

**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. 42/14

Date to Members: 17/09/14

Member's Deadline: 23/10/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

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

CIRCULATED SCHEDULE - 17 OCTOBER 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/1959/F	Approve with Conditions	Pennymead Cattybrook Road Mangotsfield South Gloucestershire BS16 9NJ	Boyd Valley	Pucklechurch Parish Council
2	PK14/2036/F	Approve with Conditions	Land Adj. Cherry Cottage Siston Hill Siston South Gloucestershire BS30 5LT	Siston	Siston Parish Council
3	PK14/2088/LB	Approve with Conditions	Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Siston	Siston Parish Council
4	PK14/2286/F	Approve with Conditions	Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Siston	Siston Parish Council
5	PK14/2403/RV	Approve with Conditions	Wickwar Coffee Shop 31 High Street Wickwar Wotton Under Edge South Gloucestershire	Ladden Brook	Wickwar Parish Council
6	PK14/3141/F	Approve with Conditions	22 Cleeve Hill Downend South Gloucestershire BS16 6HN	Downend	Downend And Bromley Heath Parish Council
7	PK14/3180/CLE	Approve	41 Orchard Boulevard Oldland Common South Gloucestershire BS30 9PS	Oldland	Oldland Parish Council
8	PK14/3308/CLE	Approve	Coldharbour Farm Cold Harbour Farm Lane Wick South Gloucestershire BS30 5RJ	Boyd Valley	Wick And Abson Parish Council
9	PK14/3439/AD	Approve	Marsham Way And Aldermoor Way Longwell Green South Gloucestershire BS30 7ES	Longwell Green	Oldland Parish Council
10	PT14/1128/F	Approve with Conditions	Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
11	PT14/1492/F	Approve with Conditions	7 Oldlands Avenue Coalpit Heath South Gloucestershire BS36 2SF	Frampton Cotterell	Frampton Cotterell Parish Council
12	PT14/1517/F	Approve with Conditions	12 Oldlands Avenue Coalpit Heath South Gloucestershire BS36 2SF	Frampton Cotterell	Frampton Cotterell Parish Council
13	PT14/2398/RVC	Approve with Conditions	Land At Morton Way Thornbury South Gloucestershire	Thornbury North	Thornbury Town Council
14	PT14/3155/CLP	Approve with Conditions	10 Court Road Frampton Cotterell South Gloucestershire BS36 2DE	Winterbourne	Winterbourne Parish Council
15	PT14/3359/CLP	Approve with Conditions	Vellow Thornbury Road Rockhampton Berkeley South Gloucestershire GL13 9DY	Severn	Rockhampton Parish Council
16	PT14/3372/F	Refusal	Land To The North Of Gumhurn Lane Pilning South Gloucestershire BS35 4JL	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
17	PT14/3377/CLE	Approve	Sturden Manor Winterbourne Hill Winterbourne South Gloucestershire BS36 1JR	Winterbourne	Winterbourne Parish Council
18	PT14/3533/F	Approve with Conditions	Cornercroft Barn Hacket Lane Thornbury South Gloucestershire BS35 2HH	Thornbury North	Thornbury Town Council

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/1959/F	Applicant:	Mr M Drew
Site:	Pennymead Cattybrook Road Mangotsfield South Gloucestershire BS16 9NJ	Date Reg:	23rd May 2014
Proposal:	Erection of 1no. detached dwelling with associated works. (Retrospective).	Parish:	Pucklechurch Parish Council
Map Ref:	367767 176097	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	15th July 2014



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 100023410, 2008. **N.T.S.** **PK14/1959/F**

CIRCULATED SCHEDULE

This application is to appear on Circulated Schedule due to the receipt of an objection from the Parish Council, contrary to the Planning Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of 1no. detached dwelling with associated works (Retrospective). This application seeks to regularise the dwelling that has already been erected, following a planning enforcement investigation. The dwelling has not been built in accordance with the approved plans (Ref. PK11/1342/F), due to various amendments to the front and rear elevation and the permission has now expired (17th June 2014). It is proposed to add a two storey extension on the rear elevation to create an L-shaped dwelling.
- 1.2 The application site is located on Shortwood Hill. The settlement has no village development boundary and is therefore in the open countryside. The site also lies within the Bristol and Bath Green Belt.
- 1.3 The site was previously a bungalow, which has since been demolished and redeveloped into a detached modern dwelling has been erected (Ref. PK11/1342/F). The site has been the subject of numerous planning applications since 2009 in relation to the demolition of the existing bungalow and development of land to the rear of the site for equestrian purposes.
- 1.4 The shape of the application site is not regular, with part of the Shortwood Hill frontage occupied by a detached two storey dwelling (No. 5 Shortwood Hill). This house has windows at first floor level in its gable end, facing west and others facing north, over looking part of the site. The view is partially restricted by an existing mature hedgerow along this boundary. The site is screen on Shortwood Hill and part of Cattybrook Lane by a mature tree screen. Along Cattybrook Road are four pairs of semi-detached dwellings, adjacent to Rock House Farm.
- 1.5 The site has a long planning history, which is outlined in section 3.

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

CS29 Communities of the East Fringe of Bristol Urban Area

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

- H3 Residential Development in the Countryside
- H4 Development within Existing Residential Curtilages
- H11 Replacement Dwellings in the Countryside
- T8 Parking Standards
- T12 Transportation Development Control

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2396/F Erection of stable block and associated hardstanding. (Amendment to previously approved scheme PK11/2313/F) (Retrospective).
Pending determination
- 3.2 PK14/0638/F Demolition of existing bungalow and erection of 1No. detached dwelling with associated works. Amendment to previously Approved scheme PK11/1342/F.
Withdrawn 15.04.14
- 3.3 PK12/1286/F Demolition of existing bungalow to facilitate the erection of 1no. detached dwelling with associated works.
Refused 29.05.12
- 3.4 PK11/2313/F Change of use of land from agricultural to land for the keeping of horses. Erection of stable and tack room.
Approved 30.09.11
- 3.5 PK11/1342/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works. (Resubmission of PK10/2374/F).
Approved 17.06.11
- 3.6 PK10/2374/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works. (Resubmission of PK10/0959/F).
Withdrawn 26.10.10
- 3.7 PK10/0959/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works. (Resubmission of PK09/5942/F).
Withdrawn 26.06.10
- 3.8 PK09/5942/F Demolition of existing bungalow to facilitate the erection of 1 no. detached dwelling with associated works.
Withdrawn 18.01.10

4. CONSULTATION RESPONSES

4.1 Coal Authority
No objection

4.2 Environmental Protection
No objection

4.3 Highway Drainage
No objection

4.4 Highway Structures
No objection

4.5 Landscape
No objection

4.6 Pucklechurch Parish Council
Permitted development rights for the approved scheme were removed by condition since the dwelling replaced a previous building. To amend the scheme by the addition of an extension would mean the new dwelling would be 30% bigger than that which it replaced. Parish Council feel the entire scheme does not preserve the openness of the Green Belt and had it been presented in its entirety would constitute overdevelopment.

4.7 Transportation DC
No transportation objection, subject to a condition requiring a minimum of three parking spaces provided and permanently maintained within the site boundary.

Other Representations

4.8 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development
Saved policy H3 of the Local Plan allows for replacement dwellings in the countryside, but the site also lies in the Green Belt and therefore attention must be paid to the impact of the proposal on the openness of the Green Belt. The design and transportation implications of replacing the previous dwelling are assessed, as well as the impact on the residential amenity of neighbouring occupiers. The difference between this application and the previously approved scheme is the size of the replacement dwelling, along with some additional changes to the design of the front elevation.

5.2 The location of the proposed development is a key consideration. Firstly, in considering the application for the erection of a replacement dwelling it is relevant to consider saved Policy H11 of the Local Plan (Adopted) 2006.

Proposals for replacement dwellings outside the existing urban areas and the boundaries of settlements will be permitted provided they meet the criteria set out in saved Policy H11 (to be discussed in paragraph 5.4 below in more detail). Given the location of the site in the Green Belt, this needs to be read in conjunction with paragraph 89 which allows for the construction of new buildings as inappropriate in the Green Belt, exceptions to this include the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5.3 Secondly, the application site of the proposed replacement dwelling is located within the Green Belt. In terms of Green Belt policy the two most important considerations are: 1) does the proposal constitute inappropriate development and 2) the impact on the openness of the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (NPPF 2012). The South Gloucestershire SPD *Development within the Green Belt* (2007) allows for the replacement of existing dwellings in the Green Belt. Development is strictly controlled to safeguard openness. In accordance with paragraph 89 of the NPPF, any replacement building must be of a similar size and scale to the original dwelling and will only be allowed if there is no greater impact on the openness of the Green Belt than that of the original building. Given that the proposal is for the erection of a single dwelling and replaces a previous large detached bungalow and garage, it is considered that the proposal represents appropriate development.

5.4 It is acknowledged that the replacement dwelling is largely complete, except for the two storey rear extension element of the proposal. This application is retrospective in nature seeking to legitimise a development that has already largely taken place. It will be assessed in exactly the same way as a “normal” application for proposed development. It is accepted that there have been various applications for a replacement dwelling since 2009, with approval first being granted in 2011.

5.5 Replacement Dwelling

Saved Policy H11 of the Adopted Local Plan allows for replacement dwellings in the open countryside providing the following criteria are satisfied:

5.6 **A. The Residential Use has not been abandoned;**

The site was occupied until being sold in 2009, when the property was purchased by the current landowner so criteria A is satisfied.

5.7 **B. The existing dwelling is incapable of retention in its current state;**

Supporting text included in saved Policy H11 advises that, *‘An exception may be made in the case of proposals for the replacement of an existing dwelling which is in physically poor condition and where it would be financially unreasonable to improve it, or the building is unsightly or out of character with its surroundings. In such cases, where there is an extant and unrestricted residential use, the Council may permit a replacement dwelling in order to secure an environmental gain.’* It was established in planning application PK11/1342/F, with the submission of a supporting

report on the structural integrity of the building, that the original dwelling was not in a condition whereby repair and retention would be economically or practically viable. The original bungalow was considered beyond repair. Subsequently the original dwelling was demolished circa 2011-12 when works commenced on the implementation of PK11/1342/F. No objection is therefore raised in relation to criteria B.

5.8 C. The replacement dwelling is of a similar size and scale to the existing dwelling, within the same curtilage, and of a design in keeping with the locality and which minimises intrusion in the countryside.

In considering criteria C, attention again has to be turned to the extent of the authorised dwelling and proposed replacement on site. Para 89 of the NPPF allows for replacement buildings providing the new building *is in the same use*. It is estimated that the original dwelling (including detached single garage) had a volume of approximately 457 cubic metres and footprint of 116 square metres. This calculation is taken from the submitted plans. The previous approved replacement dwelling (PK11/1342/F) represented a 23% increase over and above the size of the original dwelling. The previous application PK14/0638/F was withdrawn on the Officer's recommendation, with a calculated volume increase of the size of the replacement dwelling estimated at 50%, which was considered unacceptable.

5.9 The current application is a resubmission taking into account the recommended reduction of the size of the proposed replacement dwelling. This application includes a half-width, two storey rear element resulting in an 'L' shaped dwelling and differing from the 2011 approval. This element has been included in this application rather than forming a later separate application for a two storey extension. The proposed replacement dwelling has an estimated volume of approximately 614 cubic metres, with a footprint of 130 square metres. Based on my calculations the proposed replacement dwelling represents a volume increase of approximately 35% above the original building. It is noted that there has been a significant reduction in the size of the replacement dwelling from the previous application. The overall additional volume increase from the earlier approved 2011 application would amount to only a 12% increase in volume.

5.10 In respect of the volume calculations set out above, the volume of the rear two storey element has resulted in a total increase of 12% in volume. Comparatively, the footprint of the replacement dwelling would increase by 14 square metres in total. Concerns have been raised by the Parish Council about the proposed increase in the size of the replacement dwelling by a further 30%. It is important to note that the original dwelling had its permitted development rights in tact and could have been legitimately extended without the need for an application. The 2011 permission removed permitted developments rights; however this permission has not been implemented.

5.11 The proposed dwelling is of a traditional appearance. The design, detailing, orientation and siting of the proposed dwelling have been amended from the original dwelling, improving the appearance of the site and locality. Notwithstanding the long planning history and enforcement team's involvement, it is considered on balance that the proposed dwelling does not have a greater

impact on the appearance and character of the area and is acceptable in this countryside location, in accordance with Saved Policy H11 of the Local Plan (Adopted) January 2006.

5.12 Assessment of Green Belt

Whilst the principle of the replacement dwelling is accepted, due to the sites Green Belt location, the effect on the openness of the Green Belt needs to be examined again. The NPPF sets out in paragraph 89 the types of development that may be considered acceptable in the Green Belt - the construction of new buildings is inappropriate development, exceptions to this being the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

5.13 The original dwelling was a large bungalow with a roof height of 5.3 metres. The bungalow was a long, low building, which due to the sites location and perimeter landscaping was considered to have a minimal impact on the openness of the Green Belt. The proposed replacement dwelling is two-storey, with a roof height of 6.5 metres. The previously approved replacement dwelling (Ref. PK11/1342/F) was re-orientated to face Cattybrook Road to be read against the row of two-storey semi-detached dwellings on that road. The retention of the existing mature boundary vegetation mitigates the increase in height of the replacement dwelling over the original dwelling and any impact on openness. The height of the building has been maintained significantly lower than the neighbouring properties to the north and east.

5.14 In light of the above, it is considered that the replacement dwelling does not amount to inappropriate development and would not harm the openness of the Green Belt. Given the numerous applications and increase in the volume of the replacement dwelling, it is considered appropriate and reasonable to remove permitted development rights in order to monitor any further additions to the dwelling. As such, it is concluded that the proposal is in accordance with Paragraph 89 of the NPPF (2012), Policy CS5 of the Core Strategy (Adopted) 2013 and the South Gloucestershire *Development in the Green Belt SPD* (Adopted) 2007.

5.15 Design and Impact on Street Scene

The design of the dwelling has taken a traditional approach, with a prominent double gable facing Cattybrook Road. The walls of the dwelling are rendered, to match the neighbouring properties along the lane with natural stone detailing on the porch, bay front windows and chimney stack. The design is considered to be locally distinctive and makes use of the prominent corner location.

5.16 The original bungalow was oriented facing Shortwood Road, to be read with neighbouring property No.5. The replacement dwelling has switched the orientation of the dwelling to face Cattybrook Road, in line with the existing semi-detached dwellings to the north. In its context, the replacement dwelling appears appropriate in terms of scale, height, materials and detailing, blending in with a varied street scene, in a semi-rural context. The rear two storey element has been stepped in on the side elevation giving this element of the dwelling a subservient appearance. Overall, the proposed design is considered to be high quality and an improvement on the previous bungalow, enhancing

the street scene and visual amenity. The proposal is in accordance with Policy CS1 of the Core Strategy (Adopted) December 2013.

5.17 Residential Amenity

The dwelling is located on a sizeable plot with ample private amenity space to the side and rear. The landowner also owns a plot of land beyond the rear of the dwelling for equestrian use, including a stable block. There is an established boundary hedgerow along the south between Shortwood Hill and No. 5. The north boundary is a stepped wooden clad fence of approximately 1.8 metres in height and a newly erected 'cock and hen' stone wall runs the front boundary, with two gate entrances. The rear neighbouring property is separated from the replacement building at a distance in excess of 20 metres. The distance and boundary treatment mean that there is no resulting overbearing impact from the replacement dwelling. Whilst there are windows included in the north elevation, due to the reduced height of the replacement dwelling and blank elevation in the neighbouring property No. 1 Cattybrook Road, it is unlikely that these windows would cause any additional overlooking or privacy impact on neighbouring occupiers, given the existing boundary treatments. There are no concerns regarding residential amenity overall.

5.18 Transportation

The proposed access arrangement is the same as the original bungalow, with the construction of the front boundary wall and two new gates. The access would be onto Cattybrook Road, which is a quite lane with a small group of residential properties. The replacement dwelling would not create an additional traffic or highways concerns. The Transportation DC Officer has advised that a condition should be attached requiring the provision of 3.no off-street parking spaces within the curtilage of the site, which is considered reasonable. It is considered that the proposed access and parking arrangements are acceptable and accord with Saved Policy T12 of the Local Plan (Adopted) 2006.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 That planning permission is **APPROVED**, subject to the conditions attached to the decision notice.

Contact Officer: Katie Warrington

CONDITIONS

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

Reason

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

2. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, B, D, E, F, G and H) 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 enable monitoring of the impact on the Green Belt given the increase in the size of the replacement dwelling, in order to preserve the openness of the Green Belt and to accord with Saved Policy H11 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS5 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

3. The existing trees and hedgerow along the south boundary of the site shall be retained.

Reason

To protect the character and appearance of the area to accord with Saved Policies CS1 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

4. The provision of 3no. off-street parking spaces shall be provided and permanently maintained within the site boundary before the building is first occupied, and thereafter retained for that purpose.

