



**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. 03/14**

**Date to Members: 17/01/14**

**Member's Deadline: 23/01/14 (5pm)**

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

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

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

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

## NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

## GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

# CIRCULATED SCHEDULE – 17 JANUARY 2014

<b>ITEM NO.</b>	<b>APPLICATION NO</b>	<b>RECOMMENDATION</b>	<b>LOCATION</b>	<b>WARD</b>	<b>PARISH</b>
1	<b>PK13/3544/F</b>	Approve with Conditions	Dodington Park Estate Dodington South Gloucestershire BS37 6SF	Westerleigh	Dodington Parish
2	<b>PK13/3545/LB</b>	Approve with Conditions	Dodington Park Estate Dodington South Gloucestershire BS37 6SF	Westerleigh	Dodington Parish
3	<b>PK13/3978/F</b>	Approve with Conditions	Land at 2 Craven Close Barrs Court South Gloucestershire BS30 7BX	Longwell Green	Oldland Parish Council
4	<b>PK13/4471/LB</b>	Approve with Conditions	133 High Street Marshfield South Gloucestershire SN14 8LU	Boyd Valley	Marshfield Parish Council
5	<b>PK13/4481/F</b>	Approve with Conditions	56 Grimsbury Road Kingswood South Gloucestershire BS15 9SD	Woodstock	None
6	<b>PT13/0510/F</b>	Approve with Conditions	Land at The Burltons Cromhall Wotton Under Edge South Gloucestershire GL12 8BH	Charfield	Cromhall Parish Council
7	<b>PT13/1972/F</b>	Approve with Conditions	Tall Trees Over Lane Almondsbury South Gloucestershire	Almondsbury	Almondsbury Parish Council
8	<b>PT13/3199/F</b>	Approve with Conditions	The Folly Crossways Lane Thornbury South Gloucestershire BS35 3UE	Thornbury North	Thornbury Town Council
9	<b>PT13/3378/F</b>	Approve with Conditions	19 Albert Road Severn Beach South Gloucestershire BS35 4PT	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
10	<b>PT13/3923/F</b>	Approve with Conditions	20 West Ridge Frampton Cotterell South Gloucestershire BS36 2JA	Frampton Cotterell	Frampton Cotterell Parish Council
11	<b>PT13/4608/CLE</b>	Approve	74 Gloucester Road Almondsbury South Gloucestershire BS32 4HQ	Almondsbury	Almondsbury Parish Council

## CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014

<b>App No.:</b>	PK13/3544/F	<b>Applicant:</b>	Dodington Park Estate
<b>Site:</b>	Dodington Park Estate Dodington South Gloucestershire BS37 6SF	<b>Date Reg:</b>	3rd October 2013
<b>Proposal:</b>	Restoration works to canal.	<b>Parish:</b>	Dodington Parish Council
<b>Map Ref:</b>	375250 179860	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	28th November 2013



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 100023410, 2008. **N.T.S.** **PK13/3544/F**

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

This application is referred to the Circulated Schedule for determination to take into account the public comments received regarding access and heavy goods vehicles on the associated Listed Building Consent application, PK13/3545/LB (which is also referred to this Schedule).

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for restoration works to a canal in Dodington Park. A 50m section of the canal is to be restored including the construction of new retaining walls, lining, and a weir.
- 1.2 Dodington Park includes over 30 individually listed buildings which include six grade I, two grade II\*, and the remainder being grade II. The park itself is a grade II\* registered historic park and garden. The two bridges that form part of the application site are not individually listed but are mentioned in the description and are presumed to fall under the Park's grade II\* listing.
- 1.3 During the course of the application the Local Planning Authority, English Heritage and the Applicant have engaged in the planning process and improved the proposal.
- 1.4 The canal runs through a corner of the park, some distance from the house near the drive to Chippenham Lodge. The Cotswolds Way also runs directly adjacent to the site. The site is located within the Bristol and Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- CS1 High Quality Design
- CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan (Adopted) January 2006 Saved Policies

- L1 Landscape
- L2 Cotswolds AONB
- L9 Species Protection
- L10 Historic Parks, Gardens and Battlefields
- L13 Listed Buildings
- LC12 Recreational Routes

- 2.3 Supplementary Planning Guidance

- (a) Landscape Character Assessment (Adopted) November 2005
- (b) Development in the Green Belt (Adopted) June 2007
- (c) South Gloucestershire Design Checklist (Adopted) August 2007

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

3.1 There is no planning history directly relating to the canal.

### **4. CONSULTATION RESPONSES**

4.1 Dodington Parish Council

The Parish Council supports this application.

4.2 Sodbury Town Council

No objection

4.3 Archaeology

Although this is within an area of archaeological potential and the canal itself is a historic feature contributing to the history of the estate, a considerable amount of ground works appear to have taken place recently. The extent of these ground works is likely to have damaged any existing archaeology, and potential information about the date of the canal. There would be no benefit in requesting further archaeological work. On this occasion there is no archaeological objection, but further works within Dodington estate may be subject to archaeological investigation.

4.4 Conservation Officer

Following detailed design negotiations, there is no objection to this development from a conservation perspective subject to a number of conditions.

4.5 Drainage

The application involves work to an ordinary watercourse/ditch. These works may require formal consent from South Gloucestershire Council.

4.6 Ecology

Application should have been supported with an ecological survey; however, there are no ecological constraints.

4.7 English Heritage

No objection; however, details of the weir should be conditioned.

4.8 Public Rights of Way

Unlikely to affect the nearest PROW. Informative requested.

4.9 Transport

No objection

4.10 Tree Officer

Tree protection plan requested. On discussion with the agent's arboriculturist, this request has been rescinded.

## **Other Representations**

### 4.10 Local Residents

Although no comments have been received against this application, a neighbour comment has been received against the associated application for Listed Building Consent. The comment raises the following matters:

- Major increases in HGVs using lanes adjoining the Estate;
- Should consent be granted a condition should be attached to route vehicular traffic along the estate roads and not use Catchpot or Chapel Lanes.

These are not issues pertinent to a Listed Building application and will therefore be given due consideration under this application.

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for restoration works to a canal in the Dodington Park Estate.

### 5.2 Principle of Development

The proposed development would result in the restoration of an existing canal in the Dodington Park Estate. Therefore the main issues are the impact on the designated heritage assets and the landscape.

5.3 Development that preserves, conserves, enhances and manages the landscape, listed buildings and setting of the AONB will be supported subject to a detailed analysis of the impact of the proposal as set out in the analysis below.

### 5.4 Heritage: Historic Park

There are two elements to heritage: the location of the site within a registered historic park and the status of the structure as a listed building. These will be addressed in turn.

5.5 Policy L10 of the Local Plan manages development within historic parks and gardens. Under this policy development will be permitted when (a) the historic character and appearance of the site is not unacceptably harmed and (b) the development enables features, landscaping or planting schemes of historic interest to be conserved, enhanced or restored.

5.6 This application is for development to enable the restoration of the canal. According to the historical survey, the canal was constructed around 1810 – 1811 at the same time as The Boundary bridges. Although the canal has entered a state of dereliction, it remains a feature of the landscape and the historical park. The proposal would result in the canal becoming a much more prominent feature than it currently is but it is not considered that this would amount to a harmful impact on the historic character and appearance of the site. As the development proposed directly relates to the restoration of a landscape feature, the proposal also accords with second criterion.

5.7 Heritage: Listed Building

The site is located within Dodington Park which has a number of formal historic environment designations and is located within a grade II\* listed park. The proposal should therefore be tested against policy L13 of the Local Plan that manages works to listed buildings. This policy only permits development when (a) the building and its setting would be preserved, (b) features of architectural or historical interest are retained, and (c) the character, historic form and structural integrity of the building is retained. Part of the proposal also includes the erection of a new weir. Policy L13 also states that the enhancement of heritage assets is desirable.

5.8 Development must respect the character of the building particularly scale, materials and design. In this instance architectural features are also important particularly with regard to the walling of the canal and the existing bridges and weir.

5.9 It is proposed to alter the canal by forming a concrete lining, erecting retaining walls and altering the width in some places plus a new weir. A structural case has been presented for the concrete lining which has been accepted. The detailed design of the weir has not been agreed and this will be subject to a condition.

5.10 Overall, despite the proposed changes the setting, architectural and historical interest and the integrity of the canal is retained. The proposal is considered acceptable with regard to the listed buildings.

5.11 Heritage: Archaeology

Dodington Park is an area of high archaeological interest. The canal itself is an interesting piece of heritage and the proposed development provides an opportunity for greater insight into the dating and construction of this feature.

5.12 However, a significant amount of ground works have taken place recently in preparation for this project, including the clearing of the canal. These works are likely to have damaged or removed any existing archaeology or information that could have been used to date the canal. Therefore, the imposition of a condition to require archaeological investigation would have little benefit. Notwithstanding this, Dodington Park remains an area of high archaeological interest and programmes of archaeological investigation in the future are likely to be necessary.

5.13 Landscape

Policy L1 of the Local Plan protects the landscape and seeks, where possible, enhancements. This policy conserves and retains attributes and features that make a contribution to the character of the landscape.

5.14 The works would enhance the canal will help to secure the long term retention and viability of the feature. As the canal is an existing landscape attribute, the works should be considered in terms of the new structures rather than the canal itself. The proposed retaining walls are an intrinsic feature of the canal and the concrete base has been accepted.



- 5.15 It is not considered that the landscape would be harmed as a result of this development and the proposal is not in conflict with policy L1.
- 5.16 Ecology  
The application is not supported by any ecological information; an ecological survey to avoid impacting on notable species of aquatic flora or fauna should have been submitted. However, the canal has been cleared of all water, silt and vegetation and therefore any habitat or plant species destroyed.
- 5.17 Whilst it is preferable for the canal to have a shallow point for ingress and egress rather than sheer walls, due to the heritage designation of the site the appearance of the development is given greater weight and there are no ecological constraints to granting planning permission.
- 5.18 Design  
The design of the development will reinforce the appearance of the stretch of water as a canal. A weir will be created to make a higher water level; the details of this weir will be agreed by condition. Otherwise, materials and location are acceptable and the design is both of a high quality and appropriate for the location.
- 5.19 Transportation  
Comments have been received that infer the development will lead to an increase in the amount of traffic, particularly heavy goods vehicles, using narrow country lanes nearby.
- 5.20 Whilst there will be a certain amount of construction traffic, all vehicles must adhere to traffic regulations. The number of vehicle movements associated with this development is not considered to be significant and the development will not result in a material increase in vehicular movements once complete.
- 5.21 The Cotswolds Way  
The Cotswolds Way runs directly adjacent to the site. This route is safeguarded by policy LC12 of the Local Plan. The restoration of the canal will not adversely affect the right of way or recreational route. Access to the route is maintained and the amenity of the walk enhanced.

## **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 proposal has been assessed against the policies listed above. The development will preserve its heritage and landscape setting whilst meeting an acceptable standard of design and appearance.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

2. Prior to the commencement of development a representative sample of natural facing stone walling, of at least one metre square showing the stone, coursing, pointing and coping, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the approved panel, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the landscape feature, which is curtilage listed and within the Registered Park and Garden, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L13, L10 and L1 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of development the detailed design, including materials and finishes of the proposed new weir shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason

In order that the development serves to preserve the architectural and historic interest of the landscape feature, which is curtilage listed and within the Registered Park and Garden, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L13, L10 and L1 of the Adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b>	PK13/3545/LB	<b>Applicant:</b>	Dodington Park Estate
<b>Site:</b>	Dodington Park Estate Dodington South Gloucestershire BS37 6SF	<b>Date Reg:</b>	3rd October 2013
<b>Proposal:</b>	Restoration works to canal	<b>Parish:</b>	Dodington Parish
<b>Map Ref:</b>	375250 179860	<b>Ward:</b>	Westerleigh
<b>Application Category:</b>	Minor	<b>Target Date:</b>	22nd November 2013



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 100023410, 2008. **N.T.S.** **PK13/3545/LB**

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

This application is referred to the Circulated Schedule for determination to take into account the public comments received. This application seeks Listed Building Consent; it is accompanied by a full planning application, PK13/3544/F, (which is also referred to this Schedule).

### **1. THE PROPOSAL**

- 1.1 This application seeks Listed Building Consent for restoration works to a canal in Dodington Park. A 50m section of the canal is to be restored including the construction of new retaining walls, lining, and a weir
- 1.2 Dodington Park includes over 30 individually listed buildings which include six grade I, two grade II\*, and the remainder being grade II. The park itself is a grade II\* registered historic park and garden. The two bridges that form part of the application site are not individually listed but are mentioned in the description and are presumed to fall under the Park's grade II\* listing.
- 1.3 During the course of the application the Local Planning Authority, English Heritage and the Applicant have engaged in the planning process and improved the proposal.
- 1.4 The canal runs through a corner of the park, some distance from the house near the drive to Chippenham Lodge. The Cotswolds Way also runs directly adjacent to the site. The site is located within the Bristol and Bath Green Belt and the Cotswolds Area of Outstanding Natural Beauty.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework (March 2012)  
Planning (Listed Building and Conservation Areas) Act 1990

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

- 3.1 There is no planning history directly relating to the canal.

### **4. CONSULTATION RESPONSES**

- 4.1 Sodbury Town Council  
Support the application
- 4.2 English Heritage  
No objection subject to condition
- 4.3 Conservation Officer  
No objection subject to condition

## **Other Representations**

### 4.4 Local Residents

One comment from a local resident has been received. The comment raises the following matters:

- Major increases in HGVs using lanes adjoining the Estate;
- Should consent be granted a condition should be attached to route vehicular traffic along the estate roads and not use Catchpot or Chapel Lanes.

These are not issues pertinent to a Listed Building application and will therefore be given due consideration under the associated full application.

## **5. ANALYSIS OF PROPOSAL**

5.1 This application seeks listed building consent for restoration works to a canal in the Dodington Park Estate.

### 5.2 Principle of Development

This is an application for listed building consent, and therefore the only consideration is what impact the proposed development would have on the special historic or architectural features of the property.

### 5.3 Assessment of Impact

The proposed development will see the restoration of the canal feature in the park. This feature has fallen into a state of dereliction with the canal becoming overgrown.

5.4 It is now proposed to reinstate the canal by repairing the retaining walls and installing a puddled clay base. A few courses of stonework for the canal walls will be visible above the water level and a new weir will be installed. There will be no changes to the bridges and the general structure is preserved and maintained.

5.5 A number of conditions will be attached for sample stone walling and the detailed design of the weir. When read in conjunction with the proposed conditions, the proposal will not harm the special architectural and historical features or the integrity of the canal. Therefore listed building consent should be approved.

### 5.6 Transportation

This is an application for listed building consent and therefore matters of transportation are not relevant in determining this application. These comments have been taken into account in the determination of the associated full planning application.

## **6. RECOMMENDATION**

6.1 It is recommended that consent be GRANTED subject to the conditions listed on the decision notice.

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

### **CONDITIONS**

1. The works hereby permitted shall be begun before the expiration of three years from the date of the consent.

Reason

As required by Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to avoid the accumulation of Listed Building Consents.

2. Prior to the commencement of development a representative sample of natural facing stone walling, of at least one metre square showing the stone, coursing, pointing and coping, shall be erected on site and approved in writing by the local planning authority. The development shall be completed in accordance with the approved panel, which shall be retained on site for consistency.

Reason

In order that the development serves to preserve the architectural and historic interest of the landscape feature, which is curtilage listed and within the Registered Park and Garden, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L13, L10 and L1 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of development the detailed design, including materials and finishes of the proposed new weir shall be submitted and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

Reason

In order that the development serves to preserve the architectural and historic interest of the landscape feature, which is curtilage listed and within the Registered Park and Garden, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L13, L10 and L1 of the Adopted South Gloucestershire Local Plan.

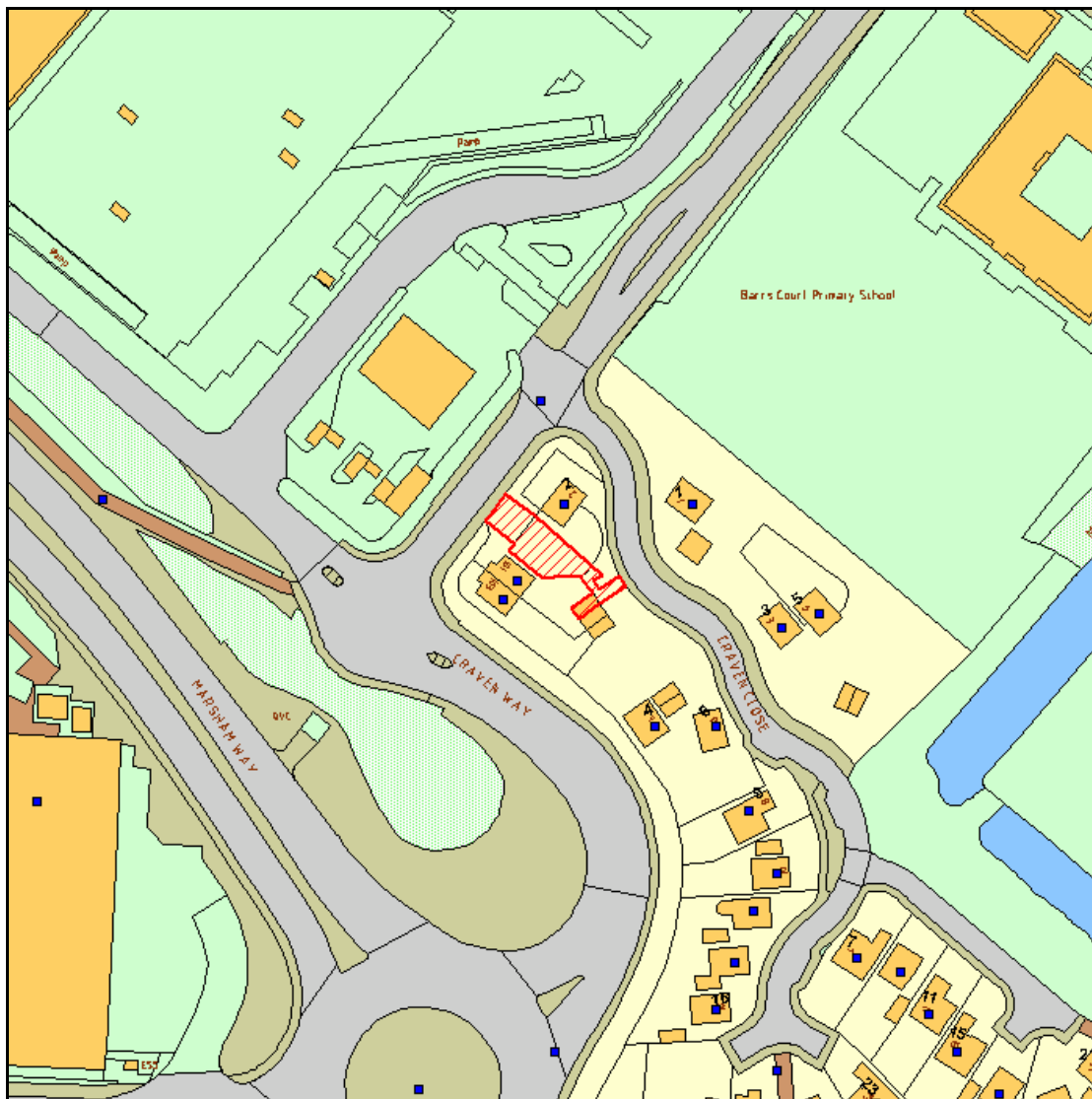
4. As detailed on the submitted drawing the base of the canal shall be lined with puddled clay and maintained in this consented finish unless with the prior approval of the local planning authority.

