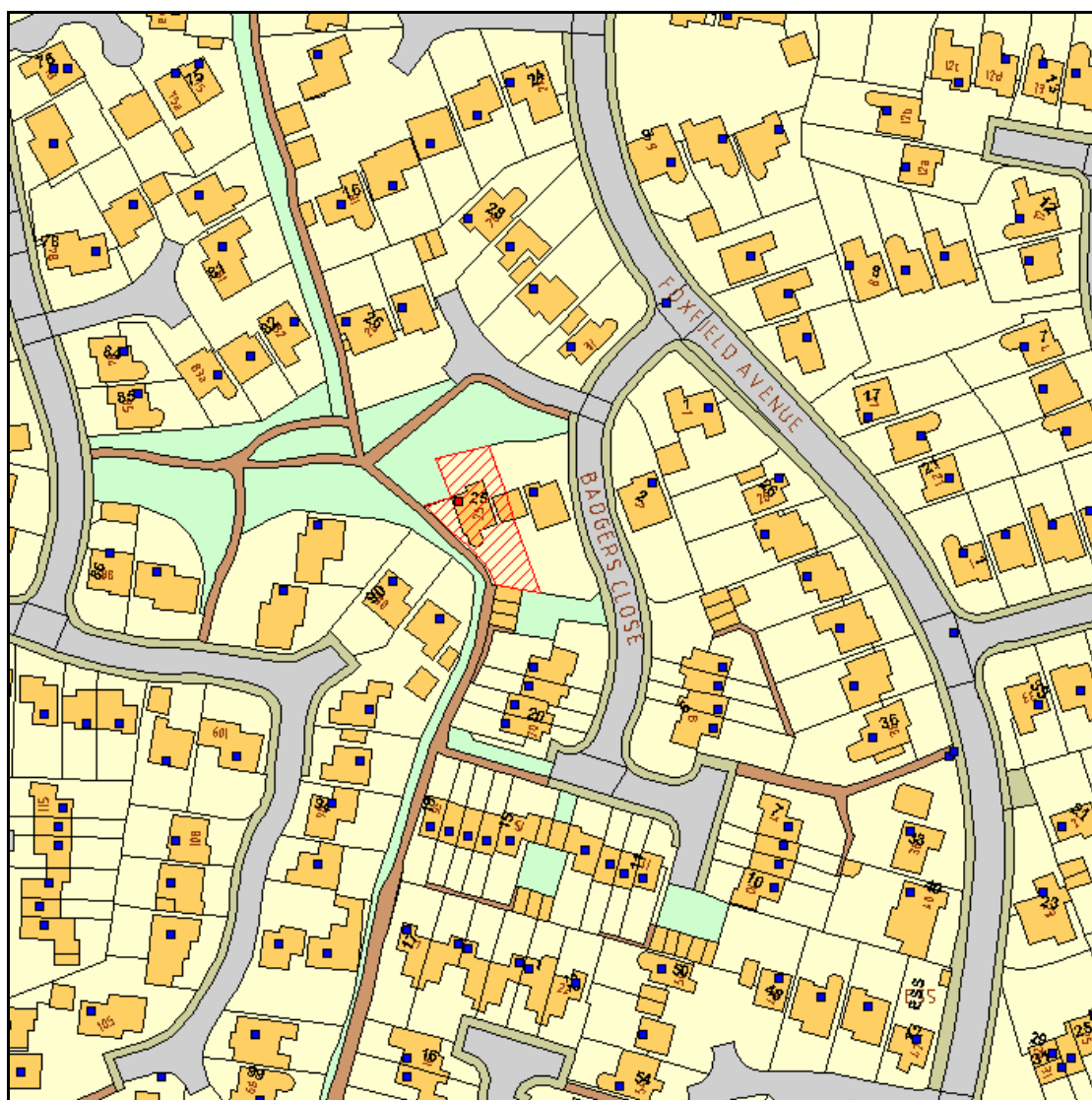
3. The security shutters shall not be installed until further plans and details have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason