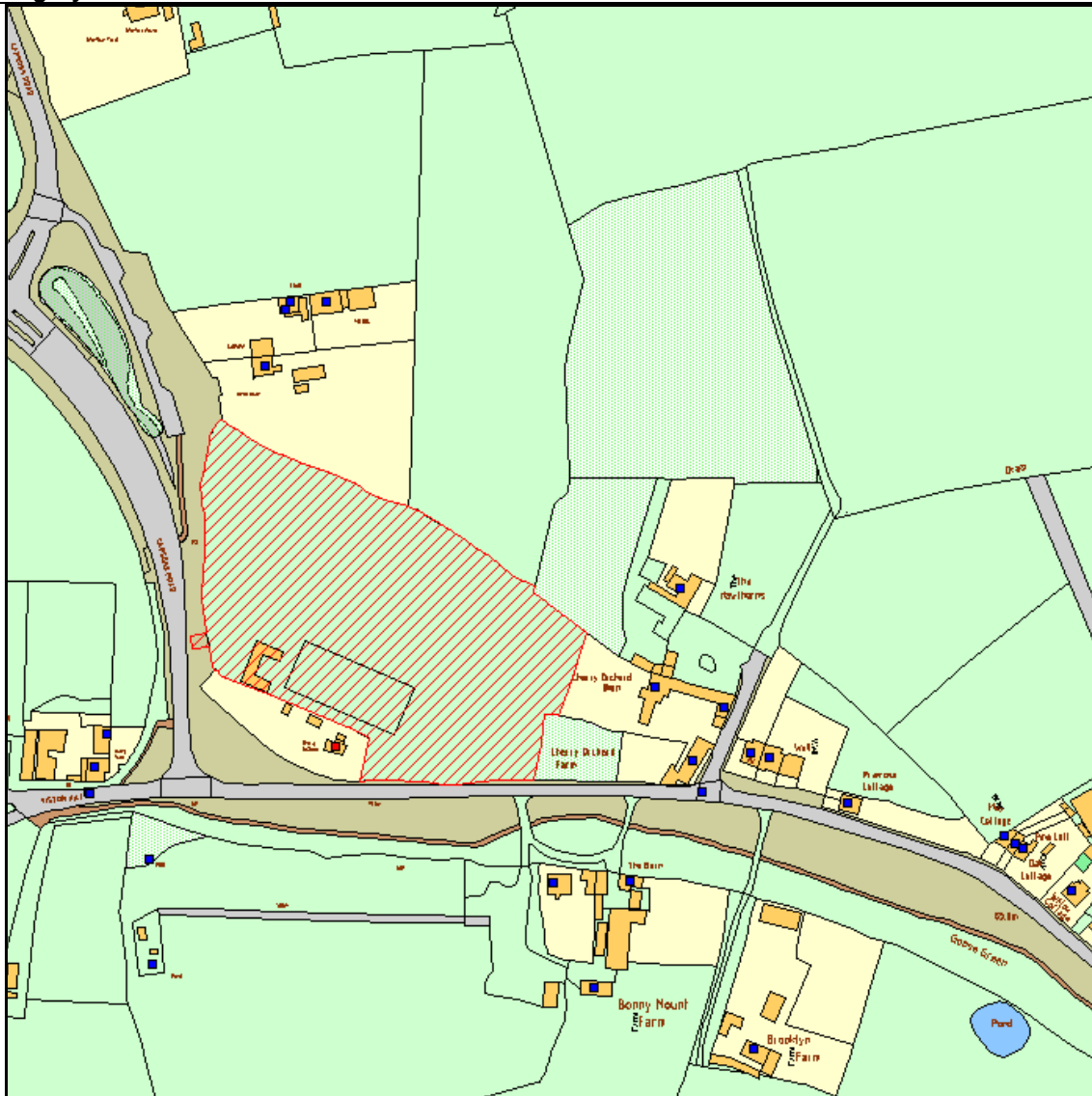
Reason

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 the Residential Parking Standard SPD (Adopted) 2013 and Saved Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

ITEM 2

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/2036/F	Applicant:	Mr Geoffrey Wheadon
Site:	Land Adj. Cherry Cottage Siston Hill Siston Bristol South Gloucestershire BS30 5LT	Date Reg:	12th June 2014
Proposal:	Change of use of land from part agricultural and part keeping of horses to Stud Farm (sui generis) as defined in Town and Country Planning (Use Classes) Order 1987 (as amended), stationing of 1no. mobile home and erection of 2no. Foaling boxes.	Parish:	Siston Parish Council
Map Ref:	366963 174518	Ward:	Siston
Application Category:	Major	Target Date:	8th September 2014



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100023410, 2008. N.T.S. PK14/2036/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule following an objection from a local resident and from the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks permission for the change of use of land from part agricultural and part keeping of horses to a stud farm (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), the stationing of 1no. mobile home and the erection of 2no. foaling boxes.
- 1.2 The application site comprises 2.023ha of land located to the rear of Cherry Cottage, Siston, accessed off Carsons Road. A previous planning application PK08/2171/F gave permission for the change of use from agricultural land to the keeping of horses plus the erection of stables, tack room, hay barn and the creation of an all-weather outdoor riding area.
- 1.3 The site lies outside the urban area, within open countryside and within the Bristol/Bath Green Belt. The current facilities are used to keep and train Friesian horses belonging to the site owner. A total of 5no. horses are currently on-site: three horses are trained in the discipline of dressage and two are broodmares. A stallion is currently kept offsite at a stable yard with 24 hour supervision and the brood mares regularly have to be taken offsite to foal; again because they require 24 hour care/supervision at this critical time. The intention is to expand the existing business which comprises the breeding of and sale of horses. Information submitted with the application indicates that keeping the stallion and brood mares offsite attracts expenses in livery fees, transport costs etc. As part of the business plan for expansion of the existing site into a stud farm, it is proposed that the stallion and brood mares are kept on-site. As the stallion requires 24 hour supervision and similarly the mares when in foal and after giving birth, the proposal includes the provision of a temporary mobile home on-site for the use of the manager of the yard. This will provide 24 hour security of the premises and the animals. To support the application a Business Plan has been supplied regarding the proposed expansion of the business along with accounts indicating the current business is successful. These details are kept on file as confidential and sensitive information.
- 1.4 During the course of the application additional drainage details were submitted for consideration and these were assessed and considered acceptable. Furthermore, amended plans were submitted showing the revised position of the proposed mobile home within the field. As the change did not alter the principle of the development, the revised plans were not put out for re-consultation.
- 1.5 The neighbour at Cherry Cottage contacted the Council to say that he had not received a letter of consultation. He was given additional time to make comments and these were duly received and are detailed below.

- 1.6 An independent report written by a professional agricultural consultant was commissioned by the Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS7 Strategic Transport Infrastructure
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS23 Community Infrastructure and cultural activity
CS24 Green Infrastructure, Sport and Recreation Standards
CS34 Rural Areas

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

H3 Residential Development in the Countryside
L1 Landscape Protection and Enhancement
L9 Species Protection
L16 Protecting the Best Agricultural Land
T7 Cycle Parking
T8 Parking Standards
T12 Transportation Development Control Policy For New Development
LC5 Proposals for Outdoor Sports and Recreation Outside Existing Urban Area and Defined Settlement Boundaries
E10 Horse Related Development

2.3 Supplementary Planning Guidance

South Gloucestershire SDP: Design (Adopted) 2006
South Gloucestershire SPD: Development in Green Belt (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|-------------|---|
| 3.1 | PK08/2171/F | Change of use of land from agricultural to land for the keeping of horses. Erection of stables, tack room and hay barn. Construction of outdoor menage. |
| | Approved | 18.9.08 |
| 3.2 | K6595 | Construction of stadium, associate football club facilities, car parking and access arrangements |
| | Refused | 10.9.90 |

4. CONSULTATION RESPONSES

4.1 Siston Parish Council

No objection in principle save the appropriate type of mobile home unit only is permitted and in a less conspicuous position on this prominent green field site with any such accommodation for the sole use of the named worker and to be subject to regular renewal.

4.2 Other Consultees

Sustainable Transport

No objection subject to a condition that the mobile home shall be occupied ancillary to the stud farm

Highway Drainage

Objection: Failure to state drainage proposals: The current full submission documents do not indicate what form of foul drainage is to be utilised. Full details are required before drainage comments can be made.

Foul drainage objection removed. This additional information indicates that a Condor ASP12 sewage treatment plant will be used for foul drainage disposal. This unit will accommodate a population of 12 and is satisfactory as mains foul drainage (a public foul sewer) is not situated in this area.

Wessex Water

There are no foul sewers within connection distance of the site. Please note that Bristol Water is responsible for the water supply in this area.

Landscape Architect

Objection as the mobile home would be contrary to Policy H3. However, in the event of this policy objection being overcome there would not be an in principle objection with regards to Policy CS1 and L1 subject to conditions.

Ecologist

No objection subject to an informative attached to the decision notice

Highway Structures

No comment

Coal Authority

Objection: no coal Mining Risk Assessment has been submitted with this application.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

Our records indicate that part of the application site has been subject to past coal mining activities, specifically both recorded and likely historic unrecorded underground coal mining at shallow depth. However, the area of recorded shallow coal mine working is only present within part of the site

where the applicant is proposing to erect the foaling stables (Drawing No. S5265/100). It would appear that the likely historic coal mining at shallow.

Following confirmation that the proposed foaling boxes would stand on existing hardstanding created under the previous application and with the assurance that no ground works would take place, the Coal Authority have withdrawn their original objection.

Other Representations

4.3 Local Residents

One letter of objection has been received by the Council and the points raised are:

- Did not receive a letter notifying us of the application
- We have no business or personal relationship with the paddocks or the owners – the original planning permission was based on owner of Cherry Cottage being in business with the paddock owners this has never been true
- It has come to light that the paddocks have no arrangements for independent water or electric and is spurring both of these from our supply. The cost of the water comes out of our annual rates and the electric is paid for independently by the owners of the paddocks – we are concerned if they plan to expand and have someone living on the site permanently then consumption will go up. We feel it is not our duty to supply these amenities and wish the paddocks to run completely independently
- There is a caravan already on site and the family appear to live there, building work is already taking place
- A large storage container placed behind our garage has been placed on a portion of our land without consultation with us

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal is for the change of use from stables and agricultural land to a stud farm (sui generis), the stationing of 1no. mobile home and the erection of 2no. foaling stables. The application is therefore to be assessed against the above listed policies and all material considerations. The application site lies in the Green Belt, outside a defined settlement boundary and in the open countryside. National planning policy advises of the limited categories of development that may be considered acceptable in the Green Belt. Policy E10 deals with horse related development which allows development provided it does not have unacceptable environmental impacts; does not prejudice the amenities of neighbouring residences; makes adequate provision for vehicular access, parking and manoeuvring; there are no underused buildings on site and the design of the buildings, the size of the site and the number of horses has proper regard to the safety and comfort of the horses. Policy H3 deals with residential development in the countryside and Policy CS1 states new development will be required to demonstrate a high standard of design. Finally,

Policy T12 seeks to ensure that new development will not have any adverse transportation effects.

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

5.3 National planning policy is supportive of rural businesses and this application proposes the expansion of an existing business. However, under the previous application PK08/2171/F condition 2 stated

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

Reason: to protect the amenities of the occupiers of the nearby dwellings, and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) January 2006

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

Reason: to protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policies GB1, L1 and E10 of the South Gloucestershire Local Plan (Adopted) January 2006

It is also worth mentioning that Condition 3 of that permission also limited the number of horse to be kept on the site as 5 in total.

The application seeks permission for a business to be run from the site which would require expansion of the existing facilities and the 24 hours supervision of the animals through the on-site presence of a manager. The following report demonstrates that the proposal is considered to accord with the principle of development and is thus recommended for approval.

5.4 Green Belt policies

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

The Green Belt serves five purposes:

- To check the unrestricted sprawl of large built-up areas

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

5.5 The application proposes the change of use of land from part agricultural and part keeping of horses to a stud farm (*sui generis*), the stationing of a mobile home and the erection of 2no. foaling boxes. The provision of appropriate facilities for outdoor recreation (as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it) is listed as being one of the exceptions in the NPPF – this would apply to the stable block. However, it should be highlighted that the change of use of land for the stud farm and for the stationing of a mobile home is NOT one of exceptions or other forms of development that are considered to be appropriate development in the Green Belt.

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

5.7 Given that the above has set out that the change of use of the land and the stationing of a mobile home constitutes inappropriate development in the Green Belt, this part of the proposal must be justified by very special circumstances.

5.8 The applicant has submitted a separate list of very special circumstances for the proposal and has requested that these, along with the details in the design and access statement, be considered to justify the granting of planning permission. These are listed below and a further assessment of their appropriateness as very special circumstances follows after:

- Harm to the openness of the Green Belt is limited, due to the siting of a mobile home behind a Landscaping Bund and additional planting
- A number of high quality equestrian buildings are on the application site already and they contribute positively to local distinctiveness and the wider landscape and the small addition of 2no foaling boxes will be attached to the existing stable block.

- The open parts of the site that currently accommodate the outdoor arena and stables, will remain open in this proposal. Views into and across the site will maintain their openness
- Existing trees will be maintained and properly managed for their health and screening functions. A programme of works to the existing trees has been prepared and will be implemented to provide long term care of the existing vegetation
- A planting scheme to augment the existing tree screens is proposed along with a management plan for the maintenance of the screen for the long term is also proposed. The planting scheme includes a mix of deciduous and native evergreen species to maximise the diversity value as well as the screening capabilities of the planting proposal
- The application site identifies this establishment as part of a cluster of quality equestrian premises in South Gloucestershire Council. The importance of the business links between equestrian centres should not be overlooked. Such centres benefit from proximity, allowing the 'cross fertilization' of personnel, (trainers, breeders and riders) and horses (for breeding) across the region
- The extension of the stable is screened by the existing stables, and the mobile home is clustered into the area where the stable are sited
- The scale of the new building respects that this is a quality application for occupation by a young family and not disproportionate to the setting
- The design of the new buildings deliberately reflects that of the best of the retained buildings on the site
- The materials utilised on the new build extension also reflects and compliments the materials on the existing stables
- National Planning Policy Framework. Paragraph 5.4.11 states "Securing a prosperous economy requires new and existing businesses in the borough to operate efficiently and effectively. This not only depends on employment growth - it also requires businesses to have access to the right type of employment floor space, the right skills, and the ability to implement 'smarter' or more productive ways of working."
- The need for 24hour supervision for two brood mares. Currently up to two months before foaling they have to be moved to a yard which is able to provide 24 hours supervision. The horses stay offsite until the foals are six weeks old and then return. The foals are either sold when weaned or kept and trained for sale at a later date
- The owner also has a stallion which needs 24 hour supervision and is currently therefore kept offsite
- The stabling of some of the horses offsite at different locations around Bristol makes it very difficult to manage the level of care required for the horses
- The installation of the two foaling boxes and the provision of an accommodation unit on site will enable the stallion and broodmares to be kept permanently on the land and provide the necessary associated care required
- The owner has been breeding pure Friesian and Friesian Sport Horses for over 15 years and has built up a good reputation within the equestrian community. The aim is for the stallion not only to cover the applicant's horses but a number of mares belonging to others. This together with the sale of the horses bred and sold, will create a business for the applicant

- The other horses kept on-site are trained in dressage and spend limited time in the open paddock due to their nature/temperament
- The provision of a mobile home will provide a unit that meets the needs of a rural enterprise by providing a dwelling within sight and sound of the animals thus enabling the occupier to respond quickly to emergencies should they arise. The keeping, breeding and rearing of horses generates a functional need for on-site residential presence of skilled equine workers.
- The need for prompt attention could occur outside normal working hours (associated with foaling or when a horse becomes 'cast' i.e stuck on its back when it rolls too close to a stable wall, hedge or fence)
- There will be an opportunity to employ a local full time member of staff to assist with the care of the horses on site and local feed merchants, vets and farriers will also benefit from the proposal
- Equine welfare is regulated by the Animal Welfare Act 2006 and the Equine Code of Practice. All those involved in the equine industry are subject to DEFRA based site inspection over and above spot inspections carried out by the British Horse Association and owners and keepers have a legal responsibility to ensure an animal's welfare needs are met: a duty of care
- The site will continue to be used exclusively for private equestrian use
- Paragraph 28 of the NPPF provides measures to promote a prosperous rural economy, local planning authorities are required to support the sustainable growth and expansion of all types of business and enterprise in rural areas and to support the development and diversifications of agriculture and land based rural businesses
- Financial details to illustrate the business is both established, successful and profitable
- A business plan to show how the applicant intends to expand the current business
- Examples of appeal decisions within the Green Belt to support the case

5.9 Very special circumstances are generally perceived to be reasons that can only apply to the applicant and no one else, making them unique and exceptional and which Officers can use to support the proposal. It is considered that there is no single main reason that can be put forward and some items on the list do not fall into the bracket of being very special circumstances. However, each relevant very special circumstance can be awarded some/appropriate weight and the result will give a balanced judgement in favour or against the proposal.

5.10 The case for very special circumstances to support the expansion of this existing business has therefore comprised a number of elements. The starting point is the intention to expand an existing business and concentrate the enterprise in one single location. The business involves breeding horses and as part of the plan the mares and stallion would need to be accommodated on-site. It is noted that the existing dressage horses would be sold off. Additional stabling in the form of foaling blocks are proposed and in the interests of animal welfare, on-site 24 hour supervision in the form of a manager is also needed, hence the need for a mobile home. Having all the horses on site would reduce expenses such as livery and transport, thus supporting the Business Plan. By having the stallion on-site another element of the business, that of covering other outside mares could be accommodated. A breakdown of accounts detailing figures for 2011 to the present date indicate a profitable, current

business and a Business Plan shows longer term aspirations and intentions to increase and expand the existing business. The accounts have been professionally prepared as supporting evidence for this application. It can be seen that investment has already taken place on the site and there is no reason to doubt the intention of the applicant to further expand the business. This is a material consideration and some weight can be given in favour of the scheme.

