



**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. 37/14

Date to Members: 12/09/14

Member's Deadline: 18/09/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE 37/14 – 12 SEPTEMBER 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/1973/F	Approve with Conditions	Former Lindman Factory Tower Lane Warmley South Gloucestershire BS30 8XT	Siston	Siston Parish Council
2	PK14/2019/F	Approve with Conditions	10 Saunders Road Staple Hill South Gloucestershire	Staple Hill	None
3	PK14/2451/MW	Approve with Conditions	Yard 3A Crown Industrial Estate Crown Road Warmley South Gloucestershire BS30 8JJ	Siston	Siston Parish Council
4	PK14/2547/RV	Approve with Conditions	106 Bath Road Longwell Green South Gloucestershire BS30 9DE	Longwell Green	Hanham Abbots Parish Council
5	PK14/2603/F	Approve with Conditions	7 Beechwood Avenue Hanham South Gloucestershire BS15 3QN	Hanham	Hanham Parish Council
6	PK14/2737/F	Approve with Conditions	56 Hill Street Kingswood South Gloucestershire BS15 4EX	Woodstock	None
7	PK14/2888/F	Approve with Conditions	77 Highworth Crescent Yate South Gloucestershire	Yate Central	Yate Town
8	PK14/2934/CLP	Approve with Conditions	16 Burgage Close Chipping Sodbury South Gloucestershire BS37 6DZ	Chipping	Sodbury Town Council
9	PK14/2973/F	Approve with Conditions	9 Chippenham Road Marshfield Chippenham South Gloucestershire SN14 8NY	Boyd Valley	Marshfield Parish Council
10	PK14/3133/AD	Approve	Peg Hill Roundabout Peg Hill Yate South Gloucestershire BS37 7PJ	Yate North	Yate Town
11	PT14/0699/F	Approve with Conditions	Westerleigh Quarry Road Alveston South Gloucestershire BS35 3JJ	Thornbury South And	Alveston Parish Council
12	PT14/0852/CLE	Refusal	The Old Dairy Ruffet Road Winterbourne South Gloucestershire BS36 1AN	Westerleigh	Westerleigh Parish Council
13	PT14/2724/F	Refusal	Severn Lodge Farm New Passage Pilning South Gloucestershire BS35 4NG	Pilning and Severn Beach	Pilning And Severn Beach Parish Council
14	PT14/2725/LB	Refusal	Severn Lodge Farm New Passage Pilning South Gloucestershire BS35 4NG	Pilning and Severn Beach	Pilning and Severn Beach
15	PT14/2974/F	Approve with Conditions	4 Salmon Close Severn Beach South Gloucestershire BS35 4NS	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
16	PT14/2997/F	Approve with Conditions	60 Apseleys Mead Bradley Stoke South Gloucestershire BS32 0BG	Bradley Stoke North	Bradley Stoke Town Council

ITEM 1

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PK14/1973/F	Applicant:	Cumberland Developments Ltd
Site:	Former Lindman Factory Tower Lane Warmley Bristol South Gloucestershire BS30 8XT	Date Reg:	12th June 2014
Proposal:	Erection of boundary treatment	Parish:	Siston Parish Council
Map Ref:	366808 172702	Ward:	Siston
Application Category:	Minor	Target Date:	4th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the circulated schedule as there are objections to the proposed development whilst the officer recommendation is one of approval.

1. THE PROPOSAL

- 1.1 The site is located off Tower Road North, Warmley and is on land associated with The Old Clock Tower and the Lindmans Factory. The site is within the Bristol East Fringe Urban Area and is located within the Warmley Conservation Area.
- 1.2 The site is also located within a Scheduled Ancient Monument (SAM) associated with early industrial brass manufacture. The Clock Tower is not itself a SAM but is a Grade II listed building. There are protected trees close to the application site approximately 15 metres to the West.
- 1.3 The proposed development consists of the construction of a low planter measuring approximately 31 metres long by 1.2 metres wide and 0.6 metres high. The planter is proposed to be constructed in timber railway (type) sleepers.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control Policy for New Development

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

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 PK09/0278/F Engineering works to facilitate the construction of a retaining wall and car park (retrospective). Renovation of Clock Tower car park and soft landscaping within car park area.

Approved 2nd April 2009 (now expired)

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

OBJECT. The original 2009 proposal (which cannot be found on the planning system) suggested squaring up the boundary between Lindmans and Clocktower which has now been dropped.

The West boundary was to have a high wall and secure boundary so the public could not gain access to Warmley House gardens but this is now a grass slope serving little purpose.

All in all, Siston Parish Council believe this equates to a breach of planning and now, replaced with a poor substitute.

4.2 Highways Authority No Objection

4.3 Archaeology Officer No Objection provided that there is no ground disturbance as part of the development.

4.4 Listed Building Officer No Objection is raised. The development would replace an unsightly arrangement and would avoid ground disturbance to the scheduled monument. A planning condition is suggested by which to ensure that the hedge is properly managed.

4.5 Landscape Officer The proposed development is acceptable.

4.6 Drainage Engineer No Comment

4.7 Highways Structures No Comment

4.8 Arboricultural Officer The Arboricultural Officer is satisfied that the proposed development will not have a detrimental impact on the trees subject Tree Protection Orders that are situated between the Industrial Estate Parking Area and The Clock Tower. There is no objection to this proposal

4.9 Coal Authority The site is within the coal mining area but the development is exempt from the requirement for a Coal Mining Risk Assessment. There is no objection to the proposed development however, the Coal Authority request that the standard informative is attached to any approval of this planning application.

4.10 English Heritage

Confirmation that no formal consultation is required as part of this application. English Heritage have no objection to the proposed development and agree that the setting of The Clock Tower.

Other Representations

4.11 Local Residents

Concern is raised as to the future maintenance of the planting as there does not appear to be any at present

5. **ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a landscape planter and associated planting.

5.2 Principle of Development

The proposal effectively consists of engineering works and as such is development as defined in the Town and Country Planning Act. The site is located within the Urban Area where there is a general presumption in favour of new development. The development is considered acceptable in principle subject to the following considerations.

5.3 Design, Character and Historical Assets

The site is located within a Scheduled Ancient Monument and is within the Warmley Conservation Area. The site is also within the setting of The Clock Tower which is a Grade II listed building.

5.4 The proposed development would involve a 'no-dig' construction and is essentially a container constructed using timber railway sleepers. This would be filled with topsoil and mulch and planted with a mixed hedge. This would allow the provision of a boundary treatment and planting without a requirement to dig foundations and disturb any archaeology contained within the Scheduled Ancient Monument. The Council's Archaeology Officer has agreed this method of working in consultation with English Heritage. On this basis the proposed development is considered acceptable in Archaeological Terms.

5.5 The existing situation is regarded by officers as being one which is generally untidy and harmful to the setting of the Listed Building (the Clock Tower). It is considered that the proposed development would provide a suitable boundary treatment that would act to improve the existing situation and the setting of the Listed Building; and on this basis is acceptable. The exact planting to be provided is not detailed although the application indicates that it would be made up of a native mixed hedge. A suitable worded condition would ensure that suitable species and planting methods are used and that appropriate and enforceable maintenance of the planting is in place as part of the development to ensure its up-keep.

- 5.6 The comments made by Siston Parish Council are noted. There is a previous planning permission for a more substantial boundary treatment which includes a wall and associated railings. This has not been implemented and has now expired. It is not necessarily the case that the previously approved development would be the preferred option from a visual perspective and officers consider that the proposal now submitted under this application is a suitable alternative. The LPA cannot force the applicant to revert back to a previously approved scheme; or refuse an application on this basis. The LPA must consider this application on its planning merits. In this instance the development is considered acceptable in visual terms and in the historical context of this site.
- 5.7 Tree Preservation Orders (TPO's)
Protected Trees are located approximately 15 metres to the West. The Council Arboricultural Officer has confirmed that the proposed development would not result in a detrimental impact upon the health of the trees; and in particular it is noted that the development would be a 'no dig' construction and would not be located within the Root Protection Areas (RPA) of the subject trees. On this basis, the development is considered acceptable in relation to the nearby TPO's.
- 5.8 Residential Amenity
There are residential properties to the North of the application site. However, given the nature of the development proposed (a planting area) it is considered that there would be no material impact upon the residential amenity of the occupants of nearby dwellings. Comments in respect of the maintenance of the planting are noted. As referred to earlier in this report, an appropriately worded condition can be used in order to ensure the up-keep of the area.
- 5.9 Transportation and Highway Safety
The proposed development would not alter the existing level of parking associated with the industrial area or the Clock Tower. The position and nature of the proposed development is such that there would be no material impact in respect of the visibility of users of vehicles accessing onto and off Tower Road North at this point. On this basis the proposed development is considered acceptable in Transportation and Highway Safety Terms.
- 5.10 Other Matters
Officers are aware that the site is subject of an ongoing/historic planning enforcement investigation which relates to the installation of railings at this location prior to the submission of the previously approved (and now expired) planning application (PK09/0278/F). The offending development has been substantially removed in the meantime. In the event that this application is approved and developed, it would be effective in resolving the situation.
- 5.11 Officer are also aware that offences have occurred on this site in relation to the removal of Trees within the Warmley Conservation Area without appropriate consents. This is essentially a separate matter and is not a reason to refuse the proposed development. It is noted that the proposed development would not affect the existing TPO's close to the site and would not require any removal of trees within the area.

In the event that the trees associated with this area are damaged in the future, this is a matter for investigation should it occur. It is not a matter for consideration as part of this application. The correct consideration has been made in respect of the impact of the proposed development on the existing trees as set out in paragraph 5.7 of this report.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

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

Reason

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

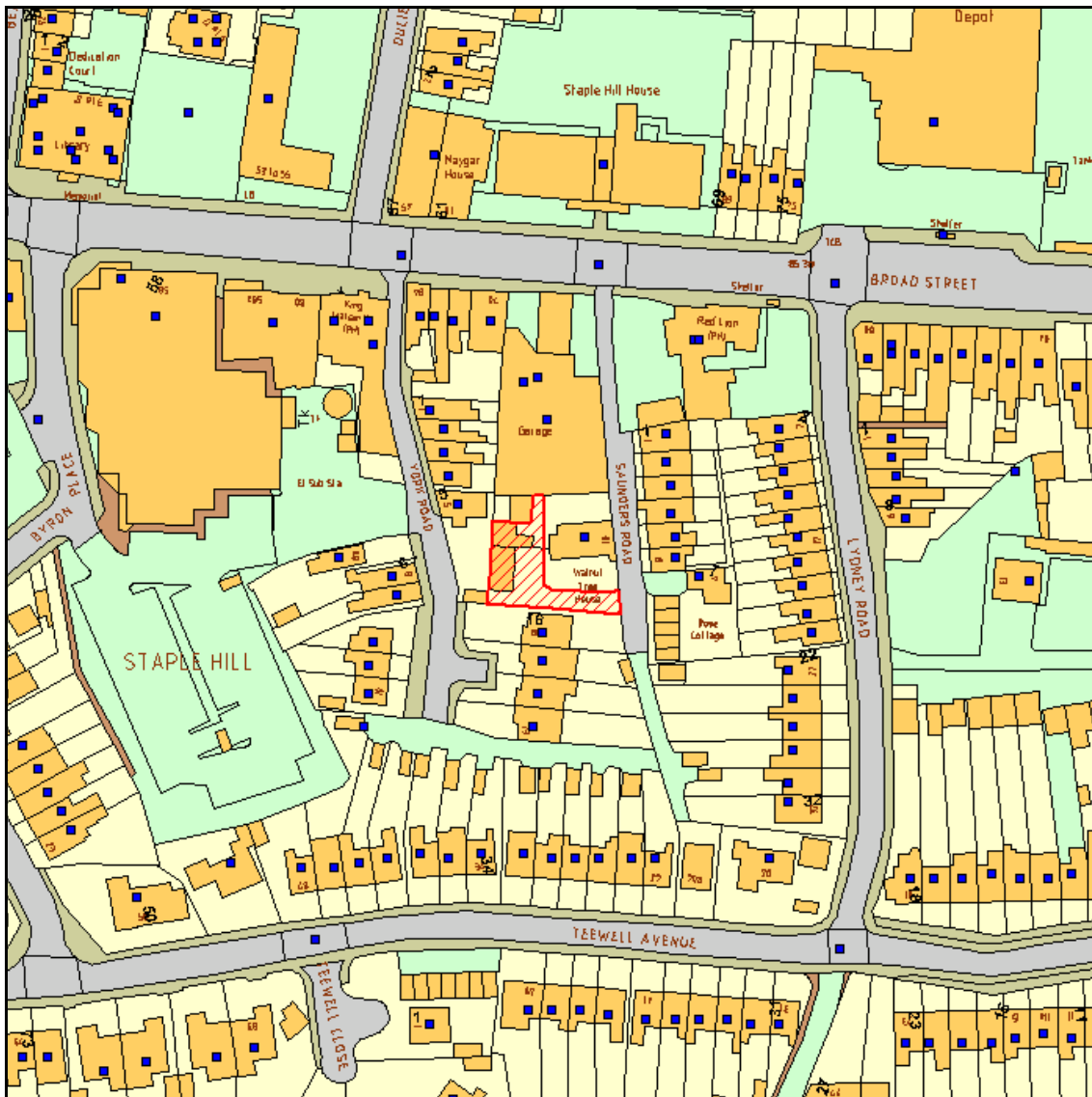
2. Prior to the commencement of development a scheme of planting demonstrating the species of plants to be used, times of planting and the method for the maintenance and up-keep of the planting shall be submitted to and agreed in writing by the Local Planning Authority. For the avoidance of doubt, the hedge planting shall be made up of native species of plants. Thereafter the development shall be carried out, retained and maintained as agreed.

Reason

In the interest of the visual amenity and historic character of the area and to accord with Policy CS1 and CS9 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013.

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PK14/2019/F	Applicant:	Mr P Kendall
Site:	10 Saunders Road Staple Hill Bristol South Gloucestershire BS16 5NN	Date Reg:	5th June 2014
Proposal:	Erection of 1no. detached dwelling and detached double garage with access and associated works.	Parish:	None
Map Ref:	365205 175838	Ward:	Staple Hill
Application Category:	Minor	Target Date:	23rd July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the erection of a single dwelling within land that currently forms part of the residential curtilage of No.10 (Walnut Tree House). The proposed four bed dwelling is situated to the rear of No.10 and would be two-storey in height. To facilitate the development, a large garage block would be demolished along the northern boundary of the site. The building would be accessed from Saunders lane with a carport accommodating two parking spaces and an associated drive and turning area. A small amount of amenity space would be provided for the proposed dwelling and amenity space and parking provision retained for the existing property
- 1.2 The application site is situated within the urban area of Staple Hill. To the immediate north of the site there is a large commercial garage. The end of this building forms the northern boundary of the site. To the west lies the side and rear garden of No.5 York Road including a patio area to the immediate rear. The southern boundary (alongside the proposed access/turning area/car port) lies alongside the northern boundary of No.16 York Road. To the east lies the original property Walnut Tree House.
- 1.3 Negotiations have taken place to seek a reduction in the scale of the property both to reduce any impact upon neighbouring occupiers and to ensure that the building is visually appropriate. The original proposal showed a dwelling with an additional storey 10.4 metres in height. The amended scheme shows a property without this additional storey with a height of approx. 7.9 metres

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 December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant history on this site.

4. CONSULTATION RESPONSES

- 4.1 Town/Parish Council
The area is unparished

- 4.2 Other Consultees

Highways

The site is located in a sustainable location and is accessed via Saunders Road a narrow shared surface cul-de-sac road which is approximately 3.2m wide. The road is slightly wider at both ends where cars are able to pass one another. Saunders Road currently serves about 8 properties and a further 8 garages. The addition of another property according to the TRICS trip generation database is likely to generate around 6 vehicle movements a day i.e 3 in and 3 out. This amount of additional traffic would not have a harmful impact on the existing access arrangements.

The proposed access off Saunders Road itself is around 5m wide and as such enables cars to manoeuvre in and out of the development. Visibility from the access along Saunders Road is restricted to between 8 and 10m. This is sufficient having regard to the very slow speed of traffic along the cul-de-sac. Saunders Road is wide enough for emergency vehicles to gain access however, refuse and recycling will need to be collected from Broad Street unless alternative arrangements are in place for the residents of the road.

No objection subject to a condition to secure the proposed parking spaces and turning area prior to first occupation

Highway Structures

No comment

Coal Authority

Objected to the proposed development on the basis that a Risk Assessment is required.

The applicant has suggested that a condition could be attached to any decision requiring an accurate assessment of the site to be obtained after consent has been given. This was put to the Coal Authority who maintain their objection. The comments of the Coal Authority can be summarised as follows:

- The site falls within the Defined High Risk Area, thus coal mining features and hazards must be considered
- A Coal Mining Risk Assessment should be provided in advance of determination of the application. The applicants suggestions that site strip be undertaken (through condition) would not be sufficient to prove that the site had not been subject to past unrecorded mine workings at shallow depth
- In the unusual situation where a Coal Mining Risk Assessment has not been submitted in support of an application, The Coal Authority is of the opinion that either the proposal be refused planning permission due to the lack of submission of required information or that a condition should be imposed by the LPA requiring a scheme of intrusive site investigation to be carried out to ascertain the exact situation regarding coal mining legacy and ground conditions beneath the site e.g. shallow workings and mine gases. It should be noted that shallow workings include workings up to 30 metres depth beneath the site. Where an investigation identifies specific remediation or mitigation measures (i.e. drilling and grouting of shallow mine workings) that are necessary to ensure that the site can be made safe, stable and suitable for development The Coal Authority would suggest that this is also controlled by condition.

Trading Standards

No objection subject to an informative relating to weight restrictions for construction vehicles

Technical Services (Drainage):

No objection subject to the attachment of a condition

Other Representations

4.3 Summary of Local Residents Comments

Two letters of objection have been received from neighbouring residents. A summary of the points of concern raised is as follows:

- The erection of a two storey dwelling would result in detriment to the residential amenity of neighbouring occupiers
- The erection of a garage for two cars would result in an increase of traffic on an unsuitable approach road
- The development is out of context (given that one of the buildings is part 16th Century)
- The development will have an overbearing impact and is too large
- The applicant should have provided a site section so that neighbours can assess the impact

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.

5.3 Design/ Visual Amenity

The application seeks full permission for the erection of a single detached dwelling. The dwelling as originally proposed would have been large in scale with a height of approx. 10.4 metres, this was subsequently reduced to 9.5 metres which was still considered too large by the Case Officer. Further negotiation has achieved a reduction in height to approx. 7.9 metres, a reduction in 2.5 metres overall involving the loss of the third storey. The proposed footprint has also been reduced but to a lesser degree from a width of 8.2 m to 7.5m and depth of 10.4m to 9.5m. The scale of the property is considered compatible with its surroundings

It is indicated that the building will be finished in painted render ,with double roman roof tiles. Features include a chimney and porch on the rear elevation. The application site is set back from any formal building line and as such is very much a separate property to the existing built form and relates most closely to Walnut Tree House which is also a large detached dwelling. It is not considered given its form and scale that the proposal would adversely affect the character and appearance of Walnut Tree House

5.4 The proposed new dwelling would be located in a mixed use area which is predominantly residential but with a significant large commercial garage to the immediate north of the site. There is a great mix of dwelling styles, sizes and designs in the locality and a wide range of materials used ranging from a very traditional terrace to the north-west of the site to a more modern 1960's development to the south. Walnut Tree House itself is unusual in so far as it is a large detached property. Given this broad mix of styles and materials it is not considered that it could be determined that the design of the development contradicted an established pattern of development. It is considered appropriate for a condition to be attached to ensure the submission of sample materials.

Subject to the above condition the design and visual impact of the proposal therefore is deemed to be acceptable.

5.5 Residential Amenity

Objections have been received from Number 5 York Road and No16 York Road properties that adjoin the site with No5 to the west and No.16 to the south. The impact on each of these dwellings will be discussed below followed by the impact upon other properties and the amenity of future occupiers..

No.5

- 5.6 No 5 York Road is a detached property situated to the west of the site. Concern has been raised that the proposal would have an adverse impact upon the residential amenity of the occupiers of this dwelling due to an overbearing impact as well as windows overlooking the side patio garden.

With respect to the physical impact of the new dwelling, it would be situated to the immediate south-east such that any view from the ground floor rear windows of No.5 would be at an oblique angle. It should be noted that there is and would remain a substantial boundary wall between the properties which would remain reducing impact from the dwelling. The area to the rear of No.5 dies protrude such that the new building would sit at a distance of 1.5 to 2 metres along part of the southern boundary of that rear area. It is considered that some loss of light to ground floor windows and the patio area would result to the occupiers of No.5 particularly in the winter morning months when the sun is low however to an extent this would occur at present due to Walnut Tree House and the boundary treatment. It is not considered that this impact would be so significant such as would justify the refusal of the application. The substantial part of the garden/amenity space of No.5 would lie alongside the house.

As indicated above during the course of dealing with the application the height of the proposed building has been reduced by approx. 2.5 metres, a considerable reduction. The roof of the new dwelling is also hipped sharply away from the boundary further reducing any impact. This relationship is now considered acceptable.

In terms of any impact upon the privacy of the occupiers of No.5, there are no windows proposed on the west/side elevation where there would be the potential to overlook the side of No.5 and its garden. It is considered appropriate to attach a condition to the decision notice to require consent for any further windows on this elevation. With respect to the northern/rear elevation there would be no direct overlooking of the patio area to the rear of No.5. At first and second floor level the nearest windows are to a bathroom and shower room respectively and any view from these towards No.5 would be at an oblique angle. For the avoidance of any doubt a condition will be attached to the decision notice to require these windows to be glazed with obscure glazing and a condition will also be added to require consent for any further windows in this elevation.

Furthermore it is considered appropriate to remove all residential permitted development rights (it is unlikely that any extension on the rear elevation of the property would be appropriate) to protect the amenity of this occupier. The removal of all usual permitted development rights will allow an assessment of any alterations to the dwelling upon the neighbouring occupier. .

5.7 No16

No.16 York Road lies to the south of the site. Concern is raised that the proposal will overlook that property. There is a distance of approximately 12 metres from the front elevation of the dwelling to No.16 but given the relationship between them in particular the angle it is not considered that there would be a direct view window to window such as would warrant the refusal of the scheme. The windows in the new property would overlook the front garden of No.16 but this is a normal relationship. It is not considered that the refusal of the proposal would be justified on the grounds that there would be any adverse impact upon the amenity of No.16

5.8 With respect to any impact upon No10, it should be noted that there is only one upper floor window on the west elevation of this property. It is not considered given the position of the new dwelling that it would appear oppressive or overbearing to those occupiers. Furthermore windows on the east elevation of the property will be obscure glazed. As indicated above a condition will be included on the decision notice to require consent for any future windows on this elevation (and that of the west elevation) in order to allow an assessment to be made of any impact)

5.9 With respect to the amenity of future occupiers, although limited it is considered that sufficient amenity space is provided given that the existing large garage has to be removed to facilitate the development. As indicated above in relation to the amenity of neighbouring occupiers, the usual permitted development rights will be removed and this will also serve to protect the limited amount of amenity space provided. ,

5.10 Highway Safety

Policy T12 of the South Gloucestershire Local Plan (Saved Policy) requires new development to make adequate, safe and appropriate provision for the transportation needs which it will create in order to minimise the adverse impact of motorised traffic.

Concern has been raised that the proposed development would result in an increase in traffic on an unsuitable approach road.

It is acknowledged that Saunders Road is a narrow cul-de-sac (approx. 3.2 metres wide albeit wider at each end allowing vehicles to pass each other). In terms of its impact upon the approach road it is likely that the development would generate 6 vehicle movements a day (according to the TRICS database). It is considered that such an increase would not have a significant additional impact upon this road.