In the interests of the character and appearance of the dwelling and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PT14/2536/F	Applicant:	Mr A Walker
Site:	25 Badgers Close Bradley Stoke Bristol South Gloucestershire BS32 0BS	Date Reg:	8th July 2014
Proposal:	Demolition of existing conservatory to facilitate the erection of single storey rear extension to provide additional living accommodation	Parish:	Bradley Stoke Town Council
Map Ref:	361658 183057	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	22nd August 2014



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REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application is for the erection of a single storey rear extension to the existing dwelling. The extension would be approximately 4.3 metres long to the width of the house, except where an angle is built into the extension in order to accommodate the angle of the curtilage boundary, with a flat roof to the back wall of the existing house. The proposal would replace an existing conservatory.

1.2 The property is a modern detached dwelling and is located within the residential area of Bradley Stoke.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework
Planning Policy Guidance

2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings

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

2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist (Adopted) 2007.

3. RELEVANT PLANNING HISTORY

3.1 None relevant

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council
Bradley Stoke Town Council objects to this planning application on grounds that the proposed single storey rear extension is out of keeping with the rest of the property. The extension should be constructed with brickwork to match existing and have a sloping, tiled roof.

Public Rights of Way
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Design / Visual Amenity

The comments of the Parish Council regarding design are noted. In terms of the finished proposed in white render, whilst it is acknowledged that the existing dwelling is a red brick finish, as are many of the dwellings in the locality, it should also be noted that the second storey of the neighbouring property is finished in white render. The addition of a single storey white render element to the rear of the application property is not considered to give rise to an unacceptable visual amenity impact sufficient to warrant and sustain a refusal of the application.

- 5.3 The proposal incorporates a flat roof design, and whilst no evidence of similar was observed in the immediate vicinity, this is not an automatic reason for refusal, and every application should be judged upon its individual merits. It is not considered in this instance that the flat roof design, at single storey level and to the rear of the property gives rise to a significant or unacceptable visual amenity impact sufficient to warrant and sustain a refusal of the planning application

- 5.4 The proposed extension is therefore considered to be of an acceptable standard in design in context with the nature and scale of the extension and the site and surroundings.

5.5 Residential Amenity

Given the length, size and location of the extension and its relationship in context with the neighbouring property, it is not considered that it would give rise to any significant or material overbearing impact. Further to this sufficient garden space remains to serve the property.

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 Given the size and location of the proposals, the proposed extension is of an acceptable standard in design and is not of significant or material detriment to the main dwelling house or surrounding properties. Furthermore the proposal would not harm the amenities of the neighbouring properties by reason of loss of privacy or overbearing impact. As such the proposal accords with Policies H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of South Gloucestershire Local Plan (Adopted) December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is granted.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