- 5.11 The applicant has supplied evidence in the form of an appeal decision which exhibits similarities to this situation in the Green Belt. 24 hour on-site supervision and the special requirements prior to, during and after foaling and the caring of the young foals were accepted by the Inspector as reasons weighing in favour of the proposal. This previous decision can be given some weight, although the decision does not relate to the South Gloucestershire area. In this case the applicant has stated that additional security would be required on-site due to the value of the stallion. The existing buildings and paddocks on site are of good quality design, construction and materials and regard can be given to the fact that the applicant has some 15 years experience in breeding and competing horses, is well established in that community and currently operates a horse related business. These matters can be given some weight in support of the business case and the intention of the applicant to expand the existing business.
- 5.12 Dwellings in the countryside are strictly limited and the NPPF seeks to avoid isolated homes in the countryside unless there are special circumstances. Previous planning statement PPS7 declared that such accommodation should be within sight and sound of the animals and in the first instance, for three years must be of a temporary nature in the form of a caravan or mobile home while it was demonstrated that the proposed enterprise was viable. This policy is no longer current but its principles can still be used as the basis on which to form a judgement. In addition the NPPF promotes *the development and diversification of agricultural and other land-based rural businesses*. There is no other accommodation on the holding which would meet the need for a dwelling and no other dwellings in the vicinity which would be in sight and sound of the animals. To expand the business all horses would need to be on-site and due either to being in foal or having just foaled or being a high value animal, would require 24 hour supervision. The welfare of the animals is an important material consideration to be taken into account in this instance and would hold some weight.
- 5.13 It has been stated that the proposal would create additional employment opportunities and this holds a small amount of weight in favour of the scheme. Having all animals on site would reduce the number of traffic movements. This only holds a very little amount of weight as traffic movements to and from the site are regarded as being small in number.
- 5.14 It is necessary to balance the perceived harm to the openness of the Green Belt resulting from the change of use of the land to a stud farm and the stationing of a mobile home against the list of very special circumstances brought forward by the applicant to support the application. It is Officer opinion that the items on the list when taken collectively provide a sufficiently cohesive argument amounting to very special circumstances that outweigh the harm to

the Green Belt caused by the stationing of a mobile home and the change of use to a stud farm. The matter of the additional stables is discussed below.

5.15 The detailed report written by a professional agricultural consultant on behalf of the Council includes a summary of the elements of the proposed business which entails the breeding and training of pure bred/part bred Friesian horses; in looking to further develop the stud the proposal is to sell the 3no. dressage horses and purchase a further brood mare. If consent is granted for on-site accommodation, both the stallion and foaling mares would remain on the property. A calculation of the standard man-day labour required for the existing and proposed business was given and showed that the current business generates full-time employment, however, the report noted that future labour input would be reduced by the sale of the dressage horses. The report acknowledges that the situation would change if any of the foals were to be retained for training and a further stallion purchased. The narrative of the report mentions the absence of a legitimate dwelling on the site (albeit that a mobile home has been placed there recently without permission) and makes the assumption that there are no other properties available to the business. It is noted that the applicant lives approximately 1 mile away from the property. In making the assessment paragraph 55 of the NPPF states that new isolated homes in the countryside should be avoided unless there are special circumstances such as:

- *The essential need for a rural worker to live permanently or near their place of work in the countryside*

The principle issue to be examined is whether there is an essential need for residential accommodation in association within the business.

5.16 Although PPS 7 was cancelled, Annex A of that statement is widely accepted as an established method in appraising applications for temporary dwellings relating to establishing businesses consideration should be given to the following:

- Clear intention to develop the business
- Functional need
- The business is planned on a sound financial basis
- No other dwellings either on the holding or in the locality
- All other planning matters can be satisfied

5.17 The report acknowledges the existing facilities in the form of the stable and manege, however, it also points out that one of the conditions of the 2008 planning permission was that *at no time shall the stables and the associated land be used for livery, riding school or other business purposes whatsoever.* The consultant argues that as the applicant does not have consent to run an equine business from the holding and any justification for a dwelling is based on the needs of a business (not the need of an individual) then it follows there is no case for a dwelling on the site. However, this application is to gain permission for the expansion of an existing business and to run it in its entirety from the site. Officers must therefore take into account the existing situation whereby breeding mares are already kept on site and the foals sold on.

- 5.18 The next element considered by the agricultural consultant is the functional test i.e. what is it about the business that requires someone to be present most of the times of the day and night. This is typically determined by the nature and scale of the operation concerned and that as there would be staff on site during the day the need would arise outside of normal working hours. The supervision of and health and welfare of the animals is the principal concern i.e. the stallion and mares before and after foaling. Currently two foals are born each year, increasing to 3no. in 2015/16 subject to the purchase of an additional brood mare. In addition there is mention of the stallion covering a small number of other mares and the possibility of rearing a home grown stallion. However, there is no indication of the scale of activity and timescale. Welfare of animals applies whether it be for a single animal or multiple; It follows that the more animals the greater the risk of incidents which will impact on the functioning of the business. A balanced judgement needs to be made here and several factors must be taken into consideration which include the security, value and nature of the animals; the stallion has been described as being highly strung and needing 24 hour supervision and similarly the foaling mares need 24 hour care. The intention is to increase the number of broodmares thus increasing the number of animals requiring greater care when in foal. On balance it is Officer opinion that although small scale there would be sufficient need for 24 hour supervision on the site when the business expands and consequently the need for a mobile home to house the manager providing that 24 hour care.
- 5.19 With regard to the financial element the applicant has produced trading accounts for the past three years which indicate the business is profitable. However, the agricultural consultant points out the equine market is very volatile and prices can fluctuate considerably depending on the breed and quality of the horse. He states it is difficult to comment on the future stud business without any forward projections, but he is satisfied that the financial test here is met.
- 5.20 It is noted that there are no legitimate dwellings on the site, the applicant resides just over 1 mile away and a current search of a national estate agent's website indicates a number of properties available at less than £250,000 within a 1 mile radius of the site.
- 5.21 The report concludes by stating that to support on-site accommodation all the criteria as listed above must be satisfied. Two outstanding matters are cited, firstly, the 2008 permission restricted activity on site to a non-commercial use. However, this report seeks to obtain permission for the running of a stud business on the site. Secondly, the scale of the venture fails the functional test. However, it is Officer opinion that a business use on the site has been proven in terms of the financial test, the intention to expand the business and the needs of the animals. Furthermore, by looking at the reasons attached to the previous permission which allowed a change of use to the recreational keeping of horses on site this report will go on to show that there are no objections to the proposal in terms of landscaping or highways. The above has shown that very special circumstances are sufficient to outweigh the harm to the Green Belt.

- 5.22 With regard to the location of the foaling stable and the mobile home the NPPF states openness is one of the essential characteristics of the Green Belt, the mere presence of additional built form would weigh against the scheme. In this case there would be some loss of openness, however, the location of the proposed foaling block adjacent to the existing block of stable would be read as being part of this existing structure and fit in well in this setting and would have little negative impact on the openness of the Green Belt. The issue of the proposed mobile home is another matter. The position of the caravan has been moved to behind the existing bund but further away from the stable block. It is acknowledged that the mobile home would not be highly visible from the public realm and if approved a scheme of planting/landscaping could be conditioned so that the existing hedges are improved/maintained to ensure their longevity and effectiveness, and new planting would further assist with screening. It is therefore considered that the proposed location and the use of conditions would hold weight in favour of the proposal.
- 5.23 Taking a balanced view, it is Officer opinion that the above details provided by the applicant have shown that there exist very special circumstances in this particular and specific case that outweigh the harm to the Green Belt by reason of inappropriateness and impact on the openness of the Green Belt and as such the change of use to stud farm and the stationing of a mobile home and the erection of a stable block can be supported.
- 5.24 Design and Visual Amenity
The application site is set back from the junction between Siston Hill and Carsons Road with the stables and manege located in the south-western corner. The proposal can be split into the two components:
- 5.25 The foaling boxes
The proposed 2no. foaling boxes would be open stables used for the keeping of broodmares and foals. They would be of timber construction on a concrete base and each would measure 3.6 metres by 3.6 metres, built to current equestrian welfare standards.
- 5.26 It has been stated that it is important to keep the expensive broodmares and their foals sheltered against the cold, wind, rain, flies and insects. Furthermore, it is essential to keep them stabled for their safety and to ensure they can be closely monitored when in foal. The size of the foaling stables allow the mares and foals to move around freely inside.
- 5.27 The accommodation unit
The proposed mobile home would enable the stable manager to be on site for the purpose of security and overall management, care and welfare of the quality breeding mares, stallion and other horses/foals based at the site.
- 5.28 It is noted that the proposed mobile home is of a rather substantial size with 3no. bedrooms and other living accommodation. The agent has explained that the manager of the proposed stud farm would be living on site with her family and so a unit of the size proposed is required. Should the application be acceptable a condition would be attached to firstly, ensure that the mobile home would only be allowed for a period of 3 years and secondly, that the

occupation relates directly to the operation of the stud farm only. It is further noted that no domestic curtilage has been allocated for the mobile home; should the proposal be approved, given its sensitive location a residential curtilage would need to be defined and must be kept to a minimum. The overall design of the mobile home is on balance considered acceptable and can be supported.

5.29 Residential Amenity

The closest residential property is Cherry Cottage, situated to the south of the application site. The proposed foaling block would be positioned immediately adjacent and to the west of the existing stable block. This stable would effectively screen the proposed foaling block and as such it is considered there would be very little impact on the residential amenity over and above that already existing. With regard to the mobile home it is proposed that this be positioned to the north of the stable alongside the western boundary of the site and even further away from the neighbouring dwelling. The impact on the residential amenity of neighbours is therefore acceptable.

5.30 A letter received by the Council has stated that there has never been a business relationship between the owner of Cherry Cottage and the applicant. The applicant's agent refutes this and is willing to produce a solicitor's letter to that effect. Nevertheless, this planning application is concerned with the current situation and not on agreements between neighbours. Documentation has been produced by the applicant to show that he pays his own electricity bills from an independent supply and the agent has verbally confirmed that an application has been made to the local water company for the site to have its own connection.

5.31 The matter of the applicant placing a large container on the neighbour's land is something that cannot be covered under the remit of a planning application and would have to be dealt with separately as a civil issue between the relevant parties. Mention has been made of a temporary caravan on the site. A condition would ensure that this structure would be removed if permission were to be granted for the proposed mobile home.

5.32 Sustainable Transport

The access and parking arrangements for the site would be unchanged by the additional new facilities. Access is off an existing high double gateway off Carsons Road. It has been stated that a maximum of four traffic movements per day will still apply as per the previous permission. It is considered that overall movements will decrease because the person looking after the horses will be on site and not visiting on a daily basis.

5.33 There is no highway/transport objection to the change of use to a stud farm provided the mobile home is only occupied ancillary to the stud farm. Details submitted with the application state there will be no livery use or subletting of the facilities and this would also be secured by condition.

5.34 Ecology

The application site consists of part of an agricultural field (grazed pasture) and hardstanding associated with existing riding stables adjacent to a property on

Siston Hill to the east of Siston Common. The site is not covered by any statutory or non-statutory nature conservation designations.

- 5.35 There is no supporting ecological information included within the application. That said, the location of the mobile home forms part of an intensive improved agricultural field (pasture) of low nature conservation interest and which is presently already grazed by horses associated with the existing stables. The foaling boxes will be sited on an area of hardstanding.

Given the above there are no ecological constraints to granting planning permission.

5.36 Landscape Issues

Policy H3 states that proposals for new residential development outside the existing urban areas and the boundaries of settlements, as defined on the proposals map, will not be permitted with the exception of the following:

- A. Affordable housing on rural exception sites or
- B. Housing for agricultural or forestry workers or
- C. Replacement dwellings.

The proposed mobile home is therefore contrary to Policy H3.

- 5.37 In the event of the policy objection being overcome there would not be an in principle landscape objection with regards to Policy L1 and CS1. There are overgrown hedgerows on the southern and western boundaries which help to screen the site. The hedge is starting to be 'gappy' and there is a concern, especially during the winter months, that the mobile home will be visible through the hedge and would look incongruous at the proposed location offset from the boundaries of the site. The visual impact of the mobile home has been reduced by locating it closer to the existing structures on site and additional planting could also help to soften and partially screen its outline. If approved appropriate conditions regarding maintenance and a five year plan for the existing hedges would need to be submitted and approved in writing.

The two foaling boxes are located adjacent to the existing stables and there is no landscape objection to them.

5.38 Coal Authority

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

- 5.39 The Coal Authority has also suggested that if the applicant were to amend the proposed site layout so that the foaling stables were moved to the northern part of the existing U shaped stable block, this would remove the building from the area of recorded shallow coal mining which would result in a Coal Mining Risk Assessment not being required.

5.40 The applicant has confirmed that the proposed location for the foaling stables is already an area of hardstanding. This was created under the previous application PK08/2171/F which gave permission for a tack room, hay barn and the creation of an all-weather outdoor riding area plus a parking area immediately next to the existing stable and these proposed foaling stables. It has been confirmed that no ground works would be undertaken and the proposed timber stables would be positioned on top of the existing concrete base. On this basis the Coal Authority have revised their original objection to the proposal.

5.41 Environmental Effects

There are no objections on environmental grounds. In terms of drainage the Council's Engineer has raised no objection to the proposed drainage scheme. In addition all matters of external lighting, car parking, use of horse boxes or trailers could be strictly controlled by conditions.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The occupation of the mobile home hereby approved shall be limited to a person solely or mainly working on the stud farm and to any resident dependents.

Reason

The site is not in an area intended for development and the development has been permitted solely because it is required to accommodate a person working in this equestrian business (a rural worker) to accord with the provisions of the NPPF (2012) and Policy H3 of the South Gloucestershire Local Plan (adopted) 2006.

3. The use hereby permitted shall be discontinued and the temporary mobile home removed from the site and the land restored to its former condition on or before 8th October 2017 in accordance with a scheme of work to be previously submitted to and approved in writing by the LPA.

Reason 1

The functional need for a worker to live permanently on site, and the viability of the enterprise is yet to be fully established. Permission for a limited period will allow the LPA to re-assess the development in the light of experience of the use, the provisions of the Local Development Plan and any other material considerations on expiration of the temporary permission.

Reason 2

The site is not intended for development being located in the open countryside and the Green Belt; and a mobile home is harmful to the character and visual amenity of the area. The proposal would in other circumstances be inappropriate development and is permitted in this case to support a rural worker for a limited period only.

4. Prior to the commencement of development hereby approved full details of both the proposed soft and hard landscaping works shall be submitted in writing to the LPA for approval and these works shall be carried out as approved.
These details shall include proposed finished levels or contours, means of enclosure, car park layouts, other vehicle and pedestrian access and circulation areas, hard surfacing material.
Soft landscaping works shall include planting plans, written specifications including cultivation and other operations associated with plants and grass establishment, schedules of plants, noting species

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policy L1 and E10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

5. The number of horses to be kept on the site edged in red and blue on the approved plans shall not exceed 8 in number.

Reason

In the interests of highway safety and to protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

6. No permanent jumps, fences, gates or other structures for accommodating animals and provided associated storage shall be erected on the land.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policy L1 and E10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

7. At no time shall the stables, foaling boxes and associated land be used for livery or riding school.

Reason

To protect the amenities of the occupiers or nearby dwellings, the character and appearance of the Green Belt and in the interests of highway safety and to accord with Policy T12 and E10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

8. Any temporary jumps erected on the land shall be stored away to the side of the stable immediately after use.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policy L1 and E10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

9. At no time shall horse boxes, trailers, van bodies and portable buildings or other vehicles be kept on the land other than in the area immediately adjacent to and around the stables as indicated by the shading on Site Location plan S5265/101A.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policy L1 and E10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

10. At no time shall there be any bringing of foul waste upon the land subject of the planning permission hereby granted.

Reason

To protect the amenities of occupiers of the nearby dwellings and to accord with Policy E10 of the South Gloucestershire Local Plan (Adopted) 2006. 2012).

11. No development shall take place until details or samples of the roofing and external facing materials for the foaling stables have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

Reason

To protect the character and appearance of the area to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (2013) and the NPPF (2012).

12. Prior to the commencement of development all details of external illumination shall be submitted to and approved in writing by the LPA. The external illumination shall be implemented in accordance with the approved details.

Reason

To protect the character and appearance of the area and the visual amenity of the Green Belt and to accord with Policy L1 and E10 of the South Gloucestershire Local Plan (Adopted) 2006 and the NPPF (2012).

13. Within 90 days of the date of this permission the existing unauthorised mobile home (caravan) shall be permanently removed from the site.

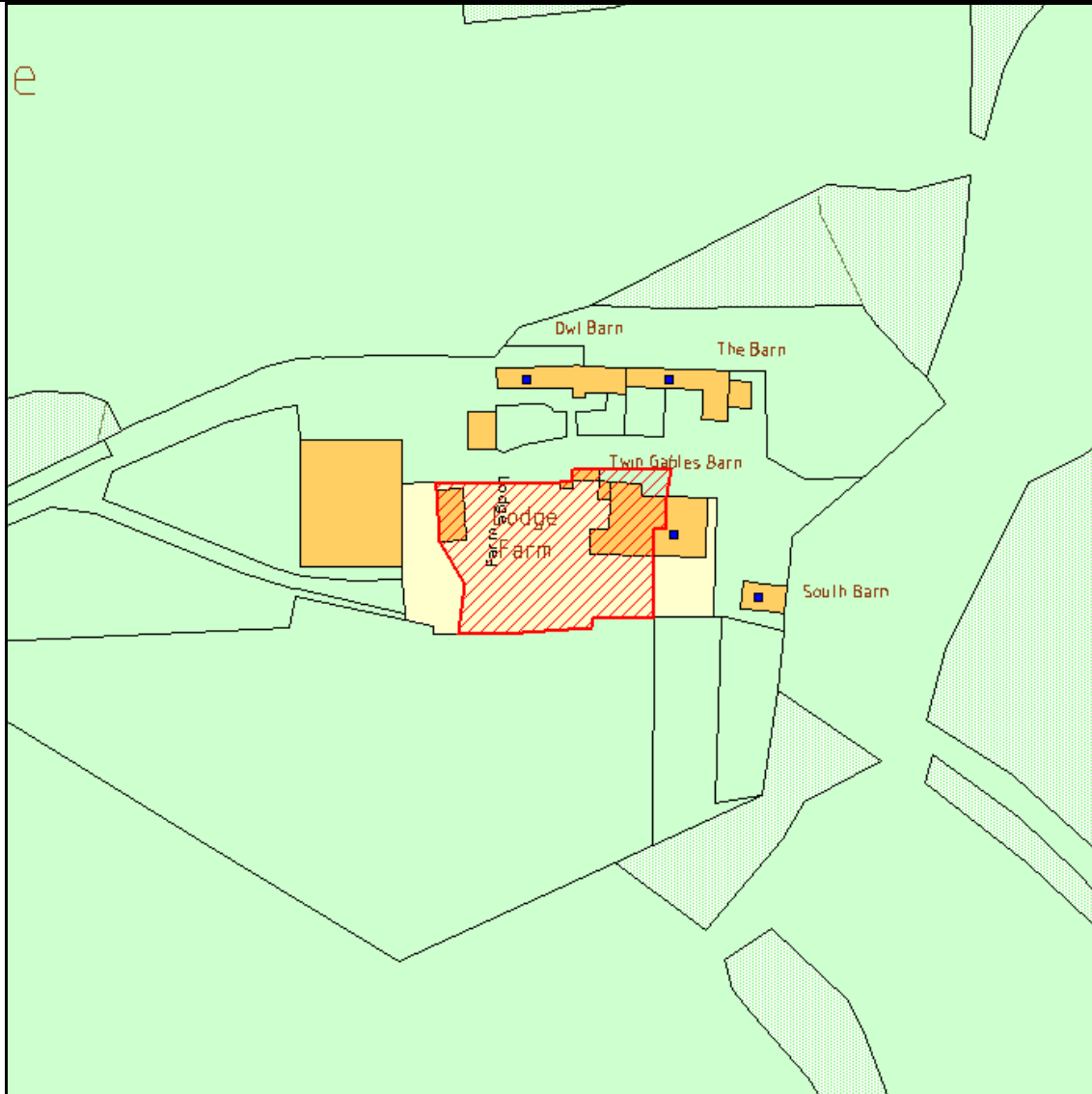
Reason

In the interests of the character and appearance of the area and to accord with saved Policy L1 and L2 of the South Gloucestershire Local Plan (Adopted) 2006 and Policy CS1 and CS34 of the South Gloucestershire Local Plan : Core Strategy (2013), the SPD: Green Belt (2007) and the NPPF (2012).