Having considered the impact upon the road itself it is necessary to further consider whether the site itself can cater for the necessary vehicle movements onto that road and can accommodate the parking needs associated with the development. Officers note that visibility is restricted to between 5 to 10 metres on each side of the entrance, however given the nature of the road, the speed of traffic would be very slow and with an access that is 5 metres wide vehicles will be able to move into and out of the site in a satisfactory manner. Refuse arrangements would be as per other dwellings in the road. Access arrangements are considered satisfactory.

Of critical importance, given the narrow nature of the road and the subsequent need to reduce or eliminate on-street parking is whether adequate off-street parking provision has been made. The development shows the provision of 2 parking spaces for the proposed dwelling within a car port and a turning area (it would be possible to park further vehicles within the drive). The existing property retains its existing parking facilities. This provision meets the parking standards set out in the Residential Parking Standards SPD (a four bed property requires two spaces). A condition will be attached to the decision notice requiring the parking places and turning area to be in place prior to the first occupation of the dwelling.

It is considered that the proposal is fully in accord with the aims and objectives of Policy T12 as set out above.

5.11 Drainage

Drainage Engineers consider that it may not be possible to use the soakaway shown on the submitted plans as they must be located 5 metres from any structure. If it is not possible to make such a connection, Engineers indicate that it is possible to get agreement from Wessex Water to connect to the public sewer. A condition to secure an appropriate means of drainage will be attached to the decision notice and subject to this condition the proposal is considered acceptable in drainage terms.

5.12 Coal Mining

It is a requirement of the National Planning Policy Framework, paragraphs 120-121 that the applicant demonstrates to the satisfaction of the LPA that the application site is safe, stable and suitable for development. In addition the National Planning Practice Guide in section 45 makes it clear that planning applications in the defined Development High Risk Area must be accompanied by a Coal Mining Risk Assessment.

In this case the applicant although submitting a Coal Mining Report has declined to submit a Risk Assessment. As a result the Coal Authority objects to the development. The Authority state however:

In the unusual situation where a Coal Mining Risk Assessment has not been submitted in support of an application, The Coal Authority is of the opinion that either the proposal be refused planning permission due to the lack of submission of required information or that a condition should be imposed by the

LPA requiring a scheme of intrusive site investigation to be carried out to ascertain the exact situation regarding coal mining legacy and ground conditions beneath the site e.g. shallow workings and mine gases. It should be noted that shallow workings include workings up to 30 metres depth beneath the site.

Where an investigation identifies specific remediation or mitigation measures (i.e. drilling and grouting of shallow mine workings) that are necessary to ensure that the site can be made safe, stable and suitable for development The Coal Authority would suggest that this is also controlled by condition.

In this instance given the above comments it is considered appropriate to apply a condition to secure both an investigation of the type indicated and a supplementary condition to secure mitigation should that investigation reveal adverse ground conditions.

6. CONCLUSION

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

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. 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, F, G and H) or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.

Reason

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

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

Reason:

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

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side (west) elevation, first floor rear (north) elevation and first floor side (east) of the property.

Reason

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

5. 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 Residential Parking Standards December 2013

6. Notwithstanding the details shown on Drawing No.014-065-05 Rev A 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. If it is found that it is not possible to achieve a Sustainable Drainage solution other means of drainage (connection to the Wessex Water public sewer) must be submitted for approval prior to the commencement of development.

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy CS1 of the South Gloucestershire Local Plan: Core Strategy December 2013

7. Prior to the commencement of the development hereby approved details of intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site and submitted to the Council for written approval. In the event that the site investigations confirm the need for remedial

works to treat any areas of shallow mining to ensure the safety and stability of the proposed development, a further scheme of such remedial works shall be submitted to the Council for written approval and thereafter implemented as approved.

Reason:

In order to ensure the safety and stability of the proposed development and to accord with the requirements of the Coal Authority, the National Planning Policy Framework and Policy CS1 of the South Gloucestershire Local Plan Core Strategy December 2013.

8. Prior to the use or occupation of the extension hereby permitted, and at all times thereafter, the proposed first floor bathroom on the rear/north elevation and second floor shower room on the rear/north elevation shall be glazed with obscure glass to level 3 standard or above with any opening part of the window being above 1.7m above the floor of the room in which it is installed'..

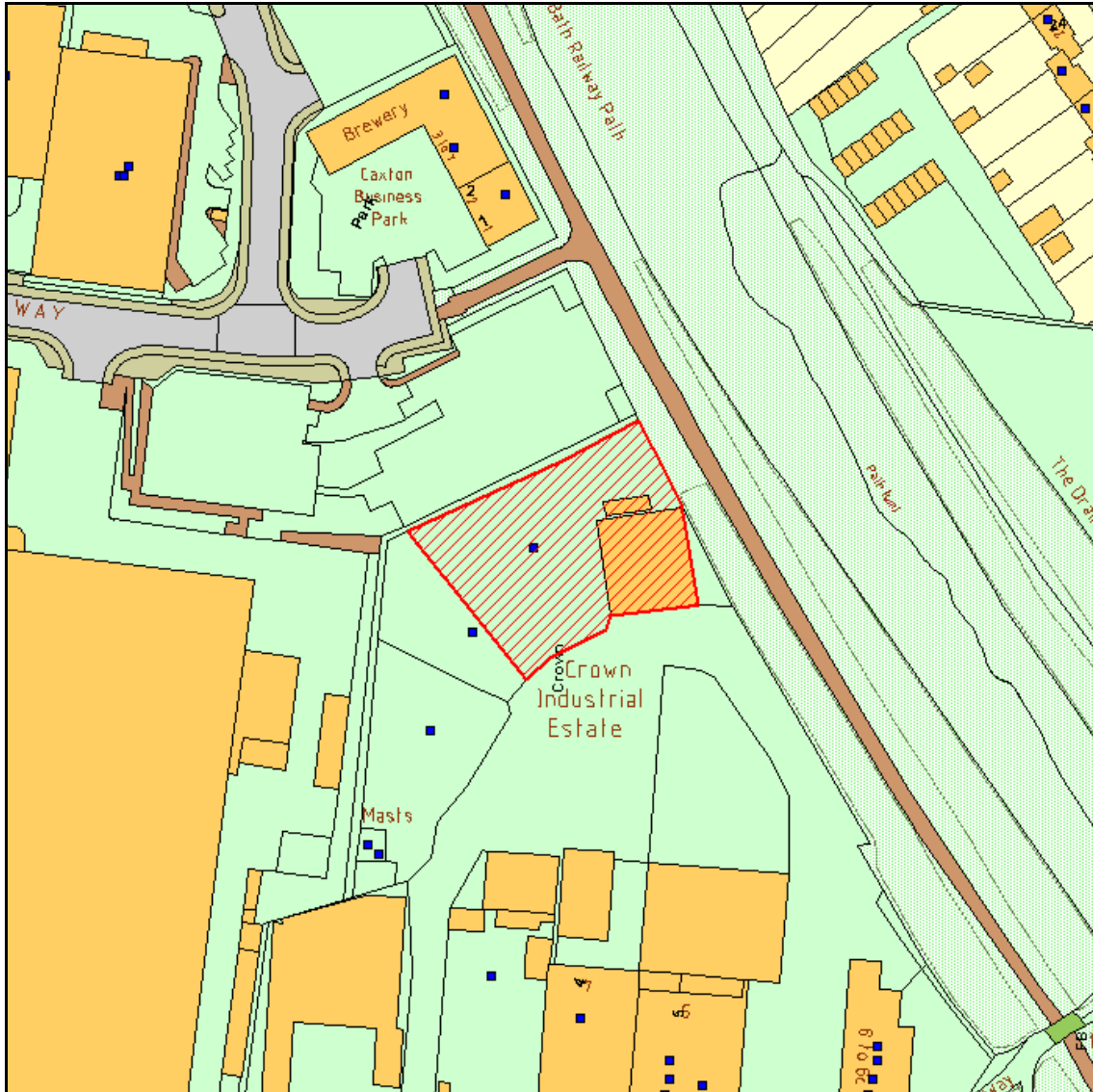
Reason

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

ITEM 3

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PK14/2451/MW	Applicant:	Tom's Rubbish Clearance
Site:	Yard 3A Crown Industrial Estate Crown Road Warmley Bristol South Gloucestershire BS30 8JJ	Date Reg:	7th July 2014
Proposal:	Variation of Condition 1 to extend Saturday operating hours to 17.30hrs. of planning permission PK11/2367/MW.	Parish:	Siston Parish Council
Map Ref:	367215 173199	Ward:	Siston
Application Category:	Minor	Target Date:	19th September 2014



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100023410, 2008.

N.T.S.

PK14/2451/MW

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This item appears on the Circulated Schedule as a result of consultation responses received, contrary to Officer Recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the variation of condition 1 of planning permission PK11/2367/MW, to extend Saturday operating hours to 17.30hrs. It is stated that the proposed variation would be to allow for additional works of unloading and sorting within the site, arising from work and materials processing undertaken during the currently permitted hours with no additional visits or deliveries to the site or off the site during the proposed period. Condition 1 of that consent states that 'there shall be no operations on site or deliveries to the site outside of the hours of 7.30 – 19.00 Monday to Friday, 07.30 - 13.00 Saturdays or at any times on Sundays or Bank Holidays.
- 1.2 The site itself consists of a yard formerly used for general industrial and distribution purposes and lorry parking with a total area of 0.2 hectares, now subject to waste transfer consent under reference PK11/2367/MW (a further variation application under reference PK12/2221/MW, has also subsequently been approved – see planning history section below). It is accessed via a private road that runs off Crown Road and through the industrial estate. The site is bordered to three sides by other uses within the Industrial Estate, whilst to the east the site borders a hedgerow onto the Bristol to Bath cycle track. The nearest residential properties to the site are located approximately 100 metres to the east across the cycle track on Goldney Avenue and on Tower Road North approximately 200 metres to the west.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
Planning Practice Guidance
PPS10 Planning for Sustainable Waste Management

- 2.2 Development Plans

West of England Joint Waste Core Strategy (Adopted) March 2011
Policy 2 Non-residual waste treatment facilities
Policy 12 General Considerations

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

Supplementary Planning Guidance
South Gloucestershire Design Checklist

3. RELEVANT PLANNING HISTORY

- 3.1 P96/4131 – Change of use from general industrial (B2) to mixed business and general industrial (B1 and B2) and storage and distribution (B8). Approved June 1996.
- 3.2 PK07/0013/F - Change of Use from Mixed Business and General Industrial (Class B1&B2) and Storage and Distribution (Class 88) to Waste Recycling (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Refused 28th February 2007.
- 3.3 PK11/2367/MW – Change of use from mixed business use Class B1, B2 and B8 to Waste Recycling (Sui Generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). Erection of materials recycling centre. (Retrospective). Approved 28th March 2012.
- 3.4 PK12/2221/MW – Variation of conditions 6 and 9 (recycling material's and parking) of planning permission PK11/2367/MW. Approved 26th October 2012.

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No adverse comments

4.2 Other Consultees

Environmental Protection

There are no objections in principle, subject to the operations detailed in the planning application and reinforcement of these mitigating measures through condition. Operations will relate primarily to the unloading and sorting of materials by hand and will only use light vehicles within the yard. The main gates of Crown Industrial Estate will remain closed from midday onwards and no visits from members of the public or deliveries will take place. Likewise, no materials should be taken off site after midday.

Highways Drainage

No comment

Sustainable Transport

We have now reviewed this planning application and note that it seeks to vary a condition (ref: Planning Condition 1) placed on the original permission granted for the development of this site in 2011. This condition limited the Saturday opening hours, so the yard closed at 12.00 hours.

We note that the applications agents make a series of statements about the proposed use of this waste facility. These are as follows:

Operations will relate primarily to the unloading and sorting of materials by hand and will only use light vehicles within the yard.

The main gates of Crown Industrial Estate will remain closed from midday onwards and no visits from members of the public or deliveries will take place. Likewise, no materials should be taken off site after midday.

Under these circumstances we do not consider that this change is likely to materially alter the traffic movements associated with the site. Consequently, we have no transportation comments about this application. We would however, recommend that condition based on the agents statements is placed on any planning permission granted for this extension of time.

Other Representations

3.3 Local Residents

3 letters of objection have been received as well as one letter not objecting but highlighting issues relating to noise from the site. The concerns raised are as follows:

- the noise level is already obtrusive and noise carries clearly to properties from machinery use, music and shouting. Other noise sources include: Bobcat telehandler high engine revving, telehandler reverse warning signal, metallic scraping of large metal bins across the concrete floor, metallic noises of telehandler moving bins
- noise can be heard indoors if windows are open and also impacts upon the use and enjoyment of gardens
- increased noise pollution on weekends is unacceptable
- concerns about existing persistent breaches of existing hours of operation
- no regard for existing conditions
- potential precedent set for other companies to extend hours of operation
- additional noise and pollution
- Loud music is played from the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The acceptability of the principle of waste transfer use at the site is established through the granting of recent planning permission PK11/2367/MW. The main issue is therefore whether the changes identified through the proposal to vary the hours of operation on a Saturday would give rise to any additional or material impact beyond those considered for the original application and indeed whether any identified impacts could be satisfactorily mitigated. Whilst it should be acknowledged that the site has been the subject of enforcement investigation, for various matters including reported breaches of hours of operation, this is a separate issue from the consideration of a planning application, which when received, must be judged on its own individual merits. Positive consideration of such a further application does not preclude enforcement investigation or action on matters that are not approved by any permission and where concerns or potential breaches remain.

- 5.2 Essentially the only issue under consideration of this application is the proposal for the identified variation to the hours of operation that would provide for additional hours up until 17.30 on Saturdays, as opposed to the existing 13.00.

The main consideration is therefore whether these changes would result in any significant or material impacts in their own right and furthermore whether these could be reasonably mitigated.

5.3 The NPPF indicates a presumption in favour of sustainable development in the interests of wider economic, environmental and social provisions, except where it may compromise key sustainable development principles set out in national planning policy or where any adverse impacts would significantly and demonstrably outweigh the benefits.

5.3 Local Amenity/Environmental Protection

Local concerns have been raised with regards to the application on the basis of additional noise generated by the site during the additional hours of operation. Whilst the industrial nature of the location should be taken into account the wider context of the industrial estate enclosed by residential areas of Warmley should also be acknowledged.

5.4 The Councils Environmental Protection Officer considers that the proposed hours can be considered acceptable at this site, subject to mitigating measures proposed in the application and reinforcement through condition. Should noise issues become apparent through the operations then this can be investigated and addressed, where necessary through the provisions of the Environmental Protection Act noise levels and nuisance legislation. In this respect PPS10 advises that where environmental controls and planning controls exist over a site they should be complementary and not duplicate each other. The operations of the site are also controlled by an Environment Agency Permit. Should any breaches of approved operating hours or other conditions of any planning application be identified then this would be subject to further planning enforcement investigation.

5.5 A noise management scheme exists for the site, submitted pursuant to conditions of previous consent, and this would remain in force. A condition restricting all sorting to within the existing building would also remain. All other conditions for the site would remain as previously approved, aside from those that additional submissions/information and which have subsequently been discharged.

5.6 Transportation

No additional throughput or deliveries/outgoing loads are proposed during the additional hours applied for. It is not considered that there would be any additional material impact in terms of transportation, and on this basis there are no transportation objections to the proposal, subject to the mitigation measures proposed.

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 principle of the site as a waste transfer station is already established through the granting of planning permission reference PK11/2367/MW. It is considered that the proposed variation to the existing permission can be considered acceptable in context with the existing site and surrounding area and its industrial/employment context. The proposals, including any mitigation and conditions recommended, are also considered to address any specific perceived local issues such as local amenity and all other existing conditional controls previously approved for the site will remain in place, the proposals are therefore considered to be in accordance with the requirements of Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.
- 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 subject to the conditions recommended

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

1. The hours of operation for the site shall be as follows:
 - (a) There shall be no operations on site or deliveries to the site outside of the hours of 07.30 - 19.00 Monday to Friday and 07.30 - 13.00 Saturdays
 - (b) Between the hours of 13.00 - 17.30 on Saturdays, there shall be no operations other than the unloading of materials, the use of light vehicles (less than 7 tonne GVW) and a bobcat telehoist, within the yard, and the sorting of materials by hand. There shall be no deliveries to the site from 13.00 onwards and no materials shall leave the site after 13.00.
 - (c) There shall be no operations on site or deliveries to the site at any times on Sundays or Bank Holidays

Reason:
In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011
2. The heights of stockpiles of received or processed waste materials shall not exceed a height of 3 metres.

Reason:
In the interests of visual amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011

3. No materials other than paper, card, plastics, metal, glass, textiles, wood, green waste, soils and hardcore shall be sorted or stored at the site.

Reason:

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011

4. All sorting of materials shall take place within the existing building.

Reason:

In the interests of local amenity and to accord with Policy 12 of the West of England Joint Waste Core Strategy (Adopted) March 2011.

ITEM 4

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.: PK14/2547/RVC
Site: 106 Bath Road Longwell Green South Gloucestershire BS30 9DE

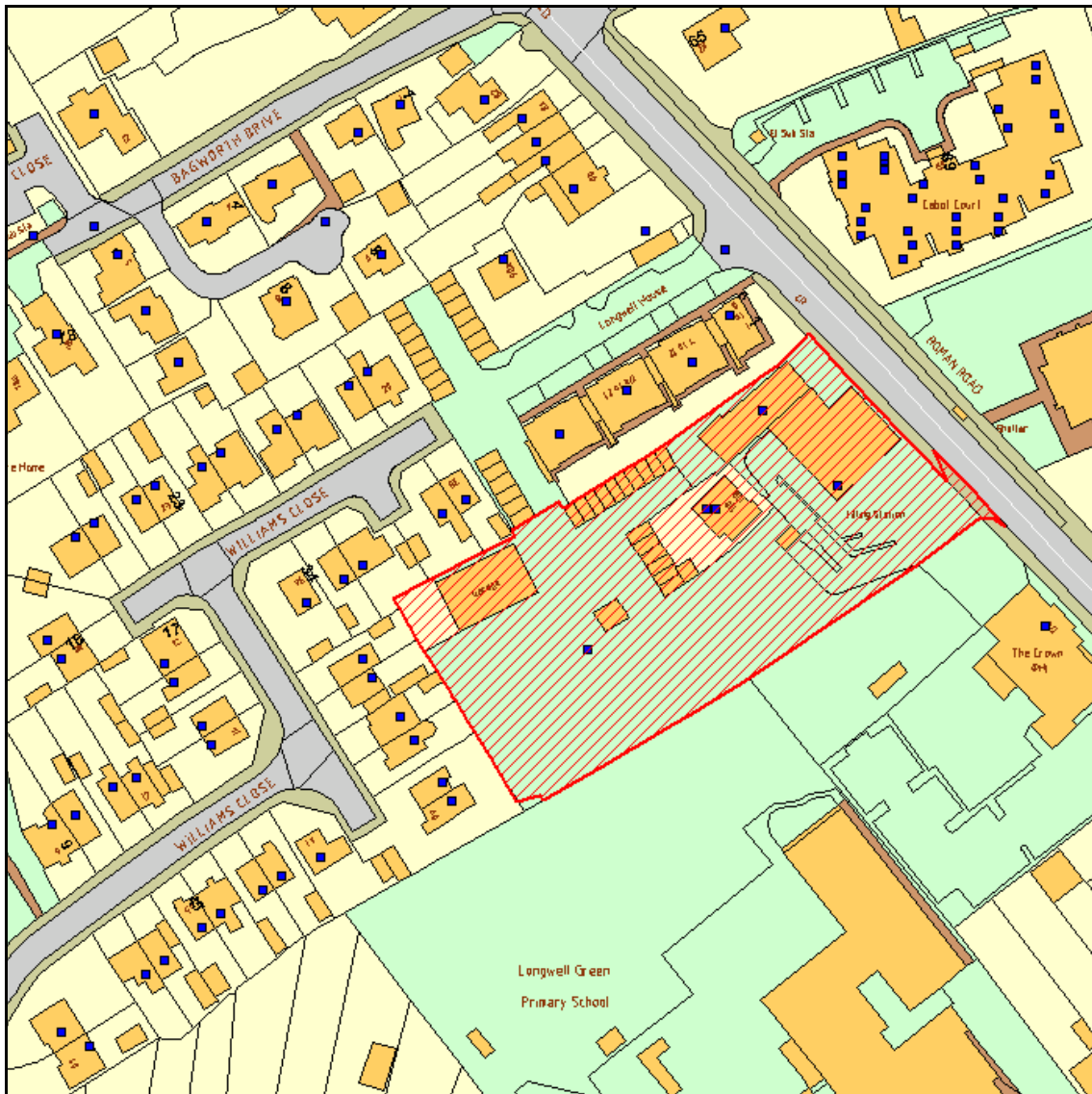
Applicant: ALDI Stores Ltd
Date Reg: 14th July 2014

Proposal: Variation of condition 5 attached to planning permission PK13/2310/F to alter opening hours to 08:00hrs - 22:00hrs Mon to Sat including Bank Holidays and 10:00hrs -17:00hrs Sundays.

Parish: Hanham Abbots Parish Council

Map Ref: 365691 171137
Application Category: Major

Ward: Longwell Green
Target Date: 29th September 2014



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100023410, 2008. **N.T.S.** **PK14/2547/RVC**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule following the receipt of objections from Councillors Christine Price and John Calway and a local resident; the concerns raised being contrary to the officer recommendation for approval.

1. THE PROPOSAL

1.1 The application site (0.56ha) is located on the south-western side of the A431 Bath Road, in the heart of Longwell Green, and previously comprised the former Longwell Green Service Station and Garage and most of the land associated with it. Within the site was a petrol filling station building, within which was a small convenience shop (Spar); a car wash; an extensive area dedicated to used-car sales; and a garage/workshop offering servicing, repairs and MOT's. In addition there were 10no. lock-up garages at the rear of the site. A 2-storey residential property (2 flats) to the rear of the filling station provided accommodation for the manager of the filling station. Vehicular access and egress to/from the site was directly from Bath Road. The site lies within the Longwell Green Parade Local Centre and is bounded to the north by 3-storey blocks of flats i.e. Longwell House; to the rear (west) by the semi-detached residential houses along Williams Close; to the south by the playing field of Longwell Green Primary School and to the south-east by The Crown Public House and car park. A mix of residential and commercial properties (including Tesco Express) as well as All Saints Church, lie opposite the site on Bath Road.

1.2 Planning permission PK13/2310/F was recently granted to Aldi Supermarkets for the Erection of a retail store (A1) with access, parking, landscaping and associated works. The store is now complete and recently opened for custom. The store has a gross building area of 1835sq.m. with net Retail Sales Area of 1,254 sq.m, selling a proportion of comparison goods. Car parking is located to the front of the site and along the northern boundary. There is one vehicular access from Bath Road as well as separate pedestrian access.

1.3 Condition 5 of planning permission PK13/2310/F relates to the opening hours for customers of the Retail Store and these are restricted to the following hours:

08:00hrs – 21:00hrs Mon to Sat, 10:00hrs – 17:00hrs Sundays and Bank Holidays (6 hours opening between these hours).

(To comply with the Sunday Trading Act 1994 the retail store would trade for only 6 continual hours between 10:00hrs and 17:00hrs on Sunday and Bank Holidays.)

1.4 The reason given for the restriction of opening hours was given as:

“To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.”

- 1.5 The application seeks consent to vary Condition 5 to allow later opening hours to 08.00hrs – 22.00hrs Mon-Sat including Bank Holidays and 10.00hrs-17.00hrs Sundays. The store is already advertising these hours and is believed to be already opening in accordance with the proposed hours; in this respect the application is retrospective.