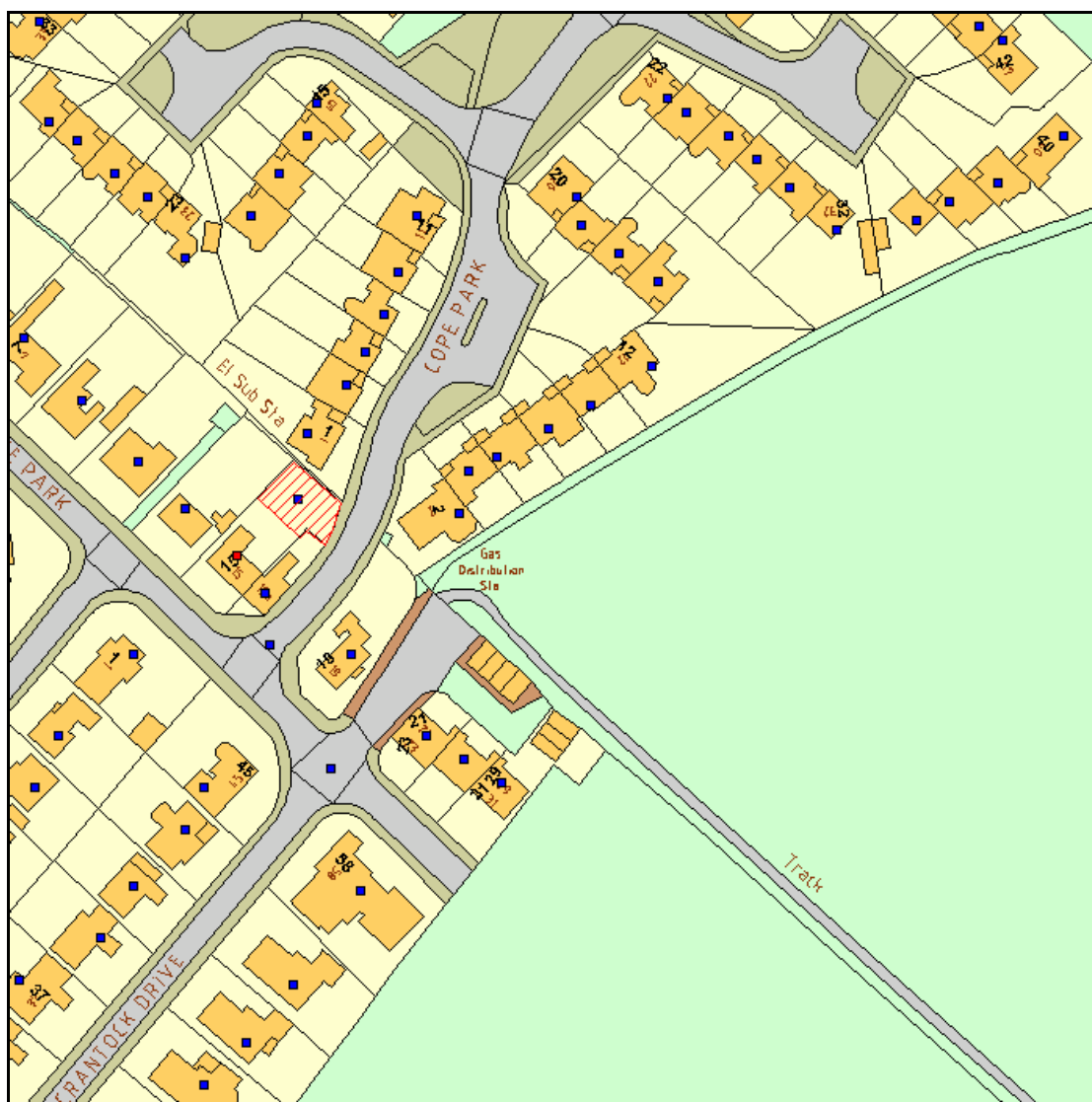
2. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 hours on Mondays to Fridays and 08.00 to 13.00 hours on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this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

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 32/14 – 8 AUGUST 2014

App No.:	PT14/2598/NMA	Applicant:	Mr George Simpson
Site:	15 Florence Park Almondsbury Bristol South Gloucestershire BS32 4HE	Date Reg:	21st July 2014
Proposal:	Non material amendment to PT14/0870/F to omit one window in north elevation and change single door to double doors in west elevation	Parish:	Almondsbury Parish Council
Map Ref:	361102 184245	Ward:	Almondsbury
Application Category:	Non material amendment	Target Date:	16th August 2014



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 100023410, 2008. **N.T.S.** **PT14/2598/NMA**

REASONS FOR REPORTING TO THE CIRCULATED SCHEDULE

This application for a non-material amendment appears on the Circulated Schedule as the recently approved scheme associated with the non-material amendment attracted a number of objections and the application was referred to Committee.