Reason

In order that the development serves to preserve the architectural and historic interest of the landscape feature, which is curtilage listed and within the Registered Park and Garden, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and policies L13, L10 and L1 of the Adopted South Gloucestershire Local Plan.

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b> PK13/3978/F	<b>Applicant:</b> Mrs J Taylor
<b>Site:</b> Land At 2 Craven Close Barrs Court Bristol South Gloucestershire BS30 7BX	<b>Date Reg:</b> 4th December 2013
<b>Proposal:</b> Erection of 1no. detached dwelling with associated works.	<b>Parish:</b> Oldland Parish Council
<b>Map Ref:</b> 365670 172070	<b>Ward:</b> Longwell Green
<b>Application Category:</b> Minor	<b>Target Date:</b> 28th January 2014



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

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

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the erection of 1no. detached dwelling with associated works.
- 1.2 The application site consists of the garden of no.2 Craven Close, Barrs Court. The site faces Craven Way, which provides access to the superstore and petrol station situated to the north of the site. The site is located within the defined settlement boundary and urban area.
- 1.3 The proposal is to utilise the existing access and parking provision at the rear of the site within the Craven Close cul de sac.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

- CS1 High Quality Design
- CS4A Presumption in Favour of Sustainable Development
- CS5 Location of Development
- CS8 Improving Accessibility
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe

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

- EP2 Flood Risk and Development
- H4 Development within Existing Residential Curtilages
- 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 PK10/1678/F - Erection of 2 metre high boundary wall, fence and gates. (Resubmission of PK10/0799/F). Approved 27<sup>th</sup> August 2010



- 3.2 PK08/2347/F - Erection of a two storey side extension to form additional living accommodation (resubmission of PK08/1097/F). Erection of 1.8m high boundary wall and change of use of incidental open space to residential curtilage. Approve 3<sup>rd</sup> October 2008
- 3.3 PK08/1097/F - Erection of two storey rear extension to form additional living accommodation. Refused 4<sup>th</sup> June 2008

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

- 4.1 Oldland Parish Council  
The Parish Council wishes to object to the application on grounds of over-development.
- 4.2 Transportation DC  
Subject to a condition that at least two parking spaces are provided and permanently maintained for both the existing and proposed dwellings, there is no transportation objection to the proposed dwelling.
- 4.3 Drainage  
No objection subject to SUDS condition.
- 4.4 Environmental Protection  
No objection. Informative recommended.

#### **Other Representations**

- 4.5 Local Residents  
One letter of objection has been received from a local resident. The comments are summarised as follows:
- Overdevelopment
  - Compromised privacy
  - Loss of daylight
  - Parking/ highway issues
  - Nature conservation

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

- 5.1 Principle of Development  
The application seeks permission for the erection of 1no. detached dwelling within the residential curtilage of 2 Craven Close, situated within the east fringe urban area. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits proposals for development within existing residential curtilages (including new dwellings) in principle subject to criteria relating to residential amenity, highway safety and design. This principle is reflected again within policy CS17, which allows for development on existing gardens provided it would not cumulatively prejudice local character, traffic congestion and parking, and provided each home has adequate private amenity space.

## 5.2 Residential Amenity

- The application site consists of the garden area of 2 Craven Close, which is a detached dwelling situated at the entrance of a cul de sac within an established residential area. The proposal is to erect a detached dwelling to the south west of no.2, adjacent to no. 101 Craven Way. The dwelling would be on the same building line as the two dwellings and the rear elevation would extend beyond the rear elevation of no.101 by 0.4 metres. No.101 has a non-habitable first floor window in the northeast side elevation facing the proposed dwelling, and no. 2 has a first floor bedroom window in the southwest elevation facing the proposal. The land gradient increases from northeast to southeast. The plans indicated that some excavation would take place to ensure that the ground floor of the proposed dwelling is level with the ground floor of no.2. The width and siting of the proposed dwelling is such that the side elevations would be 3.4 metres and 2.3 metres from the side elevations of no.2 and no.101 respectively.
- 5.3 In terms of the impact on the no. 2 Craven Close Officer raise concern that the proposed dwelling would have a an unacceptable overbearing and oppressive impact, and would result in a significant loss of light to the first floor window on the southwest elevation. This window serves a bedroom and is the only window serving that room. Number 2 Craven Close is in the ownership of the applicant and correspondence from the Agent confirms that the existing window can be replaced with an obscure glazed window and the room used as a bathroom. This solution would overcome Officer's concerns and as such it is considered that a suitably worded pre-commencement condition attached to the decision notice would be appropriate in this instance. The proposed dwelling, by virtue of siting and scale, is not considered to have any other impact on the occupiers of number 2 and would not prejudice their privacy.
- 5.4 With regard to the impact on number 101 concern has been raised by a local resident that the proposal would compromise privacy and would result in loss of light to the occupiers of the dwelling. Number 101 is situated to the southwest of the proposed dwelling situated at a higher level. The proposed dwelling would extend beyond the rear elevation of no.101 by 0.4 metres. Due to the orientation of the dwelling and its siting it is not considered that the proposal would significantly effect light entering any habitable windows on no.101 and would not affect any light entering their rear garden. The proposal would not appear overbearing or oppressive as it is sited with minimal overlap at the rear elevation. In terms of privacy there would be no windows on the proposed dwelling that would result in a direct line of vision into the neighbouring dwelling, and whilst the rear first floor windows would overlook their garden this is not considered unusual given the established residential context of the area and would not warrant a refusal of the application. The proposal is therefore no considered to significantly prejudice the residential amenity of the occupiers of no.101.
- 5.5 In terms of private amenity space the proposal would result in the loss of large part of the garden area serving no.2. This is undesirable however it is considered that the retained private amenity space would be sufficient to serve the dwelling. The proposed dwelling would benefit from private amenity space to the front and rear which is considered adequate to serve a three bedroom

dwelling. Appropriate boundary treatments are proposed between plots to ensure that privacy is maintained.

#### 5.6 Highway Safety

The vehicular access to the proposed dwelling would be from the rear of the site accessed from the Craven Close cul de sac. The plans indicate that the proposed dwelling would utilise an existing garage with hardstanding area to the front of it. There would be no vehicular access to the site from Craven Way. This level of parking provision is acceptable and in accordance with the minimum parking standards dictated by the Residential parking Standards SPD (Adopted) December 2013. This is with the provision that the garage and parking is retained for its purpose. This will be subject to an appropriately worded condition. The proposed arrangement would result in some loss of parking to no. 2. Number 2, however, has an existing access and large hardstanding area to the north of the dwelling capable of accommodating at least two off street parking spaces. This again is in accordance with the Council's minimum standards. Bin storage has been identified within the curtilage of the dwelling. There are therefore no objections in terms of highway safety.

#### 5.7 Design

The application proposes a double storey detached dwelling with a pitched roof and front lean-to porch. The dwelling is proposed on the same building line as the existing dwellings facing Craven Way, and would be set down in height from numbers 101 and 103 Craven Way. The dwelling is proposed to the front of a residential cul de sac which is characterised by a mix of detached dwellings on irregular plots. The buildings directly to southwest consist of a pair of semi-detached pitched roof whereas the building to the northeast (number 2) consists of a detached hipped roof dwelling. Opposite the site is a petrol filling station with a superstore beyond. There is no distinct uniform character to the locality.

5.8 The proposal would result in the infilling of the gap between number 2 Craven Close and number 101 Craven Way. Concern has been raised that the proposal would result in overdevelopment however it is considered that sufficient space would remain between dwellings to ensure that it does not appear overly cramped or contrived. The scale and detailing of the proposed dwelling is considered appropriate given the mix of housing found in the locality. It is considered that the proposal makes efficient use of land in a sustainable location and is therefore consistent with the aims of the National Planning Policy Framework. It is considered that the proposal would not cause any harm to the character of the local area. Materials have not been identified on the submitted plans and as such the submission of these details will be subject to a suitably worded condition.

#### 5.9 Environment

The application site consists of an existing residential garden with a minor tree to the front corner. Due to the location of the proposal and the existing land use it is considered that there are unlikely to be any protected species on the site and the site is not suitable for nature conservation. The tree to the front is minor and would not be affected by the proposed development.

The Council's environmental protection team has raised no objection to the proposed development.

5.9 Drainage

The Council's Drainage Engineer has considered the application and there are no objections to the proposed development subject to the submission of surface water drainage details.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

**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. Prior to the commencement of development the first floor window located in the southwest (side) elevation of the dwelling shaded blue in the Location Plan (TAYLORJ191013OS) hereby approved shall be removed. Thereafter all new first floor windows installed in the southwest (side) elevation of the aforementioned dwelling shall be glazed with obscure glass to level 3 standard or above.

Reason

To protect the residential amenity of the occupiers of no.2 Craven Close, and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

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

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

Reason

To ensure a satisfactory means of drainage, to accord with policy EP2 of the South Gloucestershire Local Plan (Adopted) January 2006, and the provisions of the National Planning Policy Framework.

5. The off-street parking facilities for all vehicles shown on the plan (TAYLOR191013S) 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 PolicyT12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

6. The garage identified on the plans hereby approved shall be retained as such and shall not be used for any purpose other than the garaging of private motor vehicles and ancillary domestic storage to serve the dwelling hereby approved.

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 PolicyT12 of the South Gloucestershire Local Plan (Adopted) January 2006, and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

**App No.:** PK13/4471/LB  
**Site:** 133 High Street Marshfield  
 Chippenham South Gloucestershire  
 SN14 8LU

**Applicant:** Mr David Bethune  
**Date Reg:** 5th December  
 2013

**Proposal:** Application to retain works already carried out to alter existing roofline

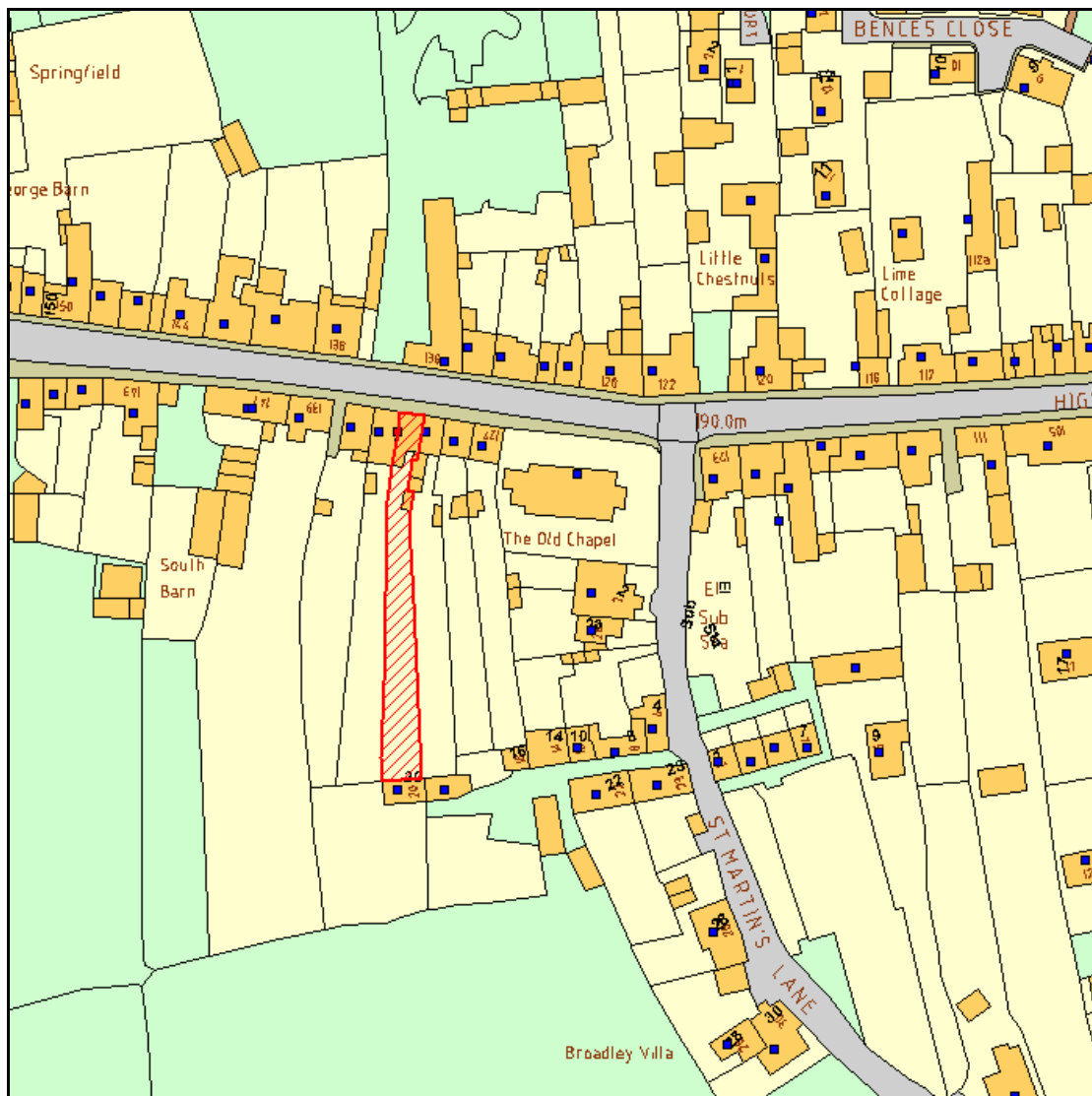
**Parish:** Marshfield Parish  
 Council

**Map Ref:** 377512 173736

**Ward:** Boyd Valley

**Application Category:** Minor

**Target Date:** 27th January 2014



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

Objections have been received, contrary to the officer recommendation.

### **1. THE PROPOSAL**

1.1 This application seeks Listed Building Consent retrospectively for the erection of a single storey extension to incorporate outbuildings, a first floor extension to replace what was previously a bathroom dormer and the installation of two rear flat roofed dormers. Consent was granted for similar works, including internal works, under reference no. PK12/3523/LB (see planning history below). The differences from the approved scheme as follows:

The single storey extension has been built approximately 350mm higher than previously approved.

With the previous approval, the proposed replacement rear extension was be virtually the same size as the existing, with matching eaves and reduced apex height in comparison with the adjoining property to the west, with a projection of 3.5 metres at ground floor level, but 2.5 metres at first floor level, finishing short of flush with the adjoining property's similar extension.

1.2 The site is a Grade II Listed terraced dwelling, within Marshfield Conservation Area. There is a range of rear extensions projecting along the boundary with the adjoining dwelling to the east, with ownership being intermittent between both properties, rather than in a straight line. The boundary on the other side is marked by a high stone wall. At first floor level, the only windows proposed for the extension would face to the rear, to serve a new bedroom and a repositioned bathroom.

The last planning permission and Listed Building Consent had adapted the previous planning permission at 3.5 below in some respects, while reducing the height of the previously approved rear extension to one storey.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework (March 2012)  
Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Supplementary Planning Guidance  
Marshfield Conservation Area guidance note

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

3.1 N1959 Alterations and extensions to form bathroom Approved 1975

3.2 N1959/1 Detached summerhouse and garden store Approved 1981

- 3.3 PK11/2235/F Demolition of single storey extension with dormer and erection of two storey extension  
Withdrawn
- 3.4 PK11/2266/LB Demolition of single storey extension with dormer and erection of two storey extension, dormer window and rooflight in rear roofslope, internal alterations  
Withdrawn
- 3.5 PK11/3577/F Two storey and single storey rear extensions and installation of two rear dormers  
Approved
- 3.6 PK11/3578/LB Listed Building application to accompany the above  
Consent
- 3.7 PK12/2556/F Single storey rear extension to incorporate outbuildings and two rear gabled dormers  
Withdrawn
- 3.8 PK12/2557/LB Listed Building application to accompany the above  
Withdrawn
- 3.9 PK12/3517/LB Listed Building application to accompany this planning application  
Undetermined
- 3.10 PK12/3520/F Single storey rear extension to incorporate outbuildings, first floor extension to replace existing bathroom dormer and installation of 2 flat-roofed dormers  
Approved
- 3.11 PK12/3523/LB Listed Building application to accompany the above, also including internal works  
Consent
- 3.12 PK13/4470/F Planning application to Accompany this application

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

- 4.1 Marshfield Parish Council  
No objection, but regret that the works have not been built according to the approved plans.
- 4.2 Other Consultees [including internal consultees of the Council]  
Conservation Officer  
No objection, subject to a condition ensuring that the sedum roof is installed and retained.

#### **Other Representations**

- 4.3 Local Residents  
Two comments were received, objecting to the proposal, as follows:
- If the approved plans had been adhered to the works would have been more in proportion to the rear elevation of the Listed Building and with less impact on No. 131.
  - Knowing that permission can be applied for retrospectively makes a mockery of the planning system



- The grey plastic finish on the flat roof looks ghastly
  - The valley gutter has been finished in plastic, not lead
  - The bathroom wall should have been built in stone and not half render
  - The ridge tiles on the new bathroom should match the adjoining properties
- NB Issues relating to the planning application have been addressed in that report. This application is for Listed Building Consent and the relevant matters raised through the consultation process will therefore be addressed in the following analysis.

## 5. ANALYSIS OF PROPOSAL

### 5.1 Principle of Development

This application for Listed Building Consent stands to be assessed against the 1990 Planning (Listed Buildings and Conservation Areas) Act. The issues to be resolved relate solely to the impact of the works on the fabric of the Listed Building, within the Conservation Area.

### 5.2 Listed Building

Consent has been granted previously for internal works and a new extension, which replaced the modern and unsightly first floor dormer bathroom extension with a slightly larger stone gabled extension, as well as a largely glazed ground floor kitchen/dining room extension. Works have been carried out to implement the extension, which have resulted in the single storey extension being built approximately 350mm higher. The level of the flat roofed glazed extension and 'link' was approved to be level with the eaves of the outbuilding, so it formed a low key contemporary addition. At the level built it is considered to have a slightly more awkward relationship with the outbuilding, projecting above its eaves. The extension is complete with the exception of the sedum roof which is proposed to be laid in spring. While taller than anticipated, the extension is still however considered to appear in scale with the main house. It is considered important that the sedum roof is completed to ensure a satisfactory finish and therefore a condition has been recommended below to achieve its completion within 4 months of the date of the permission.

Although the increased height of the extension is slightly unfortunate, on balance, the extension is considered to enhance the listed building in comparison to the previous modern additions. On this basis, no objection has been raised by the Council's Conservation Officer. As the application does not relate to the internal works at upper levels it is not considered to be necessary to repeat the conditions of the earlier consent, which would still apply to this work. As the external work is now complete and this application retrospective, it is considered unnecessary to apply further conditions other than the one mentioned above.