2. POLICY CONTEXT

2.1 National Guidance

The National Planning Policy Framework (NPPF) 27th March 2012
The National Planning Practice Guidance (PPG) 2014
PPS4 – ‘ Planning for Sustainable Economic Growth’ Practice Guide (retained)

2.2 Development Plans

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

CS1 - High Quality Design
CS5 - Location of Development
CS13 - Non-Safeguarded Economic Development Sites
CS14 - Town Centres and Retailing

South Gloucestershire Local Plan (Adopted) January 2006

L1 - Landscape Protection and Enhancement
L9 - Species Protection
EP6 - Contaminated Land
T7 - Cycle Parking
T8 - Parking Standards
T12 - Transportation Development Control Policy for New Development
RT5 - Proposals for Out of Centre and Edge of Centre Retail Development
RT8 - Small Scale Retail Uses Within the Urban Areas and the boundaries of Small Settlements
RT11 - Retention of Local Shops, Parades, Village Shops and Public Houses

Minerals and Waste Local Plan Adopted May 2002

Policy 37 - Waste Reduction and Re-Use

Emerging Plan

Policies Sites & Places Development Plan Document

PSP1 - High Quality Design
PSP2 - Landscape
PSP9 - Health Impact Assessments
PSP16 - Parking Standards
PSP20 - Flood Risk, Surface Water and Watercourse Management
PSP21 - Environmental Pollution and Impacts
PSP28 - Town Centre Uses

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Check List (SPD) Adopted Aug 2007
Trees on Development Sites – (SPG) Adopted Nov. 2005.

3. RELEVANT PLANNING HISTORY

There have been numerous applications relating to this site, the most relevant being those listed below:

- 3.1 K3464/4 - Demolition of cottages nos. 108-116 (inc) Bath Road and conversion of house at no.106 Bath Rd. into 2 no. flats.
Approved 13 April 1987
- 3.2 K3464/12 - Use of land at rear of petrol filling station for the display of vehicles for sale and associated parking, relocation of bottled gas compound.
Approved 23 March 1992
- 3.3 P98/4630 - Redevelopment of filling station involving new sales building, extended canopy, new pump islands, relocated car wash, jet wash, extended vehicle sales area, and extension to workshop.
Approved 5 Jan 1999
- 3.4 PK09/5572/O - Demolition of existing building to facilitate the erection of a neighbourhood food store (Class A1) and 2no. units for restaurant and café use (Class A3) (Outline) with access and siting/layout to be determined. All other matters to be reserved.
Withdrawn 14 Jan 2010
- 3.5 PK09/057/SCR - Demolition of existing building to facilitate the erection of a neighbourhood food store (Class A1) and 2no. units for restaurant and café use (Class A3) (Outline) with access to be determined. All other matters to be reserved. (Screening for PK09/5572/O).
Environmental Impact Assessment not required 22 Oct 2009.
- 3.6 PK10/3075/O - Demolition of existing building to facilitate the erection of a retail store (Class A1) and 2no. units for mixed A1/A2 use with car parking and associated works, outline application with access, siting/layout, scale and landscaping to be determined with all other matters reserved. (Resubmission of PK09/5572/O)
Approved 14th Oct. 2011
- 3.7 PK13/2310/F - Erection of Retail Store (Class A1) with access, parking, landscaping and associated works.
Approved 21 Feb. 2014

4. CONSULTATION RESPONSES

4.1 Councillor Christine Price

I wish to object to the revised proposal for extended opening hours at the Aldi Store, Longwell Green. The noise disturbance will prejudice residential amenities of local residents at Williams Close and Longwell Green House. In terms of impact on families with young children it is inappropriate. Also residents at Longwell Green House are mainly elderly and residents need to be protected from increased noise and disturbance. The car park lighting recently

erected to the boundary is very imposing and there will be further light pollution with the stores interior lights.

4.2 Councillor John Calway

I wish to object to the revised proposal for extended opening hours at the Aldi Store, Longwell Green. The noise disturbance will prejudice residential amenities of local residents at Williams Close and Longwell Green House. In terms of impact on families with young children it is inappropriate. Also residents at Longwell Green House are mainly elderly and residents need to be protected from increased noise and disturbance. The car park lighting recently erected to the boundary is very imposing and there will be further light pollution with the stores interior lights.

4.3 Hanham Abbots Parish Council

No objections

4.4 Oldland Parish Council

No response

Other Consultees [including internal consultees of the Council]

4.5 Sustainable Transport

No comments to make.

4.6 Highway Drainage

No comment

4.7 Environmental Protection

No adverse comments.

Other Representations

4.8 Local Residents

1no. letter of objection was received from the occupant of no. 31 Williams Close. The concerns raised are summarised as follows:

- Increased noise and light pollution.
- Disturbance to facing bedrooms.
- The recently erected car park lighting is very imposing and would cause further light pollution along with the store's interior lights.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The NPPF carries a general presumption in favour of sustainable economic 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 was adopted in Dec. 2013 and now forms part of the Development Plan.
- 5.4 The site is considered to lie within the Longwell Green Parade, Bath Road, Local Centre as defined in fig 9.1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Table 3 of the South Gloucestershire Core Strategy and Policy CS14 of The Core Strategy.
- 5.5 Having regard to the reason given for condition 5 attached to planning permission PK13/2310/F; officers consider that the key issue to consider in the determination of this application is whether or not the extended opening hours would so adversely affect the amenities of neighbouring occupiers as to justify refusal of the application.
- 5.6 Officers consider that any disturbance to local residents would manifest itself as noise from the vehicles using the car park and light pollution from the lights illuminating the car park, from lights in and around the store and to some extent from the headlights of the cars themselves.
- 5.7 The nearest residential properties most likely to be affected by the proposed increased hours of opening are the houses to the rear of the site in Williams Close and the blocks of flats i.e. Longwell House, adjacent to the north-western boundary of the site. There is no residential development adjacent to the south-east of the site where the loading bay and service areas are located.
- 5.8 Officers have recently visited the site and noted that the new boundary treatments have now been erected and comprise substantial acoustic and close board fences on the boundaries with the houses on Williams Close and Longwell House. These help to prevent noise break out and also screen light spillage from car headlights. The car park lighting is controlled by condition 8 of the planning permission PK13/2310/F. Whilst some of the lighting poles are located on the boundaries adjacent to residential properties, they only comprise narrow poles, 6m in height with relatively small lights on top. The lighting columns are time switch controlled specified as "on" 0600-1000 and 1400-2300 hrs but are usually held off by photocell unless it is actually dark. These times are required to allow for safe access and egress of staff. The lights have been assessed by the Council's Lighting Engineer and are considered appropriate for this car park having regard to the proximity of residential property. Furthermore the lights have a 5 degree tilt and back-shields to reduce light spillage to neighbouring property. Condition 8 has therefore already been discharged. The proposed extension on opening hours would only increase the

approved hours 1 more hour into the evening, when the lights would be turned on anyway if dark; the opening hours for Bank Holidays would also be brought in line with normal Mon-Sat opening hours.

- 5.9 Light spillage from the store and any illuminated signs is predominantly to the front, there being only high level slit windows to the northern side elevation and very modest external lights on this side of the actual building facing the residential properties.
- 5.10 As regards noise, officers noted during their site visit that most of the background noise emanated from traffic using Bath Road. The proposal would only extend the Mon-Sat opening hours by 1 more hour into the evening; Sunday opening hours would not alter. Officers consider that the level of traffic within the site between 21.00hrs and 22.00hrs is likely to be less than during the day. Furthermore, later opening is likely to spread the movements more thinly throughout the day.
- 5.11 The applicants, in justification for the extended opening hours have stated in their supporting statement that the proposal is in response to a demand for greater flexibility in the opening hours of stores for customers and that the revised hours would align them with other Aldi stores across the region and peoples' varying working hours.
- 5.12 Officers are mindful that the Council's Environmental Health Officer has raised no objection to the proposal for what is considered to be only a modest increase in opening hours. The site used to be used for the uncontrolled sale of motor vehicles so residents would be used to traffic noise on this site. Being a Local Centre some noise and light disturbance later into the evening and on Bank Holidays is to be expected. Indeed officers noted during their site visit that the nearby Tesco Express already advertises opening hours of 07.00 – 23.00hrs and no doubt the nearby Harvester Pub opens late in to the evening as well. On this basis therefore and having regard to the existing controls on the site, officers consider that the proposed extension in hours is acceptable and will make a positive contribution to the vitality and viability of the Local Centre and encourage convenient and accessible local shopping facilities to meet the day to day needs of residents. This is considered to outweigh what little additional adverse impact, if any, on residential amenity, that may 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 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 and the relevant condition 5 (now 4) varied to read as follows:

The retail store hereby approved shall not be open to customers outside of the following hours:

08:00hrs - 22:00hrs Mon to Sat including Bank Holidays and 10:00hrs - 17:00hrs Sundays.

Reason

“To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.”

Contact Officer: Roger Hemming
Tel. No. 01454 863537

CONDITIONS

1. The Travel Plan approved 11 Sept. 2014 shall be implemented (maintained operational) at all times.

Reason

To promote sustainable means of travel in the interests of highway safety and the amenity of the area, to accord with Policies T12 and RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

2. The car parking plus turning areas as shown on the approved Proposed Site Plan Nos 110435 P(1)08 Rev E received 25 Oct. 2013 shall be maintained satisfactorily on site and used only in conjunction with the site's purpose.

Reason

In the interests of highway safety in accordance with Policies T8, T12 and RT8(A) of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

3. The staff and customers cycle parking facilities as approved 11 Sept. 2014, shall be maintained as such at all times.

Reason

To ensure the satisfactory provision of secure cycle parking facilities and to promote alternative uses to the car in the interests of sustainability, in accordance with Policy T7 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

4. The retail store hereby approved shall not be open to customers outside of the following hours:

08:00hrs - 22:00hrs Monday to Saturday including Bank Holidays and 10:00hrs - 17:00hrs Sundays.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8((B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

5. No deliveries shall be taken at or despatched from the service yard of the store hereby approved outside the hours of 07:00hrs to 22:00hrs Mondays to Saturdays and 08:00hrs to 20:00hrs on Sundays and Bank Holidays.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8((B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

6. The level of noise emitted from the plant (either within or on the building hereby approved) shall not exceed 33 dB(A) (5 minutes LAeq) between 23.00 hours and 07.00 hours and 38 dB(A) (1 hour LAeq) at any time as measured at the facade of the rear elevation of 40 Williams Close, Longwell Green or any other noise sensitive facade. The measurements and assessments shall be made in accordance with the provisions of British Standard 4142:1997.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. The retail unit hereby permitted shall be operated at all times in full accordance with the lighting scheme for the car park, building and servicing areas as approved 11 Aept. 2014.

Reason

To reduce light pollution in the interests of residential amenity and the environment in general in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

8. Prior to its first use, all mechanical plant and equipment shall be enclosed in sound insulating material, mounted and located to minimise the transmission of structure borne sound in accordance with a scheme to be submitted to and approved by the Local Planning Authority and thereafter maintained as such.

Reason

To mitigate against possible noise disturbance to local residents and to accord with Policies RT8 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

9. There shall be no overnight parking of refrigeration lorries on the site that is the subject of this permission.

Reason

To protect the residential amenity of neighbouring occupiers in accordance with Policy RT8(B) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

10. The development hereby approved shall be used as a Class A1 food retail store only. This shall be restricted to 'limited product line deep discount retailing', and shall be used for no other purpose falling within Class A1 of the Town and Country Planning (Use Classes) Order 1987. 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 2,000 individual product lines. No increase in the number of product lines shall be permitted until such time as details have been submitted to and approved in writing by the Local Planning Authority. The net retail floorspace of the supermarket hereby approved shall not exceed 1,254 sq.m. The proportion of retail floor area to be used for the sale of comparison goods shall not exceed 20% (251sq.m.) of the net retail floor area.

Reason

To ensure that the development would be in accordance with the scale and function of the Local Centre in accordance with Policy RT8(D) of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, Policy CS14 of The South Gloucestershire Local Plan Core Strategy i(Adopted) Dec. 2013.

ITEM 5

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.: PK14/2603/F
Site: 7 Beechwood Avenue Hanham South
Gloucestershire BS15 3QN

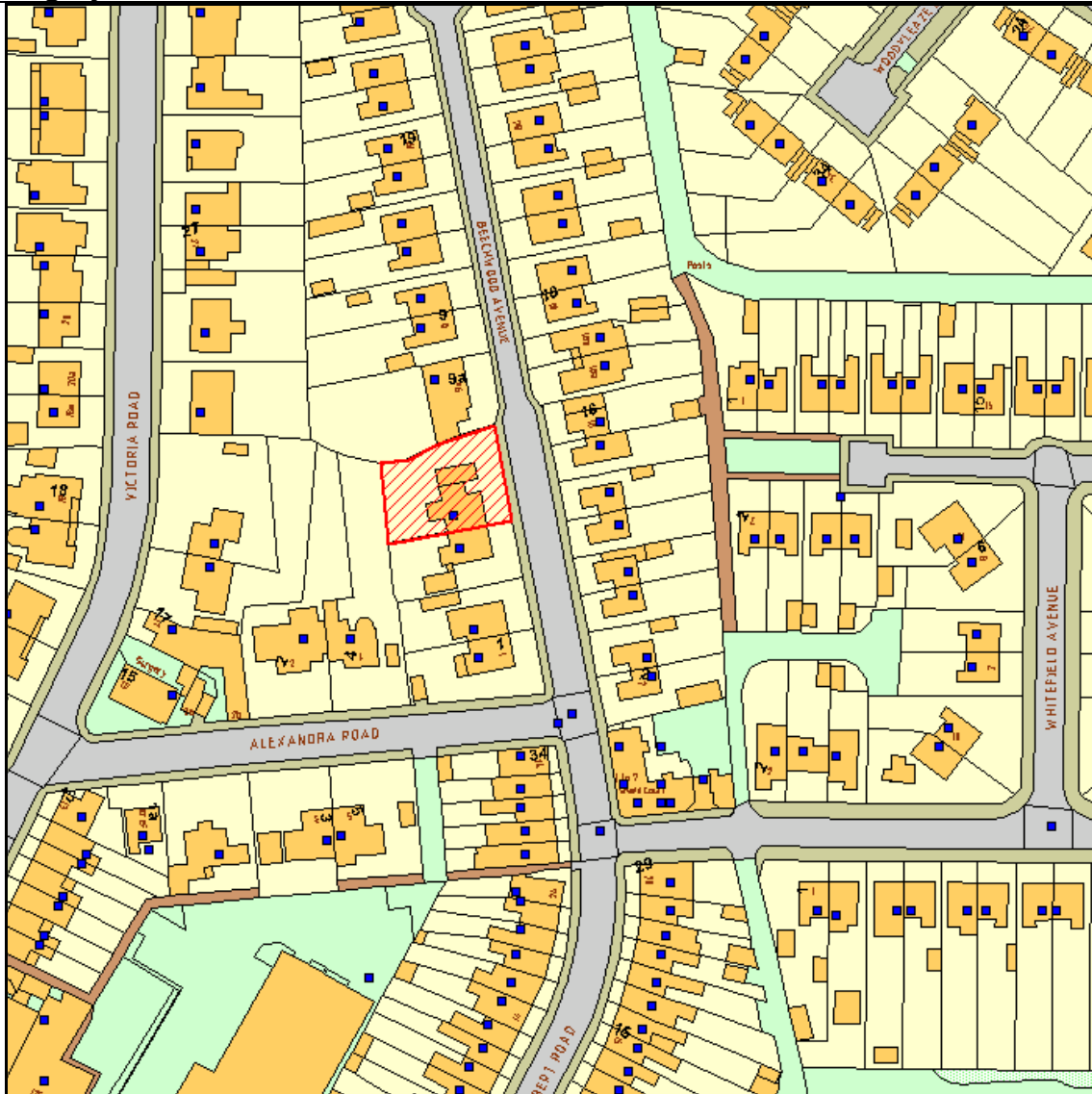
Applicant: Mr S Macleod
Date Reg: 18th July 2014

Proposal: Demolition of single storey rear extension. Erection of two storey and single storey rear extensions to form additional living accommodation.

Parish: Hanham Parish Council

Map Ref: 364553 172365
Application Category: Householder

Ward: Hanham
Target Date: 9th September 2014



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PK14/2603/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the circulated schedule owing to a representation that has been received from a local resident.

1. THE PROPOSAL

- 1.1 The application seeks permission for the demolition of an existing rear extension and the erection of a double storey and single storey rear extension.
- 1.2 The application relates to a semi-detached dwelling situated within an established residential area of Hanham.
- 1.3 The garden area to the side of the dwelling has been granted outline permission for the erection of 1no. dwelling under application ref. PK13/3871/O. The reserved matters application for this dwelling is currently under consideration within application ref. PK14/2276/RM.
- 1.4 During the course of the application a revised site layout plan has been submitted with a revised parking layout. A re-consultation period of 14 days was undertaken.

2. POLICY CONTEXT

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

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2776/RM - Erection of 1 no. detached dwelling and garage with new access and associated works (Approval of Reserved Matters to be read in conjunction with Outline Planning Permission PK13/3871/O). Pending Consideration
- 3.2 PK13/3871/O - Erection of 1no. dwelling (Outline) with all matters reserved. Approved 20th December 2013
- 3.3 PK02/2226/F - Erection of attached garage/utility room and 1 no. dwelling with integral garage. Refused 2nd September 2002

- 3.4 K747 - Erection of private car garage (Previous ID: K747). Approved 15th May 1975

4. CONSULTATION RESPONSES

- 4.1 Hanham Parish Council
No objection.
- 4.2 Transportation DC
No objection
- 4.3 Highway Drainage
The proximity of a public foul sewer may affect the layout of the development. Refer the application to Wessex Water for determination.

Other Representations

- 4.4 Local Residents
One letter has been received from a local resident raising no in principle objection subject to the following:
- Area facing no.5 to be a satisfactory finish.
 - Any extractor fan facing away from no.5
 - Any alteration to soil pipe not to cross land of no.5 other than as present.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the erection of a double storey and single storey rear extension. Saved policy H4 of the SGLP (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.
- 5.2 Residential Amenity
The application site consists of a semi-detached dormer bungalow situated on Beechwood Avenue, which is an established residential area in Hanham. The land gradient within the site slopes away from east to west resulting in a full double storey height at the rear elevation. The dwelling has an existing single storey flat roof rear extension. The attached neighbouring property (no. 5) is identical to the host dwelling separated by a timber boarded fence on the mutual boundary. Outline approval has been granted directly for 1no. detached dwelling to the north of the host dwelling. All matters are reserved however the plans identify the position of the new dwelling as submitted within the reserved matters application (yet to be determined).
- 5.3 The proposal is to demolish the existing extension and erect a double storey and single storey rear extension. The single storey element would be adjacent to the mutual boundary with a flat roof at a maximum height of three metres. The single storey extension would have a depth of 3.9 metres and a width of 2.8 metres. The proposed double storey extension would be positioned on the

remaining 4.2 metre width of the rear elevation. The maximum height of the double storey extension would match the ridge height of the original dwelling with a gable end. The depth would also be 3.9 metres. No windows are proposed in the side elevations of either extension.

- 5.4 In terms of the impact on no.5 it is considered that the proposed single storey extension on the mutual boundary, by virtue of its height and depth, would not have a significant overbearing impact or result in a loss of outlook or light to the occupiers of no.5. It is considered that the proposed double storey extension remains an satisfactory distance from the mutual boundary to ensure that it similarly does not appear overbearing or significantly alter the light levels or outlook experienced from no.5. Provided no windows are installed in the side elevations there are no concerns in terms of loss of privacy. Accordingly, subject to an appropriately worded window condition there are no concerns in terms of the impact on no.5.
- 5.5 In terms of the impact on the on the new approved dwelling to the north it is noted that the depth and height of the double storey extension would match the new dwelling (as submitted) and as such there are not considered to be any concerns in amenity terms. The final scale and layout of this new dwelling is however yet to be approved within the reserved matters application. This application will be considered a material consideration when determining the reserved matters application. It is not considered that the proposed extension would prejudice any other surrounding occupiers due to their distance from the site.
- 5.6 It is noted that during the construction phase some limited disruption can occur from building operations. As the site is within an established residential area, in the interests of the amenity of the neighbouring occupiers it is considered reasonable to condition working hours within sociable hours.
- 5.7 Design
The application site consists of a semi-detached dormer bungalow with a hipped roof. It is constructed in reconstituted stone and render with a tiled roof. The host dwelling and its attached neighbour form a pair of identical dwellings however the street scene is characterised by a variety of housing designs and types.
- 5.8 The application proposes a double storey and single storey rear extension at the rear of the property with a gable end to the double storey part and a flat roof to the single storey part. The plans indicate that the extension would be finished in smooth render with roof tiles to match the existing.
- 5.9 It is considered that the overall scale and height of the proposed extensions are appropriate for the host dwelling and would not detract from the overall character of it. The proposal to use render as apposed to re-constituted stone would not match the bulk of the original dwelling but are nevertheless considered appropriate in the context of the site and the locality. Overall it is considered that the design of the extensions has been informed by and respects the character of the site and the local area and is therefore considered acceptable.

5.10 Comments from a local resident refer to the final finish of the elevations facing no.5 being satisfactory. The proposed use of render is considered to be a satisfactory finish and this has been stated on the plans. It is therefore not considered necessary to condition this material.

5.11 Parking Provision/ Highway Safety

The application site currently benefits from a large parking area and garage to the side of the dwelling capable of accommodating 3 vehicles. This amount of parking is in accordance with the Council's minimum standards for a three bedroom dwelling and is therefore acceptable. It is noted however the new dwelling to the north with outline approval would take away the parking provision for the site. A revised site layout for both sites indicates that the existing dwelling will be served by 2no. spaces at the front following the demolition of the front boundary wall. This level of parking would still be in accordance with the Council's minimum standards. It is not considered necessary to condition the implementation of this parking provision within this application as this will only need to be implemented once development on the new dwelling commences. The revised parking layout will therefore be reinforced through the reserved matters application.

5.12 Public Sewer

It is noted that the proximity of a public foul sewer may affect the layout of the development. The applicant is therefore advised to refer the application to Wessex Water for determination. Note: Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC.

5.13 Comments have been received by a local resident in relation to the location of any future soil pipe. These comments are noted however this issue is not within the remit of the planning application to control and as such this matter should instead be directed to Wessex Water .

5.14 Other Matters

An additional issue raised by a local resident relate to the direction of any future extractor fan in the property. No extractor fans have been identified within the planning application however it is noted that their installation is unlikely to constitute 'development' and as such is not within the remit of the planning application to control.