ITEM 3

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/2088/LB	Applicant:	Mr Williams
Site:	Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Date Reg:	20th June 2014
Proposal:	Application to retain internal and external works already carried out including extension, new doors, joinery, new en-suites and storage, new flooring and rooflights.	Parish:	Siston Parish Council
Map Ref:	367725 175244	Ward:	Siston
Application Category:	Minor	Target Date:	6th August 2014



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100023410, 2008. **N.T.S.** **PK14/2088/LB**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks listed building consent to retain internal and external works already carried out including extension, new doors, joinery, new en-suites and storage, new flooring and rooflights.
- 1.2 The application relates to Lodge Farm, a large detached 17th, early 18th century house, built from local rubble stone with clay pantile roofs.
- 1.3 During the course of the application details of a proposed CCTV system were removed from the application. Revised plans were put out for re-consultation based on a neighbour's objection of these items. Notwithstanding their removal from this application the neighbour has indicated that the objection should stand.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|---|
| 3.1 | PK05/0951/F | Alterations to Lodge Farm to facilitate subdivision into 2no dwellings. Conversion of 2no barns to form self contained dwellings and conversion with associated works.
Refused
3.6.05 |
| 3.2 | PK05/1135/LB | Alterations and change of use of 3 barns to facilitate conversion to 2 no. dwellings and 1 no. detached garage. Alterations to existing dwelling to facilitate sub division into 2 no. dwellings.
Refused
3.6.05 |
| 3.3 | PK05/3134/F | Alterations to Lodge Farmhouse to facilitate subdivision into 2 no. self contained dwellings. Conversion of 3 no. barns to form 2 no. dwellings and garages with associated works
Approved
20.1.06 |
| 3.4 | PK05/3156/LB | Alterations to Lodge Farmhouse to facilitate subdivision into 2 no. self contained dwellings. Conversion of 3 no. barns to facilitate 2 no. dwellings and garages (Resubmission of PK05/1135/LB).
Approved
20.12.05 |
| 3.5 | PK10/0949/LB | Demolition of part of barn to facilitate rebuilding and |

- | | | |
|-----|--------------|--|
| | Approved | recladding of barn/store
11.6.10 |
| 3.6 | PK10/0948/F | Demolition of part of barn to facilitate rebuilding and
recladding of barn/store |
| | Approved | 28.6.10 |
| 3.7 | PK14/2286/F | Demolition of part of boundary wall and erection of
1.8m max high gates. Erection of 0.9m high railings and
handrail. (Retrospective). |
| | Pending | |
| 3.8 | PK14/3436/LB | Application to retain internal and external works
already carried out including installation of CCTV and
alarm, re-instatement of basement windows, strengthening
of 1no. beam, replacement of south external door,
basement tanking and dry lining 1no. reception room. |
| | Pending | |

4. CONSULTATION RESPONSES

4.1 Siston Parish Council
No comment

4.2 Other Consultees

Listed Building/Conservation Officer

No objection subject to conditions attached to the decision notice

SPAB

Expressed concerns regarding the basement tanking; made suggestions regarding the basement windows and flooring and the internal insulation; stated they would prefer not to see CCTV cameras on the main elevation and declared the installation of Velux rooflights is not recommended for a listed building as they are too chunky.

The Council's Listed Building Officer has successfully dealt with all these points and revised plans reflect suggestions and areas of concern

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points raised are summarised as:

- Some drawings show no CCTV but there are several cables hanging from the walls of the house
- Concerned these cameras will encroach onto my private property. Will they be able to pan around?
- Can there be a condition regarding hours of work?
- Boiler flue already installed – will we be subject to any further noise when it is operating?

- We do not wish to be monitored by neighbours and look like we live in a maximum security prison.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations.

5.2 Assessment

Lodge House has been historically extended from its original plan form which is believed to have comprised the northern block with prominent attic gables that now is now ancillary to the larger, dominant south facing with its formal stone mullion and transom windows and central door opening with stone architrave and flat cornice. Internally, a number of original doors and surrounds survive, along with fireplaces and the main timber floor and roof structures. The building was recorded as being in a parlous state in the late 1990s, early 2000s and it was partly refurbished around the same time as the other farm buildings were redeveloped and converted to separate residential dwellings. Many of the casement windows in the northern block were replaced but the stone mullioned windows were left *in situ* and in need of repair.

5.3 This application seeks permission, mostly retrospectively, for a range of alterations that were carried out without the benefit of listed building consent and which have been the subject of an enforcement investigation. Aspects of the work have been classed as repairs of the existing structure, whilst others require consent.

5.4 In terms of the information that was originally submitted, most of the work was considered acceptable but the following particular items raised concerns. The Listed Building Officer made initial observations:

CCTV – the application originally proposed the installation of 5 CCTV cameras (of a dome type) and a new alarm box. Officers regarded the cameras as wholly unacceptable on the elevations of the listed building. and following Officer advice, the applicant withdrew them from the scheme.

Rooflights – the application contains a number of rooflights lighting the attic accommodation that are hidden from view and proposes two addition rooflights that will be visible from outside the building. These are described as Velux Conservation Roof Windows but they are considered an unacceptable form of rooflight for use on this particular building. The Velux product is a standardised timber roof window with a black cladding and they do not satisfactorily replicate the slender lines and traditional appearance of metal conservation rooflights. The locations of the new rooflights are acceptable but an alternative manufacturer's product will need to be specified and these will be conditioned should an approval be secured.

Room 3 Insulation – the application proposes the retention of a modern dry-lining system within the main ground floor room. This has been applied over

the existing wall finishes. As well as potentially affecting the breathability of the historic fabric, the finish fails to respect the traditional character and interest of the listed building, and it also results in the door frames being partly concealed by the lining. This has been identified previously as an unacceptable situation and will need further consideration.

Stone mullioned windows to basement – the application proposed the repair/replacement of these historic windows. Historic fabric should be conserved *in situ* where possible and the extent of work will need to be conditioned for later approval.

Tanking solution to the basement – on a previous visit it was observed that a significant amount of ground water penetration was taking place in the basement to the extent that the sump was regularly pumping water out. A tanking system was, therefore, considered necessary but the manner in which the corrugated system was taken up the stairs was raised as a concern, specifically around the historic windows. Carrying the DPM up to the existing stone mullioned window reduces the area of walling through which any moisture can escape and there is a risk that it will concentrate at the stone mullion. Taking the line of the tanking back and terminating it with traditional lime plaster in the window reveals would at least offer a zone of breathability where any residual moisture can evaporate.

Stone skirting – Officers were unconvinced by the proposed use of the stone skirting in the ground floor. If a skirting is needed, an oak board would be preferable.

New gated entrance – The existing entrance that runs past the large agricultural building is not an historic one and appears to have been formalised when the barns were converted to dwellings. The wall that currently divides the barns from the house is an extension to an earlier wall and, up until the barn conversion, the access to the farmhouse was through a gap next to the current garage. The principle of an access may be acceptable but I'd need to visit the site to consider its placement and appearance.

- 5.5 Other aspects of the scheme, such as the new oak doors, beam repairs, small ensuite, stone window repairs have all been completed sympathetically and having regard to the special interest of the listed building. The new stone floor is acceptable, and the new lightwell and balustrade are acceptable new introductions at the informal garden entrance.
- 5.6 Following a site visit, a series of revised plans were submitted confirming the deletion of certain aspects of the works from the application and deferring others to a later submission and further discussions. The application as revised, therefore, seeks permission for the retention of the internal subdivisions, the new floor finishes, the new timber skirtings, the installation of conservation rooflights and retention of other Velux roof windows in concealed areas, the extension to the ground floor utility, reinstatement of the windows to the basement, strengthening of two floor beams, new gateway and new balanced flue. All of the above items are considered generally acceptable

subject to conditions covering those aspects that have yet to be commenced in site.

5.7 The CCTV equipment has been deleted from the application, as has the treatment of the basement tanking detail and insulated lining to one room. Other aspects such as the change to the original metal casement pattern has been addressed separately and will be monitored accordingly.

5.8 On the basis of submitted revisions Officers are of opinion that the revised scheme is acceptable subject to conditions. Further discussions and negotiations will take place in respect of the remaining items of work that no longer form part of this application.

6. **CONCLUSION**

6.1 The recommendation to **approve** Listed Building Consent has been made having regard to section 16(2) of the Planning (Listed Building and Conservation Areas) Act 1990 and Government advice contained in the NPPF (2012).

7. **RECOMMENDATION**

7.1 Listed building consent is **granted** subject to conditions and informatives attached to the decision notice.

Contact Officer: Anne Joseph

Tel. No. 01454 863788

CONDITIONS

1. Notwithstanding the submitted information, large scale details of any metal stanchions or opening metal casements to be installed in the basement window openings shall be submitted to and approved in writing by the local planning authority prior to their installation. The works shall be carried out strictly in accordance with the approved details.

Reason: In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF.

2. Samples of the proposed new timber flooring shall be submitted to and approved in writing by the local planning authority. The works shall be carried out strictly in accordance with the approved sample. For the avoidance of doubt, the boards shall be wide, square-edged boards and shall be laid prior to re-occupation of the dwelling.

Reason: In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF.

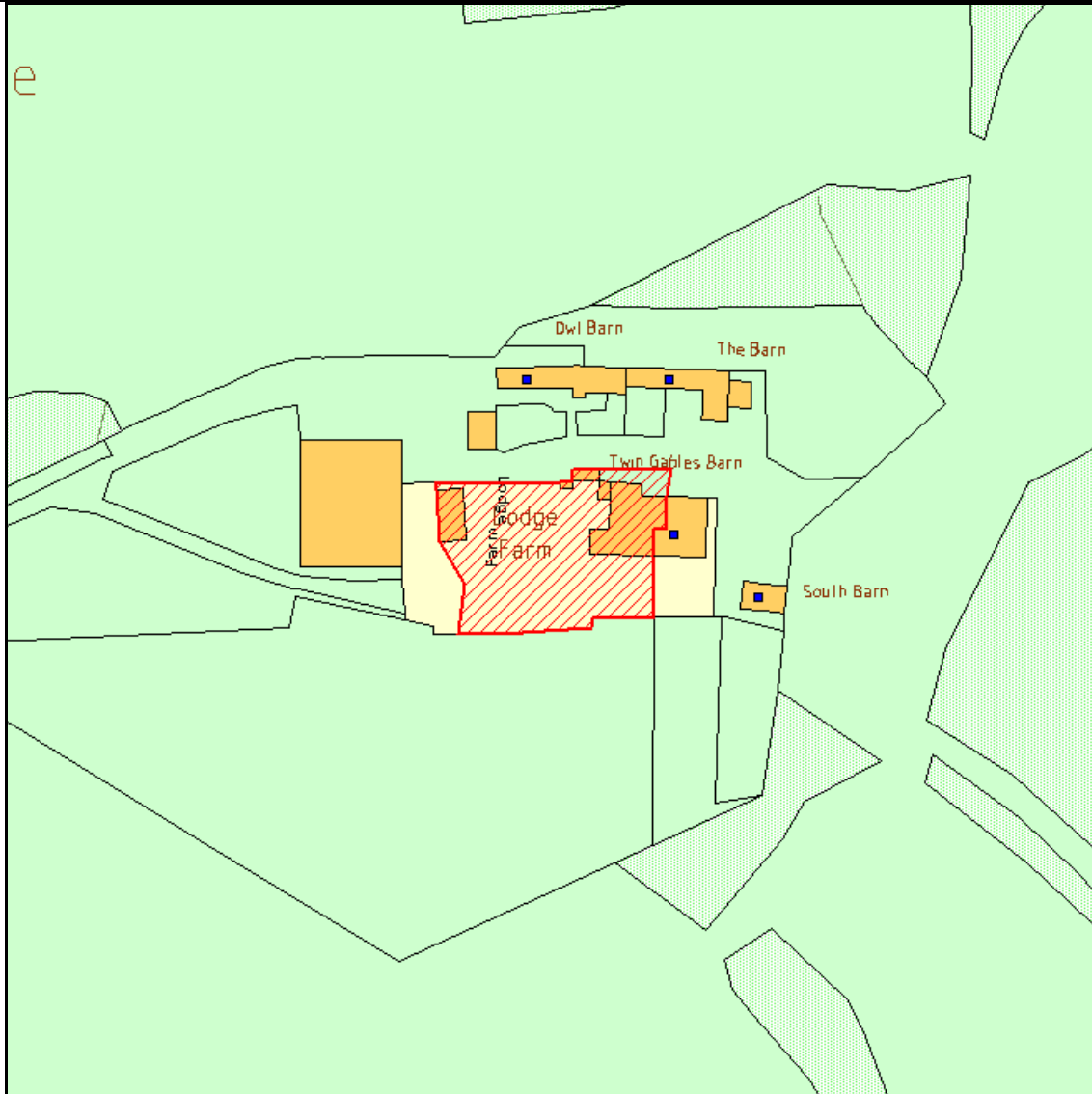
3. The re-profiling of the stone-mullion window to Reception Room 3 as identified on drawing ref LB.08A shall be completed prior to reoccupation of the dwelling.

Reason: In order that the development serves to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF.

ITEM 4

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/2286/F	Applicant:	Mr M Williams
Site:	Lodge Farm Carsons Road Mangotsfield South Gloucestershire BS16 9LW	Date Reg:	20th June 2014
Proposal:	Demolition of part of boundary wall and erection of 1.8m max high gates. Erection of 0.9m high railings and handrail. (Retrospective).	Parish:	Siston Parish Council
Map Ref:	367725 175244	Ward:	Siston
Application Category:	Householder	Target Date:	6th August 2014



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100023410, 2008. N.T.S. PK14/2286/F

CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the demolition of part of the boundary wall and the erection of 1.8 metre high gates and the erection of 0.9 metre high railings and handrail. This application is part retrospective as some of the work has already been completed.
- 1.2 The application site relates to Lodge Farm a late 17th, early 18th century house, built from local rubble stone with clay pantile roofs. The dwelling is situated outside a settlement boundary and within open countryside and the Bristol/Bath Green Belt.
- 1.3 This application should be read in conjunction with listed building application PK14/2088/LB.
- 1.4 During the course of the application details of a proposed CCTV system were removed from the application. Revised plans were put out for re-consultation based on a neighbour's objection of these items. Notwithstanding their removal from this application the neighbour has indicated that the objection should stand.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning (Listed Buildings and Conservation Areas) Act 1990

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1	High Quality Design
CS5	Location of Development
CS9	Environmental Resources and Built Heritage
CS24	Open Space Standards
CS34	Rural Areas

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

H4	Development within Existing Residential Curtilages, Extensions and New Dwellings	Including
L13	Listed Buildings	

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|--------------|--|
| 3.1 | PK05/0951/F | Alterations to Lodge Farm to facilitate subdivision into 2no dwellings. Conversion of 2no barns to form self contained dwellings and conversion with associated works. |
| | Refused | 3.6.05 |
| 3.2 | PK05/1135/LB | Alterations and change of use of 3 barns to facilitate conversion to 2 no. dwellings and 1 no. detached garage. Alterations to existing dwelling to facilitate sub division into 2 no. dwellings. |
| | Refused | 3.6.05 |
| 3.3 | PK05/3134/F | Alterations to Lodge Farmhouse to facilitate subdivision into 2 no. self contained dwellings. Conversion of 3 no. barns to form 2 no. dwellings and garages with associated works |
| | Approved | 20.1.06 |
| 3.4 | PK05/3156/LB | Alterations to Lodge Farmhouse to facilitate subdivision into 2 no. self contained dwellings. Conversion of 3 no. barns to facilitate 2 no. dwellings and garages (Resubmission of PK05/1135/LB). |
| | Approved | 20.12.05 |
| 3.5 | PK10/0949/LB | Demolition of part of barn to facilitate rebuilding and recladding of barn/store |
| | Approved | 11.6.10 |
| 3.6 | PK10/0948/F | Demolition of part of barn to facilitate rebuilding and recladding of barn/store |
| | Approved | 28.6.10 |
| 3.7 | PK14/2088/LB | Application to retain internal and external works already carried out including extension, new doors, joinery, new en-suites and storage, new flooring and rooflights. |
| | Pending | |
| 3.8 | PK14/3436/LB | Application to retain internal and external works already carried out including installation of CCTV and alarm, re-instatement of basement windows, strengthening of 1no. beam, replacement of south external door, basement tanking and dry lining 1no. reception room. |
| | Pending | |

4. CONSULTATION RESPONSES

- 4.1 Siston Parish Council
No comment

4.2 Other Consultees

Conservation/Listed Building Officer

No objection subject to conditions attached to the decision notice

Highway Drainage

No objection

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One letter of objection has been received from a local resident. The points raised are summarised as:

- Some drawings show no CCTV but there are several cables hanging from the walls of the house
- Concerned these cameras will encroach onto my private property. Will they be able to pan around?
- Can there be a condition regarding hours of work?
- Boiler flue already installed – will we be subject to any further noise when it is operating?
- We do not wish to be monitored by neighbours and look like we live in a maximum security prison.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The application stands to be assessed against the above listed policies and all other material considerations. Of particular importance is the design and appearance of the alterations, the impact on the residential amenities of neighbours and the impact on the character of the listed building. It is noted that a separate listed building application has been submitted. The application site is within the Green Belt where policy dictates that limited extensions within residential curtilages can be permitted. The minimal change to the roof slope of the single storey lean-to extension is considered to fall within this criteria.