With regard to the grey plastic finish on the flat roof and valley gutter, this is the single ply membrane which sits underneath the sedum roof. Once the sedum roof is laid, as required by condition, the only part that will be visible to the neighbour is a narrow section forming the valley gutter. It is not very dissimilar in appearance to lead, especially if it dulls down in time. Regarding the point that the bathroom wall should have been built in stone and not half render, this

finish is the same as the adjacent property extension and considered an acceptable solution. Regarding the ridge tiles on the new bathroom suggested to match the adjoining properties, blue clay ridge tiles have been used on the extension, which is what was on the previous extension and not an uncommon ridge material for slate roofs. It is therefore seen as an acceptable approach in this instance.

## **6. CONCLUSION**

6.1 The recommendation to grant Listed Building Consent has been made having regard to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and government guidance contained within the National Planning Policy Framework.

## **7. RECOMMENDATION**

7.1 That Listed Building Consent is granted, subject to the condition shown below.

**Contact Officer: Chris Gosling**  
**Tel. No. 01454 863787**

## **CONDITIONS**

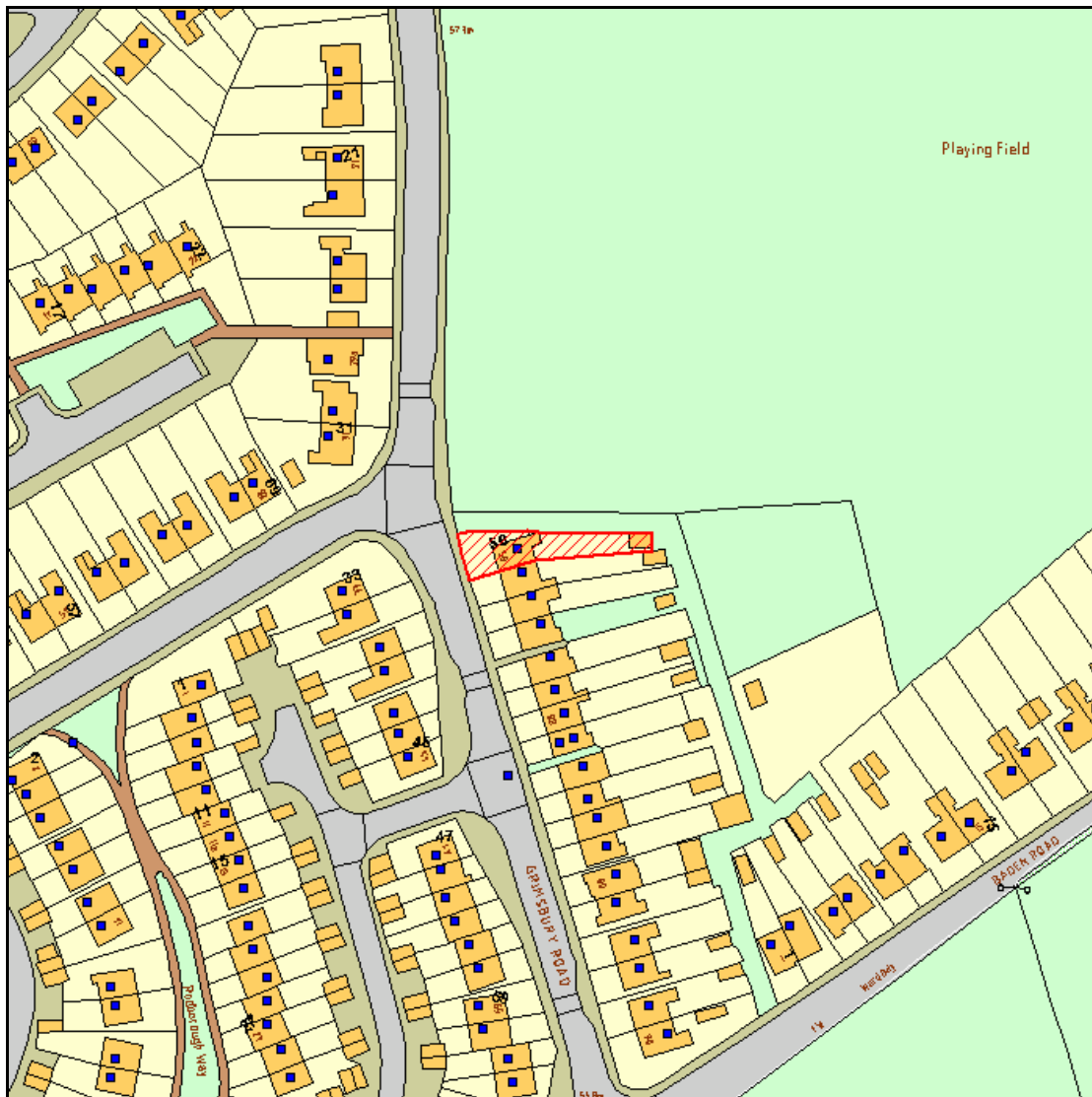
1. The sedum roof shown on the approved plans shall be installed within 4 months of the date of this consent and thereafter retained.

Reason

To maintain and enhance the character of the listed building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b> PK13/4481/F	<b>Applicant:</b> Mr Carl Dibble
<b>Site:</b> 56 Grimsbury Road Kingswood South Gloucestershire BS15 9SD	<b>Date Reg:</b> 6th December 2013
<b>Proposal:</b> Erection of two storey rear extension to provide additional living accommodation.	<b>Parish:</b> None
<b>Map Ref:</b> 366251 173352	<b>Ward:</b> Woodstock
<b>Application Category:</b> Householder	<b>Target Date:</b> 29th January 2014



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

This report appears on the Circulated Schedule following an objection from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a two storey rear extension to provide additional living accommodation. The application site relates to a post war two-storey end of terrace dwelling situated in Kingswood.
- 1.2 The proposed two-storey extension would extend out from the rear of the dwelling by 3.4 metres. To facilitate the extension a small single storey rear structure would be demolished.

### **2. POLICY CONTEXT**

#### 2.1 National Guidance

National Planning Policy Framework March 2012

#### 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

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

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

T12 Transportation Development Control

#### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

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

- 3.1 None

### **4. CONSULTATION RESPONSES**

#### 4.1 Parish/Town Council

The area is unparished

#### 4.2 Other Consultees

Highway Drainage

No objection

## **Other Representations**

### **4.3 Local Residents**

One letter has been received from a local resident which raises the following concerns:

- A single storey extension on the width of the house plus a stepped bathroom would be a more reasonable proposal
- The two storey extension would be almost width of house and larger than any along this road
- Would seriously compromise my right to light due to proposed two storey height adjacent to my boundary
- If this is permitted could other extensions as large be allowed

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) 2013) states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives.

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

In addition saved Policy T12 seeks to ensure that development will have no adverse impact on highway safety and residential parking standards have been revised under supplementary planning guidance adopted 2013.

The proposal accords with the principle of development.

### **5.2 Design and Visual Amenity**

The application site sits at the end of a terrace of two-storey dwellings. The proposed two-storey rear extension would extend out by 3.4 metres across the entire width of the rear building line with a roofline lower than that of the existing dwelling, making it suitably subservient to it. In addition, the roof would be fully hipped and openings would be positioned for the most part, on the east elevation with one small first floor window in the east elevation. Good quality materials to match those of the existing dwelling would be used in the construction

It is considered that the proposal would be of an acceptable scale, massing and design, appropriate to the host dwelling and area in general.

### 5.3 Residential Amenity

The proposed extension would be to the east elevation. To the north the site is adjacent to a track with enclosed playing fields beyond, to the east is a garage associated with the property and to the south the site is separated from neighbours by fencing and planting.

Concern has been expressed by a neighbour with regard to impact on right to light. It is acknowledged that the proposed two storey extension would create changes for neighbours. However, it would be to the north of the closest neighbour at No. 54 Grimsbury Road and therefore it is considered that there would be little change in the existing situation with regards to overshadowing.

A comment expresses concern that an extension of this size could set a precedent. In response, it must be stated that each application is considered on its own merits based on the individual circumstances relating to site and the development proposed. As such there can be no presumption of permission being granted for any other or future proposals without thorough assessment by the Local Planning Authority.

### 5.4 Sustainable Transport

The proposed development would not result in an increase in the number of bedrooms and as such the parking provision remains unchanged.

## 6. CONCLUSION

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

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

## 7. RECOMMENDATION

7.1 That the application be **APPROVED** subject to the conditions below.

**Contact Officer: Anne Joseph**  
**Tel. No. 01454 863788**

## CONDITIONS

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

Reason

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

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b>	PT13/0510/F	<b>Applicant:</b>	Pye Homes Group
<b>Site:</b>	Land At The Burltons Cromhall Wotton Under Edge South Gloucestershire GL12 8BH	<b>Date Reg:</b>	20th February 2013
<b>Proposal:</b>	Erection of 11no. dwellings and garages with landscaping including village green, access and associated works.	<b>Parish:</b>	Cromhall Parish Council
<b>Map Ref:</b>	369721 190666	<b>Ward:</b>	Charfield
<b>Application Category:</b>	Major	<b>Target Date:</b>	20th May 2013



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

This application previously appeared on the circulated schedule in the week commencing 20<sup>th</sup> September 2013 where it was resolved to grant planning permission subject to conditions and the signing of a S106 legal agreement.

During the preparation of the S106 legal agreement, an omission has become apparent in the heads of terms. The report previously on circulated schedule requested the maintenance of the on site public open space but failed to secure the provision of the on site public open space in the first place. In order to address this concern, the heads of terms have been updated to include the provision of the on site public space.

When considering this report, members should be mindful of the fact that the report remains exactly the same in all other respects – although the policy framework has been updated to take account of the Adopting of the Core Strategy. The only new issue for members to consider is the addition of the extra head of terms initially omitted.

### **1. THE PROPOSAL**

- 1.1 This application seeks full planning permission for the erection of 11 new dwellinghouses. The properties would be a mix of 2, 3 and 4 bed dwellings and a mix of detached, semi-detached and terrace homes. The application includes the creation of two new vehicular access points from The Burltons and the creation of an area of public open space to the south. The application also seeks consideration of access, parking and landscaping.
- 1.2 The application site relates to a plot of private grazing land measuring approximately 0.62ha. The site is at a relatively central position within the village immediately to the west of Bristol Road (B4058). The site has a slight gradient to it and has vegetation around its boundaries.
- 1.3 During the course of the application, amended plans have been received at the request of council officers. The most notable change is a reduction in the number of new vehicular access points off The Burltons in order to minimise impact on the trees along this boundary. This has necessitated a number of changes to the internal layout of the site and the design of some of the properties. Reconsultations was not carried out on these plans although they have been displayed on the Public web site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
NPPF National Planning Policy Framework March 2012

- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006 – Saved Policies  
T8 Parking Standards



- T12 Transport Development Control
- L1 Landscape Protection and Enhancement
- L5 Open areas within defined settlements
- L9 Species Protection
- EP2 Flood Risk and Development
- LC1 Provision for Built Sport, Leisure and Community Facilities (site allocations and developer contributions)
- LC2 Provision for Education Facilities (site allocations and developer contributions)

South Gloucestershire Local Plan : Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in favour of sustainable development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS34 Rural Areas

- 2.3 Supplementary Planning Guidance  
 South Gloucestershire Design Checklist (Adopted 2007)  
 Draft SPD: Residential Parking Standards (November 2012)  
 Affordable Housing SPD

**3. RELEVANT PLANNING HISTORY**

- 3.1 PT13/044/SCR Associated Screen Opinion  
 Determined that a full environmental impact assessment was not required.

**4. CONSULTATION RESPONSES**

- 4.1 Cromhall Parish Council  
 Support the principle of development in the area but object to the proposed development for the following reasons:
- Un-acceptable drainage arrangements.
  - Existing flood issues of foul sewage
  - Wessex Water are aware of the issue but works to rectify the situation will not start until 2016
  - Concerns over layout/size and street scene
  - £8000 will not go far to help the bus service that is to be withdrawn
  - Consideration should be given to a crossing across the B4058
  - Questions over the ownership, status and management of the Village Green
  - Dismayed that all three affordable units are for Social Rent

## 4.2 Other Consultees [including internal consultees of the Council]

### Wessex Water

There is limited capacity in the downstream sewerage network to accommodate additional flows. It is imperative that no surface water connections are permitted to the public foul system. If development proceeds Wessex Water will review existing downstream arrangements. Improvement works are programmed for 2016.

### Community Spaces

Objects because the developer has not taken into account the practicalities of accessing properties over public open space. The houses once built will not have a legal right of access to them.

### Education

No objection subject to S106 contributions being made

### Drainage

No Objection subject to conditions

### Highways

No objection subject to conditions and S106 contributions being made

### Affordable Housing

No Objection subject to S106 to provide affordable housing

### Ecology

No objection subject to conditions

### Urban Design

No objection but some revisions recommended

## **Other Representations**

### 4.3 Local Residents

Four letters of objection have been received from local residents. A summary of the key points raised is as follows:

- Insufficient consultation time given
- Impact on neighbours 'right to light'
- Loss of human right of privacy
- The development will result in significant increased water run-off increasing the risk of flooding
- Loss of free to air communications
- The plans are not to scale
- Concerns over drainage and the ability of the system to cope with the extra housing
- Additional street light will add to skyglow
- Residents will suffer months of disturbance due to dust, noise and increased heavy traffic – what are the plans for compensation?

- Ruination of Cromhall's village environment – will transform Cromhall from a pleasant village into a small concrete township
- Villagers do not want or need the development
- Inadequate Sewerage
- Loss of existing mature trees
- Concerns over highway safety as the junction onto B4058 is dangerous
- Alternative access should be considered
- The tandem parking layout will not work and cars will be parked along The Burltons
- The new village green will encourage people to walk through The Burltons
- South Glos Council should manage the new Village Green
- A reduction in Council Tax will undoubtedly be necessary for existing dwellings
- Some of the photos submitted are not accurate
- Already adequate affordable housing stock in the area
- 11 properties is acceptable – no more than 11 should be built

One letter of support has also been raised. A summary of the key points raised is as follows:

- Looks like a nicely laid out development which could be a great addition to the village
- Would be welcomed by the local school, pub and shop
- Drainage is a point
- Hate to see this turned down only to be superseded by something less desirable

One letter making no comment on the merits of disadvantages of the application but just commenting on the consultation process has also been received

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies. The site is within the established settlement area as defined in the South Gloucestershire Local Plan (Adopted) 2006. Policies in the core strategy (CS1, CS4a and CS5) require that proposals are assessed for their impact upon the character of the area and that proposals make efficient use of land. As stated in the NPPF the government attaches great importance to the design of the built environment, citing good design as a key aspect of sustainable development and thereby positively contributing to making places better for people. Developments should function well and add to the overall quality of the area, creating attractive and comfortable places to live, work and visit. Furthermore they should respond to local character and history and reflect the identity of local surroundings and materials

5.2 Policy CS5 of the Core Strategy states residential development will be permitted within existing urban areas and defined settlement boundaries provided that satisfies the design principles as set out in CS1.

Policy T12 identifies factors relating to parking, access and highway safety that must be taken into consideration and The Residential Parking standards SPD advised of minimum parking standards.

- 5.3 The applicant submitted a screening opinion in relation to the development ref PT13/044/SCR under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. It is considered that the development the subject of this application falls within the scope of Schedule 2 development as defined in the Regulations but does not exceed the indicative thresholds therein. On this basis an Environmental Statement is considered not to be required for this development. The Environmental Impact can be addressed through mitigation achieved by planning conditions attached to the planning decision notice.
- 5.4 Design and Visual Amenity  
The application site extends to 0.62ha and is currently used for grazing with no public rights of way passing through the site. The land slopes gently downwards from south to north. There are a number of trees around the periphery of the site and the applicant has accepted the need to protect important trees. The site is accessed from The Burltons, a modern development of 12 two storey family homes. To the north of the site is The Barn, a 1½ storey dwelling. The northwest edge of the site is bound by Bristol road – a moderately busy B road.
- 5.5 Whilst there are no prescribed housing densities, the NPPF and Policy CS16 of the Core Strategy require that housing development makes most efficient use of land whilst being informed by and respecting the character of the area. The erection of 11 dwellings on the site is considered to be entirely acceptable making efficient use of the land whilst being in keeping with the character of the adjacent housing.
- 5.6 During the course of the application, changes have been made to the layout of the site and the design of a few of the properties. This has resulted primarily in order to limit the number of new driveways required under the existing trees along The Burltons. The proposed dwellings are laid out in such a way as to provide frontage to The Burltons, to Bristol Road and to the proposed new village green. One private driveway will be created to serve plot 1 with the other 10 dwellings using a shared access point. Dwellings 1 to 8 will have the benefit of garaging with units 9 to 11 each having two off street parking spaces. Each dwelling will have a sizeable amount of private amenity space. Revised street elevations showing how the site will appear from both Bristol Road and The Burltons have been received. The well spaces properties interspersed with garages are considered to be in keeping with the rural character of the village.
- 5.7 A traditional appearance is advocated. Units are generally well balanced elevationally and respond to local distinctiveness by the inclusion of some local detailing (e.g. brick quoining to window surrounds, simple clipped / flush eaves and verges etc). All units are however proposed in recon stone similar to the adjoining development.

It was requested during the course of the application that some of the dwellings could be finished in render but this has not been included. This issue alone however is not of significant concern to warrant further action. All of the dwellings are shown to have two storeys and again this is considered to be entirely appropriate for the location. Landscaping and tree issues will be discussed further later on in this report. In light of the assessment above, the design and visual amenity of the proposed development is considered to be entirely acceptable.

#### 5.8 Sustainable Transport

Highway Engineers have assessed the application using the relevant policies within the adopted local plan and in addition the Draft Supplementary Planning Document: Residential Parking Standards (November 2012), which has been approved for development, control purposes. Furthermore, it uses principles laid down in the emerging Core Strategy which carries considerable weight at this stage. Policy CS8 states that for new development:

*'Car parking and vehicular site access should be well integrated and situated so it supports the street scene and does not compromise walking, cycling, public transport infrastructure and highway safety.'*

The draft SPD goes on to state that *'inadequate or poorly designed residential parking can add to congestion, hinder bus and emergency services and have a negative impact on quality of life.'*

- 5.9 At early pre-application stage, part of the site was to be accessed directly off of Bristol Road (B4058). This was strongly resisted by the Councils Highway engineers due to limited visibility. As a result, the submitted application included all vehicle access from The Burltons – an approach that was supported by the highway officers. However, this in turn caused conflict with the requirements of the Councils Tree Officers who were concerned that the number of new accesses from The Burltons would have a detrimental impact on the row of semi-mature trees along this boundary. Whilst these existing trees are not protected, they are of high visual amenity and should be retained wherever possible. In response to this conflict, during the course of the application the proposed access arrangements have been altered. The application as submitted included 4 new access ways under these trees – the scheme now for consideration proposes only two.
- 5.10 In terms of car parking, the Residential Parking standards SPD has recently been approved for development control purposes. This document advises of minimum parking standards for residential properties. In accordance with the SPD, a 2 bed dwelling should have a minimum of 1.5 spaces, and 3 and 4 bed dwellings should have a minimum of 2 spaces. In addition 0.2 visitor spaces should be required per dwelling. Garages can only count towards this provision providing they meet minimum size requirements.
- 5.11 On the basis of the above, the scheme as a whole has a minimum parking space requirement of 23 spaces. As the proposed garages are below the minimum size requirements only 50% of them will count towards the parking standards.