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:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

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

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

Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.: PK14/2737/F

Applicant: Mr Jitendra
Tirbhowan

Site: 56 Hill Street Kingswood South
Gloucestershire BS15 4EX

Date Reg: 8th August 2014

Proposal: Erection of single storey extension to
provide new office and lobby access

Parish: None

Map Ref: 366046 173654

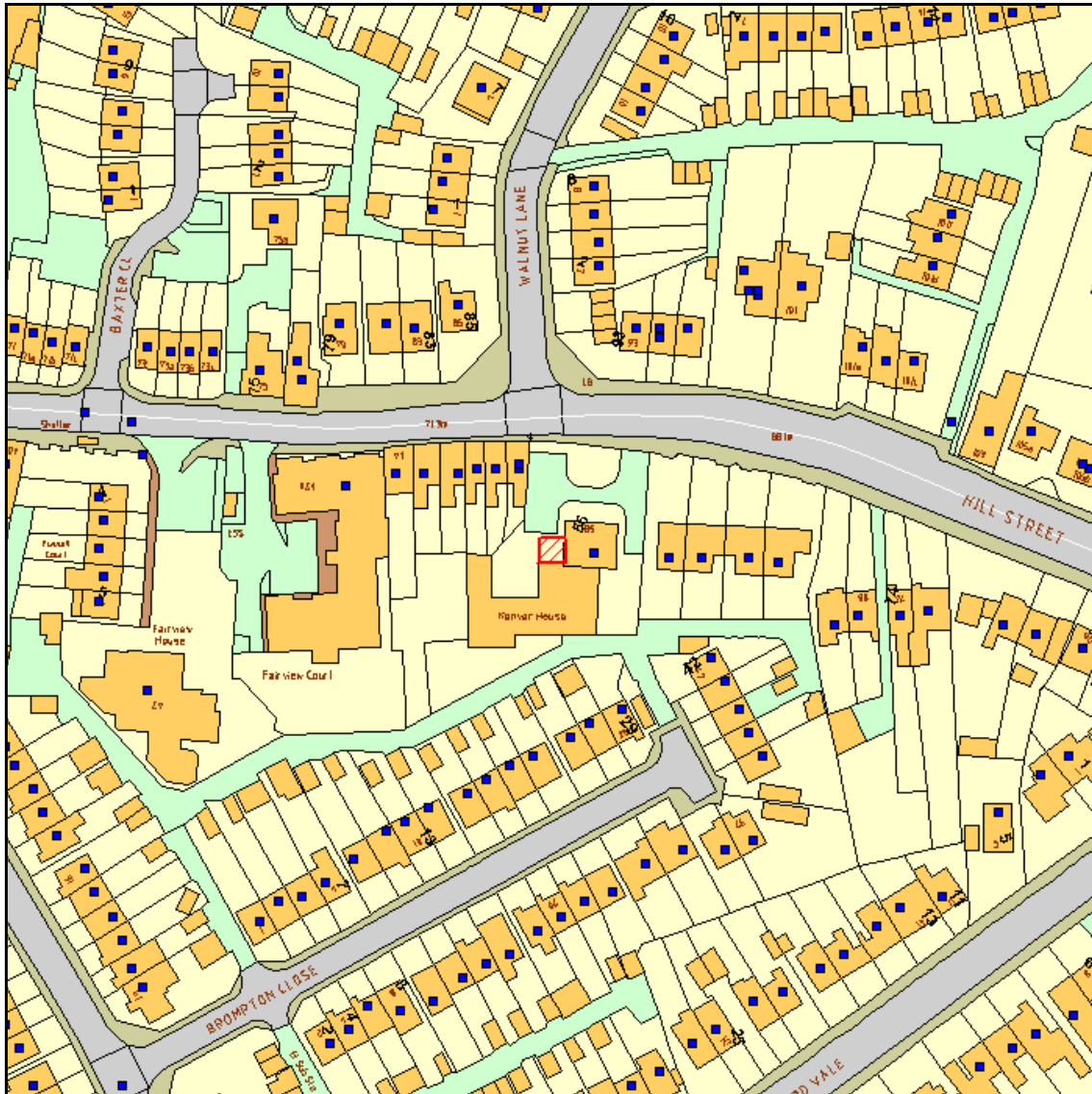
Ward: Woodstock

Application Minor

Target 23rd September

Category:

Date: 2014



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PK14/2737/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application has been submitted to the Council's Circulated Schedule process, following representations which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey extension to provide a new office, lobby area, and new WC.
- 1.2 The main building to the front of 56 Hill Street, named Kenver House, is a locally listed building.
- 1.3 Amendments were submitted on 5th September 2014 at the Officer's request, showing amendments to the size and design of the proposal.

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)

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

E3 Employment Development within Urban Areas

L15 Buildings and Structures which make a Significant Contribution to the Character and Distinctiveness of the Locality

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist SPD (Adopted) 2007

Local List SPD (Adopted) February 2008

3. RELEVANT PLANNING HISTORY

- 3.1 PK03/2588/F Approve with conditions 08/03/2004
Erection of two storey extension to existing nursing home to provide additional accommodation including 15 additional bedrooms. Erection of single storey extension to form connection to both original buildings. Removal of 1 no. horse chestnut tree (T7) covered by South Gloucestershire Tree Preservation Order KTPO4/94 and creation of new vehicular access and associated parking. (Resubmission of PK03/1148/F)
- 3.2 K2636/1 Approval 14/09/1987
Change of use to residential home and erection of laundry building

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
Not within a parish.

4.2 Other Consultees

Listed Building and Conservation

Objection to original plans.

No objection to amendments received on 5th September 2014.

Sustainable Transport

No objection.

The Coal Authority

Objected originally, but objection withdrew following submission of second coal mining risk assessment, subject to condition requiring site investigations prior to development.

Highway Drainage

No comment.

Highway Structures

No comment.

Other Representations

4.3 Local Residents

Two letters of objection have been received:

- Have not been able to use back garden since business has been there due to large trees which cause complete darkness to property and scared to use the garden because of branches falling
- Family have attempted several times to get owners of 56 Hill Street to remove or reduce the tree which causes endless problems
- Dangerous to use the garden
- Tree allows squirrels access to neighbours attic

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved policy E3 of the South Gloucestershire Local Plan (adopted) allows for the principle of the development. The main issues to consider are the appearance/form of the proposal and the effect on the

character of the area; the environmental effect; the transportation effects; and the residential amenity impacts.

5.2 Design

56 Hill Street (Kenver House) is a large, detached mid 19th century villa which has been identified as making a significant contribution to the character and distinctiveness of the locality; a locally listed building. It is a two storey, double-pile, rendered building designed in the classical/Italianate style with central, projecting flat roof porch supported on columns with angular projecting bay windows either side. The first floor windows are triple light windows with semi-circular heads and the elevations are defined by pronounced quoins, cill and string course and a dentilated cornice. The building occupies an elevation position set back from the road and appears as an imposing, distinctive and high status dwelling within the locality. The building has been previously extended at the rear, with a single storey addition connecting the main block to a 20th century, two-storey, U-shaped care home building to the south and west. The planning history on the site illustrates how the site has developed, with the modern block originally being a much smaller and detached building in the grounds of 56 Hill Street. In 2004, permission was granted for a large two storey extension to the nursing home with a single storey lean-to forming the connection between it and the locally listed building. The design of the link was revised from an earlier submission (withdrawn) and reduced to a single storey structure set to the rear of the villa and given a hipped roof to reduce its prominence and visual impact on the character and form of the historic building.

This application now seeks permission to further extend the building and to extend the single storey range over the majority of the west facing elevation of the original dwelling. The original submission showed the hipped roof to be replaced by a straight gable end and the modern extension is effectively pulled forward in the site, bringing the modern additions much closer to the front of the locally listed building and it would, therefore, result in the modern block appearing more imposing and intrusive in the setting. Additionally, by extending the modern block over the elevation of the villa as proposed, it further shifts the balance in terms of dominance away from the villa and onto the modern additions. Amendments were sought and submitted on 5th September 2014, showing the gable to be replaced with a hipped roof, and the proposal to be set further back from the principal elevation of the locally listed building. This allows the original plan form, scale and massing to be seen and avoids the conflict between the different architectural styles of the building, protecting the character and significance of the villa. Externally, the materials have been chosen to match the existing modern development and the proposal is considered acceptable in terms of policy CS1 of the Core Strategy and L15 of the Local Plan.

5.3 Residential Amenity

As the proposal is nestled within the 'U' shaped existing buildings, it is considered that no nearby residents are affected by the proposal, particularly due to its single storey height. The proposal is therefore in accordance with the residential amenity clause of policy E3 of the Local Plan.

5.4 Transportation Effects

The proposed extension is nestled in the corner of the locally listed villa and the modern development to the rear and will not interfere with pedestrian or vehicular movements around the site. The proposal will not alter the existing parking provision at the site.

5.5 Coal Mining

The Coal Authority records indicate that there is a mine entry on the site with a zone of influence which extends into the area of the proposed extension. The site is also in an area of likely historic unrecorded underground coal mine workings at shallow depth. The Coal Mining Risk Assessment submitted as part of the application recommends that intrusive site investigations are carried out on site in order to establish the exact situation in respect of coal mining legacy issues. These works should investigate the mine entry and unrecorded shallow coal mine workings. The findings of the intrusive site investigation works should inform any mitigation measures which may be required. A condition will be issued on the decision notice to ensure these works are carried out prior to development.

5.6 Other Matters

Two objections have been received regarding trees within the site. As the proposal does not have an impact on any trees within the site, the objections have not been considered whilst determining the application.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is **GRANTED** subject to the condition in the decision notice.

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

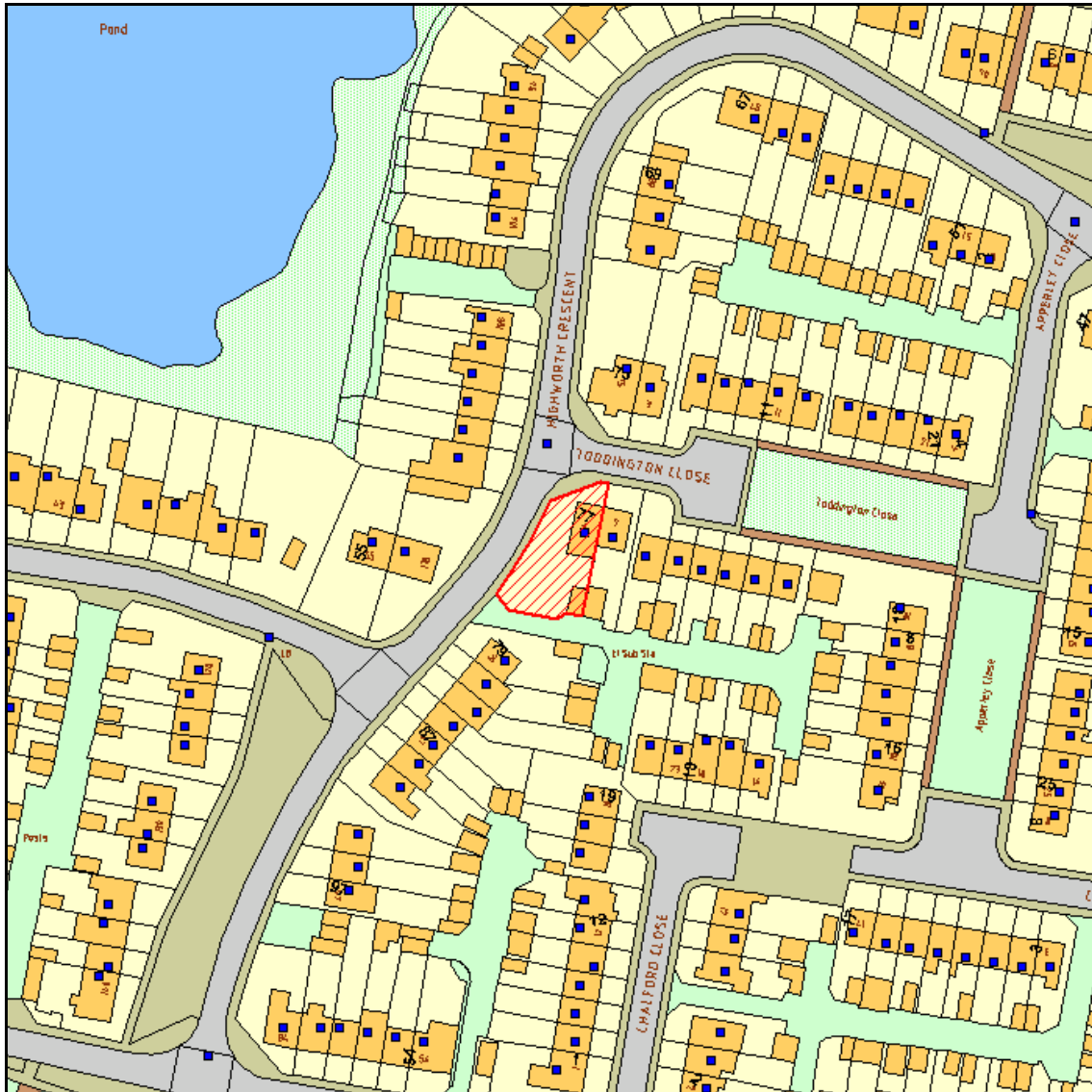
2. Prior to the commencement of development, intrusive site investigation works should be undertaken in order to establish the exact situation regarding coal mining legacy issues on the site. If the site investigations confirm the need for remedial works to treat the mine entry and areas of shallow coal mine workings, these should be carried out prior to the commencement of the development.

Reason:

To ensure the safety and stability of the proposed development and to meet the requirements of the National Planning Policy Framework (Adopted) March 2012.

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PK14/2888/F	Applicant:	Ms Penny Millard
Site:	77 Highworth Crescent Yate South Gloucestershire BS37 4HW	Date Reg:	5th August 2014
Proposal:	Erection of 1 no. dwelling with associated works (resubmission of PK14/1056/F)	Parish:	Yate Town Council
Map Ref:	370905 181790	Ward:	Yate Central
Application Category:	Minor	Target Date:	15th September 2014



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PK14/2888/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule as a representation has been received from the Town Council which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of 1no. attached dwelling.
- 1.2 The application site consists of the side garden area of no.77 Highworth Crescent, situated within the defined urban area and settlement boundary of Yate.
- 1.3 The application is a re-submission of a previously withdrawn application ref. PK14/1056/F.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Diversity
CS17 Housing Density
CS30 Yate and Chipping Sodbury

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

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
EP2 Flood Risk and Development
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy

- 2.3 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1056/F - Erection of 1no. attached dwelling with associated works.
Refused 12th May 2014

- *The proposed dwelling, by virtue of its siting and close proximity to the adjacent highway, would appear unacceptably intrusive and overbearing in the street scene and would fail to provide a visual break in the street scene to the detriment of the character, distinctiveness and quality of the local area. The proposed development would appear incongruous in the street scene failing to improve the character and quality of an area and the way it functions. The application is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework March 2012.*

4. CONSULTATION RESPONSES

4.1 Yate Town Council

Object on the grounds that it is out of keeping with the other houses in the vicinity and the development would have a detrimental effect on the neighbouring home owner.

4.2 Transportation DC

No objection.

Other Representations

4.3 Local Residents

No comments received.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the provisions of the National Planning Policy Framework 2012, policies CS5, CS8, CS15, CS16 and CS17 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006. The erection of new dwellings within existing residential curtilages and within the urban area and boundaries of settlements as defined by the SGLP Policies Maps is considered acceptable in principle subject to criteria relating to residential amenity, highway safety, design, and environmental considerations.

5.2 Design

The application site consists of the garden and hardstanding area to the side of no.77 Highworth Crescent, Yate. The site is a corner plot on the junction of Highworth Crescent and Toddington Close. The original dwelling (no.77) is a semi-detached double storey property with a pitched roof. The pair of semi-detached dwellings (no.77 Highworth Crescent and no.4 Toddington Close) are sited slightly forward of the rest of the terraces on Toddington Close, and imitate the pair of dwellings opposite (no.3 and no. 75). The two dwellings located either side of the junction (no.s 75 and 77) have an angled front boundary line into Toddington Close retaining a sense of space on the junction.

The locality is characterised by a mix of semi-detached dwellings and terraces within an established residential area of Yate.

- 5.3 The previously submitted application ref. PK14/1056/F was refused on the grounds that the width and siting of the dwelling and its small distance from the adjacent pavement would prejudice the open character on this part of the estate, and would be overbearing and intrusive in the street scene.
- 5.4 Within the revised application an alternative design approach has been adopted which results in an attached dwelling which has the appearance of a double storey side extension. The dwelling is shown to be set back from the front elevation of no.77 and the width has been reduced in order to leave a gap of 1.1 metres between the side elevation and the adjacent pavement. The door has been moved to the side elevation leaving only windows on the front elevation which helps to give the visual appearance of an extension rather than a cramped dwelling.
- 5.5 On consideration of the revised development it is noted that the revised width helps to retain some sense of space between the side elevation of the new dwelling and the existing pavement and this imitates the existing double storey extension on the opposite property (no.75). Although the development would still result in the loss of a large proportion of the space to the side it is considered on balance that the reduction in width is sufficient to overcome the Officer's previous objections in this respect. In terms of overall design it is considered that in this context the design approach, which gives the appearance of a double storey side extension with revised fenestration to the front and side elevations, is appropriate and overcomes the cramped appearance of the previous dwelling. This would assist in making the development appear less incongruous in the street scene. Although the proposal is slightly wide to full achieve full subservience to the pair of dwellings it is considered on balance that the overall design of the revised dwelling is acceptable and would not cause harm to the character or distinctiveness of the street scene. It is further considered that the windows proposed at first and ground floor level on the side elevation helps to break up the double storey blank wall that had previously been proposed and better reflects the existing fenestration on the side of no.77. All of these revisions are considered on balance to overcome the previous reason for refusal and as such Officers do not raise any design objection to this application.
- 5.6 The plans indicate that the boundary treatment to the side would be a one metre wall on the new section with the existing higher boundary wall and hedge retained. This low level boundary treatment is considered appropriate and reflects the existing character on this junction. The plans indicate that materials will match the existing dwelling and in the interests of the visual amenity of the street scene an appropriately worded condition will secure this.
- 5.7 Residential Amenity
The proposed development consists of an attached double storey dwelling to the west elevation of no.77 Highworth Crescent. The double storey part of the dwelling would not extend beyond the original rear elevation of no.77 and the single storey rear element would match the depth of the conservatory on no.77.

The site is a corner plot adjacent to the junction of Highworth Crescent and Toddington Close.

5.8 In terms of residential amenity, although the comments of the Parish Council are noted, given the dwelling the depth and height of the dwelling does not exceed beyond no.77 it is considered that the proposal would not have an unacceptable overbearing or oppressive impact on the occupiers of either no.77 nor would it alter light levels entering their property. It is considered that an adequate distance would remain between the development and all other neighbouring occupiers such that their amenity would not be prejudiced. The proposed windows to the side and rear elevations are considered to be a sufficient distance from the surrounding properties to ensure that there are no significant concerns in terms of inter-visibility or loss of privacy. Private amenity space for both the existing and proposed dwelling is acceptable given the size of the dwellings.

5.9 Given the established residential nature of the area it is considered reasonable and necessary to condition working hours in order to reduce disruption from building operations during the construction phase.

5.10 Highway Safety

The application identifies 2no. off street parking spaces at the rear of both the proposed and existing dwellings accessed from the private road that runs to the rear. The level of parking identified is in accordance with the Council's minimum parking standards and as such there are no concerns on these grounds provided the parking for the new dwelling is implemented before the dwelling is first occupied, and the parking for the existing dwelling is implemented prior to the commencement of development.

5.11 Environment

No drainage details have been submitted with the application. Although on the previously refused application a drainage condition had been recommended it is considered that in the context of this site drainage will be adequately addressed within the building regulations for the property. As such it is not considered necessary to condition the submission of these details. There are no other concerns in terms of environmental considerations.

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:

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in no.77 Highworth Crescent.

Reason

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

3. Prior to the commencement of development the off-street parking facilities for no.77 Highworth Crescent shown on plan 01 Rev.C hereby approved shall be provided in a permeable bound material, and thereafter retained for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013

4. The off-street parking facilities for the dwelling hereby approved shown on the plan 01 Rev.C shall be provided in a permeable bound material 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 Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013

5. The hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Mondays to Fridays (inclusive), 08:30 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for

the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

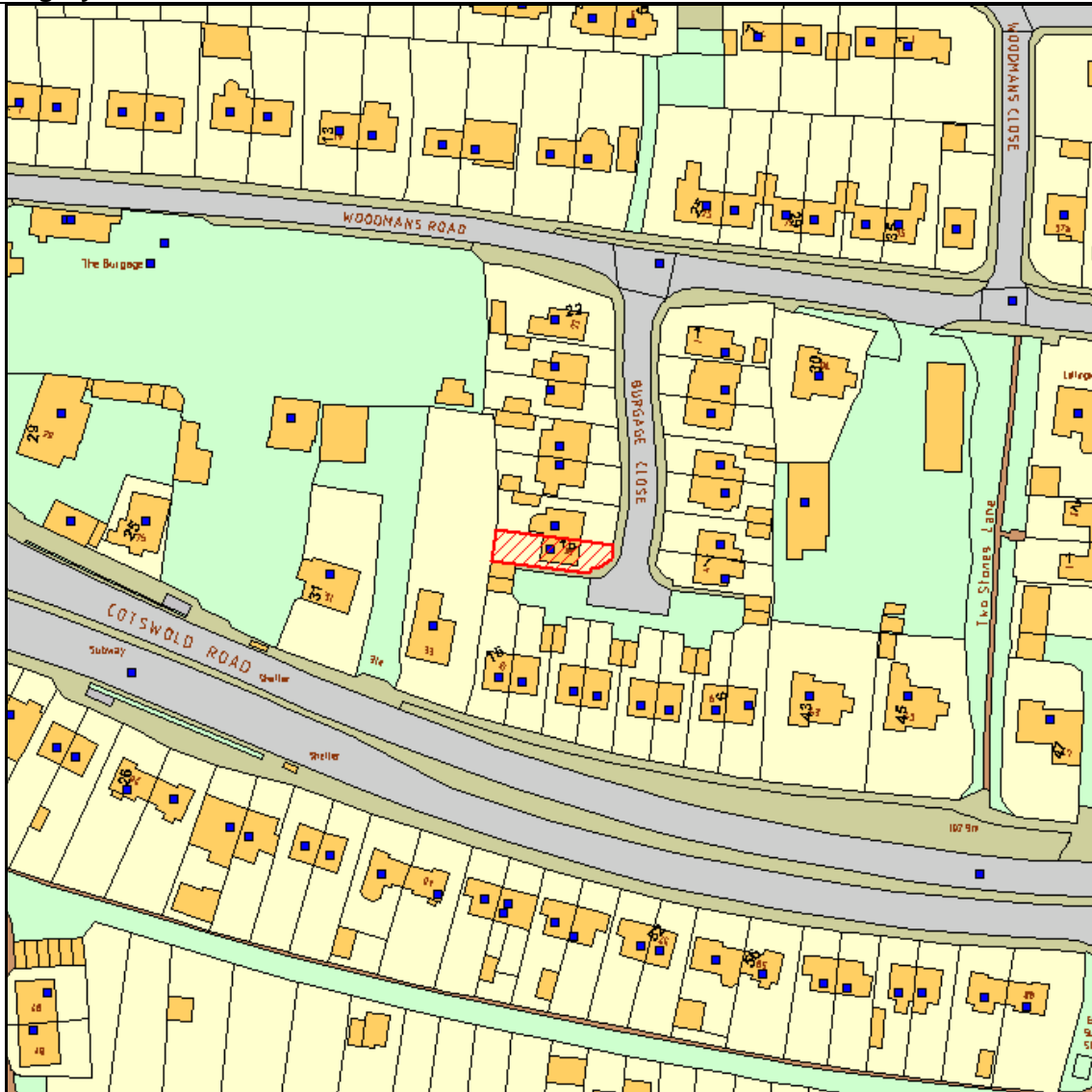
Reason

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

ITEM 8

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PK14/2934/CLP	Applicant:	Mrs Jan Morris
Site:	16 Burgage Close Chipping Sodbury South Gloucestershire BS37 6DZ	Date Reg:	12th August 2014
Proposal:	Application for certificate of lawfulness for the proposed erection of a side porch and a single storey rear extension and installation of a free draining concrete block paving driveway to replace front garden.	Parish:	Sodbury Town Council
Map Ref:	372960 181840	Ward:	Chipping Sodbury
Application Category:	Certificate of Lawfulness	Target Date:	22nd September 2014



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100023410, 2008. **N.T.S.** **PK14/2934/CLP**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination as a matter of process in accordance with the scheme of delegation; this is an application for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted development under the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations.
- 1.2 The proposed development consists of the erection of a side porch, a single storey rear extension, and the installation of a free draining driveway.
- 1.3 Having reviewed the planning history on this site, it would appear that permitted development rights have not been restricted on this property and are therefore exercisable.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations listed below.
- 2.2 The relevant legislation is:

The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site.