It is considered that the proposal accords with the principle of development and this is discussed in more detail in the below report.

5.2 Design and Visual Amenity

The dwelling is accessed via a long driveway/track which also serves neighbouring dwellings within the recently converted barns. The property is part of a small cluster of buildings some of which have recently been converted to dwellings from farm buildings. Lodge Farm itself has been historically extended extended from its original plan form which is believed to have comprised the northern block with prominent attic gables that now is now ancillary to the larger, dominant south facing with its formal stone mullion and

transom windows and central door opening with stone architrave and flat cornice. Internally, a number of original doors and surrounds survive, along with fireplaces and the main timber floor and roof structures. The building was recorded as being in a parlous state in the late 1990s, early 2000s and it was partly refurbished around the same time as the other farm buildings were redeveloped and converted to separate residential dwellings. Many of the casement windows in the northern block were replaced but the stone mullioned windows were left *in situ* and in need of repair.

- 5.3 This application seeks planning permission for a number of changes that form part of a wider raft of alterations that were carried out without the benefit of listed building consent. This application seeks to regularise the following elements:

New gated entrance – The existing entrance that runs past the large agricultural building is not an historic one and appears to have been formalised when the barns were converted to dwellings. The wall that currently divides the barns from the house is an extension to an earlier wall and, up until the barn conversion, the access to the farmhouse was through a gap next to the current garage. As the wall is a modern replacement there is no objection to the creation of an entrance at this point subject to details of finishes/timber species being submitted for prior approval to the LPA.

The lightwell and balustrade that have already been constructed are considered acceptable introductions at the informal garden entrance and can therefore be recommended for approval.

The works include changes to the roof line of an existing single storey lean-to extension. The height of the eaves would be increased from approximately 2.5 metres to 2.8 metres but the ridge height would remain unchanged. In design terms this is acceptable.

5.4 Green Belt

National and local planning policy aim to prevent urban sprawl into the Green Belt and to protect its openness. In this respect it is considered that the alterations to the external appearance of the dwellinghouse are minor in scale, would constitute limited additions and would not impact on the openness of the Green Belt. Similarly, the introduction of a new access into the property through the existing garden wall would not impact on the openness of the Green Belt as no new driveway/access road would be required; the existing track/driveway currently used by the neighbouring dwellings would be utilised for this purpose.

5.5 Sustainable Transport

The proposed new gateway and access would be positioned in between the main dwelling to the east and the existing garage/workshop to the west. There is sufficient room on site for both the manoeuvring and parking of a number of vehicles. There is therefore no objection in highway terms.

5.6 Other matters

The neighbour has indicated concern regarding levels of noise that might result from a new flue/boiler. This is not a planning matter but Officers would advise that if there are any concerns Environmental Officers should be consulted.

Noise from the site has been raised as an issue and so a condition is to be attached to the decision notice to ensure that work is conducted within certain hours of the day.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. Prior to the construction and installation of the entrance gates hereby approved, a sample of the proposed timber in its final, finished state shall be submitted to and approved in writing by the local planning authority. The development shall be completed strictly in accordance with the approved sample

Reason:

To maintain and enhance the character and setting of the listed building, in accordance with policy L13 of the adopted South Gloucestershire Local Plan, section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF.

2. The hours of working on site during the period of construction shall be restricted to 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 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.

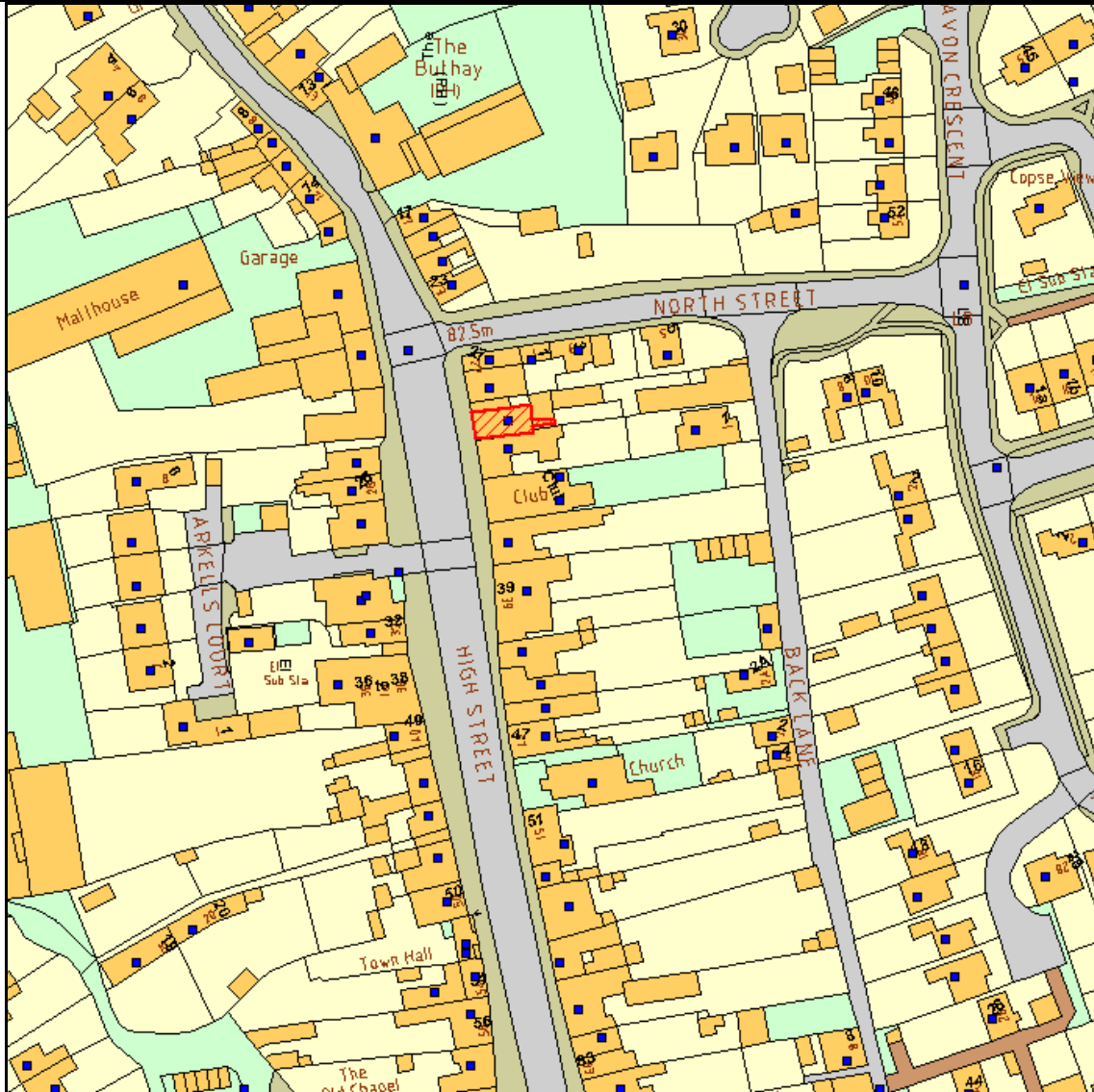
Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 5

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/2403/RVC	Applicant:	Mrs Lisanne Rogers
Site:	Wickwar Coffee Shop 31 High Street Wickwar Wotton Under Edge South Gloucestershire GL12 8NP	Date Reg:	3rd July 2014
Proposal:	Variation of Condition 1 attached to planning application PK12/0839/F to read: For the avoidance of doubt, the use hereby authorised is as a delicatessen and cafe only and does not include a public house or wine bar.	Parish:	Wickwar Parish Council
Map Ref:	372415 188547	Ward:	Ladden Brook
Application Category:	Minor	Target Date:	13th August 2014



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N.T.S. PK14/2403/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of a letter of objections from local residents.

1. THE PROPOSAL

- 1.1 The applicant seeks planning permission to vary Condition 1 of planning permission PK12/0839/F to read: *'For the avoidance of doubt, the use hereby authorised is a delicatessen and café only and does not include a public house or wine bar.'*

A retrospective planning permission was granted for the change of use of premises from shop (Class A1) to Delicatessen and Café (Class A3 and A5) at 31 High Street, Wickwar subject to the following conditions:

A. The premises shall be used for Delicatessen can Café only and for no other purpose (including any other purpose in Class A3 and A5); of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt, the use hereby authorised is as a café only and does not include a public house, wine bar or any other licensed premises, or any element of hot food restaurant or takeaway. Reason: To protect the residential amenity of the neighbouring occupiers and to accord with Policy RT11 of the South Gloucestershire Local Plan (Adopted) January 2006.

B. No external flue and extraction system shall be installed without the prior written consent of the Local Planning Authority. Reason: To maintain and enhance the character and appearance of the Conservation Area, and to accord with Policy L12 of the South Gloucestershire Local Plan (Adopted) January 2006.

It should be noted that there is no planning condition relating to the opening hours of the premises.

- 1.2 The building is situated within the settlement boundary of Wickwar and the Conservation Area of Wickwar. The property is a locally listed building and is also situated adjacent to a Grade II listed building, No. 33 High Street.
- 1.3 The applicant confirms that the proposal is not to change the way of running the café. The café has been run as it is for 2-3 years with a license and the applicant intends to carry out on the same and has no intentions to start cooking chips or other fast food. The applicant would like open in the evenings for local function and charity dinners.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework 27 March 2012

National Planning Policy Guidance

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L12	Conservation Areas
L15	Buildings and Structures Which Make a Significant Contribution to the Character and Distinctiveness of the Locality
RT11	Retention of Local Shops, Parades, Village Shops and Public Houses
T8	Parking Standards
T12	Transportation Development Control Policy for New Development

South Gloucestershire Core Strategy incorporating Post-Submission Changes

CS1	High Quality Design
CS4A	Presumption in Favour of Sustainable Development
CS5	Location of Development
CS9	Managing the Environment and Heritage

2.3 Supplementary Planning Guidance

Local List SPD Adopted 2008

Design Checklist SPD Adopted 2007

3. **RELEVANT PLANNING HISTORY**

- 3.1 PK12/0839/F Change of use of premises from shop (Class A1) to Delicatessen and Café (Class A3 and A5) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended) (Retrospective). Approved 14.06.12
- 3.2 PK02/0279/F was allowed by the Planning Inspector for the change of use from retail (A1) to café (A3) at No. 43 High Street Wickwar in April 2003. The main issues were the effects of the development upon the adjoining residents at No. 41 High Street, and secondly, upon the character of the immediate locality. Subsequently, planning permission PK09/0150/F was granted for the change of use of ground floor shop / restaurant (Class A3) to dwelling (Class C3) in March 2009.

4. **CONSULTATION RESPONSES**

4.1 Wickwar Parish Council

The Parish Council support the Café business in Wickwar. This business has enhanced and supported Wickwar and it is felt that it is essential to Wickwar to have this asset.

4.2 Other Consultees

Conservation Officer

No objection

Highway Drainage

No comment.

Highway Officer

No objection

Environmental Health Officer

The Officer has no objection to the hours of operation 9am – 6pm Mon to Sat, 11am – 4.30 Sunday. The applicant has confirmed that they had 10 private parties during last 4 years, some of them were to support charities and church events, and some of them were Christmas dinner for OAP. The parties were outside the above hours of use, and no complaints were received regarding these events.

The applicant is however now wishing to hold 15 such events in calendar year. The Environmental Health Officer is concerned that this is significantly different to what has gone before at the premises.

Other Representations

4.3 Local Residents

Six letters of support have been received and one letter of objection has been received. The comments are summarised as follows:

Supports:

- Support the coffee shops use... It is NOT a wine bar or a public house! It serves good food and serves the village well. It does a lot for charity and alcohol is only served with meals..
- It is never rowdy and noisy even when it has small functions.
- It doesn't smell of food or alcohol
- It serves the community needs for those that do not wish to go to the club or Buthay public house.
- Mainly used by villagers on foot so does not cause a parking problem.
- I live above the Wickwar Coffee Shop and have found them to be very considerate and thoughtful neighbours.
- I have no problem with them serving hot food and do not believe it will affect where I live in anyway.
- They are an asset to the local community.
- Looks forward to the seniors Christmas dinner which is free but if you feel like donating something to the charity box you can.
- They do an excellent lunch for the OAPs of this village. As well as special meals for them.

Objections:

- Unclear what is being proposed by the change in wording of condition 1 currently in place.
- By removing the condition that it cannot operate as a licensed premises, is part of the proposal for longer opening hours as permitted by the license?

- If so, then we have concerns about increased noise levels associated with evening dining/drinking.
- The coffee shop often has its door to the rear open onto our private passageway and we (as well as other properties) have windows that open onto the passageway.
- By removing the condition that it cannot be a takeaway, is the proposal for more than the current takeaway of sandwiches etc (to which we have no objections)?
- We would object to hot food takeaway due to the increased odour levels associated with this type of food.
- Cars do often park on these yellow lines.
- As only one of 4 properties adjoining the coffee shop (one of which is rented out and the other is currently being sold) we do feel that we should be able to have a say on matters that could affect our property directly.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The National Planning Policy Framework highlights that 'Development' that is sustainable should be approved, however, this does not change the statutory status of the development plan as the starting point for decision making. As such development that accords with an up-to-date local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Planning permission was granted for the existing use as a Delicatessen and café in 2012 subject to the planning conditions, which are stated in Paragraph 1.1. Policy CS9 of the adopted Core Strategy and RT11 of the adopted Local Plan give guidance on the environmental issues, residential amenity issues and public highway safety for the determination of such planning application.

This application is submitted under s73 of the Town and Country Planning Act for the approved development without complying with conditions subject to which a planning permission was granted. On this application, the local planning authority can only consider the question of the conditions, and it may decide that the permission shall be subject to the same conditions as were previously imposed, that the permission should be granted subject to different conditions, or that permission should be granted conditionally. Therefore it is limited in scope as the original permission still stands. The application under S73 does not offer an opportunity for the local planning authority to revisit the original planning application, as such officers can only look at the reasons for the conditions.

In addition, Paragraph 206 of the NPPF states 'Planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;

5. Precise and
6. Reasonable in all other respects.

Therefore the above six tests are the key elements for the assessment and the determination of this application and officers need to make sure that the proposed variation of condition will meet the tests.

5.2 Design and Impact upon the Conservation Area

No.31 High Street is a locally listed building situated within the Wickwar Conservation Area. As the proposed variation would not change the authorised use and the appearance of the building, therefore there is no objection in terms of the impact upon the architectural and historical character of this locally listed building and their setting.

A planning condition was imposed to ensure that any external flue would not have an impact upon the character of the building. Officers consider that this planning condition would be still relevant and necessary due to its siting and heritage status, therefore the same condition is imposed to this current application.

5.3 Environmental Impact and Residential Amenity

The proposal is to omit 'the licensed premises' from Condition 2 of the previous planning permission, PK120839/F. The Environmental Health Officer has no objection to the proposed variation of the condition. In addition, the element of 'licensing premises' should be subject to an application for licensing and should not form part of the planning material consideration. As such, it is considered that Condition 2 can be varied.

Whilst the Environmental Health Officer has no objection to the proposed variation of condition, the Officer remains concerned that the general A3 use would allow the premises to be used for any hot food use, which could include high odour type cooking (Fried Chicken, Indian, Chinese, Italian etc).

Officers consider that the current use as a coffee shop, which falls under this broad use class, would not cause a problem and it would be unnecessary to require the applicant to install full extraction with odour abatement. Whilst Environmental Health Officer considers that a personal planning condition should be imposed in order to allow the Environmental Protection Team to review the environmental impact should the premises change hands and a new user takes over, your case officer considers that the suggested 'personal' condition would fail the six tests and would be outside the scope of s73 of the Act 1990.

In order to reflect the precise use of the premises, the description of the development is amended to read 'Variation of condition 1 attached to planning permission PK12/0839/F for the change of use of premises from shop (Class A1) to Delicatessen and Café (Sui-generis) to read: For the avoidance of doubt, the use hereby authorised is as a delicatessen and café only and do not include a public house or wine bar. As such it would be unnecessary to impose additional planning condition in relating to the personal use of the site.

The applicant has also indicated that there would be occasional private parties or events (not more than 15 events in a calendar year) until 10pm. Whilst Environmental Health Officer is concerned over the opening hours in the evenings, it should be noted that there is currently no planning condition to restrict the opening hours of the premises, therefore it would be unreasonable to impose such planning condition to restrict the opening hours of the premises or to restrict the number of evening events.

It is therefore considered that the proposed variation of condition would not cause material significant impact upon the environment and residential amenity of the neighbouring occupiers to warrant a refusal of this application.