Even only taking into consideration 50% of the garages, the site still provides 27 off street parking spaces. The application therefore provides ample off street parking in accordance with the requirements of the SPD.

- 5.12 Plots 9 to 11 have no garage however garden sheds are shown for each of these units to act as cycle storage. There is ample space within the curtilages of each of the other dwellings to provide cycle storage also. It is fully accepted however that in all reality, adequate cycle storage is likely to take place within the proposed garages.
- 5.13 Notwithstanding the good level of on site parking provision as discussed above, it is noted that Cromhall does not have much of an employment base and as such, relies on outward commuting either by car or by public transport. It is noted that the Parish Council have also commented that the bus service is to be withdrawn. However, in order to ensure that public transport links are retained and enhanced as far as possible a contribution of £8000 towards improving public transport facilities in the .area has been requested to improve sustainable alternatives to the motor car. The applicant has agreed to meet this payment.
- 5.14 Residential Amenity  
In the opinion of your officer, the scheme has been sensitively designed to ensure that future occupants of the proposed development are afforded good levels of residential amenity whilst still protecting the existing neighbouring dwellings. The neighbouring dwellings that stand to be most affected are The Barn immediately to the north of the site and Numbers 1, 2 and 7 The Burltons that run along the eastern boundary.
- 5.15 The Barn is a detached stone built property that stands to the north of the site and plots 11 and 1 of the new development will sit adjacent to its boundary. Plot 11 has been sensitively designed with no first floor window in the rear elevation. There is one first floor window in the side of No. 11 that will serve the second bedroom. Whilst this window will afford some overlooking of curtilage of The Barn, the direct views will be out towards the highway. In addition, new screen planting is proposed along this boundary that will further limit views. In addition, there are no windows proposed in the gable end of Plot 1 facing towards The Barn that could impact detrimentally on existing levels of amenity.
- 5.16 With regards to the properties along The Burltons, again it is considered that the impact on these dwellings will be entirely acceptable. The greatest potential impact is between proposed dwelling 3 and numbers 1 and 2 The Burltons. The separation distance between windows in the front of No. 3 and windows in the front of No's 1 and 2 will be no less than 18 metres. When this is combined with the fact that a large tree will remain in place in front of proposed dwelling No. 3, it is not considered that any unacceptable issues of indivisibility or loss of privacy will occur. There are no primary habitable room windows in the side elevation of Plot 4 that would result in any detrimental impact on No. 7 The Burltons.

- 5.17 Within the site itself, each unit will be afforded a well sized private and useable garden space. The garden sizes are very generous but this is in keeping with the character of the area as the surrounding properties mainly stand in large plots. In addition, the dwellings have been laid out and designed so as to avoid problems of intervisibility or overlooking. The closest two properties are No's 1 and 9 but the separation distance here still measures 20m.
- 5.18 In addition to the above, the scheme includes an area of Public Open space which will be available for all to use. This will also have a positive impact on levels of residential amenity particularly for neighbouring residences.
- 5.19 In light of the assessment above, it is considered that the scheme is well designed to afford a good level of residential amenity to all.
- 5.20 Affordable Housing  
In accordance with policy CS18 of the Core Strategy, 35% of all dwellings on the site are to be delivered as affordable housing, as defined by the NPPF. Based on this scheme of 11 units, the Council are seeking a total of 3 affordable units. The applicants have agreed to this contribution and units 9, 10 and 11 are put forward to meet the identified local need which are considered acceptable subject to meeting all other affordable housing requirements as set out in paragraphs 5.22 to below;
- 5.21 Tenure split of 80% social rent and 20% intermediate housing is identified in the West of England Strategic Housing Market Assessment (SHMA) 2009. All three units shall be social rented.
- 5.22 The Council will seek a range of affordable unit types to meet housing need based upon the findings from the SHMA 2009 shown below: The proposed mix of 2 x 2 bed houses and 1 x 3 bed house is considered acceptable.

### **Social Rent**

Percentage	Type	Min Size m2
23%	1 bed flats	46
7%	2 bed flats	67
38%	2 bed houses	75
22%	3 bed houses	85
10%	4 bed houses	106

### **Intermediate**

Percentage	Type	Min Size m2
44%	1 bed flats	46
17%	2 bed flats	67
19%	2 bed houses	75
19%	3 bed houses	85
1%	4 bed houses	106

- 5.23 The affordable housing is to be delivered without any public subsidy. 100% of initial occupants and 75% of subsequent lettings to be nominated by SGC. All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed or 6 months prior to start on site whichever date is the latter, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and with full compliance of RP design brief.
- 5.24 Delivery is preferred through a Housing Delivery Panel RP – the four West of England Unitary Authorities have set up the Housing Delivery Panel to deliver affordable housing across the West of England. The Housing Delivery Panel will deliver affordable housing to set WoE development and management standards. The Council encourages the developer to work with a member of the Housing Delivery Panel, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE development and management standards will need to be adhered to.
- 5.25 Phasing - the affordable housing should be built at the same time as the rest of the housing on site in line with agreed triggers as per the S106 agreement. The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows: social rents to be set at target rents; shared ownership: no more than 40% of the market value will be payable by the purchaser. The annual rent on the equity retained by the RP/AHP should be no more than 1% of the unsold equity. Service charges will be capped at an appropriate level to ensure that the affordable housing is affordable. Social rented accommodation to be retained as affordable housing in perpetuity. Right to Acquire does not apply where no public subsidy is provided.
- 5.26 In Conclusion, it is considered that in the event of an approval such a contribution would meet the statutory tests for a section 106 agreement set out in the Community Infrastructure Levy Regulations 2010 (Regulation 122), and the policy tests set out in Circular 05/2005 on Planning Obligations.
- 5.27 Education  
The Department for Children & Young People calculates contributions on the basis of the number of secondary pupils shown in Table 1 below. Current Department for Education cost calculators give a figure of £16,517 per additional secondary pupil place, based at the Quarter 4 2011 value of the Royal Institute of Chartered Surveyors Building Cost All-In Tender Price Index.

Table 1:

				Number of bedrooms						
				Flats		Houses				
				1 or 2	3+	1	2	3	4	5+
Secondary dwellings	pupils	per	100	0	0	3	3	14	27	46



- 5.28 At secondary level there is a projected deficit of places in the local area. The proposed development of 11 dwellings will generate 3 additional secondary pupils according to the pupil number calculator (based on the current housing mix). A contribution of £49,551 is required for additional secondary provision.
- 5.29 Additionally, this development is further than 3 miles by nearest available walking distance to The Castle School (the closest South Gloucestershire Secondary School). The route to the School is also considered hazardous. A contribution will be required to provide additional transport for pupils generated by this development.
- 5.30 The most cost efficient method of transport in this case is by bus/coach. The annual cost will be £429 per pupil. The transport contribution will therefore be £429 (annual cost per pupil) x 3 (number of pupils) x 5 (the number of years of secondary education)  
 $£429 \times 3 \times 5 = £6,435$  (total amount of transport contribution).
- 5.31 There is a projected surplus of places at primary schools in the local area. No contribution is required for additional primary provision.
- 5.32 The total contribution required for additional school provision and transportation is £55,986. In Conclusion, it is considered that in the event of an approval such a contribution would meet the statutory tests for a section 106 agreement set out in the Community Infrastructure Levy Regulations 2010 (Regulation 122), and the policy tests set out in Circular 05/2005 on Planning Obligations.
- 5.33 Ecology  
The site consists of an intensive agricultural field (permanent pasture) between the Burltons and the Bristol Road opposite the junction of Church Lane with the Bristol Road on the southern edge of Cromhall. The site is not covered by any statutory or non-statutory nature conservation designations. The application includes an ecological survey dated 18<sup>th</sup> October 2012 by AA Environmental LLP.
- 5.34 A Phase 1 habitat survey identified that the fields consisted of semi-improved, species-poor grassland. Two hedges run along the southern and part of the western boundary, both dominated by blackthorn. Neither qualified as 'important' under the Hedgerow Regulations 1997, a habitat listed on both the UK and South Gloucestershire Biodiversity Action Plans (BAP). Subject to conditions, there are no objections to the proposed scheme on the grounds of ecology.
- 5.35 Community Service  
Using current occupancy data and the proposed number of dwellings, it is estimated that the development of 11 dwellings would generate a population increase of 26.4 people. The following community services requirements are based on this breakdown:

### 5.36 Public Open Space

Policy LC8 of the Local Plan requires a minimum of 24sq.m. of Public Open Space per person where there is evidence of a local shortfall to meet the needs arising from the development. This level of requirement is informed by the guidance of Fields in Trusts (FIT) (formally the National Playing Fields Association – NPFA) and Sport England. Policy LC8 also requires provision of informal open space, the requirement for informal open space is informed by the general location, the character of the locality being created and proximity to other open publicly accessible spaces. All categories of Public Open space must be provided for – overprovision of one type of open space does not mitigate for under-provision of another, as this would not result in the adequately balanced provision required by policy.

5.37 Better design, management and maintenance of public open space can address a number of issues such as social inclusion, economic development, local democracy, local distinctiveness, urban regeneration, health and crime prevention. Provision of a range of good quality and easily accessible open spaces is important to reduce physical inactivity, which is a significant risk factor for a range of long-term health conditions.

The site occupies a rural location and has reduced access to some categories of open space. There is no category 1 provision (pitches, courts and greens) within the recommended 1.2km straight line distance. The nearest playing fields are located at Charfield (3km straight line distance) and Wickwar (3.2km straight line distance) from the site. It is reasonable to expect that the residents of the new development will use these facilities in the absence of closer facilities or facilities being provided by the developer on site.

5.38 Townwell play area (Category 2 – equipped play) is within reasonable travel distance of the proposed site but the level of provision is insufficient to cater for the existing population. The addition of new residents would exacerbate this situation. Existing accessible Category 3 (unequipped play) is absent and informal open space is very limited. Taking into consideration the audit of existing open space the Council requires the following to meet the needs of future residents:

Category 1 – none provided on site so shortfall in provision of 448.8 sq.m. Therefore seek a contribution of £21,207.82 for off street enhancement plus £6,418.96 for future maintenance of off site enhancements

Category 2 – none provided on site so shortfall of 66 sq.m. This should be provided on the proposed new village green

Category 3 and Informal Open Space - adequate space provided on site. The applicant has not expressed at this stage how the on site public open space will be managed and maintained. If the Council is to adopt and take transfer of the public open space, an additional contribution of £17.5920 per sq.m. is required. Maintenance of the 66 sq.m of on site Cat 2 POS will be a at higher rate of £166.425 sq.m. If the POS is not adopted by the Council, it must be transferred to a company/entity that is controlled by the owners of the properties on the development. Further details of site POS will need to be negotiated through the S106 process.

5.39 Libraries

The increase in population arising from this development will place additional pressure on the Library Service moving it further away from the standard for a modern library service, leading to a decrease in the quality of service overall. The Council has adopted the Museums Libraries and Archives Council (MLA) recommended standard charge approach in the *Library Delivery Plan of 2009-2013* for use in negotiations on developer contributions. As detailed in the Library Infrastructure Delivery Plan the Council seeks £107.31 per resident based on providing 30sq.m. of gross internal floor space per 1,000 population.

5.40 Based on a population increase of 26.4 residents, using a contribution cost of 107.31 per person, a contribution of £2,832.98 towards the library service is required.

5.41 Noise, dust, smell and pollution

The site itself is not currently subject to excessive levels of noise, pollution, smell, dust or contamination. Should the application be approved, an informative relating to hours of work would apply during the period of construction to protect the amenity of local residents.

5.42 Drainage

The issue of drainage and flooding appears to be perhaps the most significant issue facing the site. However, the Councils drainage engineers have no objection to the proposal providing appropriate permeable paving/tarmac and adequate provision for water run-off is made. Should the application be approved a condition regarding SUDS details would be attached to the decision notice.

5.43 Wessex Water have also submitted comments on the application and it is also noted that they do not object to the scheme either. It is completely accepted that there is limited capacity in the existing downstream sewerage network to accommodate additional flows. It is imperative that no surface water connections are permitted to the public foul system. Wessex Water advise however that if development proceeds, then Wessex Water will review the existing downstream arrangements. In separate communications with the Parish Council Wessex Water have advised that the works are not scheduled until 2016.

5.44 Wessex Water in their comments make a number of points on the applicants proposed drainage strategy (mainly relating to easements, flow control devices, pipe diameter etc) – none of which however are insurmountable and can all be agreed separately between Wessex Water and the developer.

5.45 Your officer is sympathetic of the concerns of the Parish Council and local residents but given that neither Wessex Water or the Councils own drainage engineers object to the scheme, it is considered that it would be un-reasonable to refuse the application on this basis. Some comfort is taken from Wessex Waters' comments on the application where they advise that they will review existing downstream arrangements.

Should the development go ahead, it might be the case that Wessex brings forward the intended programme and so the improvements are made prior to 2016.

5.46 Trees

With the exception of drainage, the retention of trees has been one of the more significant issues facing the application site. The row of semi-mature trees growing along the edge of The Burltons are considered to be aesthetically pleasing and most certainly worthy of retention. During the course of the application, the scheme has been amended to allow a greater number of these trees to be retained and protected. The amendments made include a reduction in the number of proposed vehicular access points and also setting the proposed dwellings further back into the plot to avoid root damage. As initially submitted, the application necessitate the removal of 5 trees, now only three are to be lost (T6, T13 and T14).

5.47 Construction exclusion zones are to be put in place to protect the trees with protective fencing and cellweb ground protection will be used beneath the canopies of the trees.

5.48 Right of Access over Public Open Space

The two new vehicular access routes to serve the proposed development pass over land outside of the ownership of the applicant – they pass over land owned by South Gloucestershire Council. The correct notice has been served on the Council. There has been considerable discussion between officers of the Council and legal officers during the course of the application to ensure that the new access ways are legal.

5.49 The Councils legal officer has examined all evidence in detail and is satisfied that a 1998 Transfer does indeed allow the developer to create new driveways across the Council owned land. The land is however designated as public open space and so therefore, the new access ways will not be 'private' but would in fact be public. Whilst this situation is somewhat unusual, it is certainly legal. The only potential disadvantage would be to plot 1 who would effectively own half of their driveway but not the other half. This would preclude the parking of private motor vehicles on the end of the driveway closest to The Burltons.

5.50 A draft easement is being prepared separately to this planning application regarding the creation of these access ways. Legally, the easement also allows for the removal of the trees. The Council is not therefore able to object to the removal of the trees necessary to create the new access driveways.

5.51 Planning Obligations

The Community Infrastructure Levy Regulations 2010 set out the limitations of the use of Planning Obligations (CIL). Essentially the regulations (regulation 122) provide 3 statutory tests to be applied to Planning Obligations and sets out that a planning obligation may only constitute a reason for granting planning permission for a development if the obligation is;

- a) necessary to make the development acceptable in planning terms;

- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

In this instance, it is considered that the planning obligations required to secure financial contributions towards affordable housing, education, library services, public open space, and public transport are consistent with the CIL Regulations (Regulation 122)

## 6. **CONCLUSION**

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

## 7. **RECOMMENDATION**

- 7.1 (1) That authority be delegated to the Director of Planning, Transportation & Strategic Environment to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:
  - (i) A contribution of £49,551 towards the provision of additional secondary provision plus £6,435 toward transport to this secondary school provision to cater for the increased demand on education facilities as a result of the development.
  - (ii) The provision of three on site affordable housing units (2x2 bed and 1x3 bed) to meet the identified local need.
  - (iii) A contribution of £21,207.82 for off-street enhancements to existing Category 1 Public Open Space Provision plus £6,418.96 towards the future maintenance of the enhancements.
  - (iv) If the on site public open space is to be adopted by the Council, an additional contribution of £17.5920 per sq.m. is required. Maintenance of the required 66 sq.m of on site Cat 2 POS will be at a higher rate of £166.425 sq.m.
  - (v) A contribution of £2,832.98 towards the library service to cater for the increased demand on the service as a result of the development.
  - (vi) A contribution of £8,000 towards improving public transport facilities in the area to improve sustainable alternatives to the motor car

- (vii) The provision of on site Public Open Space as shown on plan 100N received by the Council on 9<sup>th</sup> august 2013

The reasons for this Agreement are:

- (i) To ensure adequate provision of education facilities within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  - (ii) To meet the identified local need as meet the requirements to provide on site affordable housing in accordance with the NPPF and Policy CS18 of the South Gloucestershire Core Strategy.
  - (iii) There is no category 1 provision (pitches, courts and greens) within the recommended 1.2km straight line distance. The contributions are therefore required to enhance and maintain existing category 1 provision having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006
  - (iv) To ensure that appropriate category 2 and 3 on site public open space is provided and maintained at no public expense having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  - (v) To ensure adequate library facilities are available within the vicinity of the development having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
  - (vi) In order to promote the sue of more sustainable modes of transport in accordance with the NPPF amd Policy T12 of the South Gloucestershire Local Plan (Adopted).
  - (vii) To ensure that appropriate category 3 on site public open space is provided having regard to the increased population generated by the development, in accordance with Policy LC1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
  - (3) If the S106 Agreement is not signed and sealed within 6 months of this determination then, in view of the length of time, the application should either:
    - a) Be returned to the Circulated Schedule for reconsideration;

Or

- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**

**CONDITIONS**

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

Reason

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

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

Reason

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

3. Prior to the first occupation of any of the dwellings hereby permitted, the access and off street parking provision for that specific dwelling and as shown on plan 100N received by the Council on 9th August 2013 shall be provided and remained as such at all times thereafter.

Reason

To ensure a satisfactory amount of off street parking is provided to meet the needs arising from the development in accordance with the requirements of Policy T12 of the Adopted Local Plan and the Residential Parking standards SPD.

4. No windows other than those shown on the plans hereby approved shall be inserted at any time in side (north) or rear (east) elevation of plot 11, the side (west) elevation of plot 5 or the side (east) elevation of plot 4.

Reason

In the interests of the amenity of the neighbouring occupiers to prevent unacceptable levels of overlooking and to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted December 2013).

5. At no time shall any new vehicular or pedestrian access be created directly from the site onto the B4058.

Reason

In the interests of highway safety due to the visibility on the highway in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. Prior to the commencement of development, a ecological and landscape management plan shall be drawn up and agreed with the Council in writing prior to development commencing. The plan should include measures to protect hedgerows during construction and their future management. All works are to be carried out in accordance with the written agreement.

Reason

To mitigate against the impact of the development in accordance with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

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

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with Policy CS1 of the South Gloucestershire Core Strategy (Adopted December 2013).