4. CONSULTATION RESPONSES

- 4.1 Sodbury Town Council
No objection
- 4.2 Other Consultees
None received

Other Representations

- 4.3 Local Residents
One comment of objection has been received which raises the following points:

- Concerns of location of development adjacent to boundary fence
- Description of development on the application form does not match the council's description
- Extension is too high
- Extension would overshadow conservatory
- Impact on outlook and privacy
- Rear extension would be overbearing and overwhelming impact on neighbouring property

4.4 This is an application to assess whether the proposed development is permitted development – it does not allow for the assessment on the basis of planning merit. Therefore, whilst these comments are noted, they cannot be taken into consideration in determining this certificate.

5. **SUMMARY OF EVIDENCE**

5.1 The following evidence was submitted to the Local Planning Authority on 28 July 2014 –

- PH NO.01, PH NO.2, PH NO.03, PH NO.4, Site Location and Block Plan

6. **ANALYSIS**

6.1 This application seeks a lawful development certificate for the erection of a porch, a rear extension and the laying of a driveway.

6.2 Principle of Development

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

6.3 To ascertain if the development is lawful, it must be assessed against Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

6.4 Assessment of Evidence: Rear Extension

Schedule 2 Part 1 Class A allows for the enlargement of a dwelling house consisting of an addition or alteration to its roof, subject to meeting the following criteria:

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

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

This use of the building as a dwellinghouse was not permitted through a change of use.

- (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);**

As a result of the development, the total area of ground covered would not exceed 50% of the curtilage.

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

The height of the extension would not exceed the height of the existing roof.

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

The eaves of the extensions would not exceed the height of the eaves of the 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;**

A rear extension is proposed; this does not front a highway.

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

The rear extension projects 2.9 metres from the rear elevation; the height of the extension is 3.6m.

- (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;**

This paragraph does not apply in this instance

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

The proposed extension is single storey; this paragraph does not apply in this instance.

- (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 extension would be within 2 metres of the boundary; the eaves height stands at 2.5 metres.

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

The proposed extension is a rear extension; this paragraph does not apply in this instance.

- (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 development does not propose any of the above.

A.2. In the case of a dwellinghouse on article 1(5) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, 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.**

This site is not located on article 1(5) land and therefore the provisions of this paragraph do not apply in this instance.

6.5 Development is only permitted by Class A subject to the following conditions –

A.3. Development is permitted by Class A subject to the following conditions—

- (a) the materials used in any exterior work (other than 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;**
- (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**
- (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 development has materials which are of a similar appearance to that of the main dwelling. No upper floor windows are proposed. The development is not more than one storey.

6.6 It has been demonstrated that the rear extension complies with the provisions of this Class and is therefore permitted development.

6.7 Assessment of Evidence: Porch

Schedule 2 Part 1 Class D allows for the erection of a porch outside any external door of a dwellinghouse, subject to meeting the following criteria:

D.1. Development is not permitted by Class D 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 through a change of use.

- (a) the ground area (measured externally) of the structure would exceed 3 square metres;**

The porch area would not exceed 3 square metres.

- (b) any part of the structure would be more than 3 metres above ground level; or**

The height of the structure does not exceed 3 metres.

- (c) **any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway.**

The application site is located at the end of a cul-de-sac where there is a hammerhead turning area. Around the turning head there is hard standing used for vehicular parking. On assessment of the Highway Record, the hard standing does not form part of the adopted highway; the highway ends at the hammerhead.

Whilst the proposed porch would be located with 2 metres of the hand standing, this does not form part of the highway and therefore this criteria is met.

- 6.8 The proposed porch is considered to comply with Schedule 2 Part 1 Class D of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

6.9 Assessment of Evidence: Roof Lights

Schedule 2 Part 1 Class C allows for any other alteration (than that permitted by Class B) to the roof of a dwellinghouse, subject to meeting the following criteria:

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

- (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 house was not granted permission under permitted development.

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

The details submitted are unclear as to how far the roof lights would protrude from the surface. However, it is reasonable to assume that the roof lights would not protrude more than 150 millimetres and in this case they would be permitted development.

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

The alterations would not be higher than the highest part of the original roof.

- (c) **it would consist of or include –**

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

The development does not propose any of the above.

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

C.2

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

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

No window is proposed in the roof slope forming the side elevation of the dwellinghouse. Therefore this condition is not relevant

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

6.12 Assessment of Evidence: Driveway
Schedule 2 Part 1 Class F allows for the provision of a driveway subject to meeting the following criteria:

**F.A1 Development not permitted by Class F where —
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 property has not been permitted by a change of use.

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

F.1.

Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and**
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,**
either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed driveway would be located on land between the principal elevation of the house and a highway. From the block plan, the size of the proposed driveway would exceed 5 square metres.

Therefore the driveway must be made of porous materials or provision be made to direct run-off to a permeable or porous area within the curtilage of the dwelling.

The applicant has described the proposed driveway as free draining. This is therefore considered to be permeable and the condition is met.

- 6.14 The proposed driveway would require a new access which would be partly joined to the highway. Therefore, this should also be assessed for compliance with permitted development regulations.
- 6.15 Schedule 2 Part 2 Class B allows for the following:

B. Permitted Development

The formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part).

Burgage Close is a C4R highway. This, for the purposes of this Part, is not a classified road and therefore the access would be permitted development when undertaken in connection with development authorised by another part of this Order. In this instance the development is therefore authorised by Part 1.

- 6.16 The proposed driveway would be considered permitted development.

7. CONCLUSION

- 7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.2 The erection of a rear extension has been found to comply with the criteria of Schedule 2 Part 1 Class A of the abovementioned Order. The proposed development is considered to be permitted development.
- 7.3 The installation of a number of roof lights has been found to comply with the criteria of Schedule 2 Part 1 Class C of the abovementioned Order. The proposed development is considered to be permitted development.
- 7.4 The erection of a porch has been found to comply with the criteria of Schedule 2 Part 1 Class D of the abovementioned Order. The proposed development is considered permitted development.
- 7.5 The laying of hard standing for use as a driveway has been found to comply with the criteria of Schedule 2 Part 1 Class F. The proposed development is considered permitted development.
- 7.6 The formation of a new access has been found to comply with the criteria of Schedule 2 Part 2 Class B. The proposed development is considered permitted development.

8. RECOMMENDATION

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

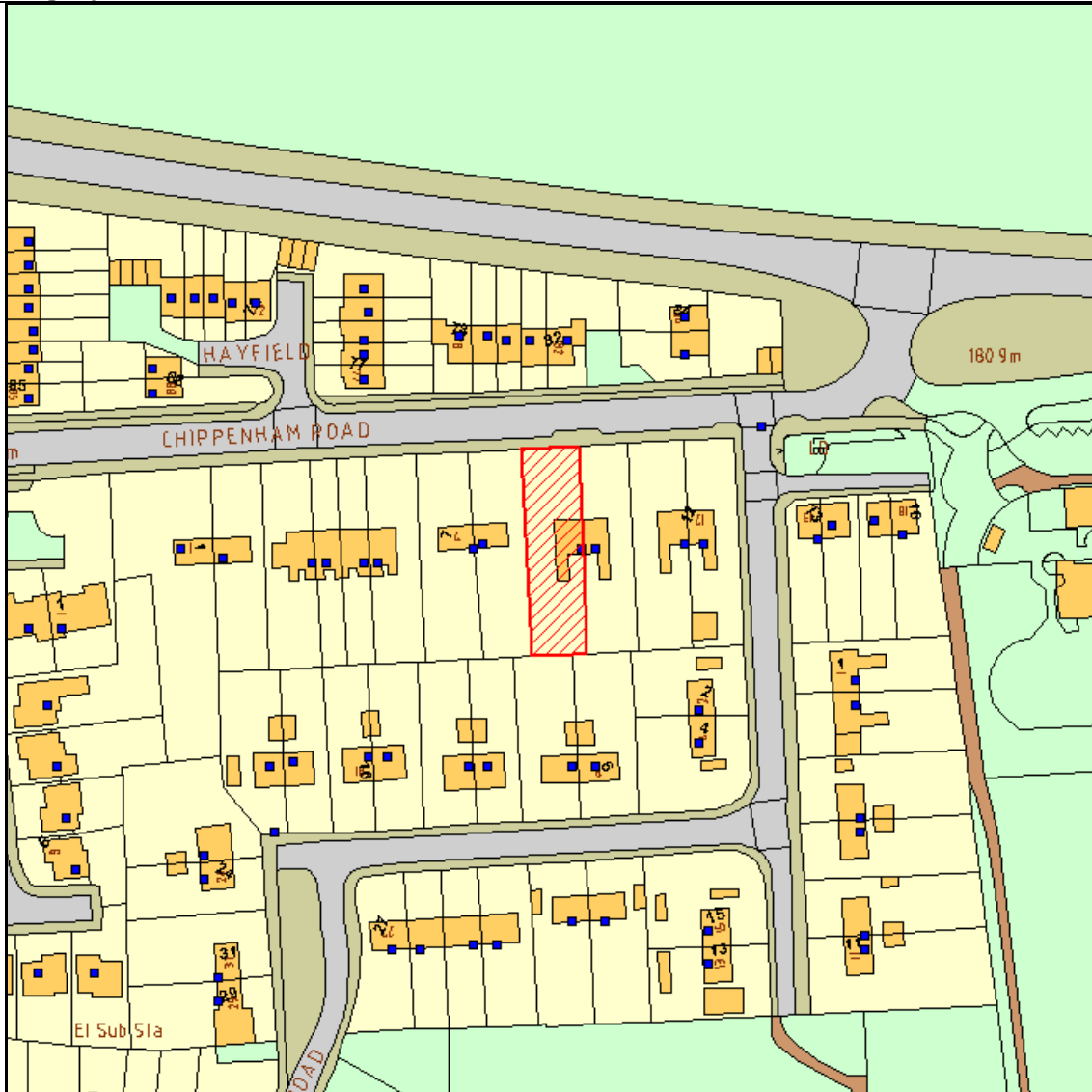
Evidence has been provided that demonstrates, that on the balance of probability, the development meets the criteria set out in Schedule 2 Part 1 and Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and is considered permitted development.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

ITEM 9

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PK14/2973/F	Applicant:	Mr Andrew Brown
Site:	9 Chippenham Road Marshfield Chippenham South Gloucestershire SN14 8NY	Date Reg:	6th August 2014
Proposal:	Demolition of existing garage and erection of two storey side extension and two storey side and rear extension to facilitate the conversion into 2no. dwellings.	Parish:	Marshfield Parish Council
Map Ref:	378492 173806	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	23rd September 2014



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REASON FOR SUBMISSION TO CIRCULATED SCHEDULE

This report has been submitted to the Council's Circulated Schedule procedure, following objections received from local residents which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the demolition of the existing detached garage at no. 9 Chippenham Road, Marshfield, in order to facilitate the erection of a two storey side and rear extension to enable conversion into 2 no. dwellings.
- 1.2 The application site relates to a two storey semi-detached dwelling, located within the established settlement boundary of the village of Marshfield, and within the designated Marshfield Conservation Area.
- 1.3 The site is also within the Cotswolds Area of Outstanding Natural Beauty (AONB).

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
L5 Open Areas within Defined Settlements
L9 Species Protection
L12 Conservation Areas
T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013
 - (c) Marshfield Conservation Area Advice Note (Adopted) March 2004

3. RELEVANT PLANNING HISTORY

3.1 There is no relevant planning history for the site.

4. CONSULTATION RESPONSES

4.1 Marshfield Parish Council
No objection.

4.2 Other Consultees

Highway Drainage

No objection in principle, subject to an informative advising the applicant to discuss with Wessex Water.

Landscape

No comment received.

Listed Building and Conservation

Objection.

Sustainable Transport

No objection subject to a condition regarding the provision of parking.

Highway Structures

No comment.

Other Representations

4.3 Local Residents

Six letters of objection have been received from local residents. Their concerns are summarised as follows:

- If this is approved, other houses with large gardens can build in their gardens
- Drainage systems will not cope
- Would spoil the village look if Chippenham Road became one long terrace
- The proposal would be narrow and 'squeezed in' to the site
- Parking area will look like a parking lot, and will disturb the neighbours
- Chippenham Road is a main route for children on their way to and from Marshfield Primary School and the additional traffic is a safety concern
- Houses will need more than two parking spaces each in the future and it will spill onto the street
- Access out of the parking is blind on the east side due to the bus shelter
- Light to kitchen and bathroom of adjoined dwelling will be blocked
- Reduce no. 10 from semi-detached to end terrace
- Overdevelopment of the plot
- Bus parks up at bus stop for up to 10 minutes each time as part of it's schedule so the road is already congested enough

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Policy L12 seeks to preserve or enhance the character or appearance of the Conservation Area, and policy CS5 of the Core Strategy allows the new dwellings within established settlement boundaries, subject to the careful assessment detailed below.

5.2 Design and Impact on Marshfield Conservation Area

Number 9 Chippenham Road is one of a pair of semi-detached houses built at the south side of Chippenham Road, all of contemporary date and of corresponding style and building line, set back from highway. Although a far more modern and architecturally different form of development than much of Marshfield, the generous gardens and symmetry and spacing of these properties are all important features of this part of the conservation area and provide an attractive entrance to the village. The Council's Listed Building and Conservation officer raised concerns about this proposal, as the addition of a separate dwelling as proposed would disrupt the rhythm and grain of the street by substantially reducing the space between no. 8 and 9, and unbalancing the symmetry of the original pair of houses. Whilst no subdivision of the front garden is shown, it is considered that there is likely to be future pressure to do this which would further disrupt the rhythm of the street and the distinctive large front gardens.

5.3 Whilst it would be considered preferable for the semi detached pairs of dwellings along the south side of Chippenham Road to remain as such, it cannot be denied that the character of this part of the Conservation Area has been significantly diluted by modern development along the northern side of Chippenham Road, including a three-storey terrace which is situated perpendicular to the highway. Additionally, no. 3-6 Chippenham Road form a terrace of four with a similar design rather than two semi detached pairs, along with two sets of post war semi detached properties along the same building line to the east, both of which break up the grain of development. No. 11 benefits from planning permission for a large two storey extension, which is currently under construction. It is therefore thought that the character features of these dwelling which the Council would be in a position to protect are the large gardens and the consistent building line stepped back from the road, but that refusal of development to the side would not stand up as a refusal reason on

it's own. It is therefore considered that the principle of an attached dwelling of this size and positioning at this location is acceptable in terms of policy L12 of the Local Plan, as it respects the building line. In order to protect the significant large front gardens, a condition will be attached to the decision notice to ensure that the sub division of the front garden by means of a significant boundary treatment cannot occur in the future, and addresses the modern development concerns discussed in the Marshfield Conservation Area SPD (Adopted) 2004.

- 5.4 With regards to the design, the existing pair of semi-detached dwellings are two-storey in height, with a gable roofline and a shared pitched roof feature in the centre of the principle elevation. There is a small lean-to canopy which spans both of the front doors. Externally, the dwellings are finished in render, sandtoft double roman tiles and white UPVC windows and doors. The same materials have been selected for the extension with the exception of the roof tiles which are to be redland double roman tiles in 'Breckland Brown'. Both tiles are considered similar enough in appearance to allow the new dwelling to blend effectively with the existing dwelling, and to comply with policy CS1 of the Core Strategy. The demolition of the existing garage is not an issue, as it is not of particular architectural merit.
- 5.5 Whilst additions are usually required to appear subservient, in this case the ridge line was maintained in order for the new dwelling to appear part of the original street scene, rather than a new addition which has been 'squeezed in'; a comment made in one of the objection letters. The two storey rear extension has a much shallower pitch and appears rather wide and awkward, however it is not visible from the public realm and is preferable in residential amenity terms. Slender 'conservation' rooflights have been proposed to facilitate a loft conversion into a fourth bedroom for each property. Whilst rooflights are not found on any of the adjacent dwellings, they can be seen on the northern side of Chippenham Road, and are considered to be discrete enough to be acceptable under policy L12 of the Local Plan.
- 5.6 Residential Amenity
Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. No. 9 Chippenham Road sits within a large plot, and even with the addition of a new dwelling it is considered that there will be adequate private amenity space remaining to the rear.
- 5.7 A comment was received from a local resident regarding loss of light to the kitchen and bathroom window of the adjoined dwelling no. 10 Chippenham Road. Whilst some loss of light may occur in the morning, the gardens are south facing and therefore a two storey rear extension can be accommodated here without any detrimental loss of light occurring. As previously mentioned, the ridge height of the two storey rear extension has been designed to be considerably lower than the ridge of the existing dwelling, and this prevents the addition from appearing too overbearing on no. 10 and no. 8. The positioning of windows has been carefully designed so that the privacy of the neighbours is protected, with the only first floor windows facing the highway or facing south, which is not dissimilar to the present outlook with existing south facing windows looking out towards the rear boundary, which is shielded by a 1.5 metre fence

and very high planting. Ground floor side facing windows are proposed, however the privacy of no. 10 is protected by a 1.5 metre fence, and whilst the boundary treatment to no. 8 is incomplete, a fence can be erected by either party in the future. It is therefore considered that the proposal is acceptable in terms of policy H4 of the Local Plan and the residential amenity of the surrounding residents is protected.

5.8 Transport

Assessment of transportation impacts with regards to extension and new dwellings relates to the provision of adequate off-street parking and safe access to the site. Under the Residential Parking Standards, a four-bedroom dwelling should have two off-street parking spaces, and so four spaces are required within the shared front garden of no. 9 Chippenham Road and the proposed adjoined dwelling. The large front garden is suitable for the parking of four cars, and a condition will be issued on the decision notice to ensure that the parking spaces are provided prior to occupation of the new dwelling, and maintained thereafter.

5.9 With regards to access, due to the location of the bus stop, both dwellings will share the same existing access for no. 9 Chippenham Road. Whilst many concerns have been raised by local residents regarding the impact the proposal will have on congestion, it is considered that approximately two additional vehicles will not have a significant detrimental affect on traffic or safety, and there is therefore no transportation objection to the proposal.

5.10 Other Matters

One of the objection letters referred to their discontent that no. 10 Chippenham Road would now be classed as an end terrace property, rather than a semi detached property. House prices are not a planning matter, and therefore this has not been considered when determining this application. Another letter stated concerns that approving this proposal would lead to similar approvals on other houses, however this is not necessarily the case and each application is considered on it's own merit.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

2. Prior to the occupation of the new dwelling, two off-street parking spaces for the new dwelling and two off-street parking spaces for the existing dwelling must be provided, measuring 4.8 metres by 2.4 metres. The said parking spaces shall then be maintained 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.

3. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure shall be erected, positioned or placed within the shared front garden and parking area of 9 Chippenham Road and the new dwelling.

Reason

To ensure the pattern of development and open space in the Marshfield Conservation Area is maintained and to accord with and Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.: PK14/3133/ADV
Site: Peg Hill Roundabout Peg Hill Yate
Bristol South Gloucestershire
BS37 7PJ

Applicant: Bommel UK Ltd
Date Reg: 27th August 2014

Proposal: Display of 4no. non-illuminated post mounted signs on roundabout.

Parish: Yate Town Council

Map Ref: 371506 183736

Ward: Yate North

Application Category: Minor

Target Date: 1st October 2014



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PK14/3133/ADV

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The proposal has been referred to the Circulated Schedule following the receipt of three objections which are contrary to the Officer's recommendation of approval.

1. THE PROPOSAL

- 1.1 The application seeks permission for the display of 4no. non-illuminated post mounted signs on Peg Hill roundabout.
- 1.2 The roundabout is located in Peg Hill and serves the junctions for Peg Hill, Lark Rise and Eastfield Drive. The centre of the roundabout is laid to grass.
- 1.3 The proposed signs measure approximately 1 metre in width and 0.5 metres in height and would sit approximately 0.3 metres above the ground. The signs would have an aluminium face fixed to steel posts and would comprise of a white background with advertisement space for sponsors with a blue frame at the bottom containing the Council's corporate logo and the text "Working with the South Gloucestershire Community". The signs will be located 1.5 metres back from the kerb in front of all four junctions on to the roundabout.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 South Gloucestershire Local Plan Core Strategy (Adopted) December 2013
CS1 High Quality Design
CS8 Improving Accessibility
- 2.3 South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)
T12 Transportation

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history directly relating to the proposed advertisements on this roundabout though it is noted that numerous applications have been submitted across the district for the same proposal. Many have been approved whilst others are still under consideration.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
Objection. Yate Town Council object to the proposal on the basis that the signage is too large and would clutter the roundabout and is not designed for the locality. Furthermore, the Town Council believe the signage will be a potential distraction to road users.
- 4.2 Transportation DC
No objection.

Other Representations

4.3 Local Residents

Two letters of objection have been received which can be summarised as follows;

- The application does not provide sufficient information for the purpose of more signage in the semi-rural community.
- The funds for the sponsorship signs should be diverted to road safety as the existing speed signs are ignored.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The National Planning Policy Framework (NPPF) states that developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. The NPPF specifically states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment and should be subject to control in the interests of amenity and public safety, taking account of cumulative impacts.

5.2 Visual Amenity

The size and design of the proposal, as previously described in the proposal section of the report, is considered to be small-scale and simple. The application site consists of a roundabout laid to grass and is surrounded largely by residential development which is screened with large hedgerows. Off the junction of Lark Rise is a small retail development with an accompanying advertisement sign. Therefore the proposed signage would not be the first set of advertising in the locality.

5.3 Overall, it is considered that the proposal would not have a detrimental impact on the visual amenity of the roundabout or the surrounding area and would therefore be in accordance with guidance contained within the NPPF.

5.4 Public Safety

It is recognised that the Town Council has expressed concern over highway safety in that the signage would distract drivers' attention. It is however noted that the Sustainable Transport Officer has not objected to the proposal as the signage would sit 1.5 metres from the kerb. Furthermore, the proposed signage would be set back from and significantly smaller than the existing highway signage. It is therefore considered that the location, scale and design of the proposed signs would not cause a hazard to safe and free flow of traffic in this locality and is not detrimental to highway safety.

5.5 Overall, there are no objections on grounds of public safety and therefore the proposal complies with policy CS8 of the Core Strategy.

5.6 Cumulative Impact

The approval of the signs hereby proposed would not cause a harmful cumulative impact as there are not any existing signs on the application site

other than the highway signage that facilitates highway safety on roundabouts. The proposed signs are considered small size, and similar to other signs which have been approved on many roundabouts in the South Gloucestershire area.