Impact upon highway

The premise is situated near the junction of North Street and High Street. Although there is no off-street parking facility outside the premises, there are adequate off-street parking spaces within the walking distance.

As the proposed change would be unlikely to materially alter the traffic movements associated with the site, therefore there is no highway objection to the proposal.

6. CONCLUSION

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

7. RECOMMENDATION

- 7.1 That planning permission be granted for the variation of condition 1 to read as follows:

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. The premises shall be used for Delicatessen and Cafe (sui-generis) only and for no other purpose (including any other purpose in Class A3 and A5); of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification). For the avoidance of doubt, the use hereby authorised is as a cafe only and does not include a public house, wine bar or any entirely hot food takeaway.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy RT11 of the South Gloucestershire Local Plan (Adopted January 2006).

2. No external flue and extraction system shall be installed without the prior written consent of the Local Planning Authority.

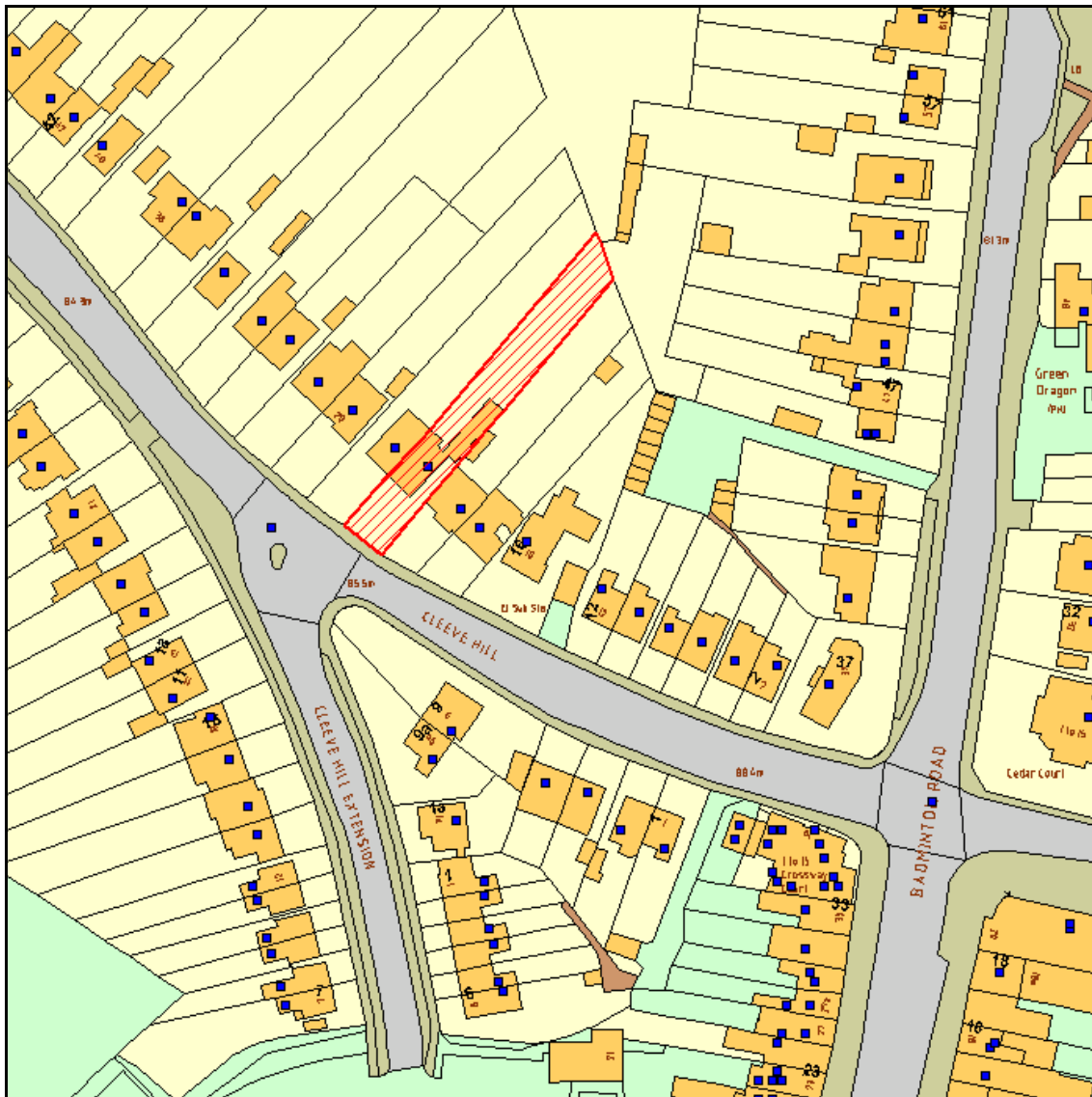
Reason

To safeguard the residential amenity of the neighbouring occupiers and to maintain and enhance the character and appearance of the Conservation Area, and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L12 of the South Gloucestershire Local Plan (Adopted January 2006).

ITEM 6

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/3141/F	Applicant:	Mr Glyn Ashton
Site:	22 Cleeve Hill Downend Bristol South Gloucestershire BS16 6HN	Date Reg:	27th August 2014
Proposal:	Erection of single storey rear extension, conversion of existing garage and alterations to existing annexe to provide additional living accommodation	Parish:	Downend And Bromley Heath Parish Council
Map Ref:	365064 176919	Ward:	Downend
Application Category:	Householder	Target Date:	8th October 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule to take into account the comments of the Parish Council. The Parish Council request a condition that is not considered to be necessary by officers.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear extension to link the house to the existing detached garage. The development also includes the conversion of the existing garage and alterations to the annexe.
- 1.2 The application site is a two-storey semi-detached dwelling on Cleeve Hill in Downend. The property already benefits from a single-storey rear extension and it is from this that the proposed extension would project. It should be noted that the adjoining property also has a single storey rear extension and that the rear elevations of the two properties are flush with each other.
- 1.3 Along Cleeve Hill at the front of the site is the Cleeve Hill historic park/ garden. This is not registered on the English Heritage list. The development is located to the rear of the property and would not fall within land associated with the historic park.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS4A Presumption in Favour of Sustainable Development

CS5 Location of Development

CS8 Improving Accessibility

CS9 Managing the Environment and Heritage

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L10 Historic Parks and Gardens

L11 Archaeology

T12 Transportation

H4 Development within Existing Residential Curtilages

2.3 Supplementary Planning Guidance

Residential Parking Standard (Adopted) December 2013

South Gloucestershire Design Checklist (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PK06/2623/F Approve with Conditions 26/10/2006
Erection of single storey rear extension to provide additional living accommodation.
- 3.2 PK02/1767/F Approve with Conditions 05/07/2002
Erection of single storey side and rear extension

4. CONSULTATION RESPONSES

- 4.1 Downend and Bromley Heath Parish Council
"No objection - providing the chalet shall not be occupied at any time other than for single family purposes as part of the main residential use of the dwelling known as 22 Cleeve Hill Downend, Bristol, BS16 6HN. For avoidance of doubt this permission does not grant planning permission for use of the chalet as a separate residential unit."
- 4.2 Archaeology Officer
No objection
- 4.3 Conservation Officer
Development will have no impact on this park and garden
- 4.4 Drainage Officer
No comment
- 4.5 English Heritage
It is not necessary for English Heritage to be notified with regard to this development

Other Representations

- 4.6 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a rear extension and associated works at a property in Downend.
- 5.2 Principle of Development
Extensions and alterations to existing dwellings are generally supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Therefore, the proposed development is acceptable in principle but should be determined against the analysis set out below.
- 5.3 Design
It is proposed to erect an extension with a maximum depth of 4.2 metres on the rear of the property. This would be used to connect the existing house to the detached garage block building. Although the total projection from the original

rear elevation of the dwelling would be approximately 8 metres, it should be noted that the extension would only project 4.2 metres from the established rear elevation of the pair of semis by virtue of the earlier extensions.

5.4 The proposed extension would be finished with a parapet wall with a maximum height of approximately 3.2 metres. The overall appearance of the proposed extension is not considered to be harmful and represents an acceptable standard of design. Appropriate materials have been selected and the extension is likely to integrate into the existing built form.

5.5 Amenity

Development should not be permitted that prejudices residential amenity. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed extension is not considered to have a negative impact on the amenities of the application site; the property benefits from a large garden and adequate private amenity space would be retained.

5.6 It is not considered that the proposal would impact on the amenity of nearby occupiers. The proposed development is not considered to be prejudicial to the amenities of no.24; the extension is not considered to be overbearing or lead to a loss of privacy. It is not considered that the proposal would affect the amenities of no.20 as the extension is set away from the boundary with the site.

5.7 Transport and Parking

To accord with the Residential Parking Standard, development must provide adequate off-street parking to meet the needs arising from the development.

5.8 The proposed development does not change the number of bedrooms within the property. There are currently three bedrooms within the main dwelling and one in the annexe. Should this development be approved then the number of bedrooms will stay the same. As such, the development is required to provide two parking spaces to meet the Standard.

5.9 The application site benefits from a large gravelled front garden. As shown on the submitted plans, this parking area is sufficient to hold two vehicles. As such, there is sufficient parking at the property and no objection is raised with regard to transport and parking.

5.10 Use as an Annexe and Appropriate Conditions

At present, the bedroom located behind the detached garage can reasonably be considered an annexe and to provide additional ancillary accommodation to the main dwelling. There is no planning history relating to this annexe, however, it is considered by officers that the annexe would be lawful by virtue of s171b of the Town and Country Planning Act 1990 as it appears on the Council's aerial photographs of the site dated 1991.

5.11 The proposed extension would link the annexe into the main dwelling in such a way where the annexe becomes an integral part of the main dwelling in terms of the physical relationship between the two and a functional reliance. As such, it would no longer be considered an annexe; instead it would be considered to form an extended part of the house.

5.12 In the comments received from the Parish Council, a condition is requested to restrict the occupancy of the annexe so that it cannot be used for any other purposes other than in connection with the main dwelling. As discussed above, the annexe would no longer form an annexe should this development be completed.

5.13 All conditions must pass the tests of paragraph 206 of the NPPF. This requires conditions to only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable. It is not considered by officers to be necessary or reasonable to apply a condition relating to the restriction of the annexe for the reasons as set out above. Therefore a condition in line with the comments of the Parish Council will not be recommended and the application will be referred to the Circulated Schedule for this reason in accordance with the Council's adopted scheme of delegation.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITION

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).

ITEM 7

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.: PK14/3180/CLE
Site: 41 Orchard Boulevard Oldland
Common South Gloucestershire
BS30 9PS

Applicant: Mr David Cahill
Date Reg: 22nd August 2014

Proposal: Application for certificate of lawfulness
for the existing conversion of garage
and single storey side and rear
extension

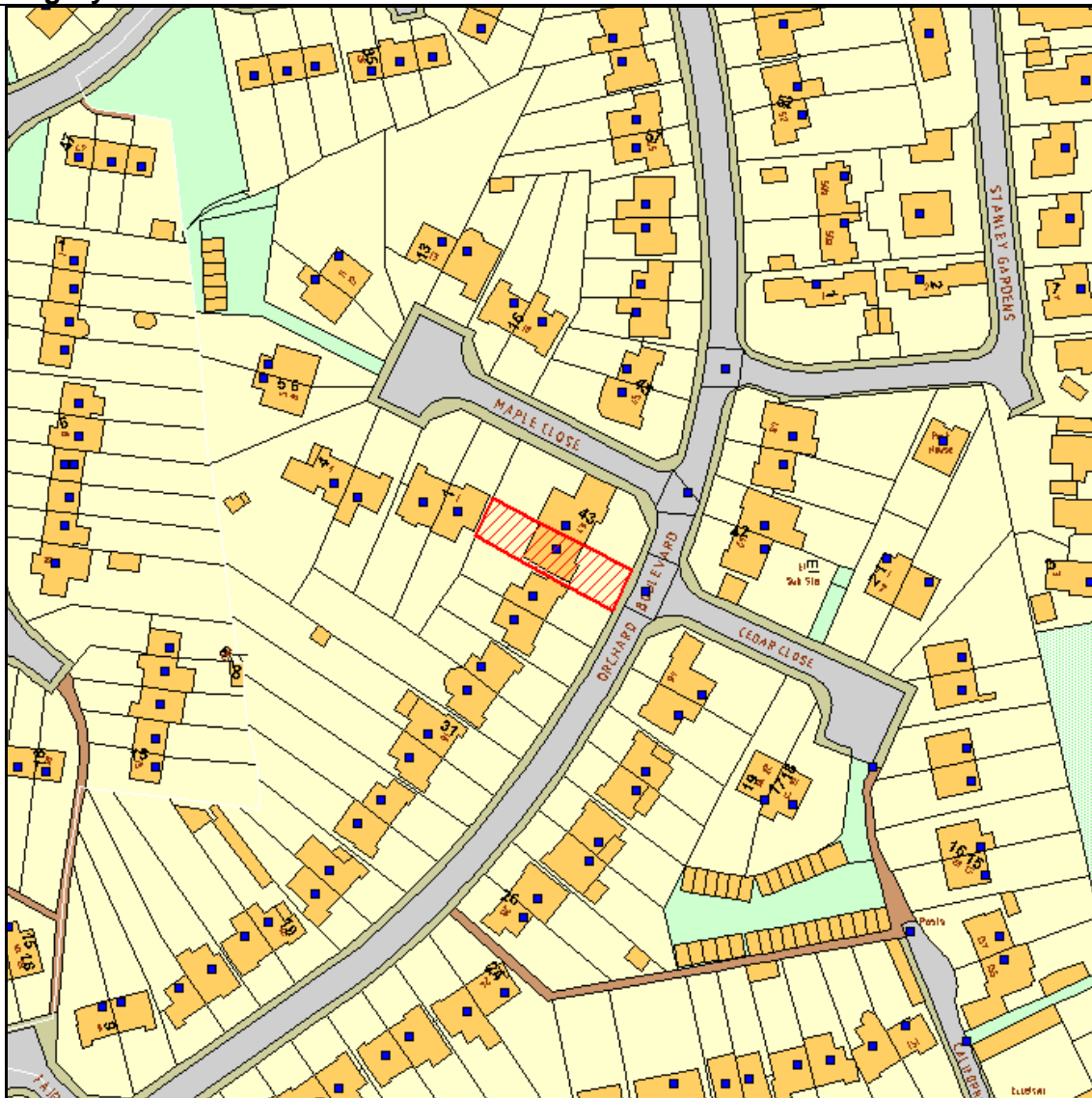
Parish: Oldland Parish
Council

Map Ref: 366632 171655

Ward: Oldland Common
Target 8th October 2014

Application
Category:

Date:



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule because it comprises a Certificate of Lawfulness, and as such, according to the current scheme of delegation, is required to be taken forward under the Circulated Procedure.

1. THE PROPOSAL

- 1.1 The applicant seeks a formal decision as to whether the existing side and rear extensions and garage conversion at 41 Orchard Boulevard is lawful. The application relates to a semi-detached dwelling fronting Orchard Boulevard, in the established residential area of Oldland Common.
- 1.2 The applicant has indicated that the existing rear and side extensions and garage conversion have been substantially completed for more than 12 years. Therefore, the proposal can be considered based on the evidence submitted with the application. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. The onus is on the applicant to provide precise and unambiguous information. In this instance, it must be demonstrated that the existing rear and side extensions and garage conversion have been in situ for a continuous period of four or more years.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 Section 191
Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2012, Schedule 2, Part 1, Class A.
- 2.2 Town and Country Planning (Development Management Procedure) (England) Order 2010
Planning Practice Guidance: Lawful Development Certificates

3. RELEVANT PLANNING HISTORY

- 3.1 There is no relevant planning history relating to the application site; however a building regulation application Ref. BK99/1095/FP for the side/rear extension submitted on 05.11.99. The completion certificate was issued to the applicant on 29.05.14.
- 3.2 Building regulation application Ref. BK02/0763/FP for the existing single storey rear extension. The application was submitted on 16.04.2002, however a completion certificate was not issued until the final inspection took place in May 2014. The completion certificate was issued to the applicant on 29.05.14.

4. CONSULTATION RESPONSES

- 4.1 Oldland Parish Council
No objection

4.2 Transportation

Property remains a single 4-bedroom dwelling with enough space for at least two vehicles on site, which confirms to the Council's adopted Residential Parking Standards SPD. No objection.

Other Representations

4.3 Local Residents

No comments received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

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

5.2 Plans submitted by applicant - Location Plan; Existing Elevations; and Existing Ground Floor Plan.

5.3 A covering letter dated 6th July 2014 stating that the garage conversion and side extension was carried out in 1999 and the kitchen extension was carried out in 2002. There are two separate building control applications to verify this (refer to Section 3).

5.4 An email dated 6th October 2014 with screen shots of the estate agent Davies & Way's listing from previously marketing the property for sale. There are photographs of the kitchen and the rear elevation showing the single storey rear extension completed. These are dated 17.09.04. The listing includes a description of the extended kitchen/family room and fourth bedroom (converted garage).

5.5 A signed letter dated 8th October 2014 from Mr Ian Brown of Prospect Developments (Henfield) Limited sent via email confirming they carried out works to convert the garage to a bedroom and erect a new single storey side extension behind the garage for a shower room and study at the property in 1999. A single storey rear extension to the kitchen was also completed in 2002.

5.6 The Council's own aerial photograph records from 1999 (image capture date 24.07.99) does not clearly show any extensions. However, the 2005 aerial photograph (image capture date 07.06.05) shows the full side and rear extensions completed. Additional photographs from 2006 and 2008/09 also confirm the side and rear extensions.

6. EVALUATION

6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit; the decision is based on the facts presented. The submission is not a planning application and thus the

Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the existing development is lawful.