1. PROPOSED CHANGES TO ORIGINAL PERMISSION (list)

This application proposes two changes to the original permission:

- That the single door in the west elevation be changes to a set of 'French Doors'
- That the single small window in the north elevation be omitted

2. PLANNING HISTORY (including consultation replies received)

2.1	PT14/0870/F Approved	Erection of 1No. new dwelling with new access and associated works, resubmission of PT14/0075/F 2.7.14
2.2	PT14/0075/F Withdrawn	Erection of 1 no. detached dwelling with new access and associated works. 14.2.14
2.3	PT11/0411/F Approved	Conversion of existing annexe to form 1no. dwelling. 24.3.11
2.4	P93/1139 Approved	Erection of two storey side extension to form ground floor lounge, kitchen and utility room with two bedrooms and shower room over 7.3.93
2.5	N4841 Approved	Erection of single storey rear extension (in accordance with the amended plans received by the Council on 10th August 1978). 5.10.78

Consultation responses associated with PT14/0870/F

1. Comments received from two local residents:

- The proposed dwelling projects beyond the building line in Cope Park. There would be insufficient space on the plot to set the building back to the building line Cope Park
- The plot is too small to accommodate three separate dwellings. The footprint of the bungalow is larger than on a previous application PT14/0075/F. A third dwelling would cut down drastically the amenity space for all three dwellings on the plot
- The design of the east elevation is basic and not in-keeping with the area
- The parking space is inadequate for an access ramp for a wheelchair and manoeuvring in an out of adapted vehicles
- The dwelling would overlook the back garden of No. 13 Florence Park

- Due to its proximity it would cut down the sunlight falling on the garden of No. 13 and in particular the area used to grow soft fruit and vegetables and for recreation and would result in a loss of garden amenity for No. 13
- No scale is indicated on the drawings
- The tiny space between the west side of the proposed dwelling and the boundary with No. 13 constitutes a gross infringement of privacy of No. 13
- Construction of the proposed dwelling would result in around two-thirds of plot being covered with buildings, an unacceptably high and oppressive housing density
- Soil here is heavy clay and back garden of No. 13 already subject to waterlogging and lying surface water in wet winters- covering over a substantial area of nearby grassland will exacerbate this problem
- Would be reckless to allow any permeable soakage areas close to adjacent properties
- Construction would likely kill adjacent trees along the east border within back garden of No. 13 – a rowan and mature lilac. Also a tall evergreen in No. 15 and the loss of these trees would increase the waterlogging problem in both gardens
- Loss of mature trees
- Design of east elevation is basic and not in-keeping with area, boxlike dwelling and minimal, cramped exterior space are basic and not in-keeping with area
- Revised proposal gets rid of off-road parking for No. 15 necessitating on-road parking on a difficult bend
- Height has been reduced to one-storey and despite the 1.8 metres fence the dwelling would still overlook the garden of No. 13

2. Other consultees

Almondsbury Parish Council

No comment

Highway Drainage

No objection subject to conditions and informatives attached to the decision notice

Sustainable Transport

No objection

Landscape Architect

No objection subject to a condition

3. **ASSESSMENT (analysis should include reference to history, previous consultation replies, cumulative impact of changes, impact upon residential/visual amenity, design, scale and any other material policy changes)**

The proposed change from a single to a double set of doors would be to the west elevation i.e. the rear of the property. Here the proposed dwelling would be separated from its neighbour at No. 13 by a 1.8 metre high fence. In addition No. 13 benefits from a substantial rear garden and the main house is some 22 metres away at right angles to the proposed new single storey dwellinghouse.

It is considered that given the distance, the orientation and the boundary treatment the proposal change from a single to a double set of doors would not have an adverse impact on the residential amenity of this or any other close neighbour. The proposal also includes the loss of a small single window in the north elevation.

In terms of overall design the proposal is considered acceptable; being to the rear of the property the changes would not be viewed from the public highway and it is judged would not impact on the overall visual appearance of the proposed new dwelling.

4. RECOMMENDATION

No objection

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