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

Reason

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

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

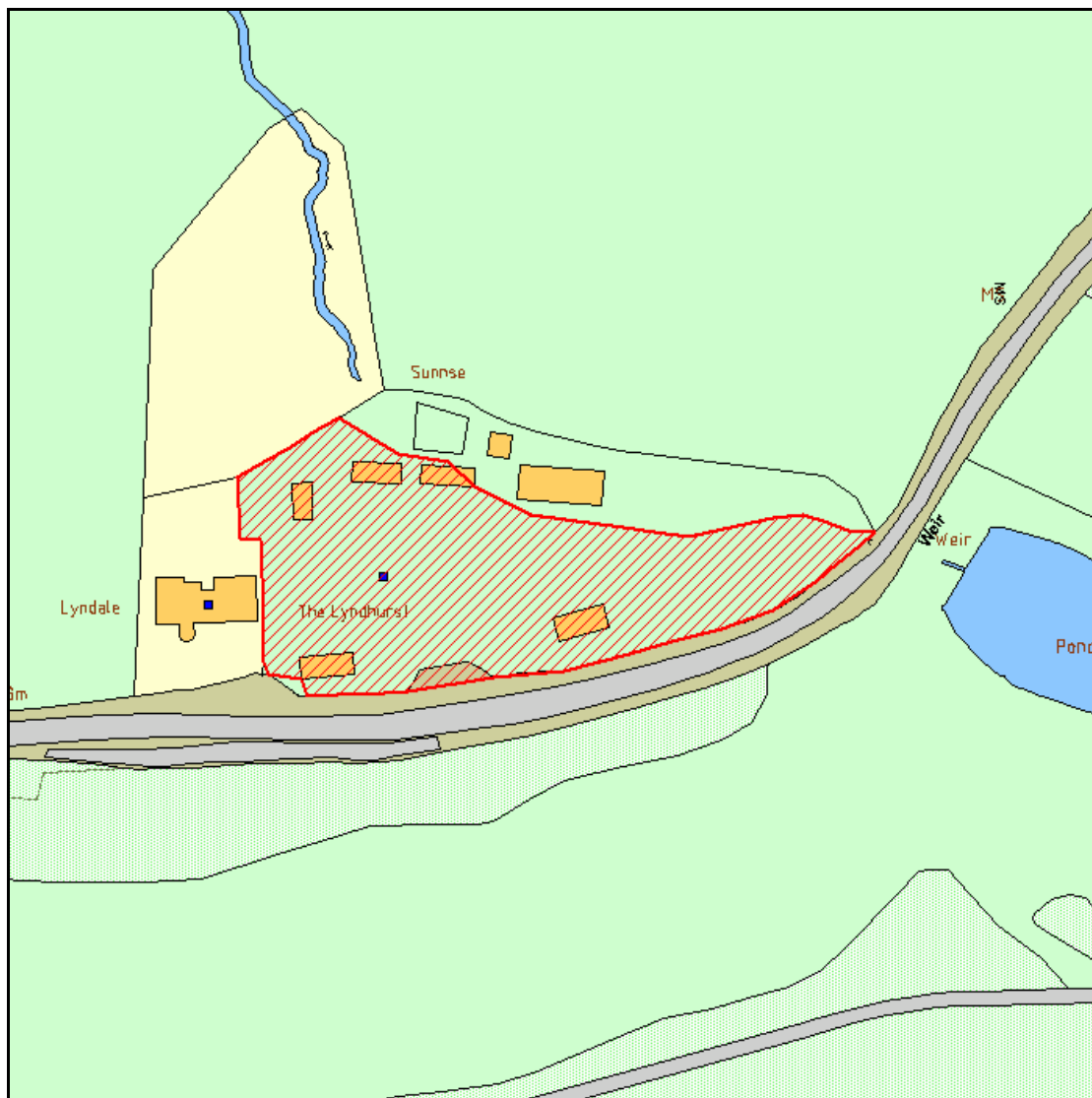
Reason

To ensure that a satisfactory means of drainage is provided, and to accord with policy L8 of the South Gloucestershire Local Plan (Adopted) January 2006.



**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b>	PT13/1972/F	<b>Applicant:</b>	Mr A McCann
<b>Site:</b>	Tall Trees Over Lane Almondsbury South Gloucestershire	<b>Date Reg:</b>	7th June 2013
<b>Proposal:</b>	Erection of 2 no. single storey buildings to form day rooms (Resubmission of PT13/1155/F).	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	358338 182146	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	30th July 2013



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 100023410, 2008. **N.T.S.** **PT13/1972/F**

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

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

### **1. THE PROPOSAL**

- 1.1 The application site known as 'Tall Trees' is situated on the northern side of Over Lane in open countryside and Green Belt land to the south-west of the small settlement of Over. The land is in use as a residential caravan site, which was held to be lawful on appeal in 1989 and the decision subsequently upheld in the High Court. The site is in two parts separated by a central dividing wall and sharing a widened access. A residential dwelling 'Lyndale' lies to the west of the site. The site is bounded to the north by Over Brook, beyond which are agricultural fields; to Over Lane the site is bounded by a brick wall and hedges. The site itself consists of a large area of hard standing which is occupied by caravans, mobile homes, assorted ancillary structures and other features of a domestic nature.
- 1.2 The caravan site has always been occupied by families of Gypsy status and as such Tall Trees is considered to be an authorised Gypsy and Traveller Site (see Core Strategy Policy CS21). At the current time the site is occupied by 9 married couples and 31 children.
- 1.3 It is proposed to erect two single-storey buildings to form Day Rooms to provide permanent washing, kitchen, toilet and communal meeting space facilities for the existing families that occupy the site. The site is split into two and currently occupied by two extended families, hence the need for two separate day rooms, one being located in the north-western corner of the site (Block A) adjacent to neighbouring 'Lyndale' and the other (Block B) in a more central location. Block A would measure 12.1m x 10.1m with eaves at 2.3m and a hipped roof with a ridge at 5.5m; Block B would measure 15.6m x 10.6m with eaves at 2.3m and a hipped roof with ridge at 5.7m.
- 1.4 The site would continue to be serviced by the existing vehicular access off Over Lane.
- 1.5 Works on the more central of the two Day Rooms has already begun and in this respect the application as originally submitted was retrospective. It has however subsequently transpired that the works encroach upon land to the north that does not fall within the authorised caravan site. Revised plans have now been submitted showing the site boundary in the correct place and the Day Rooms relocated to be within the authorised caravan site. It should therefore be noted that this current application relates only to the Day Rooms as now shown on the submitted plans and is in no way retrospective. Any issues of existing unauthorised works or encroachment of the Gypsy Site onto unauthorised land is subject to an on-going investigation by the Council's Enforcement Team.

## **2. POLICY CONTEXT**

### **2.1 National Guidance**

National Planning Policy Framework March 2012 and attendant document  
Planning Policy for Traveller Sites.  
Ministerial Statement by Rt. Hon. Brandon Lewis 1 July 2013

### **2.2 Development Plans**

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

L1 Landscape Protection and Enhancement

L9 Species Protection

EP2 Flood Risk and Development

T12 Transportation Development Control Policy for New Development

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

CS1 High Quality Design

CS9 Managing the Environment & Heritage

CS21 Gypsy and Traveller Accommodation

### **2.3 Supplementary Planning Guidance**

Development in the Green Belt SPD Adopted June 2007

## **3. RELEVANT PLANNING HISTORY**

3.1 N7081 Residential development on approximately 1/3 acre. Construction  
of vehicular access (outline)  
Refused - 4 Dec 1980

3.2 N7081/1 Erection of a single storey dwelling and garage (outline)  
Refused – 11 August 1983  
Appeal dismissed 29 June 1984

3.3 N7984 Erection of a Detached Dwelling (outline)  
Refused – 29 April 1982

3.4 N7984/1 Erection of a detached dwelling (outline)  
Refused – 28 October 1982

3.5 P85/1685/U Certificate of established use for the stationing of a residential  
caravan  
Refused - 30 October 1985  
Appeal withdrawn 31 December 1987

3.6 P85/2622 Use of land for the stationing of two residential caravans  
Refused – 30 January 1986

3.6 P85/2227/E Enforcement action relating to use of the land for the stationing of  
residential caravans

- 3.7 P88/1299/E Enforcement notice served in respect of various uses on the site, including the stationing of residential caravans.  
Issued 20 May 1988

A subsequent appeal against this Enforcement Notice was dismissed in part on 12 May 1989. The notice was quashed in respect of use of the land for the siting of residential caravans as the Inspector considered that this was an established use.

The Council then lodged an appeal in the High Court in an attempt to reverse this decision, but this appeal was lost on 4 September 1989 with costs being awarded against the Council.

- 3.8 P96/1275 Erection of two detached dwellings and garages

Refused 23 August 1996 for the following reason;-

The proposal, if allowed, would constitute inappropriate development which would prejudice the openness of the Green Belt contrary to Policy GB6 of the approved Avon County Structure Plan ( incorporating the third alteration) ; policies RP1 and RP4 of the statutory Rural Areas Local Plan ; and ; Policies N1 and N10 of the Northavon Local Plan ( Deposit Draft) .

- 3.9 PT02/1918/F Engineering works for laying drainage pipes, infill ditch and levelling of the site (retrospective). Erection of utility block, 1.8m high fence and 1.5m high boundary wall and gates.  
Refused 6 September 2002

Appeal against decision part allowed and part dismissed. The provision of a utility block was considered acceptable.

- 3.10 The Council's Enforcement section has also been involved with a number of issues on the site, including investigating tipping on the site and part erection of day blocks.

- 3.11 PT13/1155/F Erection of 2no. single-storey buildings to form day rooms.  
Withdrawn 4 June 2013

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

- 4.1 Almondsbury Parish Council  
Objection – this is Green Belt land.

- 4.2 Other Consultees

Fisher German LLP  
No response

Children & Young People  
No comment

Gypsy and Traveller Project Officer  
No objection subject to Green Belt Policy.

Sustainable Transport – Transportation DC  
No objections to the proposed development on the basis that it will simply provide ancillary accommodation to the existing residents and will not provide further living accommodation that may increase the number of residents and/or traffic movements.

Highway Drainage  
No comment

## **Other Representations**

### 4.3 Local Residents

In response to the originally submitted scheme, 2no. responses were received objecting to the proposal. These responses were from the occupant of neighbouring Lyndale and the owner of the land to the north of the site. The concerns raised are summarised as follows:

- Planning permission previously refused.
- The day Rooms are dwellings other than by name.
- Waste water flows onto Lyndale.
- Contamination of the Over Brook.
- Block A would be too close to the boundary with Lyndale and would be larger than the previous structure now demolished.
- Encroachment onto neighbouring land to the north.
- Inappropriate development in the Green Belt with no very special circumstances demonstrated.
- Prejudicial to South Gloucestershire's broader strategy for gypsy and traveller development.
- Piping and filling of Over Brook detrimental to Ecology.

4.4 Following the submission of revised plans re-locating the Day Rooms so that they are within the authorised Gypsy Site and not encroaching on land to the north, a second round of consultations was conducted. Only one response was received from the occupier of Lyndale who reiterated his earlier objections as follows:

- Planning permission previously refused.
- The day Rooms are dwellings other than by name.
- Block A would be too close to the boundary with Lyndale and would be larger than the previous structure now demolished.

## **5. ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The site is an established Gypsy and Traveller Site being identified in the recently adopted South Gloucestershire Local Plan Core Strategy (CS) at Policy CS21 as a Safeguarded site for Gypsy and Traveller occupation.

The Core Strategy was adopted during the lifetime of this application and as such Policies H12 and GB1 of The South Gloucestershire Local Plan (Adopted) 6th Jan 2006 are now no longer saved policies.

- 5.2 The supporting text to Policy CS21 highlights the on-going need for Gypsy and Traveller pitches throughout the County and at Para. 10.75 states that:

*'Gypsy/Traveller pitches will continue to be provided through the development management process. Any additional new sites will be allocated through the Policies, Sites and Places DPD following a review of the need for further pitches up to 2027. Firstly by working with Gypsy/Traveller families on existing sites by making more efficient use of their land, where considered suitable, for additional pitches....'*

Policy CS21 therefore in the first instance supports the intensification of existing sites.

- 5.3 It is proposed to provide two Day Rooms on an existing established Gypsy and Traveller Site where currently no such facilities exist. The proposed Day Rooms would be used by the existing occupants of the site and it is not proposed to increase the size of the site or the number of pitches therein.

5.4 Need

It is normal practice these days for individual Gypsy pitches to include a Day Room to provide dedicated toilet and changing facilities, kitchens and communal living areas for the residents of such sites. Over time Day Rooms have become more common on Gypsy and Traveller (GAT) Sites as living standards improve and the provision of such buildings plays a key role in improving health and well being of GAT communities. For example, officers consider that the use of stoves in caravans for cooking can be a particular health and safety risk.

- 5.5 Rather than providing individual day Rooms per pitch, the proposed two Day Rooms would provide communal facilities for the two extended families that occupy the Tall Trees site, thus conforming to the objective of intensifying the use of existing sites as required by Policy CS21.

- 5.6 The applicant has highlighted the fact that similar Day Rooms have been approved on a variety of other GAT sites in South Gloucestershire within rural areas and the Green Belt. Such examples include Homefield, Hall End Lane, Wickwar (PK08/2703/F – 5 Day Rooms) and Cottage View (PT11/2874 – One large 5.5m x 12m Day Room), Gloucester Rd., Almondsbury; these sites being listed under Policy CS21 as Safeguarded GAT Sites nos. 24 and 16 respectively.

- 5.7 Subject therefore to the scheme meeting the criteria listed under Policy CS21, the design being compatible with Design Policy CS1 of the Core Strategy and also meeting the requirements of the Green Belt Policy set out in the NPPF; there is no in-principle objection to the proposal.

5.8 Green Belt Issues

The NPPF attendant document 'Planning Policy for Traveller Sites' at Policy E, makes it clear that Traveller Sites in the Green Belt are inappropriate development that should not be approved except in very special circumstances.

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

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

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

5.11 Para. 89 states that *'Local Planning Authorities should regard the construction of new buildings as inappropriate in the Green Belt'* unless falling within one of the exceptions listed. It is noted that bullet point 4 includes within this category: *'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'*

5.12 The applicant's agent has submitted the following very special circumstances in support of the application:

- The need for the Day Rooms is established by virtue of the number of families living on the Tall Trees site and the general acceptance that each pitch should be provided with a day room.
- Currently no such Day Rooms exist and therefore the basic cooking, eating, washing and sanitary needs of residents is not currently met.
- The Day Rooms would provide permanent washing and cooking facilities and will allow respite when inclement weather means that the caravans and mobile homes on the site become uncomfortable. They will also offer communal space for family events such as funerals, weddings and christenings.
- The kitchen areas will also provide areas to segregate wastes and recycle in accordance with South Gloucestershire's waste strategy.
- One of the existing residents of the site has acute health problems, requiring regular oxygen and medication and it is essential that warm and comfortable space is provided to accommodate him during times of cold and inclement weather. The Day Room would provide this.

- 5.13 Officers are mindful that the proposal is not for a new GAT site or for new pitches within a GAT site but merely relates to the intensification of use of a long established GAT site that is safeguarded within the adopted Core Strategy, which is a document that has been tested at Public Enquiry; Core Strategy Policy CS21 supports such intensification of existing GAT sites. The site is a previously developed brownfield site lying within the open countryside and Green Belt and there are no restrictions on the number of caravans that can be kept on the site; it is therefore questionable whether the proposed Day Rooms would in fact have any further impact on the openness of the Green Belt.
- 5.14 Officers acknowledge that there is a clear need for the Day Rooms as demonstrated above and Day Rooms are a common feature of Gypsy Pitches. The proposed Day Rooms would allow the Tall Trees site to continue as a viable GAT site, furthermore they would allow the site to accommodate the maximum number of families possible, thus reducing the pressure to provide alternative Green Belt sites to accommodate the families that live there. On balance therefore, having regard to all of the above, officers are satisfied that the very special circumstances required to justify the inappropriate development in the Green Belt have been adequately demonstrated and that the proposal would not be contrary to the five purposes of including land within the Green Belt as listed at para.5.9 above. There is therefore no Green Belt objection to the proposal.
- 5.15 Moving to the criteria listed under Core Strategy Policy CS21, these are listed and discussed as follows:
1. **The development would not have any unacceptable environmental effects; and**
- 5.16 The site is not prone to flooding and does not lie within an area that was previously mined for coal. The application form indicates that foul disposal would be to the mains sewer. The existing drainage system would be utilised for surface water.
- 5.17 Some concerns have been raised by the occupant of the neighbouring dwelling 'Lyndale' about overflow of waste water to his garden and contamination of the Over Brook from a cess pit. These matters are historical and appear to relate to earlier engineering works carried out under planning consent PT02/1918/F and are therefore unrelated to the current proposal. Any contamination of the brook is considered best dealt with by Environmental Health Legislation or The Environment Agency, rather than via this planning application. The Council's Drainage Engineer has raised no objection to the proposal but given the past drainage issues referred to by the neighbour and the proximity of the Over Brook, officers consider it justified in this instance to impose a condition to secure a SUDS Drainage Scheme.
2. **The land is not the subject of unacceptable levels of noise disturbance, air pollution, smell, dust or contamination; and**



5.18 The site has a rural location and is not subject to excessive noise, disturbance, air pollution, smell, dust or contamination.

**3. The proposal would not unacceptably prejudice the amenities of existing and new neighbouring residential occupiers; and**

5.19 The only residential property likely to be affected by the scheme is neighbouring 'Lyndale' which lies adjacent to the western boundary of the site. The westernmost of the two proposed Day Rooms (Block A) would be located close to the boundary of Lyndale's rear garden; the easternmost Day Room (Block B) would be located too far away to have any impact on Lyndale.

5.20 It is evident from historical photos that a smaller building than Block A previously stood in a similar position to that proposed for Block A albeit further away; the building has recently been demolished. Proposed Block A would be closer to the Lyndale garden boundary for its full width of 10.1m but with eaves at only 2.3m and the roof sloping away from the boundary of Lyndale, Block A would not have a significant overbearing impact for the occupiers of Lyndale. Furthermore Block A would lie adjacent to the far end of the neighbouring garden where there is a substantial boundary treatment and a good number of trees, bushes and shrubs in this part of the garden of Lyndale, all of which would screen the building and prevent any overlooking. On balance therefore, there would be no significant adverse impact for neighbouring occupiers.

**4. Adequate provision is made for vehicular access, parking and manoeuvring.**

5.21 The existing access would continue to be utilised and the entire site is laid to hard-standing which provides adequate parking and turning areas. The proposed Day Rooms would not significantly compromise the parking and manoeuvring areas.

5.22 Design

The proposed Day Rooms would be of an appropriate scale for their intended use; they are not dwellings as suggested by the neighbour, having no sleeping accommodation within them. Both buildings would be constructed of brick with pantile roofs; these materials would be similar to those found on Lyndale and are typical of Day Rooms constructed on other Gypsy Sites. Disabled access would be available to both buildings. There would be no accommodation in the roof spaces and no windows above ground floor level. Officers consider that the buildings meet the requirements of Policy CS1 of the Core Strategy.