- 6.2 Guidance contained in the Planning Practice Guidance states that in the case of application for existing use, if a Local Planning Authority has no evidence itself, nor from others, to contradict or otherwise make the applicant version of events less than probably, there is no good reason to refuse the application, provided the applicant evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.
- 6.3 The applicant has stated that the single storey side/rear extension (ensuite, lobby and study) commenced and works were completed in 1999, more than 15 years ago. Later in 2002 the rear extension (kitchen/family room) was commenced and completed the same year, more than 12 years ago. Officers therefore assess this part of the application based on the submitted evidence in support of the application.
- 6.4 The Council's own Building Control records (Ref. BK99/1095/FP and BK02/0763/FP) relate specifically to the side and rear extensions; the garage conversion did not form part of the applications. However, the submitted ground floor layout plans for the later application in 2002 (Ref. BK02/0763/FP) for the rear extension show the garage as already being converted into a fourth bedroom, with the ensuite, rear lobby and study side/rear extension. The plans on file for Ref. BK02/0763/FP are date stamped 16.04.02 and are the same as submitted with this application.
- 6.5 Additionally, the Council's own aerial photograph records dating from 1999, 2005, 2006 and 2008/09 do not conflict with the information submitted by the applicant. The side/rear extensions shown on the aerial photographs are consistent with the location, scale and size of the extensions. However, they do not corroborate the physical works undertaken to convert the garage (i.e. insertion of a wall and window on the front elevation).
- 6.6 The applicant has forwarded emails from the estate agent Davies and Way's when the property was listed for sale in September 2004. Although only screen shots of the database listing have been provided, the two photographs included show the extended kitchen and the completed rear/side extensions – both photographs indicate the layout of the property post-2002. In addition, the listing details include the extended kitchen/family room and fourth bedroom on the ground floor (formerly the garage).
- 6.7 A signed letter has been submitted by the builder who completed the side/rear extensions and garage conversion, via the applicant. The letter confirms that the building works were carried out and completed in both 1999 and 2002 by the same building firm Prospect Developments (Henfield) Limited). This letter is not a statutory declaration, therefore it does not hold as much weight. Nonetheless, no contrary information has been submitted and the aerial

photographs confirm that the physical works did take place between the latter half of 1999 and June 2005.

- 6.8 Considering the above evidence provided and the evidence held by the Council's own records, and given that no contrary evidence has been submitted, it is concluded that on the balance of probability, the existing side and rear extensions and garage conversion have been in situ for a period exceeding 4 years or more.

7. RECOMMENDATION

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

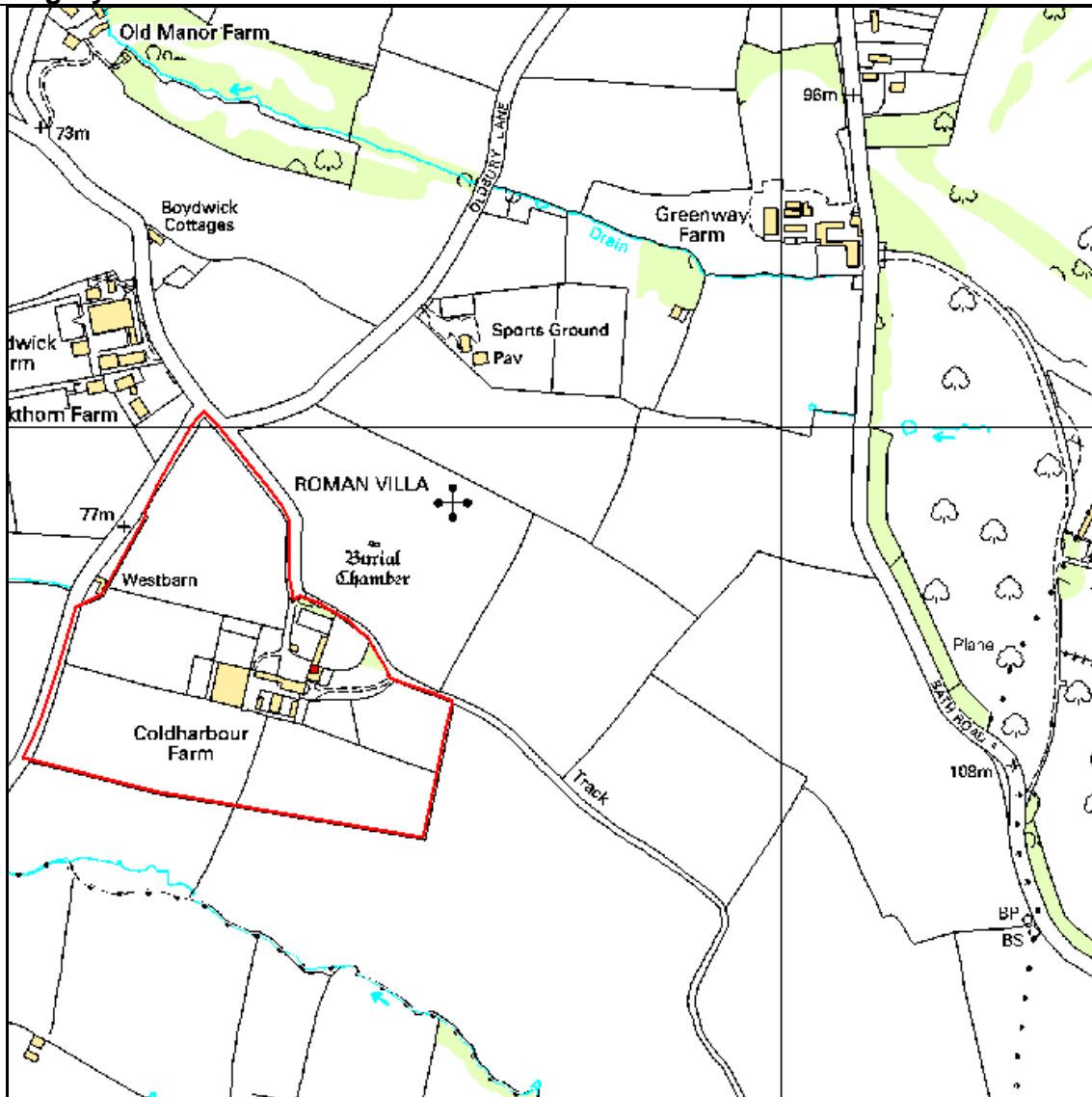
Evidence has been provided to demonstrate that, on the balance of probability, the existing side and rear extensions and garage conversion have been in existence for a continuous period of 4 years or more immediately prior to the submission of the application.

Contact Officer: Katie Warrington
Tel. No. 01454 863436

ITEM 8

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/3308/CLE	Applicant:	Mr And Mrs DWR And PA Best
Site:	Coldharbour Farm Cold Harbour Farm Lane Wick Bristol South Gloucestershire BS30 5RJ	Date Reg:	11th September 2014
Proposal:	Certificate of lawfulness for the existing use of the land and buildings for the keeping of horses. (Sui generis)	Parish:	Wick And Abson Parish Council
Map Ref:	370527 171751	Ward:	Boyd Valley
Application Category:		Target Date:	21st October 2014



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REASON FOR REFERRAL TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

1.1 The application is for a Certificate of Lawfulness for the existing use of the land edged in red and associated outbuildings for the keeping of horses. The application therefore seeks to demonstrate that the land and associated buildings have been in in this use for a period in excess of 10 years prior to the date of the submission.

1.2 The application site comprises part of a large residential dwelling, Coldharbour Farm, situated outside the settlement boundary of Wick and within the Bristol/Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

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

2.2 Because the application is for a Certificate of Lawfulness the policy context is not directly relevant and therefore the planning merits are not under consideration.

3. RELEVANT PLANNING HISTORY

- | | | |
|-----|---------------------------|---|
| 3.1 | P84/2045
Approved | Erection of agricultural building to house beef cattle.
5.9.84 |
| 3.2 | N903

Refused | Conversion of existing barn to provide agricultural workers dwelling.

9.1.75 |
| 3.3 | N2277

Refused | Conversion of existing barn/cowshed to residential for use as a "grannyhouse".

19.7.76 |
| 3.4 | N1796/3

Approved | Conversion of barn to residential accommodation associated with Coldharbour Farmhouse.

27.1.83 |
| 3.5 | N1796/2AP

Approved | Erection of agricultural worker's bungalow (details following outline).

11.2.82 |

4. CONSULTATION RESPONSES

4.1 Wick and Abson Parish Council

No objections however would like to comment that due to local knowledge, horses have been kept at this property for many years.

4.2 Other Consultees

Landscape Architect

No objection

Public Rights of Way Officer

No objection

Sustainable Transport

No objection

Other Representations

4.3 Local Residents

One letter has been received from a local resident in support of the application. We came to live in Wick in 1988. Whilst we have been here, there have always been horses at Coldharbour Farm, along with the requisite farm buildings. Awarding a certificate of lawfulness seems a logical outcome.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 The following evidence has been submitted by the applicant in support of this application:

- sworn statement by Mr HR Dumas who has owned the property since 1987
- copy of the letter from WS Field & Co dated 5 March 1996 setting out quotations for works to the stable block

6. SUMMARY OF CONTRARY EVIDENCE

6.1 No contrary evidence has been submitted by any third party.

7. EVALUATION

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

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

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

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

7.3 Assessment of Evidence

The applicant seeks to prove that the land outlined in red and the associated buildings in the application submission have been in use for the keeping of horses for a continuous period or for in excess of ten years. The evidence submitted is considered in detail below.

- 7.4 The sworn statement by the current owner states he has owned the property comprising the house, an annex, their curtilages, some barns, landscaped gardens, paddock and pasture for 27 years since 1.9.87. In total the land covers approximately 117 acres. It is stated that during the years 1987-1990 the steel barn marked 'A' on the plan accompanying the sworn statement remained in intermittent agricultural use. After 1990 the land was used by a dairy farmer and the buildings were not let and gradually brought into horse actively over the next 5 years or so. It is stated that the old calf-rearing building marked 'B' on the plan accompanying the sworn statement was converted into stables at about that time and the ménage was installed in 1992.
- 7.5 The statement details that the number of horses kept on site has varied, at its peak in or around 1998-2002 there being frequently up to 11no. on site with the steel barn and stable block in regular use for this purpose. Since 2004 the number of horses being kept on site declined to approximately 7no. or 8no. By 2004 there were only 4no. and these have since been sold.
- 7.6 At the point where the horses numbered approximately 6no. they were mainly kept in the steel barn and the stable block was used for visitors' horses, as a sick bay isolation area and by grooms' horses.
- 7.7 It is stated that from 1990 onwards neither the steel barn nor the stable block has been used for anything other than keeping horses and storing hay and other associated equipment.
- 7.8 Having weighed up all the evidence submitted and as summarised above, sufficient evidence has been submitted to show that the site has been used for the keeping of horses for a continuous ten year period preceding the date of the application.

8. CONCLUSION

- 8.1 Having regard to the above, sufficient evidence has been submitted to prove that, on the balance of probability, the site subject of this application has been used for the keeping of horses (Sui generis) for a continuous ten year period preceding the date of the application.

9. RECOMMENDATION

9.1 The Certificate of Existing Lawful Use be approved

Contact Officer: Anne Joseph
Tel. No. 01454 863788

ITEM 9

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PK14/3439/ADV	Applicant:	Bommel UK Ltd
Site:	Marsham Way And Aldermoor Way Longwell Green Bristol South Gloucestershire BS30 7ES	Date Reg:	23rd September 2014
Proposal:	Display of 12no. non-illuminated lamppost banners attached to existing lighting columns.	Parish:	Oldland Parish Council
Map Ref:	365394 172005	Ward:	Longwell Green
Application Category:	Minor	Target Date:	31st October 2014



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This application has been submitted to the Council's circulated schedule procedure as comments received have been contrary to the Officer's decision.

1. THE PROPOSAL

- 1.1 This application seeks advertisement consent for the display of 12 non-illuminated lamppost banners attached to existing lighting columns. Seven of these banners will be located on lampposts on Marsham Way and the remaining five banners will be located on Aldermoor Way.
- 1.2 The proposed signs consist of an area available for sponsorship, the sign will measure 0.8 metres wide and 2 metres tall. The banners will be located 3.5 metres above ground level. The banners will be displayed as a single banner on each lamppost.
- 1.3 The banners have been designed in accordance with central government regulations in order to ensure that no excess loads (due to wind) are placed on the lighting columns.
- 1.4 The proposed signage is part of a programme of highway signage currently being rolled out across the district.
- 1.5 Aldermoor Way is surrounded by retail and commercial uses, namely Gallagher Shopping Park. Marsham Way is a dual carriageway leading to Kingsfield Roundabout.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012
The Town and Country Planning (Control of Advertisements) (England) (Amendment) Regulations 2007
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
T12 Transportation Development Control
- 2.3 South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.4 Supplementary Planning Guidance
South Gloucestershire Design Checklist SPD (Adopted) August 2007

3. RELEVANT PLANNING HISTORY

None

4. **CONSULTATION RESPONSES**

- 4.1 Oldland Parish Council
Objection, the grounds were as follows:
- Highway safety;
 - Aesthetic grounds.

4.2 Other Consultees

Transportation Development Control

No Comment

Planning Enforcement

None received

Street Care

None received

Other Representations

- 4.3 Local Residents
None Received

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

Guidance within the National Planning Policy Framework states control over outdoor advertisements should be efficient, effective and simple. The guidance goes on to state advertisements should be controlled in the interests of amenity and public safety, taking account of cumulative impacts. Design and design quality is assessed in terms of visual amenity and cumulative impact, in accordance with policy CS1 of the Core Strategy. Public safety is assessed using saved policy T12 of the Local Plan to ensure that the signage is not detrimental to highway safety or presents a traffic hazard.

5.2 Design and Amenity

The proposed banners are simple in appearance. They will be attached close to the lighting column and will be uniform in appearance, and would therefore appear as part of the street furniture.

The size of the banners is appropriate for their use and location. The banner design and location is not considered to be harmful to the visual amenity of the area. Aldermoor Way serves Gallagher Shopping Park and as a consequence has a commercial/retail character, meaning the proposal would be in keeping with the area. Marsham Way is a dual carriageway with little signage and no advertisements, to the east of the carriageway the rear of a number of retail outlets within Gallagher Shopping Park are visible, meaning the positioning of advertisements on this road is not considered to be detrimental to the character of the area.

The proposal is considered to have an appropriate design and is accordingly not considered to have detrimental impact on design.

5.3 Cumulative Impact

The proposal has been considered cumulatively within the locality. Currently Marsham Way has no advertising and the only signs visible are road signs. Aldermoor Way does have some existing advertisement and retail signs, but the majority of these are located on the surrounding shops. Therefore, the proposed banners would not result in a cluttered landscape. As well as this, the proposal will be experienced by users of the highway and public rights of way separately on individual lampposts, further minimising any cumulative impact. .

5.4 Public Safety

The applicant has engaged in pre-application advice with the transportation development control team. The design is fairly simple and both highway will not become cluttered as a result of the proposal, consequently the proposal is not considered to be a distraction to drivers. The signs are 3.5 metres above ground level, meaning they will not harm users of the public rights of way in the area. Accordingly, there is no objection to the proposed signage on highway grounds or public safety

6. **RECOMMENDATION**

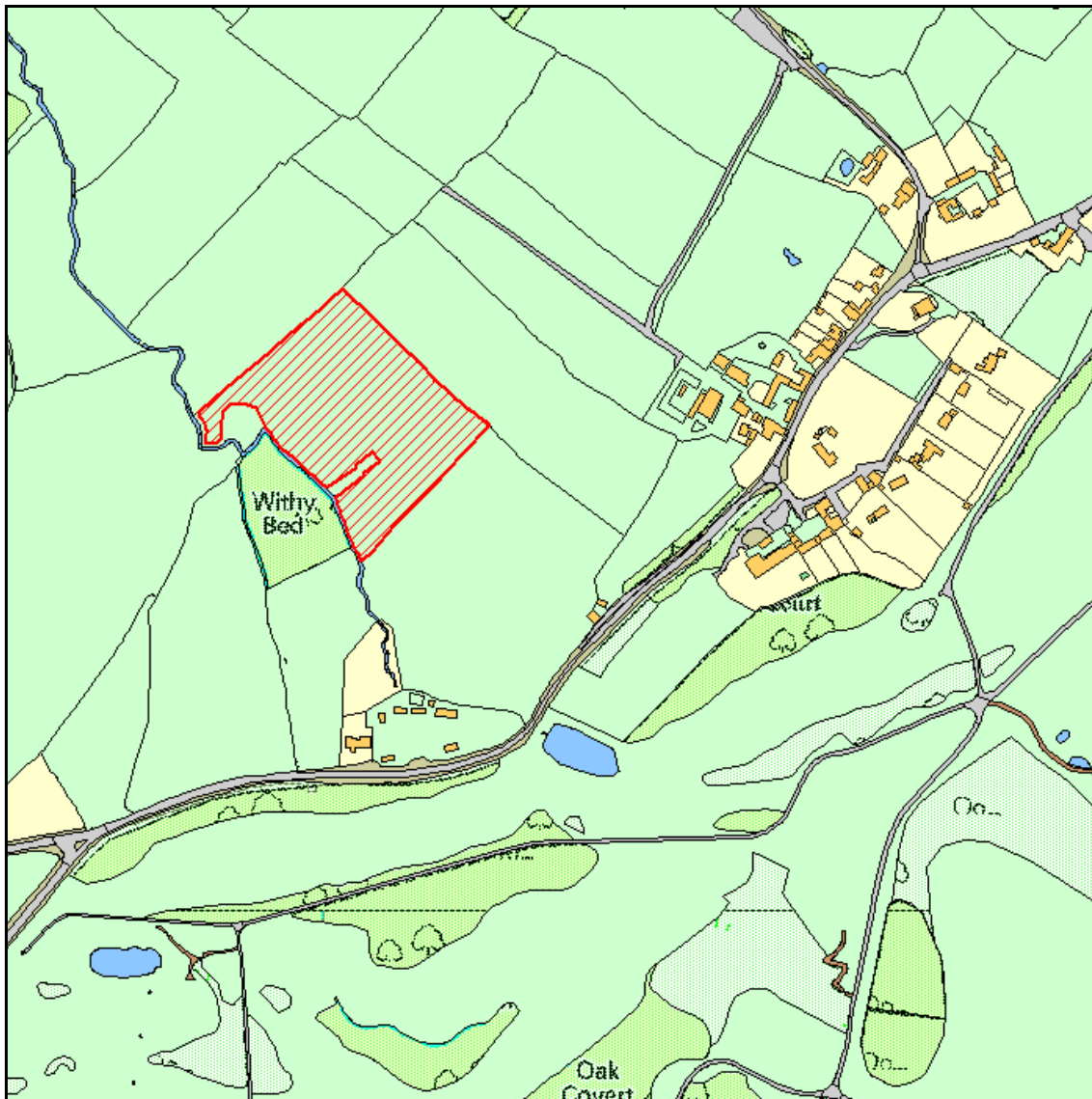
6.1 It is recommended that advertisement consent be **GRANTED**.