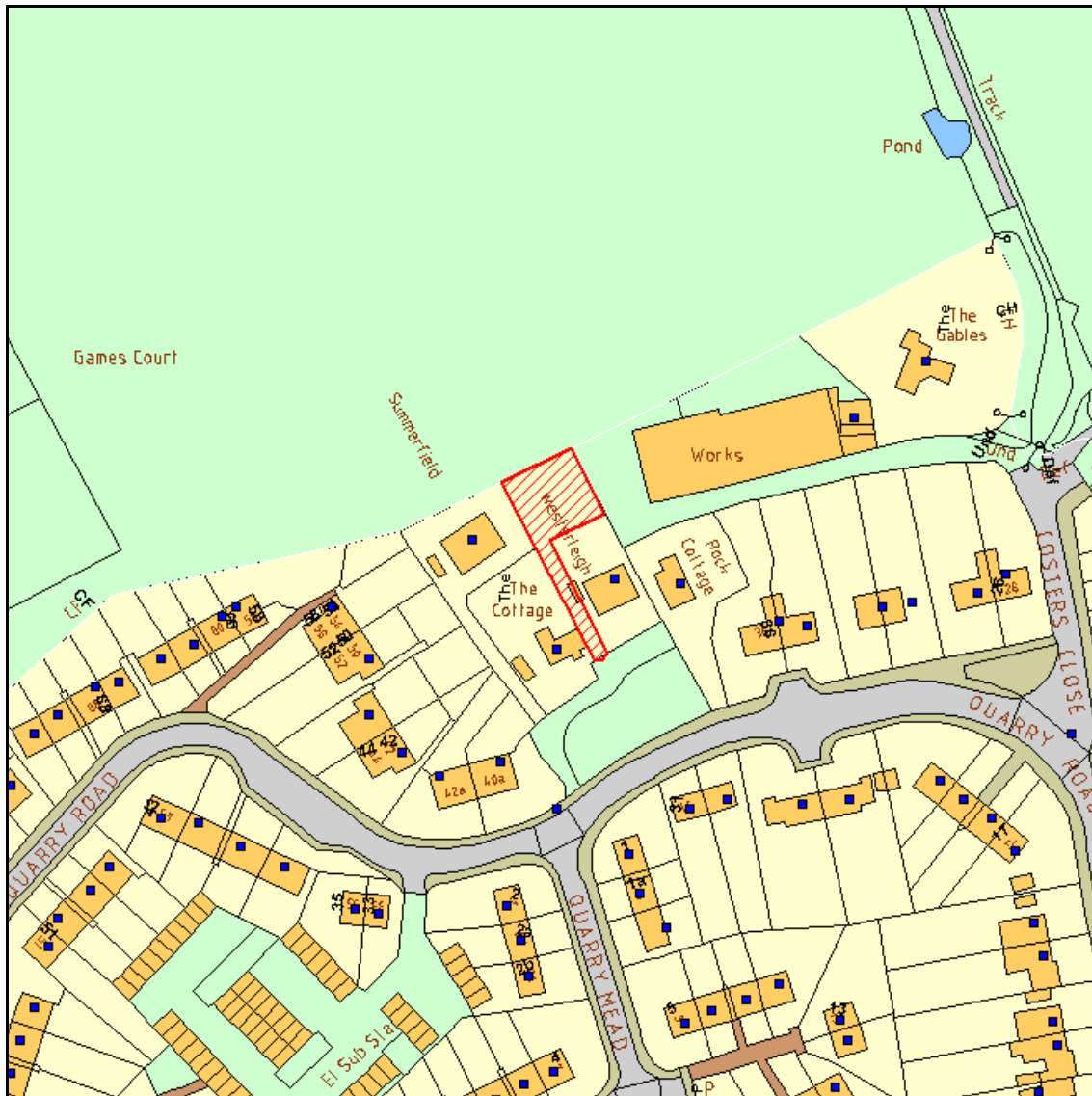
6. RECOMMENDATION

6.1 That the application is APPROVED.

Contact Officer: Hannah Minnett
Tel. No.

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PT14/0699/F	Applicant:	Mr Martin Vizard
Site:	Westerleigh Quarry Road Alveston Bristol South Gloucestershire BS35 3JJ	Date Reg:	1st May 2014
Proposal:	Erection of 1no. dwelling with access and associated works.	Parish:	Alveston Parish Council
Map Ref:	362991 188412	Ward:	Thornbury South And Alveston
Application Category:	Minor	Target Date:	23rd June 2014



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PT14/0699/F

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of one detached dwelling at a site in Alveston. There is significant relevant planning history on this site relating to the erection of a dwelling house (see section 3).
- 1.2 The application site is located within the settlement boundary for Alveston, albeit on the edge of that boundary. Alveston is a settlement that is 'washed over' by the Bristol and Bath Green Belt. The site backs onto the playing fields for Marlwood School to the north, an industrial unit to the east, and to the west and south is a mix of housing.
- 1.3 It is stated on the application form that the existing land use is a 'residential garden'. From the case officer's site visit, this is not the case; the land is used as some form of outdoor storage/builders' yard. The land use on application PT11/0748/F was described as 'yard'.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS13 Non-safeguarded Economic Development Sites
CS15 Distribution of Housing
CS16 Housing Density
CS17 Housing Diversity
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
T12 Transportation
H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

- (a) South Gloucestershire Design Checklist (Adopted) August 2007
- (b) Development in the Green Belt (Adopted) June 2006
- (c) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

Front part of site

- 3.1 PT08/2981/F Approve with Conditions 07/01/2009
Demolition of existing dwelling to facilitate erection of two new dwellings
- 3.2 PT11/3571/F Approve with Conditions 30/12/2011
Demolition of existing dwelling to facilitate erection of 2 new dwellings.
(Consent to extend time limit implementation for PT08/2981/F)

Application site

- 3.3 PT11/0748/F Approve with Conditions 09/05/2011
Erection of 1no. dwelling with access and associated works

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
No objection but note concerns with regard to parking
- 4.2 Drainage
Initial objection. Soakaway plan provided. Drainage objection to this application removed. SUDs condition requested.
- 4.3 Highway Structures
No comment
- 4.4 Landscape
No landscape objection; however the site lies within the green belt
- 4.5 Transport
No objection subject to condition

Other Representations

- 4.6 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a dwelling (previously granted under PT11/0748/F) at a site in Alveston.
- 5.2 Principle of Development
Residential development is supported by policy CS5 of the Core Strategy. This policy allows for small scale infill development within the defined settlement boundary of villages in the green belt. Furthermore, the development is established as acceptable in principle by the grant of planning permission

PT11/0748/F. Therefore, the proposed development is acceptable subject to the assessment set out below.

5.3 Residential Development

Residential development must accord with the provisions of policies CS16 and CS17 to be acceptable. These policies require development to make the most efficient use of land and provide a mix of housing types.

5.4 As the site is located within the settlement boundary of Alveston it is considered to be a sustainable location. The site benefits from existing services such as shops, schools and healthcare facilities, as well as good access to the existing highway network, public transport, and leisure and recreational opportunities.

5.5 A house has already been permitted on this site; the increased densification of the site is considered to lead to the most efficient use of land as it prevents urban sprawl into the countryside. Therefore, residential development is considered to be acceptable.

5.6 Loss of Employment Land

Although it is stated that the site falls within a residential use on the application form, the site visit and previous applications have noted that the site was used as some form of builders' yard. A yard would be considered an employment use and fall into a Sui Generis use class (as defined in the Town and Country Planning (Use Classes) Order 1987). Under policy CS13 of the Core Strategy, proposals for a change of use (in this instance to C3) on non-safeguarded economic development sites must demonstrate that all attempts to secure a suitable business use have failed.

5.7 No evidence has been submitted with this application that sets out the attempts made to secure an economic use for the site. However, this policy was given limited weight (as it had yet to be scrutinised under an EiP or adopted by the LPA) in the determination of PT11/0748/F. In determining the previous application great weight was given to the improvements to residential and visual amenity through the removal of the builders' yard which is considered to be harmful. The loss of the builders' yard would outweigh the objective of small scale employment retention as there would be gains to residential amenity and the landscape. Furthermore, the grant of planning permission PT11/0748/F is material, particularly as policy CS13 was used to assess that application.

5.8 Green Belt

Alveston is a settlement 'washed over' by the green belt and therefore section 9 of the NPPF applies. New buildings within the green belt are generally considered to be inappropriate unless they fall into the exception categories defined in paragraph 89 of the NPPF. One of the exception categories is 'limited infilling in villages [...]' and another is 'limited infilling or the partial or complete redevelopment of previously developed sites [...]' which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development'.

- 5.9 The application site is sandwiched between the existing houses that front Quarry Road to the south, a previous back-land residential development 'Summerfield' to the west and an industrial unit to the east. To the north, the school playing fields lead into open countryside. As a yard, the site can be considered to be previously developed land.
- 5.10 Redevelopment of this site would fall within the settlement boundary and would infill between Summerfield and the industrial unit. The provision of one dwelling is considered to amount to limited infilling. Therefore, the proposal accords with the relevant green belt policy.
- 5.11 Design
The design of the proposed dwelling is exactly the same as that proposed under PT11/0748/F. An L shaped 1½ storey dwelling is proposed which will be finished with a rendered external facing material and a tiled roof. The design incorporates a number of gables and feature windows to break up the massing of the building.
- 5.12 A fairly modern appearance is proposed and it is considered that this approach would respect the scale, appearance and massing of the surrounding properties. The proposed dwelling would be an improvement to the degraded environment currently presented by the yard. The development therefore offers the opportunity to improve the visual amenity of the locality.
- 5.13 However, details of the boundary treatments are not included. This is particularly important for the northern boundary of the site as this boundary denotes the edge of the settlement and the open countryside beyond. A condition will therefore be attached that requires the provision of a native species hedge along the northern boundary.
- 5.14 Residential Amenity
Development is required to provide adequate private amenity space for the proposed dwelling as well as to protect any nearby occupier from a prejudicial impact on amenity. Although the site is small, adequate private amenity space would be provided at the property. Further to this, areas of public amenity space are located in close proximity to the site.
- 5.15 However, should the dwelling be extended further, it is likely that this would have a significant impact on the amenity offered to the dwelling. Policy CS16 requires the provision of adequate private amenity space and further extensions may prejudice the retention of adequate space. Therefore a condition will be attached that removes the property's permitted development rights. Whilst no such condition was attached to the previous approval, policy CS16 and CS17 commit the LPA to future policy and guidance on the provision of amenity space and these policies are given substantial weight over and above the previous planning permission. As such, a condition restricting permitted development would pass the tests of a planning condition as set out in paragraph 206 of the NPPF.
- 5.16 It is not considered that the proposed development would have a prejudicial impact on the amenities of any nearby occupier. Sufficient separation is

proposed between the neighbouring properties such as to avoid a material loss of privacy or an overbearing impact.

5.17 Transport and Parking

The proposed development comprises one dwelling and will not therefore result in significant traffic movements. However, adequate off-street parking must be provided to accord with the residential parking standard. For a 3/4 bedroom property, two off-street parking spaces must be provided. No parking spaces have been indicated on the submitted plans; however, it is considered that there is sufficient space on the site to provide the required level of parking. A condition will therefore be attached requiring the provision of two parking spaces to accord with the Residential Parking Standard SPD.

5.18 Drainage

An initial objection from the drainage engineers was lodged as the site failed to demonstrate that soakaways could be adequately located within the boundary. A revised plan was subsequently submitted which removed the drainage objection.

5.19 The drainage engineer has requested a SUDS condition be applied to any consent. The application is for one dwelling and it is located adjacent to open countryside. It is therefore considered by the case officer that a SUDS condition would be excessive for the nature of the site and that drainage and soakaways are adequately covered under permitted development rights and building regulations.

6. CONCLUSION

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

6.2 The proposed development has been assessed against the policies listed above. The development accords with green belt policy; the development is of an acceptable design; the development would not prejudice residential amenity or highway safety.

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

7. RECOMMENDATION

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

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the first occupation of the dwelling hereby approved, two off-street parking spaces shall be provided and thereafter retained for that purpose unless the prior written permission is obtained from the Local Planning Authority.

Reason

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

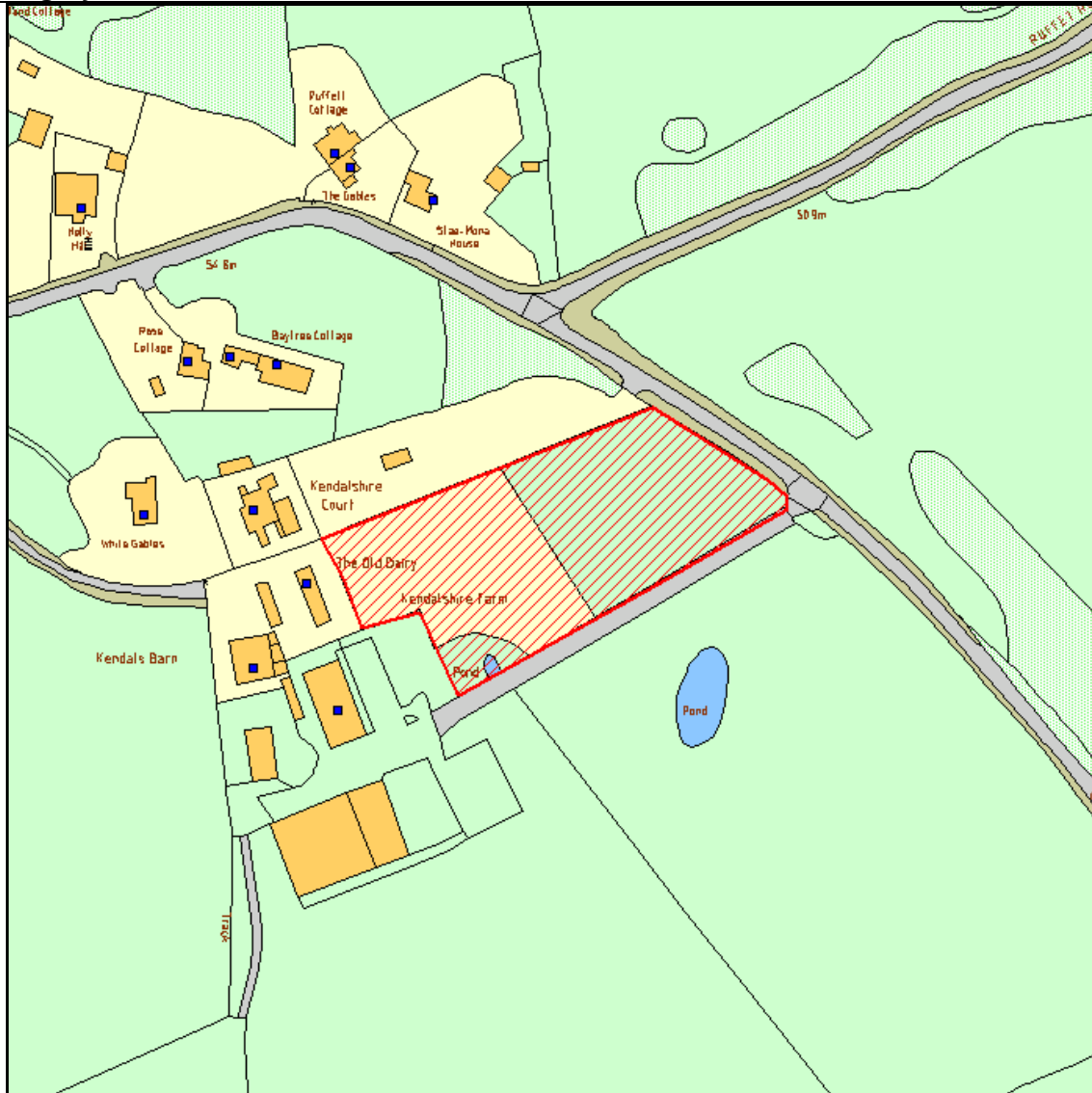
3. Prior to the first occupation of the dwelling hereby approved, a mixed native species hedge shall be planted along the northern boundary of the site.

Reason

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

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PT14/0852/CLE	Applicant:	Executors of Peter John Warne-Deceased
Site:	The Old Dairy Ruffet Road Winterbourne Bristol South Gloucestershire BS36 1AN	Date Reg:	10th March 2014
Proposal:	Certificate of lawfulness for the existing use of land as a residential garden	Parish:	Westerleigh Parish Council
Map Ref:	366560 179261	Ward:	Westerleigh
Application Category:	Minor	Target Date:	1st May 2014



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PT14/0852/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because it comprises a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 This application seeks a certificate of lawfulness for the existing use of land as residential (Use Class C3) in breach of condition 11 of the previously granted planning permission P91/2695.
- 1.2 The application site comprises a grass field of approximately 0.7 hectares associated with the property The Old Dairy. The property is a former agricultural building, which was converted to a residential dwelling under application P91/2695.
- 1.3 Condition 11 of the P91/2695 consent states that *“The area edged in blue on the submitted plans shall not be incorporated into the residential curtilage of the proposed dwelling”*. The reason for the condition is *“To accord with Green Belt policies for the area”*.
- 1.4 The land to which this application relates is the land that is edged in blue on the previously approved application (P91/2695).

2. POLICY CONTEXT

- 2.1 National Guidance
The Town and Country Planning (Development Management Procedure) (England) Order 2010
Planning Practise Guidance: Lawful Development Certificates

3. RELEVANT PLANNING HISTORY

- 3.1 N7815/1, Change of use of redundant farm building to dwellinghouse. Construction of access drive. (In accordance with plans received by the Council on 28th March 1983 and amended by plans received on 6th April 1983, 6th May 1983 and 23rd May 1983), refusal, 16/06/83.
- 3.2 P91/2695, Renovation and extension of agricultural building to form dwelling house, approval, 08/01/92.
- 3.3 N7815/2, Conversion of farm building to dwelling. Construction of new slurry pit, refusal, 26/01/84.

4. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 4.1 The applicant has submitted the following evidence in support of the application:

Summary of Evidence	Date
Statutory Declaration by Louise Rebecca Warne. The	28 th

<p>Statutory Declaration confirms that she is familiar with the land outlined in red on plan 1 and confirms that the land identified has been used continuously, without interruption, as domestic garden in association with the residential occupation of The Old Dairy since the property was built in 1993 and for a period of at least ten years prior to the date of this declaration. It states that the garden at her parent's home as that and only that. It confirms that she lived at the property from March 1993 until April 2003 with her parents and during that time she watched her parents maintain the garden. She also attended many family events where the garden was used. She states that at no time has the garden ever been used for anything other than a family area, and although she moved out in 2003 she would visit weekly and watch her children play on the application site. Ten photos and 4 overhead satellite images are included as evidence within the Statutory Declaration. The Statutory Declaration is signed and witnessed by Michael Kelly & Co Solicitors, 52 High Street Hanham.</p>	<p>February 2014</p>
<p>Statutory Declaration by Rachel Johnstone. She confirms that she is familiar with the land outlined in red on plan 1 and confirms that the land identified has been used continuously, without interruption, as domestic garden since the property was built in 1993 and for a period of at least ten years prior to the date of this declaration. The Statutory Declaration includes overhead images of the site, which it states is to show that there has never been any division between the land designated as 'garden' on the plan and that of the 'agricultural' land. The Statutory Declaration includes copies of photographs taken by the declarant's late father in 2005 which were submitted in support of a previous planning application to remedy drainage problems. The Declarant states that the application was subsequently approved by Simon Ford of the Council's Planning Department. She states that in letters addressed to the Council from her late father he would have referred to the land using the correct terminology due to his occupation as a Building Surveyor and Construction Consultant, and she notes that in a letter of 10th June that he comments 'For the sake of clarity the work is being carried out on land that remains designated as agricultural and is to restore it to a useable condition'. The declarant states that the photographs in question show the mowed lines continuing to the boundary hedge either side of the excavation work. She questions what the point of mowing it in such a manner would be if the land was being used for agricultural purposes. The Statutory Declaration includes a number of supporting photographs.</p>	<p>27th February 2014</p>
<p>A letter has been received from Bob Ross of the neighbouring Kendal's Barn. He states that he was a neighbour since 1987, and can confirm that the land has</p>	<p>14th March 2014</p>

been used in connection with the residential property, The Old Dairy, for well in excess of ten years. He states that it has been regularly mowed, trees have been planted and a small area has been used for the cultivation of fruit and vegetables.	
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5. **SUMMARY OF CONFLICTING EVIDENCE SUBMITTED**

5.1 One letter of objection has been received from a neighbouring occupier. The following is a summary of the reasons given for objecting:

- ☐ Concerned that they have not received any formal notification of the application from the Authority as one of only two properties that directly adjoin the land in question;
- ☐ Supporting documents have only been added to the website on the 28th March 2014 giving very little time for public comment;
- ☐ Agrees that the late Mr Warne would indeed lovingly care for the land and routinely mowed the field and carried out general repair of maintenance to the boundaries;
- ☐ Would best describe the use of the land as meadow/parkland and do confirm that at occasional family parties at the property Mr Warnes grand children would run around the field;
- ☐ The land is referred to as Agriculture land in correspondence between Mr. Warne and the Authority in 2005, in connection with the drainage works in the lower part of the field. We also note that the temporary gateway off of Coalsack Lane installed in conjunction with these drainage works remains in situ and request that the Authority issue enforcement action to have the gateway removed and that the original hedge line be reinstated;
- ☐ Whilst in principle we have no inherent objection to an application for this piece of Agricultural land within designated Greenbelt to be given Lawful Use as part of the residential garden, we are very concerned about implications of the corresponding permitted development rights that this would give to the land, now and in the future. As it is not possible to add restrictions and/or covenants on future development in the same way as in a formal planning application, for this reason alone, we could not formally support this application.

6. **OTHER RESPONSES**

6.1 Winterbourne Parish Council
No comments received

7. ANALYSIS OF PROPOSAL

- 7.1 The application for a Certificate of Lawfulness is not a planning application where the relevant merits of the proposal are assessed against planning policy; it is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information.
- 7.2 Guidance contained in the Planning Practice Guidance states that in the case of applications for existing use, if a Local Planning Authority has no evidence itself, nor 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 along is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 7.3 Condition 11 of the original decision restricts the land as becoming part of the residential curtilage of the dwelling. Law courts have held that curtilage is "a small area forming part or parcel with the house or building which contained to which it was attached". An appeal judge has also endorsed the Oxford English Dictionary definition of curtilages, which is "a small court, yard, garth or piece of land attached to a dwellinghouse, and forming one enclosure with it, or so regarded by the law: the area attached to and containing a dwellinghouse and its outbuildings. In a further case frequently cited *The Hon. David McAlpine v SoS Another 14/11/94*, the court identified three relevant characteristics of a curtilage. First, it was confined to a small area about a building; second, an intimate association with land which was undoubtedly within the curtilage was required; third, it was not necessary for there to be physical enclosure of that land which was within the curtilage but the land in question needed to be regarded in law as part of one enclosure with the house. In the *Sumption & Sumption v Greenwich LBC & Rokos 30/11/07* the high court reasoned that, irrespective of the historical basis for a particular curtilage, it could be expanded by the annexation of other land.
- 7.4 From the relevant court cases it is clear that the meaning of curtilage can differ depending on the circumstances of the case; therefore, it must be considered on the basis of fact and degree.
- 7.5 In this instance it is clear that the condition restricting the extent of the curtilage was to limit the size of the domestic garden to land immediately adjacent to the building, to ensure that it did not encroach onto a large area of land further to the east of the building, in the interests of the appearance and openness of the land and surrounding area. Given the high court cases relating to curtilage, it is considered that the main test in this instance is to determine on the balance of probability whether the land has been used over the past 10 years in a way that has served the dwelling in a reasonable and useful way for domestic activities such that it has formed part of the curtilage of the dwelling.
- 7.6 Statutory Declarations have been made by two daughters of the former owner of The Old Dairy who is now deceased. Louise Rebecca Warne states within her Statutory Declaration that she lived at the property with her parents since

the property was built in 1993 until approximately 2003 and this is confirmed in the statutory declaration made by Rachel Johnston. During the time that Louise Rebecca Warne lived at her parent's property she would have been able to regularly witness the use of the site, which holds weight. Although neither daughter lived at the property after April 2003, the statutory declaration states that one of the daughters continued to visit the site on a weekly basis after she moved out of the house.