5.23 Landscape

The site lies in open countryside and Green Belt land and as such it is important that the scheme integrates satisfactorily within the rural landscape. There are well established boundary treatments to the front of the site facing Over Lane and to a lesser extent to the west and north-west; the northern boundary is however relatively open.

5.24 The applicant has indicated a willingness to accept a condition to secure a scheme of planting that would not only enhance the screening of the site but help to better delineate the northern boundary of the site. Subject to this condition there are no landscape objections.

5.25 Ecology

The site is long established and comprises hard-standing with no vegetation within it. There are no ecological designations or constraints to allowing 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 planning permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

## 7. RECOMMENDATION

7.1 That planning permission be GRANTED subject to the conditions listed below.

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

## CONDITIONS

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

Reason

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

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

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policy CS21 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

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

Reason

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

4. The drainage scheme approved, incorporating Sustainable Drainage Systems (SUDS), shall be implemented in accordance with the approved details before the development is first used for the purposes hereby permitted.

Reason

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

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

Reason

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

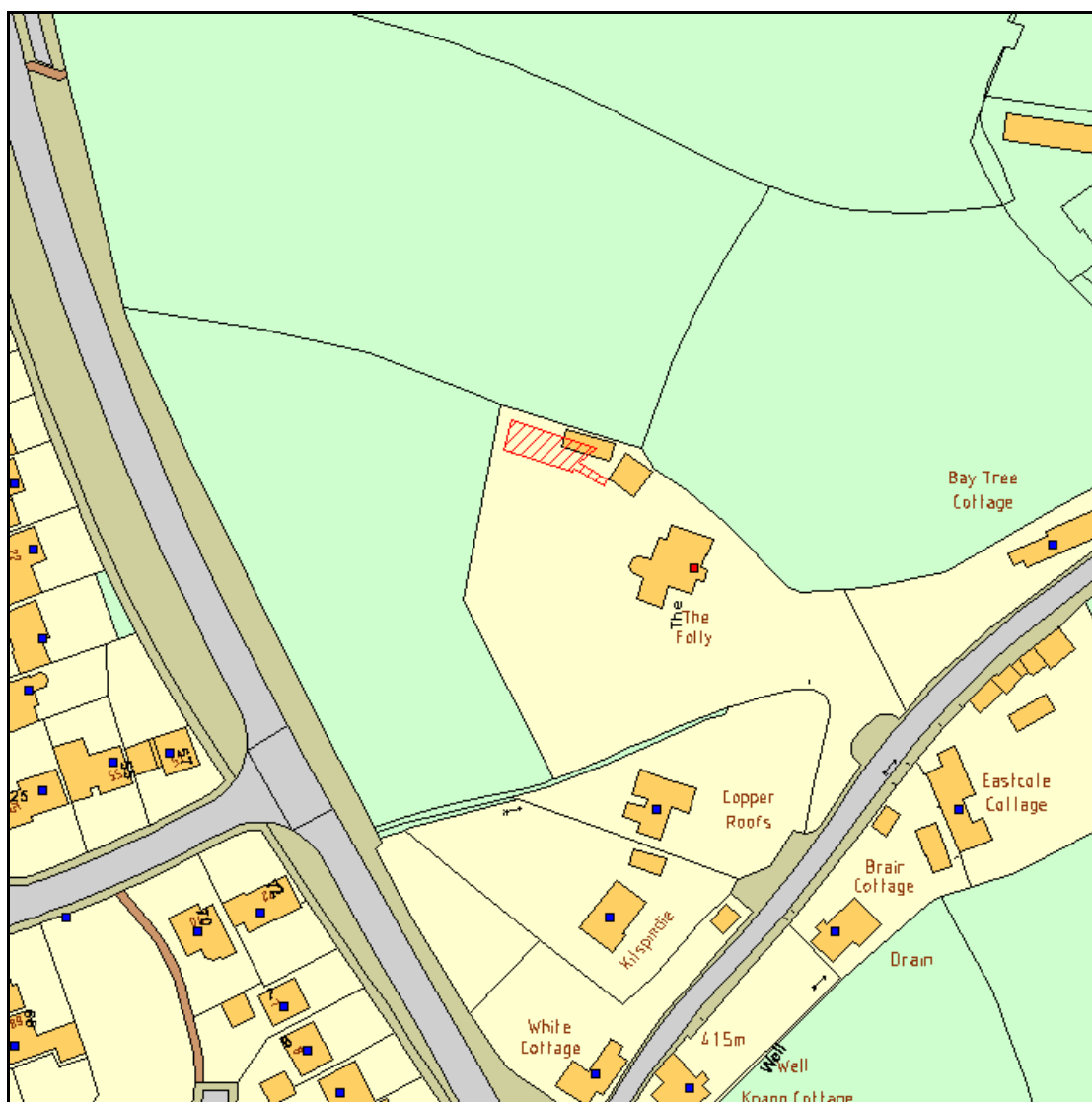
6. Prior to the commencement of the development hereby approved, details/samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason

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

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b>	PT13/3199/F	<b>Applicant:</b>	Mr Edward Hadgkiss
<b>Site:</b>	The Folly Crossways Lane Thornbury Bristol South Gloucestershire BS35 3UE	<b>Date Reg:</b>	20th September 2013
<b>Proposal:</b>	Erection of extension to existing holiday let, to provide an additional holiday let with associated works. (Retrospective).	<b>Parish:</b>	Thornbury Town Council
<b>Map Ref:</b>	365018 190594	<b>Ward:</b>	Thornbury North
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th November 2013



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 100023410, 2008. **N.T.S.** **PT13/3199/F**

## **INTRODUCTION**

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

### **1. THE PROPOSAL**

- 1.1 The application seeks full planning permission for the erection of an extension to an existing double garage and holiday let to provide an additional holiday let with associated works. Much of the external construction works have been completed and the application is therefore retrospective. The application is similar to PT10/3532/F, which was refused and subsequently dismissed at appeal.
- 1.2 The Folly is a large detached dwelling located outside the defined settlement boundary of Thornbury in open countryside. The application concerns an existing building sited directly to the north of the host dwelling. The proposal consists of an elongated single storey extension to the rear of the existing detached garage. The extension would be approximately 23.5 m in length and 7.8 m wide at the widest point. The garage would remain in use for the garaging of vehicles for The Folly, while the rest of the extension would form 2 holiday lets.
- 1.3 Planning permission has previously been refused on separate occasions for similar schemes. Firstly, application PT07/1030/F which related to the conversion of the existing barn into a holiday let and was refused on the grounds that the barn was not capable of conversion as major structural works would be required. Secondly, application PT08/0907/F which involved the extension of both the barn and double garage to form one holiday let unit which was refused for the same reason and additionally that the proposal would have had an adverse impact on visual amenity. This decision was upheld by the Planning Inspectorate at appeal.
- 1.4 Following these refusals, planning permission was granted for the erection of a rear extension to the garage to facilitate conversion to a holiday let under application PT09/0925/F. This proposal consisted of a modest 1.4 m rear extension to the double garage and omitted the internal garaged parking spaces. The existing barn was not impacted upon. Subsequently under application PT09/5531/F, permission has been granted for a larger rear extension to the existing garage, facilitated by the partial demolition of the existing barn. Internally the garage would remain and 1 holiday let would be provided. The existing barn was not to be used as part of the holiday let.
- 1.5 Under application PT10/0123/F, planning permission was again refused for the extension of the existing garage to form 2no. holiday lets. This scheme was of a slightly larger scale to the development proposed under application PT08/0907/F, which was refused by the Local Planning Authority and upheld by the Planning Inspectorate at appeal. Following its refusal, the decision for planning application PT10/0123/F was subsequently upheld by the Planning Inspectorate at appeal.

- 1.6 Most recently under application PT10/3532/F, planning permission was refused for the erection of an extension to the existing garage to form 2no. holiday lets with associated works. (Resubmission of PT10/0123/F), and subsequently dismissed at appeal.

## 2. POLICY CONTEXT

### 2.1 National Guidance

National Planning Policy Framework

### 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

D1	Achieving Good Quality Design in New Development
L1	Landscape
T12	Transportation Development Control Policy for New Development
E7	Conversion and Re-use of Rural Buildings
E11	Tourism
H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L9	Protected Species

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
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### 2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

## 3. RELEVANT PLANNING HISTORY

- 3.1 P94/1818 – Demolition of outbuildings and erection of detached double garage. **Approved** 04/07/1994

PT07/0986/F - Erection of 1 no. detached dwelling and associated works. **Refused** 25/04/2007.

PT07/1030/F - Erection of front single storey extension to facilitate conversion of barn to holiday let. **Refused** 25/04/2007.

PT08/0907/F - Erection of front and side single storey extensions to facilitate conversion of existing stables, barn and garage to holiday let. **Refused** 09/05/2008 and then **dismissed** at appeal 22/01/2009.

PT09/0925/F - Erection of a rear extension to the garage to facilitate conversion to a holiday let. **Approved** 10/07/2009.

PT09/5531/F – Erection of extension to existing garage to facilitate part change of use of garage to holiday let. (Amendment to previously approved scheme PT09/0925/F). **Approved** 01/12/2009.

PT10/0123/F - Erection of extension to existing garage to form 2no. holiday lets with associated works. Refused 05/03/2010 and then **dismissed** at appeal

15/09/2010.

PT10/3532/F - Erection of extension to existing garage to form 2no. holiday lets with associated works. (Resubmission of PT10/0123/F). **Refused** 5<sup>th</sup> April 2011 and then **dismissed** at appeal 27<sup>th</sup> October 2011.

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

##### 4.1 Thornbury Town Council

OBJECT – the development is outside the town development boundary and by reason of its size, bulk, scale, form, design and external appearance, would be out of keeping with the existing dwelling house and other nearby properties and, if allowed, would detract from the visual amenities of the locality and have a harmful effect on the character of the countryside.

##### 4.2 Other Consultees

###### Sustainable Transportation

This proposal if permitted would represent an intensification of an access which by virtue of inadequate visibility onto Crossways Lane is considered sub standard. Crossways Lane is subject to 30mph and is used as a leisure route for cyclists and pedestrians as well as a short cut for motorists coming into/out of Thornbury.

For these reasons if the development were to be permitted without any improvements to visibility then there would be a recommendation for refusal. Due to the intensification of a sub-standard access to the detriment of highway safety contrary to policy T12 of the SGLP.

However, to overcome this objection a visibility splay measured back from the edge of the carriageway 2.4m to the extent of the applicants ownership in both directions, with no obstruction greater than 0.9m within the prescribed visibility splay should be provided. Details would be required to be submitted for approval, prior to implementation prior to first occupation of the proposed holiday let.

###### Highways Drainage

No comments

##### **Other Representations**

##### 4.3 Local Residents

No response.

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

##### 5.1 Principle of Development

Since the determination of planning application PT10/3532/F the government has introduced the National Planning Policy Framework which has essentially superseded PPS Guidances referred to under previous considerations of

applications at this site. One of the key principles of 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.

The reason for the refusal of PT10/3532/F was that *'the proposed development, by reason of its size, bulk, scale, form, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and, if allowed, would detract from the visual amenities of the locality and have a harmful effect on the character of the countryside. The proposal is therefore considered contrary to Policies D1, E7 and H4 of the South Gloucestershire Local Plan (Adopted) 2006, the provisions of Policy EC7 of Planning Policy Statement: 4 and South Gloucestershire Design Checklist (Adopted).'*

This decision was upheld at appeal whereby it was considered that the main issue was that of the effect of the proposed development on the character and appearance of the area. In particular it was considered that whilst the building would not be particularly visible from Crossways Lane or the more modern houses across Morton Way to the west, it would be very noticeable from the nearby public right of way in the adjoining field. The building would intrude into its natural surroundings and impact adversely on the visual quality of the countryside.

It is also of note that since the determination of the previous application, under planning application PT12/2395/O, planning permission was granted, on appeal, for residential development across 22.43 hectares of land comprising up to 300 new dwellings (Use Class C3) and a local shop (Use Class A1) with supporting infrastructure and facilities including vehicular access from Morton Way, public open space and landscaping. It is a hybrid application comprising full planning application for 109 new dwellings, outline application with all matters reserved except access for up to 191 new dwellings and a local shop. This permission covers several fields starting immediately north of the Folly, along land adjacent to Morton Way. The field to the north, immediately adjacent to the Folly and the proposed extension for holiday lets is allocated within the land use plan for that development as 'area F' for 0.76 hectares of residential use and immediately north of this is an area allocated for a further 1.94 hectares for residential use.

The main difference for consideration, and indeed the reason for the further application, between the current submission and that previously refused is the approval of the adjacent housing development and whether this has any material bearing or impact upon the consideration of the proposed development at the Folly. A further issue for consideration is whether the introduction of the NPPF provides for any additional considerations or policy emphasis to previous policy guidance. It should be noted that permission has already been granted for the erection of an extension to existing garage to facilitate part change of use of the garage to a holiday let, this application seeks consent for a larger extension for the purposes of incorporating a further holiday let on the building.



- 5.2 Policies E7 and E11 of the South Gloucestershire Local Plan (Adopted) January 2006 are particularly relevant as they relate to the conversion and re-use of rural buildings for tourism purposes. Policy E7 allows for the conversion and re-use of existing buildings for employment purposes, which includes tourism, outside settlement boundaries subject to the following criteria:-
- A. The buildings are of permanent construction and structurally sound and capable of conversion without major or complete reconstruction;**
- 5.3 Given that the proposals are retrospective the barn that previously existed behind the garage now no longer exists. The existing garage is being re-used in the sense that it will form part of the proposed new physical build incorporating the 2 holiday lets, however the garage itself is not being converted into holiday accommodation. It is considered that the existing garage is capable of supporting the proposed extension without major or complete reconstruction.
- B. The buildings are in keeping with their surroundings in terms of character, form, bulk and overall design;**
- C. Development, including any alterations, intensification or extensions, would not have a harmful effect on the character of the countryside or the amenities of the surrounding area.**
- 5.4 The existing detached garage and barn to its rear were previously considered in keeping with their surroundings in terms of size, scale and overall design. The new build extends the current depth of the detached garage considerably. Under planning application PT08/0907/F planning permission was refused and an appeal dismissed for a scheme much smaller than the one proposed here, on visual amenity grounds (another reason was that the barn was incapable of conversion). Indeed, in determining the appeal the Inspector stated 'I consider the main issue to be the effect of the proposed development on the character and appearance of the surrounding countryside'. Following this decision, application PT10/0123/F was refused and upheld at appeal in terms of design, including size, scale and appearance. PT10/3532/F differs only very slightly from the new proposal being considered here. The proposed extension is the same length and width as the last application. The roofline of the extension has been altered to be at one constant height, a second front porch added and there are some minor alterations to the fenestration. PT13/3199/F is a similar submission to PT10/3532/F.
- 5.5 Previous considerations suggested that the visual impact of any development in the location proposed should be regarded as being particularly sensitive, not only due to the surrounding open countryside to the north and east but also because The Folly is set back from its close neighbouring dwellings from Bay Tree Cottage down to White Cottage. The only other buildings set back as far as The Folly are the agricultural ones that serve Crossways farm, that are considered in keeping with agricultural development in the open countryside.

5.6 It was considered that given this location, the size, bulk and scale of the proposed development was not acceptable and would have an adverse impact on the surrounding open countryside due to the buildings prominence. The elongated form of the extension also fails to respect the character of the existing garage and the existing cottage with its traditional style two storey extension. Overall, it was considered that this is a development that would significantly increase the existing footprint of the buildings and would have a harmful impact upon the nature of the open countryside. It was considered that the applicant had failed to address the Council's previous refusal reason to applications PT08/0907/F and PT10/0123/F and their subsequent upholding at appeal.

5.7 The more recent residential development approval for up to 300 dwellings, the site of which commences in the field on the boundary immediately to the north of the Folly is considered to be a material consideration in re-assessing the proposal in context with the previous reasons for refusal. In this respect indicative master plans shows 0.76 ha of housing development in close proximity to the field boundary with the proposed holiday let. This development essentially erodes the open countryside aspect of the area previously referred to and the proposed holiday let would no longer be on the forefront of the boundary with surrounding open countryside. This is subsequently considered to erode the argument that the proposal would detract from the visual amenities of the locality and have a harmful effect on the character of the countryside to the point that it could no longer be substantiated to a meaningful degree. The issue referred to regarding the noticeability of the development from the public right of way also becomes less relevant. The proposed development is sited some way off Crossways Lane, behind the existing dwelling and the double garage, and in this respect it is not considered that there would be any impact upon the local streetscene. Materials used would match those of the existing garage and the extension would also reflect the height of the existing outbuilding whilst remaining subservient to the main dwelling house, the Folly. Whilst the proposed holiday let is relatively elongated in form, it is single storey in height, given the nature of the site incorporating the barn that existed under previous considerations, the nature, scale and height of the proposal and the new context of the approved residential development immediately adjacent to which it will be located it is not considered that the other concerns cited in the refusal reason i.e. its size, bulk, scale, form, design and external appearance, would be significantly out of keeping with the existing dwellinghouse and other nearby properties such as to sustain a refusal to the current application.

5.8 Policy E11 of the adopted Local Plan is also relevant as it specifically relates to new tourist facilities, including tourist accommodation. Such development is permitted subject to the following:-

**A. Development would not have unacceptable environmental effects;**

5.9 It is not considered that there would be any material environmental effects associated with the proposals. Issues of visual amenity are discussed in the relevant sections.

**B. The proposal would not prejudice the amenities of neighbouring residential occupiers;**

5.10 The nearest property, apart from 'The Folly' which is approximately 10.5 m away, is that of 'Copper Roofs'. This building is some 65m away and shielded from the proposal by existing boundary treatment. It is not considered that there would be any adverse impact on the occupiers of The Folly and there are no windows directly overlooking. As such the proposal will not adversely affect any residential amenity.

**C. The proposal would not give rise to unacceptable levels of traffic on unsuitable local roads and access and parking arrangements would not prejudice highway safety;**

5.11 The Council's Sustainable Transportation Officer acknowledges that the proposal, if permitted, would represent an intensification of an access which by virtue of inadequate visibility onto Crossways Lane is considered sub standard. However it is considered that a suitable visibility splay could be created and that this could reasonably be required by condition of any consent.

**D. (In the case of new buildings outside the urban areas and boundaries of settlements, as defined on the proposals map) they are well related to existing settlements or existing groups of buildings, and there are no suitable underused buildings in the area which are available and capable of conversion. New buildings will not be permitted in the Green Belt.**

5.12 There are not considered to be suitable underused buildings in the immediate vicinity. The double garage is a short distance from the host dwelling and so its relationship is considered acceptable. The site is also close to the Thornbury settlement boundary and dwellings line both sides of Crossways Lane. Further to this the new residential development approved will be in close proximity to the application site.

**In addition, the conversion of existing rural buildings for holiday accommodation will only be permitted where it can be demonstrated that a business use, including other tourism related activity, cannot be achieved.**

5.13 Due to the limited size of the existing garage and its relationship with the existing dwelling of 'The Folly', it is considered that the building as a garage cannot realistically be utilised for any other use apart from ancillary domestic purposes such as its existing garage function. The extension would be a purpose built extension specifically for holiday lets.