- 7.7 Both statutory declarations state that the land was used continuously and without interruption as a domestic garden in association with the residential occupation of The Old Dairy since it was built in 1993. The declarants highlight the following facts: aerial photographs show the land as being mown and cared for; there were many family barbeques where children would play on the grass; it was used for special occasions such as wedding receptions, birthdays and wedding anniversaries.
- 7.8 Although the declarant's state that the land was used continuously as a domestic garden, the activities mentioned in the statements of birthdays, family gatherings, weddings and anniversaries would indicate an occasional, less practical, use that is typically associated with residential gardens. The large size of the land also makes it very unlikely that it was used as a typical garden serving the dwelling on a day to day basis. This consideration is supported by the photographs submitted as part of the supporting evidence. The photographs show the application land in the background of a number of family events; however, they do not show the land being used for the events, which are restricted to the terrace/garden area immediately adjoining the dwelling, which also contains typical domestic paraphernalia such as a washing line, garden furniture, paved areas, and shrub planting. One of the pictures shows a small plastic slide on the land, whilst another picture appears to show a number of parked cars; however, this evidence is not sufficient to demonstrate on the balance of probability over a continuous 10 year period.
- 7.9 The Statutory Declaration prepared by Rachael Johnstone includes photographs taken by her late father, which it is stated were used to support his application to remedy drainage problems at the site and was approved by an Officer of the Council on 7th June 2005. The declarant states that in a letter of 10th June her father made the following comments: 'For the sake of clarity the work is being carried out on land that remains designated as agricultural and is to restore it to a useable condition'. In the Statutory Declaration submitted the declarant states that "as a Building Surveyor and Construction Consultant for many years, my father would have referred to the land using the correct terminology". She also highlights the fact that photos taken of the garden at a time when the works were taking place show mowed lines continuing to the boundary hedge, either side of the excavation work. She questions the point of mowing in such a manner if the land was being used for agricultural purposes. Weight is given to the fact that the evidence only relates to the designation of the land being as agricultural, and not the use. Accordingly, it is not considered that the Council's evidence from 7th June 2005 necessarily contradicts the applicant's version of events.

- 7.10 The photographs submitted do show that the land as being mowed and cared for as stated in the statutory declarations. The Council's aerial photos of 1991, 1999, 2005, 2006, 2008-2009 show a difference between the 1991 aerial photograph of the site, before the building was converted from agricultural use, and the 1999 aerial photograph after the building had been converted to residential accommodation. However, this is the only change; evidence does not demonstrate that there have been any additional physical changes to the land such as typical domestic privacy fencing; outbuildings or garden structures; hard surfacing; significant landscaping works; or other domestic paraphernalia from when the consent was granted in 1993 which would clearly indicate that a breach of condition had taken place.
- 7.11 On the balance of probability it is not considered that the evidence is sufficient to demonstrate that the land has been used as domestic curtilage in breach of condition 11 of P91/2695 for a continuous period of 10 years or more.
- 7.12 Further Matters
The comments made by the neighbouring occupier objecting to the proposal are noted. Neighbours that were not originally consulted when the application was validated were consulted. A neighbouring occupier has objected on the basis that an access has been formed in the rear boundary of the site; however, this is a separate matter for the Council's Enforcement Team.

8. RECOMMENDATION

- 8.1 A Certificate of Lawfulness of existing use is REFUSED for the following reason:

Insufficient information has been submitted to demonstrate that, on the balance of probability, the land hatched red on the attached plan has been used as residential curtilage associated with the dwelling the Old Dairy (Use Class C3) for a continuous period of 10 years or more immediately prior to the submission of the application.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

ITEM 13

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PT14/2724/F	Applicant:	Mr Nick Davies
Site:	Severn Lodge Farm New Passage Pilning Bristol South Gloucestershire BS35 4NG	Date Reg:	11th August 2014
Proposal:	Erection of two storey extension and external alterations to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354278 186328	Ward:	
Application Category:	Minor	Target Date:	24th September 2014



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100023410, 2008. **N.T.S.** **PT14/2724/F**

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey extension and external alterations to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works.
- 1.2 The application site comprises a range of agricultural outbuildings associated with the grade II listed building Severn Lodge Farm, which is located to the northwest of the B4064. The site is within the open Green Belt and outside the defined settlement boundary. The site is located adjacent to the Binn Wall, which provides protection from flooding; the site is in Flood Zone 3. A public right of way extends to the north of the site.
- 1.3 The application relates to outbuildings to the southeast of the house. This includes one long two storey range of stone barns with bay at the west end, and a long single storey brick range of byres running south, perpendicular to this, and built off the earlier high stone garden wall. The stone barns date from around the late eighteenth/early nineteenth century and the brick building much later. The range of buildings running northwest/southeast are constructed in local stone with brick dressings and a clay pantile roof. The second group of buildings attached to the first and orientated north to south are constructed from brick with a corrugated iron roof. The condition of the stone barn is in a very dilapidated condition. The roof is missing over large sections of the building, which has resulted in significant water ingress. This has caused destabilisation and delamination of the stonework and loss of internal first floors. The loss of floors and roof has resulted in outward spread of the walls (the internal walls not being tied to those outside). The brick barns are in a relatively sound condition in comparison although the garden wall off which they are built is of poor quality stonework and the roof is only corrugated metal. The corrugated barn is of a very temporary nature and the walls are not tied in to each other.
- 1.4 Applications for similar development at the site have been refused by the Local Planning Authority. The most recent application PT12/1583/F was dismissed at appeal.
- 1.5 The applicant has submitted a more detailed schedule of works, as well as photographs in support of the conversion of the listed buildings. However, this information was received very late in the application process and there is insufficient time to re-consult listed Building Officers. Given that there is a fundamental objection to the scheme on the basis of flood risk, it is not expedient for the application to be allowed to exceed the target date in this instance so that the additional details can be considered.

2. POLICY CONTEXT

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

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

EP2 Flood Risk and Development

EP6 Contaminated Land

H10 Conversion and Re-use of Rural Buildings for Residential Purposes

L1 Landscape Protection and Enhancement

L9 Species Protection

L13 Listed Buildings

T7 Cycle Parking

T8 Parking Standards

T12 Transportation Development Control Policy for New Development

E7 Conversion and Re-Use of Rural Buildings

E11 Tourism

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS17 Housing Diversity

CS18 Affordable Housing

CS34 Rural Areas

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

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

3. RELEVANT PLANNING HISTORY

- 3.1 P88/1387/L, demolition of defective wooden balcony, approval, 30/03/88.
- 3.2 P93/2367, use of land for storage of precast concrete deck units for use in connection with the construction of the second severn crossing; construction of roadways; formation of bunds to provide screening; erection of fencing, approval, 10/11/93.
- 3.3 P96/2590/L, demolition of hay barn, approval, 11/11/96.
- 3.4 PT99/0437/LBD, demolition of lean-to outbuilding, approval, 24/01/00.
- 3.5 PT10/0495/LB, works to re-roof main building to incorporate installation of 3 no. mansard dormer windows to the front elevation and 1 no. mansard dormer to the rear elevation. Replacement of first floor rear window, re-rendering all elevations. External decoration, 13/05/10, approval.
- 3.6 PT11/2950/F, erection of two storey extension and alterations to roofline to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works. Repair and renovation of outbuildings to form stables/tack room and games rooms/storage ancillary to main residence, refusal, 16/012/11. (see paragraph 1.1 for the reasons for refusal).

- 3.7 PT12/1583/F, Erection of two storey extension and alterations to roofline to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works. Repair and renovation of outbuildings to form stables/tack room and games rooms/storage ancillary to main residence. Resubmission of PT11/2950/F, refusal, 30/08/12. Dismissed at appeal.
- 3.8 PT12/1585/LB, Erection of two storey extension and internal and external alterations to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works. Internal and external repairs and alterations of outbuildings to form stables/tack room and games rooms/storage ancillary to main residence. Resubmission of PT11/2951/LB, refusal, 30/08/12. Dismissed at appeal.

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council
Pilning & Severn Beach Parish Council strongly object to this development within the flood plain. The site has been allowed to deteriorate over recent years which has made the area unsightly but this should not mean that housing is the only option for the site. The site is at the end of a narrow road which is already over populated with cars. Four additional dwellings could mean at least another eight cars driving up and down the road on a day to day basis and absolute chaos during construction.
- 4.2 Highway Structures Officer
No comment
- 4.3 Transportation DC Officer
No objection subject to conditions
- 4.4 Archaeological Officer.
No objection subject to condition
- 4.5 Ecological Officer
There is insufficient ecological information to determine the application
- 4.6 Listed Building Officer
A greater level of information is needed in order to assess the impact of the proposed development. It is also recommended redesigning and revising the scheme. As the stone barn is in such a parlous condition, it is recommended that a scaffold is erected in order to provide temporary support.
- 4.7 Landscape Officer
No objection

Other Representations

- 4.8 Local Residents
Two letters of support have been received from members of the public. The following is a summary of the reasons given for supporting the scheme:

- The applicants have brought Severn Lodge Farmhouse to a sound condition;
- Council's Green Belt, Listed Building and Coastal Zone policies are supported but should not apply so as to cause the loss of the buildings;
- There are exceptional circumstances for bringing the buildings back into use given the architectural and historic significance of the buildings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

In previous applications the Local Planning Authority has considered that, notwithstanding the corrugated metal clad barn, the retention and conversion of the buildings was appropriate development in the Green Belt. In the subsequent appeal on 27th November 2013 the Planning Inspector stated that he had no good reason to disagree with that approach. Therefore, whilst the buildings are in a very poor condition, the retention and re-use of this dilapidated heritage asset represents a degree of sustainable development.

5.2 The Planning Inspector upheld the Local Planning Authorities reasons for refusal on the basis of flood risks, listed building impacts and residential amenity of future occupiers. These issues will therefore, be considered.

5.3 Flood Risk

The previous application was refused for the following reason:

The flood risk assessment is inadequate to protect against the risks from flooding given the location of the site in Flood Zone 3 contrary to Policy EP2 of the South Gloucestershire Local Plan (Adopted January 2006) and the National Planning Policy Framework.

In the subsequent appeal the Planning Inspector stated the following:

“The site lies in Flood Zone 3 and is, clearly, at risk from flooding. Paragraph 103 of the Framework says that in determining planning applications, development should only be considered appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment, following the Sequential Test and if required the Exception Test, it can be demonstrated that, of relevance here, development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning.

In suggesting that the Sequential and Exception Tests are required the Environment Agency points to paragraph 4.41 of the still extant Practice Guide to the former PPS25. This states that where or a change of use increases vulnerability, it is reasonable for the Local Planning Authority to request a Sequential Test and consider if the increase in vulnerability is acceptable, with the aim being to steer development away from high flood risk.

The proposed change of use would produce new dwellings and thereby increase vulnerability. In that context, it seems to me that the stance adopted by the Environment Agency is the correct one. Paragraph 101 of the Framework sets out that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. However, paragraph 102 is clear that if, following the application of the Sequential Test, it is not possible, consistent with wider sustainability objectives, for the development to be located in zones with a lower probability of flooding, the Exception Test can be applied.

Given the principle of residential conversion of the outbuildings, to facilitate re-use of these parts of the listed building is accepted, it is clear that the development is not one that can be located in a zone with a lower probability of flooding. In that light, the Exception Test can be applied.

For the Exception Test to be passed, it must first of all be demonstrated that the development provides wider sustainability benefits to the community that outweigh flood risk. On the basis that the development could facilitate effective re-use of the outbuildings, there could be benefits that outweigh the risk. However, the Exception Test also requires a specific flood risk assessment to demonstrate, of relevance, that the development will be safe for its lifetime, taking account of the vulnerability of its users”.

When considering the potential flood risks, the Planning Inspector highlighted that there is potential for swift inundation from the estuary to a depth of up to 2 metres; therefore, the level of risk is significant. He also gave weight to the fact that very limited mitigation measures were put forward by the appellant and that the fact that the Environment Agency were not satisfied with the Flood Risk Assessment submitted.

Whilst it is noted that the Flood Risk Assessment submitted has been supplemented with additional details, including permanent resistant and temporary resistant flood measures, material weight is given to the fact that the Environment Agency has objected to the development. The Environment Agency highlight the fact that, whilst the development does lie behind existing defences, the proximity of the site to the defences would result in any breach or overtopping posing a significant flood risk to the site; as this is a coastal area, deep fast flowing water would also be expected. Modelling carried out in this location, with defences in place, has shown that depths of flooding in the region of between 1.5 metres to 2 metres above existing ground levels could occur. The Environment Agency have objected on the basis that residential development would be unsafe in this location, and that the Flood Risk Assessment submitted does not demonstrate that the development will be safe in the event of flooding. As such, the proposal fails to meet the requirements of the exception test and is contrary to policy EP2 of the South Gloucestershire Local Plan (adopted) January 2006; and policies CS5, CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

Listed Building Impacts

The previous application was refused for the following reason:

Insufficient information has been submitted to properly assess the impact on the character and setting of the listed buildings. The proposal is therefore, contrary to guidance contained in the National Planning Policy Framework and policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.

In the subsequent appeal the Planning Inspector stated the following:

“Paragraph 128 of the Framework is very clear that applications need to be accompanied by sufficient detail to understand the potential impact of a proposal on significance.

However, the material submitted in support of the applications is not sufficient to enable proper consideration of that. In particular, it is not clear how much of the fabric of the older range, in particular, would survive in-situ, or whether it would require wholesale reconstruction. This question bears heavily on the degree of harm that might be caused to the listed building through conversion.

That degree of harm needs to be quantified to enable a proper balance to be struck between any harm to significance and public benefit. It would not be correct, in my judgement, to leave something so fundamental as the extent of fabric retention and rebuilding to conditions because it is a matter that goes to the principle of whether the works involved should be sanctioned at all.

It is important to firstly repeat that, finding a viable use for the deteriorating historic buildings is clearly essential to enabling their repair and conservation. In principle residential could be acceptable (subject to detailed design) subject to the buildings being sound enough to sensitively convert, as opposed to rebuild, thereby retaining their architectural and historic interest. On this point the inspector agreed that insufficient detail had been submitted in relation to the impact on the significance of the listed building, in particular the impact on the fabric, including the level of retention and level of rebuild.

The application includes a schedule of work which outlines the proposed works to the existing fabric; however this is not very detailed. It states that the structure can be converted without having to take down and rebuild currently standing walling. An up to date engineering opinion is required to support the application, and the schedule of works. This would need to confirm that the remaining walls, which appear very fragile structurally, are sound enough to take the weight of building up and a new roof and floors.

The current application remains very similar to the scheme previously submitted – including the same design for the new four bedroom house. Some of the details of the barn conversion have been amended, such as the correction of the floor plans to show an existing doorway, and omission of the dry lining. There are some points which remain however unaddressed.

With regard to the stone barns the other outstanding points which have not yet been addressed are:

- It is essential that the application makes clear the location of historic fabric and the proposed treatment. The extent of surviving historic fabric, such as roof trusses, niches, wainscoting, flag floors, beams and first floor structures etc should be marked on the drawings. Photos from the 1990's show there was a brick and cobble floor in the stable. These are all important features to retain and incorporate as part of the conversion;
- The schedule of works refers to lime rendering the drive side elevation of the building. If this is based on historic evidence of this finish or a recommendation for protection of the stone from further erosion this would be acceptable although it would be necessary to know if this finish was proposed for all elevations, and if not, how the termination point will be dealt with;
- The detailed design of all new windows and doors should form part of the application. Only one detail has been submitted showing a casement window. This is flush fitting as it should be but has a wide 30mm glazing bar. This would need to be reduced. There is evidence that some of the windows were sashes however no sash window details has been submitted. No other design details are submitted. Appropriately designed eaves, verges, doors, internal joinery etc are all essential to an appropriate scheme. Whilst these can be conditioned, submission of these details would give assurance that the development would be of an appropriate quality and appearance, thereby securing the necessary enhancement. New features of the conversion such as the form of the reinstated roof structure, materials and design of the French window and boarding, and internal wall finishes should also be clarified.
- With regard to the proposed treatment of the existing left hand garage door opening (which has clearly been brutally opened up from two former smaller openings in the past), these should be reinstated as original with two brick arched heads rather than one large lintol. The right hand cart entry should be reduced to its original width, not going beyond the arch springing point. The 90's photos show a door where a window is proposed further to the left of this pair of openings on the front elevation.
- The large open cart entry in the end gable of the barn should be respected and not filled in with masonry, and the covered route roof should be maintained.
- The residential use of the buildings may require vents and flues for heating and ventilation purposes. If these are proposed they should be shown on the drawings in order that the impact of the change of use can be fully understood.

Red brick outbuilding

- The red brick building has now been omitted from the application proposals as part of the conversion. Instead it will be maintained as storage ancillary to the main dwelling. This application proposed new windows and doors, to which there is no objection subject to detailed design.

Two storey detached dwelling

- This would appear to involve the entire demolition of the existing structure and building a new dwelling. There are concerns about the level of development proposed and the lack of detail submitted. It is not clear how this will impact on the setting of the listed building.

The new building is of significantly different character and appearance to the existing corrugated clad barn, especially the front elevation which is the principal elevation read in context with the listed farmhouse and barns at the entrance to the site. The fenestration in particular is not sympathetic.

- No justification for this level of new building has been submitted.

Highways have required that 10 parking spaces, however no block plan has been submitted to show how these would be accommodated. The design and access statement indicates that individual amenity spaces for each of the 4 dwellings could be accommodated by individual saddlestones and chains although it is necessary to show this on plan. Cumulatively, the provision of individual parking and amenity space for each property could have a harmful impact on the setting of the listed buildings. The inspector considered that if sensitively handled by careful design this could probably be avoided. This is accepted; however it is essential to agree these details prior to determination.

It is important that a suitable use is found for the buildings, which is compatible with the flood risk and which is sustainable, i.e. secures the conservation of the buildings whilst providing an economically viable future. There is concern about the intensity of the submitted scheme, and the lack of detail relating to the retention and restoration of historic fabric and features. Whilst the principle of the proposal is supported, without revisions and additional detailed information, there is concern that the proposed works could result in the loss of character and historic interest that the retention of the buildings is aiming to maintain.

In conclusion, there are concerns about the lack of detail provided, and the design of the new 4 bedroom house. The submission of additional details relating to the conversion of the stone barn and an up to date engineering report are necessary however in principle, subject to these being found acceptable, the reuse of these buildings is desirable. Insufficient detail is submitted in relation to the design of the new four bedroom house and the design does not appear in keeping.

Residential Amenity

The previous application was refused for the following reason:

Issues such as lack of amenity space, poor light levels and potential overlooking combine such that the proposal does not achieve a high enough standard of design, which will provide a high standard of living accommodation for future occupiers. The proposal is contrary to policies D1 and H10 of the South Gloucestershire Local Plan (adopted) January 2006; and the South Gloucestershire Design Checklist SPD (adopted).

In the subsequent appeal the Planning Inspector made the following comments:

“...In that context, while I accept that the accommodation will be relatively dark because of the restricted number of openings, many of them north-east-facing, that is to be expected given the harmful impact that larger and/or more openings, might have on the special interest of the building.

Having regard to the original format of Unit 1, it might be too that some overlooking of the farmhouse garden needs to be tolerated.

However, there does not appear to be any defined private or communal outside area intended to serve the dwellings proposed....Without something given over to external activities, the new dwellings proposed would not provide adequate living conditions for future occupiers. The proposal falls contrary to LP policy D1, the SPD and the Framework, in this regard, therefore.

The Planning Inspector only upheld part of the refusal reason on the basis of lack of amenity space. In response areas of amenity space have been proposed to the front of the buildings demarked through the use of staddle stones and stone troughs interlinked with chains and planting. Although the amenity areas proposed are relatively small, they will provide an element of functional outdoor living space for occupiers, which is an improvement over the previously refused scheme. Accordingly, on balance, the proposal overcomes the previous refusal reason.

Transportation

Since the previous application was decided, the Local Planning Authority has adopted minimum residential parking standards. The Council's Transportation Officer has stated that 10 off street car parking spaces, as well as 9 covered and secure cycle parking spaces, are required to be provided. Officers are satisfied that this level of provision can be accommodated within the site; therefore, a suitably worded condition, if permission is granted, is considered to be reasonable.

Ecology

The application site itself is not covered by any statutory or non-statutory nature conservation designations. However, it is located circa 880m from the Severn Estuary which is notified as a Site of Special Scientific Interest (SSSI) and designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive').

The Estuary is also a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance; and designated as a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'), otherwise known as European or Natura 2000 (N2K) Sites.

Severn Estuary SSSI/SAC/SPA/Ramsar

Whilst the application site lies within 50m of the Severn Estuary SSSI/SAC/SPA/Ramsar, the development is screened from the Estuary by existing flood defences. Given this and the type and scale of proposals, development is not considered likely to impact on the qualifying features of the European (Natura 2000) site, either directly, indirectly, on its alone or cumulatively with other projects.

Bats/Birds

The application includes a baseline biodiversity assessment, primarily for bats and nesting birds dated September 2011.

The survey is now three years old. Use of buildings by wildlife can change over time and planning applications need to be informed by reasonably up to date ecological information in order to reliably assess the likely impact of the proposal on local wildlife particularly bats and nesting birds. Accordingly, the buildings (and environs) need to be resurveyed by a suitably qualified and experienced ecological consultant and a new report provided to the Council in support of the application.

As bats are a European protected species this is needed prior to determining the application.

The applicant has submitted a revised survey; however, this appears to be based primarily on the previous survey undertaken. The Ecological Officer considers that the buildings are required to be re-surveyed by a suitably qualified and experienced ecological consultant. Accordingly, insufficient information has been submitted to determine the application.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 Planning permission is REFUSED for the following reasons.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

REASONS FOR REFUSAL

1. The flood risk assessment is inadequate to protect against the risks from flooding given the location of the site in Flood Zone 3 contrary to Policy EP2 of the South Gloucestershire Local Plan (Adopted January 2006); policies CS5 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and guidance contained in the National Planning Policy Framework.

2. Insufficient information has been submitted to properly assess the impact on the character and setting of the listed buildings. The proposal is therefore, contrary to guidance contained in the National Planning Policy Framework and policy L13 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.
3. Insufficient information has been submitted to allow the Local Planning Authority to consider the effect of the proposal on bats and nesting birds. The proposal is therefore contrary to policy L9 of the South Gloucestershire Local Plan (adopted) January 2006; and policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

ITEM 14

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PT14/2725/LB	Applicant:	Mr Nick Davies
Site:	Severn Lodge Farm New Passage Pilning Bristol South Gloucestershire BS35 4NG	Date Reg:	11th August 2014
Proposal:	Erection of two storey extension, internal and external alterations to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works	Parish:	Pilning and Severn Beach
Map Ref:	354278 186328	Ward:	
Application Category:	Minor	Target Date:	24th September 2014



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1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey extension, internal and external alterations to facilitate the conversion of the existing outbuildings to form 4no. dwellings with associated works.
- 1.2 The application site comprises a range of agricultural outbuildings associated with the grade II listed building Severn Lodge Farm, which is located to the northwest of the B4064.
- 1.3 The application relates to the outbuildings to the south east of the house. This includes one long two storey range of stone barns with heated bay at the west end, and a long single storey brick range of byres running south, perpendicular to this, and built off the earlier high stone garden wall. The stone barns date from around the late eighteenth/early nineteenth century (with probable later alterations) and the brick building much later. Extending from the eastern gable of the stone barn are the remnants of a further outbuilding. This is of a somewhat makeshift nature, and probably an amalgamation of a series of smaller buildings, erected quickly to serve a temporary or new purpose. The ground floor walls are a combination of stone, brick and corrugated clad timber and at first floor the construction is predominantly timber with corrugated cladding. The roof spans from the stone barn to provide a covered way, with roof storage.
- 1.4 The condition of the stone barns is parlous. The roof is missing over large sections of the building, which has resulted in significant water ingress. This has caused destabilisation and delamination of the stonework and loss of internal first floors. The loss of floors and roof has resulted in outward spread of the walls (the internal walls not being tied in to those outside). The brick barns are in a relatively sound condition in comparison although the garden wall off which they are built is of poor quality stonework and the roof is only corrugated metal. The corrugated barn is of a very temporary nature and the walls are not tied in to each other.
- 1.5 The buildings are of architectural and historic value and as a group provide insight in to how the use of the site evolved over time. It is important that any development serves to preserve the architectural and historic character of the buildings, and their contribution to the wider site and setting of the listed farmhouse.
- 1.6 Applications for similar works at the site have been refused by the Local Planning Authority. The most recent application PT12/1585/LB was dismissed at appeal.
- 1.7 The applicant has submitted a more detailed schedule of works, as well as photographs in support of the conversion of the listed buildings. However, this information was received very late in the application process and there is insufficient time to re-consult listed Building Officers. Given that there is a fundamental objection to the scheme on the basis of flood risk, it is not

expedient for the application to be allowed to exceed the target date in this instance so that the additional details can be considered.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
The Conservation and Listed Building

2.2 Development Plans

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

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

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

3.1 P88/1387/L, demolition of defective wooden balcony, approval, 30/03/88

3.2 P93/2367, use of land for storage of precast concrete deck units for use in connection with the construction of the second severn crossing; construction of roadways; formation of bunds to provide screening; erection of fencing, approval, 10/11/93.