5.14 Consideration of the National Planning Policy Framework

The NPPF 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 is considered to provide support of such developments except

where any adverse impacts would significantly and demonstrably outweigh the benefits. Further to this and in terms of supporting a prosperous rural economy the NPPF aims to support the sustainable growth and expansion of all types of business and enterprise in rural areas both through conversion of existing buildings and well designed new buildings. In addition to this its aims are to support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres. These aims would clearly however still be required to comply with development management policies that apply in each individual case. In this instance as discussed in this report it is considered that the development does comply with the relevant development management criteria and is therefore acceptable both in the context of the Local Plan and NPPF.

## **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 It is not considered that, given the site and the surroundings, including recent substantial residential development approvals immediately adjacent to the site, the proposal would detract from the visual amenity of the area or impact upon the open countryside. Further to this the building itself is relatively low level, set in a large curtilage, set behind the main dwelling and detached garage, and would not significantly affect the visual amenity of the area or impact upon the local street scene. It is not considered that the proposals would give rise to local amenity impact and transportation issues can satisfactorily be covered by condition. The proposals are therefore considered to comply with Policies D1, L1, T12, H4, E7 and E11 of the South Gloucestershire Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted December 2013).
- 6.3 The decision to recommend the granting of 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 conditions.

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

## **CONDITIONS**

1. The unit hereby permitted shall be used (notwithstanding The Town and Country Planning (Use Classes) Order (England) (as amended) for holiday accommodation only and shall not be used as the main residential dwelling for any occupants.

### Reason

Due to its location in open countryside the use of the premises as an independent dwellinghouse would be inappropriate and contrary to Policy H3 of the South Gloucestershire Local Plan (Adopted) January 2006.

2. Details of a visibility splay from the application property onto the highway at Crossways Lane, measured back from the edge of the carriageway 2.4m to the extent of the applicants ownership in both directions, with no obstruction greater than 0.9m within the prescribed visibility splay shall be submitted to the Local Planning Authority for written approval. Such approved details shall be implemented prior to the first occupation of the proposed holiday let and thereafter retained for the duration of the development.

### Reason

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

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

### Reason

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

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b>	PT13/3378/F	<b>Applicant:</b>	Mr Ron Taylor
<b>Site:</b>	19 Albert Road Severn Beach Bristol South Gloucestershire BS35 4PT	<b>Date Reg:</b>	9th October 2013
<b>Proposal:</b>	Erection of 1.55m maximum high replacement boundary wall.	<b>Parish:</b>	Pilning And Severn Beach Parish Council
<b>Map Ref:</b>	354121 184619	<b>Ward:</b>	Pilning And Severn Beach
<b>Application Category:</b>	Householder	<b>Target Date:</b>	29th November 2013



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

This application has been referred to the Circulated Schedule following the receipt of objections from Pilning & Severn Beach Parish Council and a local resident, the concerns raised being contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The application relates to a semi-detached bungalow located on a corner plot at the junction of Albert Road and Victoria Crescent, within the village of Severn Beach. Both Albert Road and Victoria Crescent are residential cul-de-sacs. Many of the properties within the cul-de-sacs are bungalows with enclosed front gardens. The application site, no.19 Albert Road, has a front, side and rear garden which is bounded to the front and side by a low brick wall behind which grows a laurel hedge. There is a close board wooden fence on the boundary of the site with neighbouring no. 1 Victoria Crescent.
- 1.2 The low brick wall bounding the garden of no.19 is somewhat dilapidated and in places is in danger of collapse. The proposal is to demolish the wall and replace it with a new wall built in three sections, varying in height from 0.9m high at the front facing Albert Road, 1.25m high on the corner of the junction with Victoria Crescent and 1.55m high along the side facing Victoria Crescent. It is proposed to construct the new wall from block-work with render to match the existing bungalow. The laurel hedge will need to be removed to facilitate the construction of the wall.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012
- 2.2 Development Plans  
South Gloucestershire Local Plan (Adopted) January 2006  
L1 Landscape Protection and Enhancement  
EP2 Flood Risk and Development  
T12 Transportation Development Control Policy for New Development  
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings  
South Gloucestershire Local Plan Core Strategy (Adopted) 6<sup>th</sup> Jan 2006  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance  
The South Gloucestershire Design Check List (SPD) Adopted Aug 2007  
South Gloucestershire Council Residential Parking Standards Adopted 2013.

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

- 3.1 PT04/0503/F - Erection of boundary fence no exceeding 2m in height.  
Refused 31 March 2004

*On grounds that the proposed fence by virtue of its size and location would represent an incongruous feature in the locality to the detriment of the street scene.*

3.2 PT05/2331/F - Demolition of existing extension to facilitate erection of single-storey side extension to form kitchen and dining area.  
Approved 16 Sept. 2005

3.3 PT07/2643/F - Erection of rear conservatory.  
Approved 11 Oct 2007

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

4.1 Pilning and Severn Beach Parish Council  
Object because the proposed wall is too high.

4.2 Other Consultees

Highways Drainage  
No comment

Sustainable Transport  
No objections

#### **Other Representations**

4.3 Local Residents

1no e.mail of objection was received from the occupant of no. 1 Victoria Crescent; the concerns raised are summarised as follows:

- Height safety issue obstructing access views of oncoming pedestrians, children on bikes and vehicles.
- Not in keeping with low red brick walls of the estate.
- Previously refused planning for fence (height safety issue driveway access).
- The proposed wall would require substantial footings which would lead to reinstatement of public footpath.
- Telegraph pole, drains, sewerage, water, gas, electricity supplies all affected.
- Height and construction of proposed wall between 1 Victoria Crescent and 19 Albert Road.

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

5.1 Principle of Development

The NPPF para.56 places great importance on good design. Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013, also seeks to promote high quality designs. Criterion 1 of Policy CS1 requires that siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context.



Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within residential curtilages subject to the criteria that are discussed below:

- 5.2 **A. Respect the massing, scale, proportions, materials, and overall design and character of the existing property and the character of the street scene and surrounding area; and**
- 5.3 The existing brick wall is approximately 0.5m high (3-5 brick courses with brick coping above) interspersed by higher brick piers approximately 1.1m high (up to 10 brick courses with brick coping above). There are very similar walls enclosing the front gardens of adjoining no. 17 and the houses on either side of Albert Road to the south. To some extent this provides a degree of uniformity to the character of this part of the street scene. Some of the walls however are backed by hedges and the property opposite no.19 has installed metal railings above their wall. Further along Albert Road to the north and within the cul-de-sac of Victoria Crescent are a much greater variety of front boundary treatments including high wooden fences, rendered walls, hedgerows and railings.
- 5.4 The brick wall to the front and side of no.19 has suffered structural damage and is in places in danger of collapse. The damage is probably due to root activity of the adjacent laurel hedge on the shallow foundations of the wall. The current appearance of the wall is considered detrimental to the street scene so its replacement is welcomed.
- 5.5 In assessing the proposal, officers must consider whether any adverse impact of the proposal on the character of the street scene and surrounding area is sufficient justification to refuse the application. Officers are mindful that in 2004 it was proposed to replace the wall at no.19 with a generally 1.5m high wooden fence but this was refused on the grounds that the proposed fence, by virtue of its size and location, would represent an incongruous feature in the locality to the detriment of the street scene.
- 5.6 The replacement wall now proposed would be erected in three sections and vary in height from 0.9m directly to the front of no.19, to 1.25m on the corner of Victoria Crescent to 1.55m at the side of no.19 facing Victoria Crescent. The higher section is required to provide privacy to the back garden of no.19. The wall would be rendered block-work to match that of the existing bungalow. The existing gates and gate posts would be retained.
- 5.7 Officers consider that the proposed wall would not be such a visually jarring feature as the previously refused fence. It would be rendered to match the existing bungalow and is not considered to be excessive in height. Whilst the proposed wall would not entirely conform to the established vernacular of the boundary walls in this section of Albert Road, it would be no different than other walls to be found in the wider locality. The location does not lie within a Conservation Area or adjacent to any Listed Buildings and officers are mindful that a possible fall-back situation would be that the applicant could build a replacement rendered wall to a height of 1 metre under permitted development rights (see GPDO Part 2 Para. A.1(a)); indeed the applicant has indicated that

this is a possible scenario should planning permission not be forthcoming for the current proposal.

5.8 Furthermore the NPPF at Para. 60 states:

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

5.9 On the issue of design and having regard to the matters referred to above, officers consider that any erosion of the character of the street scene would not be significant and that on balance and having regard to the fall back position it would be difficult to defend a refusal reason in an appeal situation. The proposal is therefore considered to accord with Local Plan Policy H4 (A) and Core Strategy Policy CS1.

5.10 **B. Would not prejudice the amenities of nearby occupiers; and**

5.11 The proposal is a replacement wall and does not form a boundary with any neighbouring property. Whilst the proposed wall would be higher, this is compensated for by the loss of the even higher laurel hedge. There would be no adverse impact on residential amenity.

5.12 **C. Would not prejudice highway safety or the retention of an acceptable level of parking provision, and an acceptable level of parking provision is provided for any new separately occupied dwelling; and**

5.13 The existing access and parking arrangements would be unaltered by the proposal. Some concerns have been expressed by a local resident about loss of visibility splay but the Council's Transportation officer has raised no objection to the proposal. Traffic within the cul-de-sac is light and speeds low, there being no through traffic; on-street parking is unrestricted. There is a noticeably wide footpath around the junction of Victoria Crescent with Albert Road and visibility here for motorists, cyclists or pedestrians is very good. With the loss of the laurel hedge, visibility would if anything be improved. There are therefore no highway objections to the proposed replacement wall.

5.14 **Would not prejudice the retention of adequate private amenity space, and adequate private amenity space is provided for any new separately occupied dwelling.**

5.15 The proposal is for a replacement wall and would not compromise in any way the existing amenity space serving no.19

5.16 Other Concerns Raised

Of the concerns raised by local residents that have not been addressed above.

5.17 If there is a need to re-locate the telegraph pole located adjacent to the wall that is a civil matter to be resolved between the applicant and the utility provider and is not controlled through the Planning Act.

5.18 The applicant states that the footway would not be affected by the development, however in the event that the footpath needs to be disturbed to accommodate any new footings, the Transportation Network Manager will need to be contacted and in this respect an appropriate informative would be added to any planning consent. Furthermore, a condition is considered justified to ensure that, should it occur, any damage to the footpath would need to be repaired to the written satisfaction of the Transportation Network Manager.

## **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.

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The colour, type and texture of the rendered finish to the external surfaces of the wall hereby approved shall match that of the existing bungalow to which it relates.

Reason

To ensure a satisfactory standard of external appearance and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

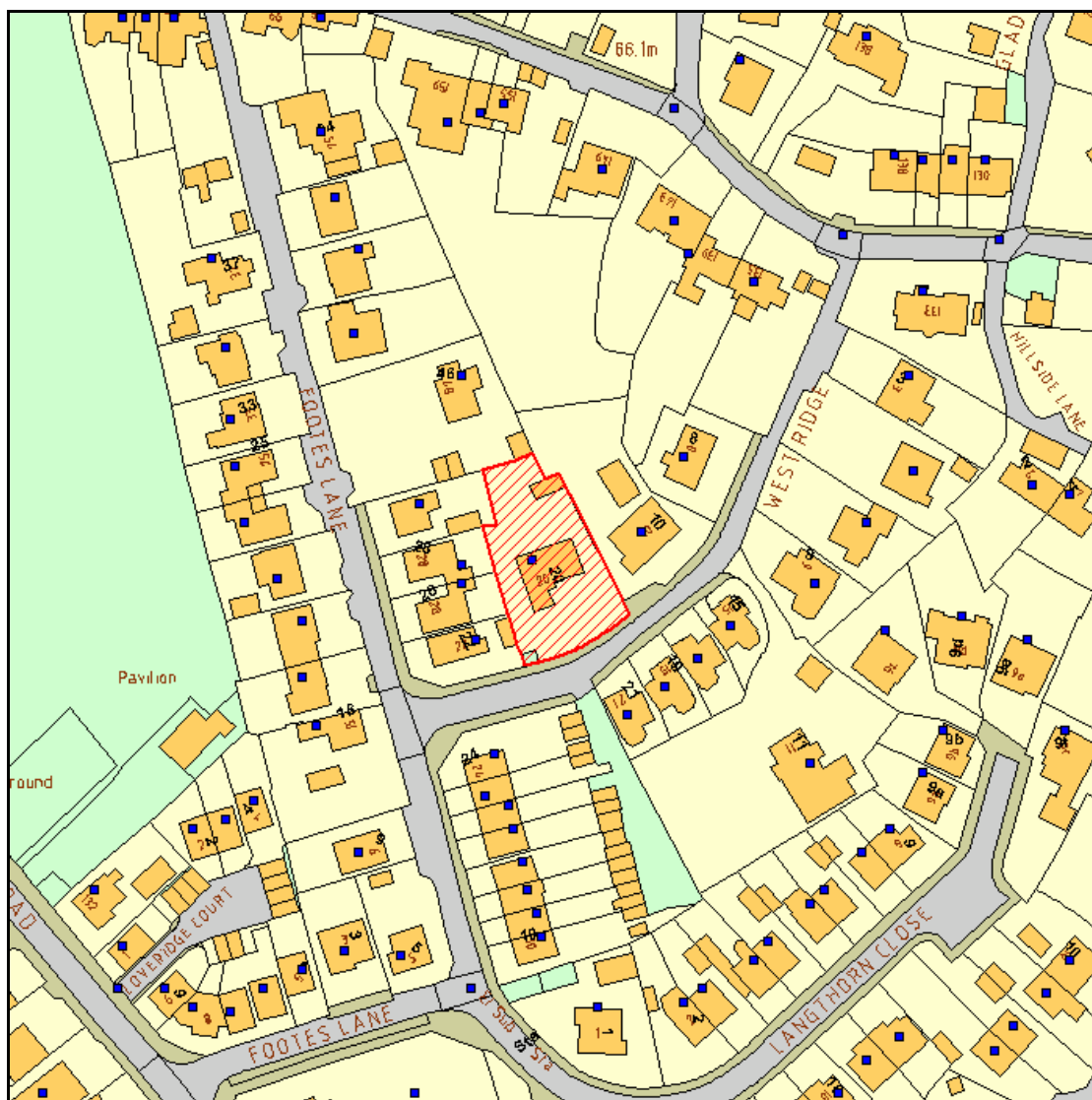
3. In the event of damage occurring to the adjacent footpath during the construction of the wall; the footpath shall be subsequently repaired to the written approval of the Transportation Network Manager.

Reason

To ensure a satisfactory standard of external appearance and in the interests of highway safety and to accord with Policies H4 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013.

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<p><b>App No.:</b> PT13/3923/F  <b>Site:</b> 20 West Ridge Frampton Cotterell Bristol          South Gloucestershire BS36 2JA</p>	<p><b>Applicant:</b> Mr Scott Cameron  <b>Date Reg:</b> 28th October 2013</p>
<p><b>Proposal:</b> Demolition of existing dwelling to facilitate erection of 2no. dwellings with access, garages, screening, landscaping and associated works. (Resubmission of PT13/2615/F)</p>	<p><b>Parish:</b> Frampton Cotterell Parish Council</p>
<p><b>Map Ref:</b> 366992 181243  <b>Application Category:</b> Minor</p>	<p><b>Ward:</b> Frampton Cotterell  <b>Target Date:</b> 18th December 2013</p>



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 100023410, 2008. **N.T.S.** **PT13/3923/F**

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

This application is referred to the Circulated Schedule for determination as comments of objection have been received which are contrary to the Officer recommendation for approval.

### **1. THE PROPOSAL**

- 1.1 This application seeks planning permission for the demolition of the existing bungalow and the erection of two houses on the site. This application is a resubmission of PK13/2645/F which was withdrawn to enable ecological survey work to be undertaken.
- 1.2 The site is located on West Ridge which is within the settlement boundary of Frampton Cotterell. The site is subject to a change of level with a drop of around 4.3 metres from the east to the west of the site. The site has been landscaped so that the change of levels occurs mainly within plot 1 of the site.
- 1.3 During the course of the application, revised plans have been received that swap the position of the garage for plot two to enable a better access arrangement. Other design improvements have been made to the scheme over the original submission, particularly with regard to reducing the impact of the development the adjacent neighbours.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- CS1 High Quality Design
- 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
- L9 Species Protection
- T12 Transportation
- H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

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

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

- 3.1 PT13/2615/F Withdrawn  
Demolition of existing dwelling to facilitate erection of 2no. dwellings with access, garages, screening, landscaping and associated works.

### **4. CONSULTATION RESPONSES**

- 4.1 Frampton Cotterell Parish Council  
No objection
- 4.2 Drainage  
No objection; request SUDS condition
- 4.3 Ecology  
No constraints on granting permission subject to conditions relating to bats, slowworms, hedgehogs, house sparrows, and a landscape and ecological management plan.
- 4.4 Environmental Protection  
No objection; requests construction sites condition
- 4.5 Transportation  
No objection

### **Other Representations**

- 4.6 Local Residents  
Five letters of objection from local residents have been received. These raise the following comments:
- A daylight assessment in accordance with the BRE Site Layout Planning for Daylight and Sunlight – A Good Practice Guide, 2011 should be undertaken as the development fails the 25° test
  - A higher three storey dwelling is proposed with a steep roof pitch
  - Blank wall of plot two faces the adjacent bungalow
  - Development does not adequately take into account the site topography
  - Development is completely out-of-character with the area
  - Development is not in keeping with the streetscene
  - Development would lead to an increase in vehicular traffic on the most dangerous part of West Ridge
  - Development would result in a loss of light
  - Existing building is overbearing, this development will only compound that
  - It is unclear how the stonewall along the eastern boundary will be retained
  - Loss of privacy
  - No landscaping is proposed at the rear
  - Proposal includes a long blank wall to the rear of the adjacent properties
  - Proposal is of poor design quality
  - Proposal would have a negative impact on residential amenity

- Proposed buildings are out of proportion with the surroundings
- Proposed buildings would be detrimental to visual amenity
- Proposed buildings would dominate the skyline
- Ridge heights are too high
- Side gable of garage affects the outlook and amenity of adjoining properties
- Site layout and topography makes a three-storey dwelling unacceptable in this location
- The resubmission is not materially different from the withdrawn application
- Would like to see the retention of the dry stone wall and the replanting of a mature silver birch tree

## 5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the demolition of the existing building and the erection of two dwellings at a site in Frampton Cotterell.

### 5.2 Principle of Development

Residential development within settlements with a defined boundary is supported by policy CS5, CS15, and CS17 of the Core Strategy. New dwellings within the curtilage of existing dwellings are supported by policy H4 of the Local Plan. Therefore, subject to the analysis set out below, the proposal is acceptable in principle.

### 5.3 Site Layout, Density and Provision of Services

Development layout should provide a density that is consistent with the locality whilst providing adequate provision of amenity space and parking facilities. Development is directed towards existing settlements where there is access to services such as public transport, shops and community facilities.

5.4 The proposal is located within the settlement of Frampton Cotterell and is therefore a sustainable location with reasonable access to services and public transport. The density of the proposal is consistent with the layout of the built form in the immediate vicinity; it should be noted that there is higher density development opposite the site.

### 5.5 Design

Policy CS1 requires design to meet high standards of site planning and design. This is assessed through the detailed design, density and layout, and reference to the existing features on the site.

5.6 Two detached dwellings are proposed. To the east of the site is a two-storey house with the gable end facing the street with a lean to section along the front and side to contain the garage and kitchen. The dwelling will be finished in reconstituted stone to the front and render on all other elevations. At the west end of the site a split level dwelling is proposed; this will contain an attached garage to the side of the house, the main entrance, plus a family room and bedroom on the lowest level. The first floor contains the main living accommodation and the top floor, within the roof space of the house contains a further three bedrooms.



- 5.7 The design and density of the proposed dwellings is not out of character with the design of the surrounding area. Opposite the site are a row of four modern detached houses with gable ends facing the street. These are rendered but there are examples of reconstituted stone close by. The design takes into account the topography of the site by managing the change of levels through steps in the built form of the proposed property.
- 5.8 Both dwellings are comfortably contained within the site and reflect the built form of the area. The design takes into account the mix of building styles and materials in the area and an acceptable standard of site planning and design has been reached.
- 5.9 Residential Amenity  
Development should protect residential amenity from prejudicial harm. Adequate levels of residential amenity should also be afforded to the proposed dwellings. In terms of the proposed houses, these have reasonable sized gardens and will not suffer from low levels of residential amenity.
- 5.10 Consideration should be given to the impact of the proposal on all nearby occupiers. No.10 West Ridge stands to the east of the site and is approximately 1.8 metres higher than plot 2. The ridge of the side element of plot 2 stands at 2 metres above the ground level for 10 West Ridge. Under permitted development a fence of up to 2 metres could be erected without the need for planning permission. Therefore, this relationship cannot be considered detrimental. Whilst there will be a reduction in the view from the side windows of no.10, the development will not result in a loss of outlook. The main bulk of the building is set around 6 metres from the side of no.10 which is acceptable for the relationship between the sides of two buildings.
- 5.11 To the west of the site stand no.22 West Ridge and nos.26 and 28 Footes Lane. These properties run along the western boundary of the site and have the potential to be the most affected by the proposal. No.22 West Ridge sits forwards of the application site. Comments from the householder state that the roof light window in the west elevation of plot 1 would lead to a loss of privacy. This window serves a bathroom, not a habitable room, and is set in to the roof slope of the house. The existing bungalow on the site has a number of side windows that overlook these properties. In itself, the roof light has little impact on amenity; it would not lead to increased overlooking or a loss of privacy.
- 5.12 No.26 Footes Lane would be most affected by this development as the building on proposed plot 1 runs the entire width of this property. Comments have been received from the householder that the development would be overbearing, dominate the skyline, and lead to a loss of light.
- 5.13 The slope of West Ridge continues from the development site to the west, onto Footes Lane. The properties on Footes Lane are lower than those on West Ridge and have small stepped/terraced gardens. The proposed side garage will be located approximately 9 metres from the rear of no.26 with the main two storey section being 12.6 metres to 13 metres distant. As no windows are proposed in the side elevation, it is not considered that the development would

- result in a loss of privacy. A roof light to serve a bathroom is proposed but this will have little impact on residential amenity or privacy.
- 5.14 It has been stated that the development will lead to a loss of light and be overbearing on the adjacent properties. Reference has been made to the BRE practice guide on planning layouts and sunlight. Particular reference has been made to the 25° test. Under this test, if development occurs and causes an obstruction above an angle of 25° (when drawn from a horizontal line measured from the centre of the lowest window), then it may be an impact on light.
- 5.15 It must be noted that South Gloucestershire Council does not refer to this test in any of its planning policies.
- 5.16 Plans have been provided by a resident that indicate the existing built form accords to the above test. Further plans have been provided that indicates the eaves of the section closest to the rear of the properties on Footes Lane mark the point of obstruction. However, it should be noted that the forward gable does accord to the above test.
- 5.17 Notwithstanding the above, this is not a test endorsed by this Local Planning Authority. Whilst it is recognised that there may be a reduction in light to the neighbouring properties, when this is considered against the orientation of the plot, layout of development, variation in ridge height, natural topography of the site, and the surrounding built form and size of gardens, it is not considered to amount to being prejudicial. Furthermore, the proposed development removes the side windows from the existing property and therefore materially improves privacy levels.
- 5.18 Taking this into account, there is a case to remove permitted development rights for increases in the size of the roof. The erection of a side dormer has the potential to tip the balance with regard to the loss of light and affect privacy. Therefore the appropriate part of the GPDO will be removed by condition.
- 5.19 Highways and Parking  
West Ridge is a narrow lane within the village which rises steeply uphill to a pinch point near the top. The proposal is located on the lower section of the road where there is greater carriageway width and better visibility.
- 5.20 Provided that the walls at the front of the property are no higher than 0.6 metres high adequate visibility can be achieved. To that extent a condition will be attached to restrict permitted development rights as this figures is below what would otherwise be permissible.
- 5.21 A residential property already stands on the site. The proposal will result in two residential properties. It has been stated that this will result in a material increase in vehicular traffic to and from the site. Frampton Cotterell is a residential area and the addition of one dwelling will not result in a material increase in traffic or be detrimental to highway safety provided that adequate parking can be provided.

- 5.22 Each property will provide for bedrooms and should therefore provide two off-street parking spaces to accord with the residential parking standard SPD. The garages for each property adhere to the minimum size standards as set out in the SPD. Additional parking is provided within the front garden on the driveways. As such, sufficient parking to accord with the standard is provided and the development is not considered to have any impact on highways or parking.
- 5.23 Environment and Ecology  
The earlier application was withdrawn as ecological survey work was required prior to determination. This has now been completed and the application is accompanied by a report by CTM Wildlife (dated 10 October 2013). The analysis focused on bats, slowworms, hedgehogs, and birds.
- 5.24 Evidence from the ecological survey indicates that the site is used as a day roost by a small number of (male) common pipistrelle bats. The development would result in the loss of this roost and therefore mitigation is required. It is proposed to form new roosting opportunities for bats within the proposal by making roosts in the apexes and supplying bat roosting tubes. A condition will be attached to secure the provision of these features. Such mitigation is appropriate and is not a constraint to the development of this site.
- 5.25 Slowworms and hedgehogs were not recorded on the site, however there are favourable locations on the site for these animals. Therefore, preparations are required to ensure that habitats are not destroyed during construction. This will form the basis of a planning condition.
- 5.26 The ecological report indicates that house sparrows use the site. This is a species that is in decline and all efforts should be taken to provide suitable nesting sites. A planning condition will be attached that requires the provision of nesting boxes within the development site.

## 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 is considered to meet an identified need for housing in an appropriate location; the density proposed is compatible with the immediate locality and makes an efficient use of land; the design of the dwellings reflects the design nearby and is not harmful to visual amenity; although there will be some impact on residential amenity it is not considered to be prejudicial or warrant the refusal of this planning application; when read in conjunction with the conditions imposed, the development will not affect protected species and will mitigate against the loss of potential wildlife habitats.

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

## **7. RECOMMENDATION**

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

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

### **CONDITIONS**

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

Reason

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

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 (Class B), 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 ensure the satisfactory external appearance of the development in the interests of visual amenity and to protect the residential amenity of the neighbouring occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. 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 minor operations as specified in Part 2 (Class A), when adjacent to a highway used by vehicular traffic, may exceed a height of 0.6 metres without the prior written consent of the Local Planning Authority.

Reason

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

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

Reason

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

5. Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason

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

6. Prior to the commencement of development details regarding the bat roosts and roosting tubes, in accordance with the recommendations of Section 5 of the Ecological Assessment prepared by CTM Wildlife, 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 development is carried out in an appropriate manner and in the interests of species protection and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

7. Prior to the commencement of development details regarding a scheme of artificial bird nesting boxes suitable for house sparrows, in accordance with the recommendations of Section 5 of the Ecological Assessment prepared by CTM Wildlife, 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 development is carried out in an appropriate manner and in the interests of species protection and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Prior to the commencement of development a landscaping scheme and ecological management plan shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt this plan should include details of the existing habitat to be safeguarded and any new habitat to be created for slowworm and hedgehog and include a programme of monitoring of all works for a period of 5 years. Development must be carried out in accordance with the approved details.

Reason

To ensure development is carried out in an appropriate manner and in the interests of species protection and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

9. Prior to the commencement of development, a suitably experienced and/or qualified licensed ecological clerk of works shall be appointed to oversee all works relating to ecology. The Local Planning Authority shall be informed of the appointment no less than three weeks prior to the first ecological works being undertaken.

Reason

To ensure development is carried out in an appropriate manner and in the interests of species protection and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

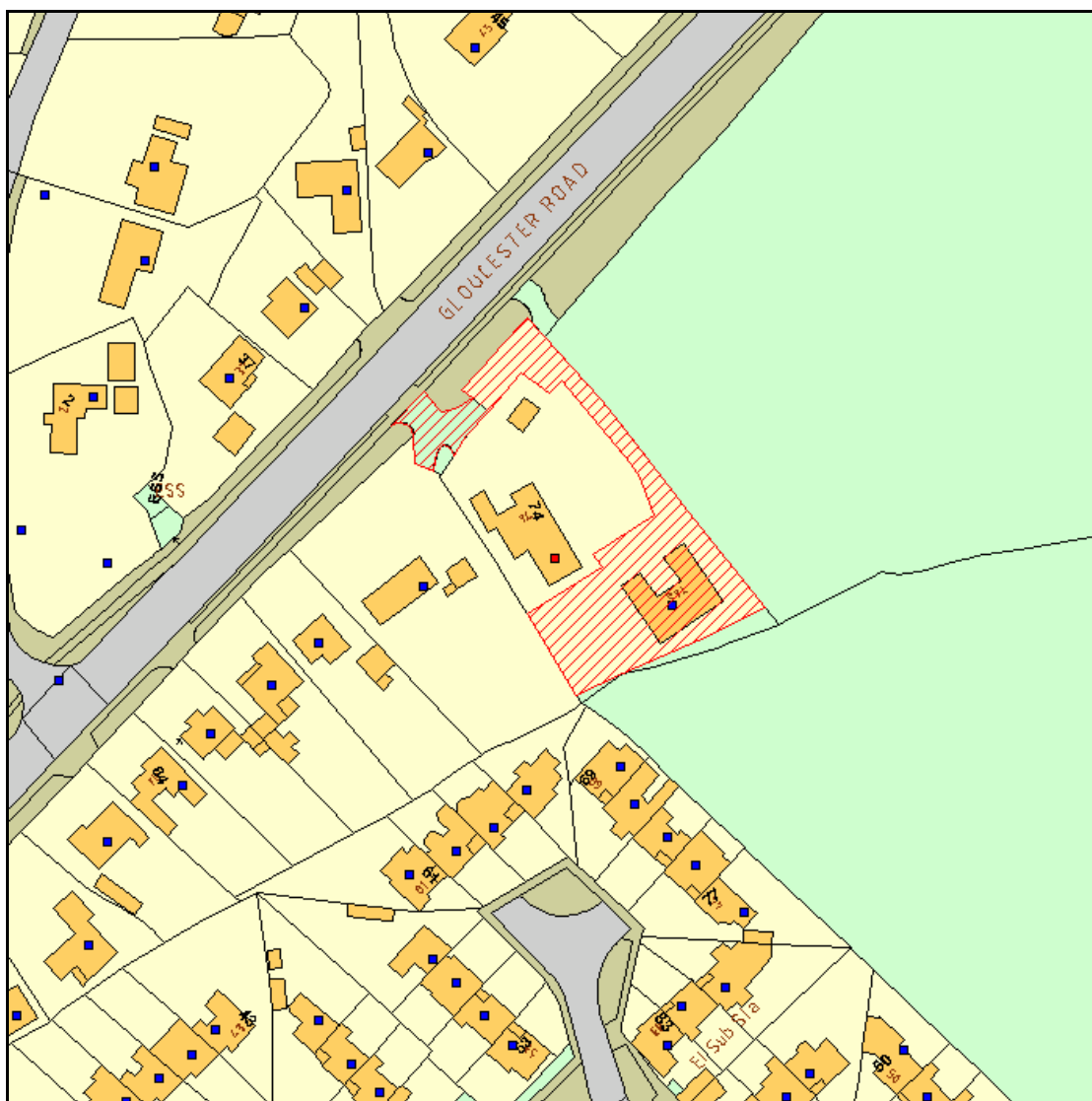
10. The hours of working on site during the period of construction shall be restricted to Monday to Friday 07.30-1800, Saturday 08.00-1300 and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any 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 minimise disturbance to nearby occupiers and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

**CIRCULATED SCHEDULE NO. 03/14 – 17 JANUARY 2014**

<b>App No.:</b>	PT13/4608/CLE	<b>Applicant:</b>	Mr M Lally
<b>Site:</b>	74 Gloucester Road Almondsbury Bristol South Gloucestershire BS32 4HQ	<b>Date Reg:</b>	20th December 2013
<b>Proposal:</b>	Application for Certificate of Lawfulness for existing use as a self contained single dwelling house without compliance with conditions 2 attached to planning permission PT05/0293/F	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	361167 184484	<b>Ward:</b>	Almondsbury
<b>Application Category:</b>	Minor	<b>Target Date:</b>	12th February 2014



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 100023410, 2008. **N.T.S.** **PT13/4608/CLE**

## **REASON FOR REFERRAL TO CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

- 1.1 The application is for a Certificate of Lawfulness for the existing use of an annex as a separately occupied and independent unit of residential accommodation. The application therefore seeks to demonstrate that the building has been used as a separately occupied dwelling for a period in excess of four years prior to the date of submission (i.e. since 12<sup>th</sup> December 2009).
- 1.2 The site consists of a single storey property originally approved in 2005 to be used ancillary to the main dwelling known as 74 Gloucester Road. The current authorised use of the building is as a residential annex but the applicant claims the building has been used as a separate dwelling for a continuous four-year period.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Town and Country Planning (General Procedures) Order 1995 Article 24  
Circular 10/97 Enforcing Planning Control

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

- 3.1 PT05/0293/F Change of use of ancillary building to one bedroomed self-contained annex.  
Approved April 2005

Condition two attached to this permission reads, '*The annex shall remain ancillary to the main building and not sub-divided or let in any way.*'

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
No response received
- 4.2 Highway Officer  
No highway comments to make

#### **Other Representations**

- 4.3 Local Residents  
One letter of objection has been received from a neighbouring resident stating the following concerns:



*Originally the application was for a facility for ancillary use. The building of this facility commenced before planning permission was applied for. As neighbours with line-of-sight view of the location we were not consulted at any time and in fact construction commenced whilst we were on vacation and out of the country for two months. Subsequently the applicant applied for change of use from an ancillary building to a self-contained one-bedroom annex. The applicant then illegally turned property into a separate residence with its own access (originally using a farmer's gateway to the north of the property's boundary).*

*This was in direct contravention of the planning permission granted in 2005. Later this access changed location significantly and now leads from our shared driveway (again without planning application or consent sought from us as joint owners of the land forming the joint access with number 74 Gloucester Road). This again is in direct contravention of the planning permission of 2005 in relation to Highways (condition 2, reason 1 of PT05/0293/F, dated 14 April 2005).*

*Prior to moving the original access the applicant enclosed a large section of grass verge, some of which he may not have owned (we are unclear on this but a previous owner led us to believe that he owned only part of that land up to but not including the telegraph pole), the enclosed area including said telegraph pole. This has caused us problems on at least one occasion when a telephone fault was unable to be quickly resolved as the engineer could not gain access to the telegraph pole.*

*Further the new dwelling has to our certain knowledge been let for a number of years (in contravention of Condition 2 of the 2005 decision) and council tax is being paid on the property as a separate property. There are at least two to three vehicles which access the new property on a daily basis.*

*Our property has always enjoyed a shared access, as detailed on our plans, with number 74. This was the basis on which we purchased number 72 and is no longer the case since the new access was illegally created. We have always had misgivings regarding the new construction, and have stated as such to the council on several occasions (the size of the new building always seemed excessive for a one bedroom self-contained annex), but were lead to believe that all was above board and legal. The nature of this application now causes us to conclude that is not the case.*

*We have always enjoyed good relations with the owners of number 74, however for the reasons stated above and for the contravention of condition 2, reason 2 of the original application PT05/0293/F , we object to this application.*

## **5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION**

- 5.1 In support of the application, one declaration has been received from Mr Lally (the applicant) and one declaration has been received from Linda fisher (from South West Relocation).

- 5.2 The statement from Mr Lally confirms that the building and associated land has been let separately from the main dwelling since November 2007 and has also been billed separated for Council tax purposes since this date.
- 5.3 The statement from Linda Fisher confirms that she took on management of the property in 2008 and has been managing the property since that date. Linda Fisher confirms that the property has been let continually and independently from the main dwelling from 1st August to the date of the signing (5<sup>th</sup> Dec 2013)

## 6. **SUMMARY OF CONTRARY EVIDENCE**

- 6.1 One letter of objection has been received from a neighbour as set out in paragraph 4.3 above. The letter from the neighbour raises a number of concerns that do not directly relate to the application for a certificate of lawfulness. The only comment on the letter from the neighbour that relates to the occupants of the annex is as follows, '*Further the new dwelling has to our certain knowledge been let for a number of years (in contravention of Condition 2 of the 2005 decision) and council tax is being paid on the property as a separate property. There are at least two to three vehicles which access the new property on a daily basis.*'

## 7. **EVALUATION**

- 7.1 The application for a Certificate of Lawfulness is not a planning application and 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. As such the applicant needs to prove precise and unambiguous evidence.
- 7.2 In this instance it must be proven that the building in question has been used for independent residential purposes for a period in excess of 4 years prior to the date of this application.
- 7.3 Assessment of Evidence  
The statutory declarations of both Mr Lally and Ms Fisher confirm that, at least since 1<sup>st</sup> December 2009, the property has been sub-divided from the main dwelling and has been used separately too and independently from No, 74 Gloucester Road. Separate checks by your officer with Council tax also confirms this to be the case.
- 7.4 The letter from the neighbour, whilst raising a number of concerns, is unable to put forward any evidence regarding the occupation of the annex. Indeed the neighbour does mention that to their certain knowledge the building subject of this CLE has been let for a number of years. Whilst this evidence from the neighbour is not precise, it does help to add towards the 'overall picture'.
- 7.5 Your officer has no evidence to suggest the information submitted is not true and no evidence has been submitted by any third party to suggest that this evidence is less than probable.

**8. CONCLUSION**

8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the building subject of this application has been used as a separate and independently occupied dwelling for a continuous four year period.

**9. RECOMMENDATION**

9.1 The Certificate of Existing Lawful Use be approved.

**Contact Officer: Marie Bath**  
**Tel. No. 01454 864769**