3.3 P96/2590/L, demolition of hay barn, approval, 11/11/96.

3.4 PT99/0437/LBD, demolition of lean-to outbuilding, approval, 24/01/00.

3.5 PT10/0495/LB, works to re-roof main building to incorporate installation of 3 no. mansard dormer windows to the front elevation and 1 no. mansard dormer to the rear elevation. Replacement of first floor rear window, re-rendering all elevations. External decoration, 13/05/10, approval.

3.6 PT11/2951/LB, erection of two storey extension and internal and external alterations to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works. Internal and external repairs and alterations of outbuildings to form stables/tack room and games rooms/storage ancillary to main residence, refusal, 16/12/11.

3.7 PT12/1585/LB, Erection of two storey extension and internal and external alterations to facilitate the conversion of existing outbuildings to form 4no. dwellings with associated works. Internal and external repairs and alterations of outbuildings to form stables/tack room and games rooms/storage ancillary to main residence. Resubmission of PT11/2951/LB, refusal, 30/08/12, dismissed at appeal.

4. CONSULTATION RESPONSES

4.1 Pilning and Severn Beach Parish Council

Pilning & Severn Beach Parish Council strongly object to this development within the flood plain. The site has been allowed to deteriorate over recent years which has made the area unsightly but this should not mean that housing is the only option for the site. The site is at the end of a narrow road which is already over populated with cars. Four additional dwellings could mean at least another eight cars driving up and down the road on a day to day basis and absolute chaos during construction.

4.2 Listed Building Officer

A greater level of information is needed in order to assess the impact of the proposed development. It is also recommended redesigning and revising the scheme. As the stone barn is in such a parlous condition, it is recommended that a scaffold is erected in order to provide temporary support.

4.3 Archaeological Officer

No objection subject to condition.

Other Representations

4.4 Local Residents

Two letters of support have been received from members of the public. The following is a summary of the reasons given for supporting the scheme:

- The applicants have brought Severn Lodge Farmhouse to a sound condition;
- Council's Green Belt, Listed Building and Coastal Zone policies are supported but should not apply so as to cause the loss of the buildings;
- There are exceptional circumstances for bringing the buildings back into use given the architectural and historic significance of the buildings.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The only issue that can be considered in this application is the impact of the works on the historic significance and character and setting of the listed buildings.

Consideration of Proposal

The previous application was refused for the following reason:

Insufficient information has been submitted to properly assess the impact on the character and setting of the listed buildings. The proposal is therefore, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained in the National Planning Policy Framework.

In the subsequent appeal the Planning Inspector stated the following:

“Paragraph 128 of the Framework is very clear that applications need to be accompanied by sufficient detail to understand the potential impact of a proposal on significance.

However, the material submitted in support of the applications is not sufficient to enable proper consideration of that. In particular, it is not clear how much of the fabric of the older range, in particular, would survive in-situ, or whether it would require wholesale reconstruction. This question bears heavily on the degree of harm that might be caused to the listed building through conversion.

That degree of harm needs to be quantified to enable a proper balance to be struck between any harm to significance and public benefit. It would not be correct, in my judgement, to leave something so fundamental as the extent of fabric retention and rebuilding to conditions because it is a matter that goes to the principle of whether the works involved should be sanctioned at all.

It is important to firstly repeat that, finding a viable use for the deteriorating historic buildings is clearly essential to enabling their repair and conservation. In principle residential could be acceptable (subject to detailed design) subject to the buildings being sound enough to sensitively convert, as opposed to rebuild, thereby retaining their architectural and historic interest. On this point the inspector agreed that insufficient detail had been submitted in relation to the impact on the significance of the listed building, in particular the impact on the fabric, including the level of retention and level of rebuild.

The application includes a schedule of work which outlines the proposed works to the existing fabric; however this is not very detailed. It states that the structure can be converted without having to take down and rebuild currently standing walling. An up to date engineering opinion is required to support the application, and the schedule of works. This would need to confirm that the remaining walls, which appear very fragile structurally, are sound enough to take the weight of building up and a new roof and floors.

The current application remains very similar to the scheme previously submitted – including the same design for the new four bedroom house. Some of the details of the barn conversion have been amended, such as the correction of the floor plans to show an existing doorway, and omission of the dry lining. There are some points which remain however unaddressed.

With regard to the stone barns the other outstanding points which have not yet been addressed are:

- It is essential that the application makes clear the location of historic fabric and the proposed treatment. The extent of surviving historic fabric, such as roof trusses, niches, wainscoting, flag floors, beams and first floor structures etc should be marked on the drawings. Photos from the 1990's show there was a brick and cobble floor in the stable. These are all important features to retain and incorporate as part of the conversion;
- The schedule of works refers to lime rendering the drive side elevation of the building. If this is based on historic evidence of this finish or a recommendation for protection of the stone from further erosion this would be

acceptable although it would be necessary to know if this finish was proposed for all elevations, and if not, how the termination point will be dealt with;

- The detailed design of all new windows and doors should form part of the application. Only one detail has been submitted showing a casement window. This is flush fitting as it should be but has a wide 30mm glazing bar. This would need to be reduced. There is evidence that some of the windows were sashes however no sash window details has been submitted. No other design details are submitted. Appropriately designed eaves, verges, doors, internal joinery etc are all essential to an appropriate scheme. Whilst these can be conditioned, submission of these details would give assurance that the development would be of an appropriate quality and appearance, thereby securing the necessary enhancement. New features of the conversion such as the form of the reinstated roof structure, materials and design of the French window and boarding, and internal wall finishes should also be clarified.

- With regard to the proposed treatment of the existing left hand garage door opening (which has clearly been brutally opened up from two former smaller openings in the past), these should be reinstated as original with two brick arched heads rather than one large lintol. The right hand cart entry should be reduced to its original width, not going beyond the arch springing point. The 90's photos show a door where a window is proposed further to the left of this pair of openings on the front elevation.

- The large open cart entry in the end gable of the barn should be respected and not filled in with masonry, and the covered route roof should be maintained.

- The residential use of the buildings may require vents and flues for heating and ventilation purposes. If these are proposed they should be shown on the drawings in order that the impact of the change of use can be fully understood.

Red brick outbuilding

- The red brick building has now been omitted from the application proposals as part of the conversion. Instead it will be maintained as storage ancillary to the main dwelling. This application proposed new windows and doors, to which there is no objection subject to detailed design.

Two storey detached dwelling

- This would appear to involve the entire demolition of the existing structure and building a new dwelling. There are concerns about the level of development proposed and the lack of detail submitted. It is not clear how this will impact on the setting of the listed building. The new building is of significantly different character and appearance to the existing corrugated clad barn, especially the front elevation which is the principal elevation read in context with the listed farmhouse and barns at the entrance to the site. The fenestration in particular is not sympathetic.

- No justification for this level of new building has been submitted.

Highways have required that 10 parking spaces, however no block plan has been submitted to show how these would be accommodated. The design and access statement indicates that individual amenity spaces for each of the 4

dwelling could be accommodated by individual saddlestones and chains although it is necessary to show this on plan. Cumulatively, the provision of individual parking and amenity space for each property could have a harmful impact on the setting of the listed buildings.

The inspector considered that if sensitively handled by careful design this could probably be avoided. This is accepted; however it is essential to agree these details prior to determination.

It is important that a suitable use is found for the buildings, which is compatible with the flood risk and which is sustainable, i.e. secures the conservation of the buildings whilst providing an economically viable future. There is concern about the intensity of the submitted scheme, and the lack of detail relating to the retention and restoration of historic fabric and features. Whilst the principle of the proposal is supported, without revisions and additional detailed information, there is concern that the proposed works could result in the loss of character and historic interest that the retention of the buildings is aiming to maintain.

In conclusion, there are concerns about the lack of detail provided, and the design of the new 4 bedroom house. The submission of additional details relating to the conversion of the stone barn and an up to date engineering report are necessary however in principle, subject to these being found acceptable, the reuse of these buildings is desirable. Insufficient detail is submitted in relation to the design of the new four bedroom house and the design does not appear in keeping.

6. CONCLUSION

6.1 The recommendation to refuse Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Government advice contained in The National Planning Policy Framework.

7. RECOMMENDATION

7.1 Listed Building Consent is REFUSED for the following reason.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

REASONS FOR REFUSAL

1. Insufficient information has been submitted to properly assess the impact on the character and setting of the listed buildings. The proposal is therefore, contrary to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance contained in the National Planning Policy Framework.

ITEM 15

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PT14/2974/F	Applicant:	Mr Robert Dunn
Site:	4 Salmon Close Severn Beach Bristol South Gloucestershire BS35 4NS	Date Reg:	14th August 2014
Proposal:	Erection of first floor side and single storey rear extension to form additional living accommodation.	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354080 184853	Ward:	Pilning And Severn Beach
Application Category:	Householder	Target Date:	23rd September 2014



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PT14/2974/F

REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This report has been submitted to the Council's Circulated Schedule process, following objections from local residents and the Parish Council which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for a first floor side extension and single storey rear extension to form additional living accommodation at property in Severn Beach.
- 1.2 The additional living accommodation will consist of an ensuite bedroom, a large kitchen/dining area and a partial garage conversion to form a utility room.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies
T12 Transportation
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT01/0518/F Approval of S106 27/07/2001
Erection of 24 dwellings
- 3.2 P87/2377 Approval 05/04/1989
Residential and ancillary development on approximately 5.9 hectares (14.5 acres) (outline) (in accordance with the applicant's letter and plans received by the council on 27TH october 1987)

4. CONSULTATION RESPONSES

- 4.1 Pilning and Severn Beach Parish Council

Objection – the extension is large and not in keeping with the small cul de sac in which the house is sited. Neighbouring properties on Rustic Park would be affected.

4.2 Other Consultees

Highway Drainage

No objection.

Other Representations

4.3 Local Residents

Two letters of objection have been received, and their concerns are summarised as follows:

- First floor extension will block light to house and garden, as it is right up against the garden fence
- Bought the house because of its south facing garden when there were no houses to block the sunlight or to be overlooked by
- Will affect a key patio seating area as well as the growing potential of edible produce in the garden
- Will have an adverse affect on the resale of the property by making south facing garden less attractive to potential buyers

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design

The application site relates to a two storey, end terrace dwelling finished in a variety of shades of brickwork, and white UPVC windows and doors. Both the dwelling and the attached single storey garage have a gable tiled roofline, and the property also benefits from a lean-to porch. The surrounding dwellings in Salmon Close and onto Station Road show a variety of housing stock and materials, with a mix of brickwork and render predominately. There is a large static caravan park to the west of the site.

- 5.3 The proposal is for a first floor extension over the existing garage to form an ensuite bedroom, and a single storey rear extension to form a larger kitchen/dining area. Externally, the walls and roof will be finished in materials that match those used in the existing dwelling. Concerns have been raised by the Parish Council that the extension is overly large and not in keeping with the rest of the cul de sac, however the first floor extension remains subservient to the host property as the garage which it sits atop is considerably set back within it's corner plot, and it also has a reduced ridge height compared to the original dwelling. The rear extension is not visible from the cul de sac, and due to it's single storey height it is not considered to be excessive in scale.
- 5.4 Overall the proposed design is considered to be in keeping with the existing character of the dwelling and the locality. Appropriate materials have been selected and the layout of the development is suitable to the site and the density of the surrounding area, and it is in accordance with policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013.
- 5.5 Residential Amenity
Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site. The area on which the first floor extension is proposed already houses a garage, and the rear extension is modest and leaves an adequate amount of quality of private amenity space available to the dwelling.
- 5.6 Letters of objection have been received concerning the impact on properties to the north along Gorse Cover Road, particularly loss of light and overlooking. No windows have been proposed on the northern elevation of the proposed first floor extension and so direct overlooking is not considered to be a possibility. A condition will be issued on the decision notice to prevent any windows being installed on this elevation in the future. Whilst the first floor extension does not reach the northern boundary of the curtilage of no. 4 as stated in one of the objection letters, there will be some loss of light at the bottom of the garden of number 238 Gorse Cover Road at certain times of day, caused by the first floor element of the proposal. Notwithstanding this, the amount of overshadowing is not considered to be substantial enough to warrant a refusal reason, particular as the existing dwelling is taller in height than the proposal and the two storey part of the dwelling is to shift less than 2 metres to the east of the present situation.
- 5.7 The Parish Council have raised concerns that residents of the static caravan park to the west, known as Rustic Park, will be affected. The closest static caravan to the proposal is a sufficient distance away to not experience any loss of light from the proposal, and the proposed first floor and ground floor rear facing windows provide an outlook similar to the existing rear windows. Large patio doors face out towards the west at ground floor level, but the privacy of the residents at the caravan park is shielded by a tall fence of approximately 2 metres. There are no south facing openings to be installed in the rear extension which would implicate the privacy of no. 3 Salmon Close.

5.8 It is therefore considered that, on balance, the proposal is acceptable in terms of policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and is not detrimental to the residential amenity of neighbouring occupiers.

5.9 Transport

Assessment of transportation impacts with regard to extensions to existing houses relates to the provision of adequate off-street parking. Under the Residential Parking Standard SPD (Adopted) December 2013, a four-bedroom dwelling should have two off-street parking spaces. Whilst the garage is to be partially converted into a utility room, the property retains at least two parking spaces on the front driveway. There is therefore no transportation objection to the proposal.

5.10 Other Matters

One of the objection letters received raised concerns about the proposal affecting house prices and the ease of sale for a neighbouring property to the north. This is not a planning matter and as such is not a material consideration when determining this application.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

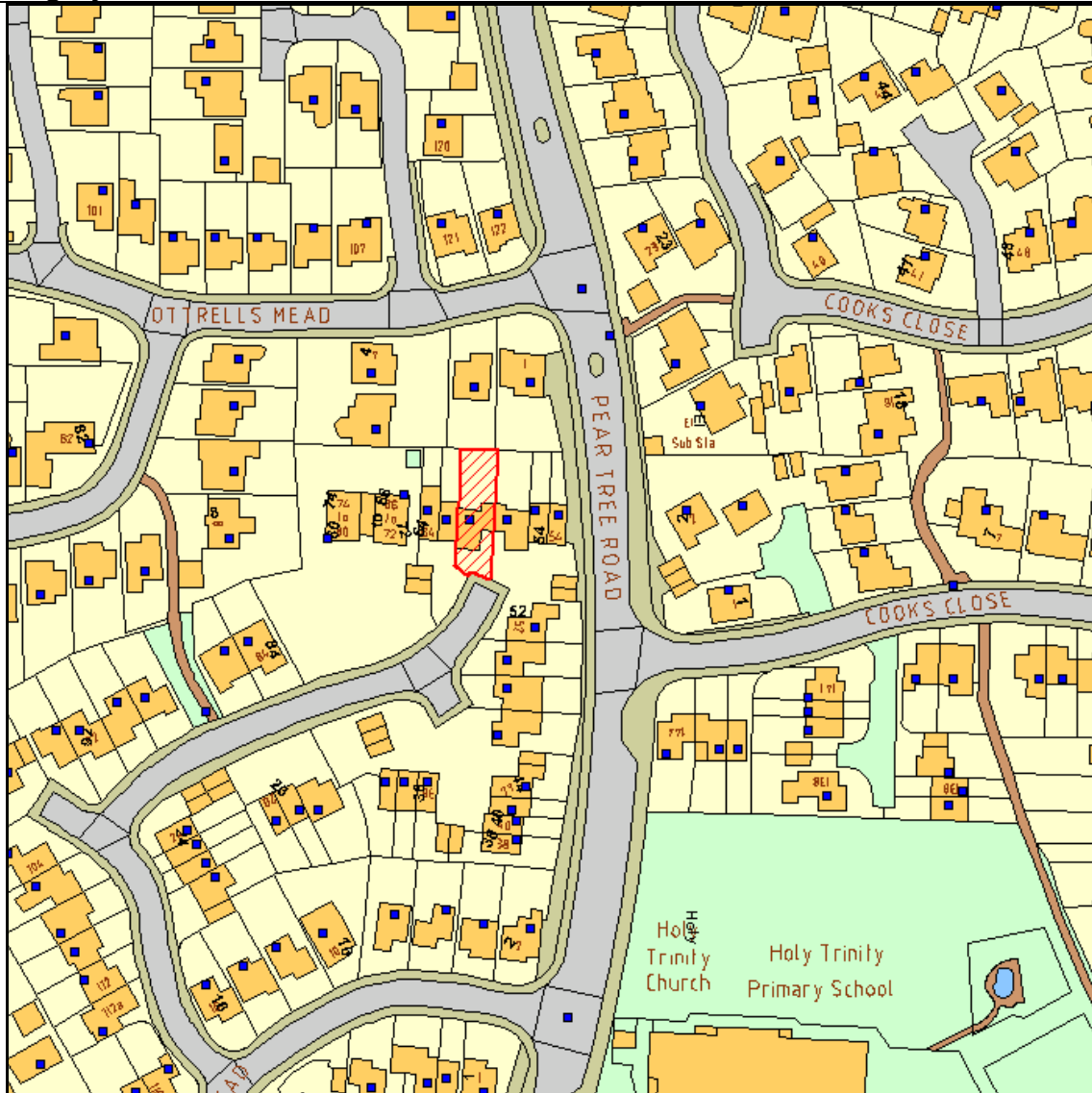
2. No windows other than those shown on the plans hereby approved shall be inserted at any time in the north elevation of the property.

Reason

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

CIRCULATED SCHEDULE NO. 37/14 – 12 SEPTEMBER 2014

App No.:	PT14/2997/F	Applicant:	Mrs M Elias
Site:	60 Apseleys Mead Bradley Stoke Bristol South Gloucestershire BS32 BG	Date Reg:	8th August 2014
Proposal:	Erection of single storey front and rear extensions to form additional living accommodation.	Parish:	Bradley Stoke Town Council
Map Ref:	361400 183060	Ward:	Bradley Stoke North
Application Category:	Householder	Target Date:	23rd September 2014



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

The report has been submitted to the Council's Circulated Schedule procedure following an objection from a local resident which is contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for a single storey front and single storey rear extension to no. 60 Apseleys Mead, which is a property within the well established residential area of Bradley Stoke.
- 1.2 The permission is sought in order to form a shower room to the rear, a study to the front of the dwelling and to convert the garage to a store room and a dining room.
- 1.3 The proposed development is to be adjoined to a similar proposed development at no. 58 Apseleys Mead, the permission for which is under consideration by the Local Planning Authority simultaneously under reference no. PT14/2975/F.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T7 Cycle Parking
T12 Transportation
H4 Development within Existing Residential Curtilages

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

3. RELEVANT PLANNING HISTORY

- 3.1 *Relating to no 58 Apseleys Mead:*
PT14/2975/F Pending Consideration
Erection of single storey front and rear extensions to form additional living accommodation.
- 3.2 *Relating to no. 60 Apseleys Mead:*
The permitted development rights for the property were restricted under the following application:

P88/0020/69 Approval of Reserved Matters 20/04/1988
Residential development on approximately 2.8 hectares (6.96 acres) to include erection of 115 dwelling units with associated garages and boundary walls. Construction of estate roads and car parking areas (in accordance with the amended plans received by the council on 30TH march 1988 and 14TH april 1988) (to be read in conjunction with P84/20/1)

4. CONSULTATION RESPONSES

4.1 Bradley Stoke Town Council
No objection.

4.2 Other Consultees

Highway Drainage
No comment.

Other Representations

4.3 Local Residents
One letter of objection has been received from a local resident stating the following:
- The proposed rear extension would severely restrict the amount of light and sunlight to the lounge and patio

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Design
The application site relates to a two storey dwelling finished in brick with a gable tiled roof and brown UPVC windows and doors. There is a small tiled canopy over the front door, and the dwelling has a garage which is adjoined to the garage of no. 58 Apseleys Mead. The dwelling to be extended sits slightly further forward in the plot than its adjoining neighbours.

- 5.3 The proposal consists of a single storey rear extension forming a shower room, and a single storey front extension to form a study. The garage is to be converted to a store room and a dining room, however as these alterations are internal, this is considered to be permitted development. Both the forward and rear extension will feature a forward and rear facing gable, which whilst unusual in the street scene will be set back from the front elevation, allowing it to be considered subservient and acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013. The rear facing gable will only be visible from private land. Additionally, external materials have been chosen to match the existing dwelling.
- 5.4 An almost identical extension is currently pending consideration for no. 58 Apseleys Mead, which will adjoin onto the extension proposed here. Whilst the extension at no 60. has been designed as one scheme alongside the proposal at no. 58 and it is preferable that both proposals are built together, it is considered that the visual affect of only the extension at no. 60 being built would not be significant enough to warrant a condition to ensure that both proposals are followed through. This is due to it's single storey height and position stepped back from the main elevation of no. 60.
- 5.5 Residential Amenity
The rear and front extensions proposed are both modest in size, and the amount and quality of private amenity space available to the dwelling is only slightly impacted on. As the front extension is set back from the principal elevation of the dwelling, there is not considered to be any material loss of light or overlooking issues here. The attached neighbour at no. 62 Apseleys Mead has expressed concern that the rear extension will cause overshadowing of their windows and patio, however it is considered that as no. 62 is set further back in the plot than the applicant's property, coupled with the fact that the extension is on the opposite side of the garden closer to no. 58, there will not be any significant loss of light and it will not be detrimental to their residential amenity. A small window is proposed on the west elevation of the rear extension but it's size, ground floor location and distance from the boundary fence mean that it will not invade the privacy of the neighbour. Additionally, it does not appear to serve a principal room.
- 5.6 Should the similar proposal at no. 58 not be erected, they may experience some minimal loss of light from the extension at no. 60, which would lie along their boundary at both the front and the back. This loss of light is not significant enough to cause concern however, and the proposal is considered to protect the residential amenity of the neighbours, and is in accordance with policy H4 of the South Gloucestershire Local Plan (Adopted) 2006.
- 5.7 Transport
Assessment of transportation impacts with regard to extensions to existing houses relate to the provision of adequate off-street parking. The garage to be converted did not meet the internal requirements for a parking space as stated in the Residential Parking Standards SPD, so the loss of the garage does not affect the existing parking arrangements. The front extension however may encroach onto the existing parking. To counteract this, the agent submitted a

plan showing two off street parking spaces, and therefore there is no transportation objection to the proposal.

6. CONCLUSION

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

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

2. The off-street parking facilities shown on the plan hereby approved (drawing no. 2568/5) shall be provided before the development 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 to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.