Contact Officer: **Matthew Bunt**
Tel. No. **01454 863131**

ITEM 10

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PT14/1128/F	Applicant:	Mojo Active
Site:	Over Court Farm Over Lane Almondsbury Bristol South Gloucestershire BS32 4DF	Date Reg:	27th March 2014
Proposal:	Change of use of land from agriculture to agriculture and footpath links from existing assault course to Withy Bed ropes course (sui generis). (Retrospective).	Parish:	Almondsbury Parish Council
Map Ref:	358650 182409	Ward:	Almondsbury
Application Category:	Major	Target Date:	20th June 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule due to the receipt of the letters of objections.

1. THE PROPOSAL

- 1.1 This is a retrospective planning application for the change of use of an existing agricultural land to facilitate footpath links from existing assault course to Withy Bed ropes course. The proposed footpaths are created by simply cutting the grass, and the applicant confirmed that it is not proposed to construct any formal surface. The footpath is not intended for public access and would only allow access between outdoor activities courses. There is no physical changes to the remaining part of the field.
- 1.2 The land is situated outside settlement boundaries and urban area, and it is however within the Bristol / Bath Green Belt.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance

2.2 Development Plans

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

L1 Landscape Protection and Enhancement
L9 Protected Species
L16 Protecting the Best Agricultural Land

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS4A Presumption in Favour of Sustainable Development
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas

2.3 Supplementary Planning Guidance Development in Green Belt SPD

3. RELEVANT PLANNING HISTORY

There is no planning history of the application site, however the adjacent fields have been subject to a number of planning applications in the past and they are most relevant to the determination of this application.

- 3.1 PT11/3174/F Change of use of agricultural land to outdoor fitness facility (Class D2) as defined in the Town and Country Planning (Use Classes) Order

1987 (as amended) and the erection of associated assault course timber structures. Approved 13.01.12

3.2 PT13/4756/F Construction of surfing lake with associated landscaping, buildings, campsite, ropes and tunnels course, parking and access. Approved 22.07.14

3.2 PT13/028/SCR Provision of surfing and swimming lake with associated access, landscaping and infrastructure. EIA not required 19.09.13

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council: No objection.

4.2 Other Consultees

Landscape Officer: No landscape objection / comment.

Environment Agency: No objection - EA interests will not be adversely affected by this proposal.

Highway Drainage: No comment.

Highway Officer: No objection.

Ecologist: No ecological constraints.

Other Representations

4.3 Local Residents

Two letters of objection have been received and the local residents raise the following concerns:

- The field between the assault course and Withy Bed used to be grazing land. Adjacent to it was further grazing land used by cattle recently.
- Granting permission would render both fields unusable for agriculture.
- Mown strips cross all the other fields as far as I'm aware and no planning has been submitted for them.
- Hedges have had holes cut where the mown strips run through. These provide access to marked posts that are used for orienteering training I believe.
- I am campaigning for a return to grazing use but Mojo's land use precludes a return to grazing/ agriculture, not just for the subject field but also for all the other fields: those other fields are not the subject of any application for change of use.
- Withy Bed, a wood to which these mown paths would provide access, has no planning permission either I believe. It used to be a wildlife haven. Now trees have been felled and the ground almost cleared of undergrowth to make way for the ropes.
- There is already an adequate footpath that connects the two sites. This path is temporary and is created by mowing a grass strip. There is no

need to make a permanent path. After all, this is greenbelt land and to do so would impact on the openness aspect.

- This footpath would connect to the illegal apparatus in the woodland. Having been in correspondence with the council it has become apparent that the entire 'Withy Bed' rope course is illegal. No planning permission was ever granted and hence, it should not exist. I find this lack of adherence to protocol quite irresponsible. A perfectly pleasant woodland has now been stripped of its character and environmental importance (not to mention it is lacking many of its former trees). Mojo active and the owners of the land should apply for planning permission just like everyone else; instead of just doing as they please.
- Allowing this proposal to go though would be a slap in the face to the legal system, of which we all must adhere to.
- The owners of the land are continually looking for ways to devalue the greenbelt classification. All of these constant planning proposals are causing great distress to my family and to the families of the surrounding villages.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Paragraph 11 and 12 of National Planning Policy Framework states 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicative otherwise.

The Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.'

The site is situated within the Bristol / Bath Green Belt. Paragraph 87 and 88 of NPPF states that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authority 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.

NPPF indicates that a number of exceptions and certain forms of development may be considered to be appropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt.

The proposal is to change the use of the existing agricultural land in order to create 2 footpaths linking the existing outdoor activities courses. As the proposal would not construct any buildings and there would not be any engineering operations, the proposal would not fall within one of the 'Exceptions' or 'Other form of development' defined by the NPPF. Therefore the proposal would be inappropriate development and by definition, would be harmful to the Green Belt.

Whilst officers acknowledge that there are no clear 'Very Special Circumstances' in this instance, it should be highlighted the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

It should also be noted that the field is used for agricultural purposes and the associated operational activities, i.e. cutting grass, to maintain the footpaths would not need planning permission. Also, the proposal would not change the surface of the footpaths and there would be no boundary treatment or any means of enclosure.

In this instance, officers consider that the harm caused by the proposal upon the openness of the Green Belt is absolutely minimal and the associated human activities would not cause any harm to affect the openness of the Green Belt. Officers therefore consider that there are 'Very Special Circumstances' in this instance to outweigh the harm cause upon the Green Belt, as such the proposal would not be contrary to the fundamental aim of Green Belt policy. To maintain the openness of the Bristol / Bath, it is however considered that it would be necessary to impose a planning condition to ensure no any means of enclosure to be constructed along the footpaths.

5.2 Landscape and Environmental Impacts

The proposal is to create 2 no. footpaths the link the existing assault course to the outdoor rope course, Withy Bed. The proposal would only simply to create and maintain the footpaths by cutting grass. Therefore there is no landscape objection.

In terms of ecological issues, the species-rich hedgerow remains in place. Therefore there is no ecological objection.

5.3 Residential Amenity

The proposed footpaths would be situated within the existing agricultural land and they would be more than 100 metres from the nearest residential properties, therefore there is no residential amenity issue causing by the proposal.

5.4 Other Issues

Local residents raise a number of objections which are addressed as follows:

- The proposal mainly to create 2 footpaths between two outdoor activities courses and there are no changes to the remaining part of the lands or fields. The footpaths remain its openness and therefore there would be

no physical structures / buildings, therefore they would not restrict any existing agricultural use of the fields.

- The proposal would not involve any removal of hedges. Any unauthorised removal of hedges will be subject to a further enforcement investigation.
- Any change of use of adjoining lands / fields would be subject to a new planning application.
- Officers can confirm that planning permission is not required for mowing grass.
- Planning permission, PT13/4756/F has been granted for the use of Withy Bed as outdoor activity facilities.
- Policy L16 of the adopted Local Plan seeks to protect the best agricultural land. The proposal would not alter the primary agricultural use of the field and the impact caused by the footpaths upon the quality of the agricultural would not be significant. It is therefore considered that the proposed change of use would meet Policy L16.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.
- 6.3 The application site is located within the Bristol / Bath Green Belt and the proposal would not fall within one of the 'Exceptions' or 'Other forms of development' which are allowed in NPPF. The proposal is considered to be an inappropriate development in the Green Belt, and would be a departure from the Adopted Core Strategy and adopted Local Plan. However, due to its nature and small scale of the proposal, it is considered that it would not be necessary to notify the Secretary of State in accordance with the Town and Country Planning (Consultation) (England) Direction 2009 Circular 02/2009.

7. RECOMMENDATION

- 7.1 Advertise the application as a departure from the adopted Core Strategy and the adopted Local Plan.

- 7.2 Subject to no further material consideration are received that had not already be consideration, that planning permission be granted subject to the following conditions.

Contact Officer: Olivia Tresise
Tel. No. 01454 863761

CONDITIONS

1. 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 2 (Class A), there shall be no any boundary treatment or any other means of enclosure shall be carried out without the prior written consent of the Local Planning Authority.

Reason:

To protect the openness of the Bristol / Bath Green Belt and the landscape and agricultural character of the locality and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

2. The surface treatment of the footpaths hereby approved shall be retained in strict accordance with the approved plans, and no additional surfacing treatment shall be introduced.

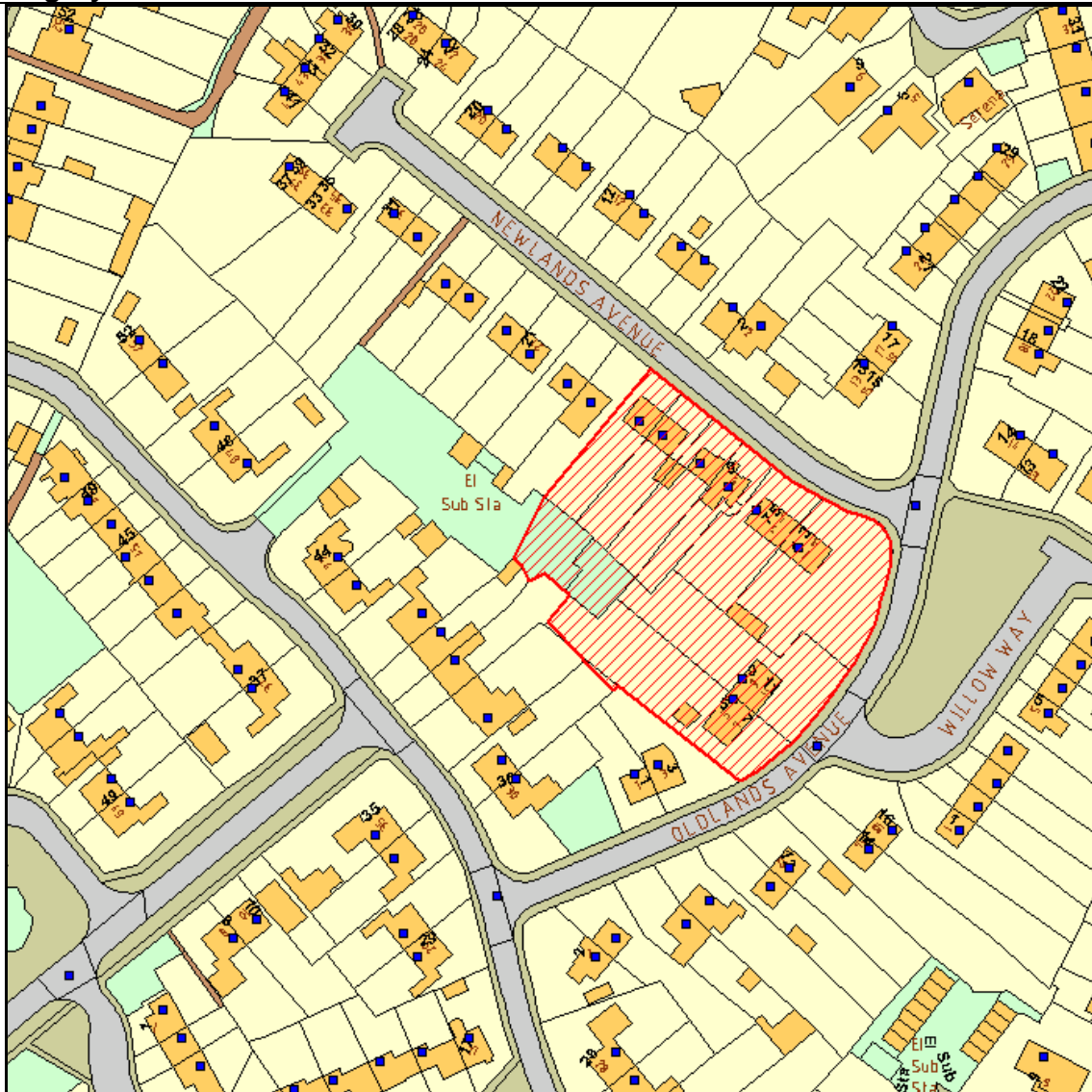
Reason:

To protect the openness of the Bristol / Bath Green Belt and the landscape and agricultural character of the locality and to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

ITEM 11

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PT14/1492/F	Applicant:	Merlin Housing Society
Site:	7 Oldlands Avenue Coalpit Heath Bristol South Gloucestershire BS36 2SF	Date Reg:	30th April 2014
Proposal:	Erection of 22no. dwellings and associated works	Parish:	Frampton Cotterell Parish Council
Map Ref:	367311 180964	Ward:	Frampton Cotterell
Application Category:	Major	Target Date:	16th July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule to ensure members agree with the officer recommendation in terms of the S106 contributions secured and what is in the public interest.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of twelve existing properties on site and the erection of twenty two replacement properties in their place. The site would also be divided to provide each of the dwellings with off street parking and garden space. On this site, four no. 1 bedroomed flats, four no. two bedroomed flats, eight no. 2 bedroomed houses and 6 no three bedroomed houses are proposed.
- 1.2 This application forms one of a cluster of applications in Coalpit Heath to re-develop existing residential sites owned by a housing association. The purpose of the application is to not only improve the living standards of the residents, but also to provide additional affordable housing.
- 1.3 The proposal is for all eight of the new units to come forward as affordable housing.
- 1.4 The application relates to a residential site in a prominent position at the corner of Newlands Avenue and Oldlands Avenue. The site currently accommodates twelve properties (4 houses and 8 flats) with large gardens. The site stands in an area that is residential in character. During the course of the application amended plans have been received to slightly alter the design of the proposed dwellings and amend the layout around the Willow tree.
- 1.5 The scheme is being developed by a housing association and will be brought forward as 100% affordable housing. In light of this, the scheme has been subject to a viability appraisal. This is discussed in more detail below where S106 contributions are discussed.
- 1.4 Prior to the submission of the application, the applicants undertook quite extensive public consultation with local residents. The scheme as submitted has been developed to, as far as possible, address any public comments made.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages

L1 Landscape Protection and Enhancement

- L9 Species Protection
- T7 Cycle Parking
- T12 Transportation Development Control
- LC1 Provision for community facilities
- LC2 Provision for education facilities

South Gloucestershire 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
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS24 Green Infrastructure, Sports and Recreation Standards

- 2.3 Supplementary Planning Guidance
Affordable Housing SPD (Adopted)
Residential Parking Standards SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None directly relevant on this site. This application is one of six applications all within very close proximity to one another – all applications have been submitted by the same applicant. The five other planning reference numbers are – PT14/1489/F, PT14/1490/F, PT14/1518/F, PT14/1496/F and PT14/1517/F.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No Objection

- 4.2 Education comment
No contribution required

New Communities Team

No Objection subject to a S106 legal agreement to secure £37,875.78 to POS provision, £34,046.59 to POS maintenance, and £2,575.44 toward the library.

Housing Enabling

No Objection subject to a S106 legal agreement to secure 35% on site affordable housing.

Highway Drainage

No Objection

Highway Officer
No Objection

Landscape Architect
No Objection

Environmental Protection
No Objection

Archaeological Officer
No Objection

Ecology Officer
No Objection

Other Representations

4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling.

5.3 The NPPF states that there is a strong presumption in favour of sustainable development and also of relevance as set out in para. 17 (Core Principles) is that the reuse of land that has been previously developed (brownfield land) should be a priority. Elsewhere (para 58), it states that development should maximise the potential of sites to accommodate development.

5.4 Design and Visual Amenity

The site is located on the corner of Newlands Avenue and Oldlands Avenue and is located within a residential housing estate. The housing surrounding the site is predominantly two storey and the proposed new dwellings are also two storey to reflect this. The existing units are Precast Reinforced Concrete (PRC) construction that falls below the acceptable standard of living.

5.5 The housing on site forms part of a street scene which face onto Oldlands Avenue and Newlands Avenue. At present, some properties have off-street parking provided to the front directly off the road, while other properties have no parking or garage available. The houses are set back from the highway, creating front garden areas.

5.6 The proposed new dwellings do not simply 'copy' existing neighbouring housing stock. Instead, they take their general design cues from them in terms of scale and massing, and then incorporate a new bespoke design. The design is carried through to all six redevelopment sites (as set out in paragraph 3.1 of this report). Therefore, although in isolation the design may appear unusual, upon completion of the whole re-development scheme, dwellings of this style will not be unusual in the immediate vicinity.

5.7 In line with the precedent set by the existing housing, the new housing has been kept away from the edge of the footpath and wherever possible allocated parking has been located to the front of the relevant property. The scheme also includes the introduction of three houses and four flats at a more central position within the site. Access to these rear properties will be via a road built to adoptable standards that runs between plots 9 and 17/18. As the dwellings are included as part of the re-development, they do not read as back land development but instead form a distinct little cul-de-sac with its own sense of place.

5.8 Proposed Plot 6 is positioned closer to the edge of the highway than the existing dwellings and has the potential to impact on the street scene. However, in determining this application, your officer is giving weight to the approved re-development on the opposite side of Newlands Avenue where dwellings have also been approved relatively close to the edge of the highway. Although in isolation proposed plot 6 may appear out of keeping, when viewing the Merlin re-development programme as a whole, its position is considered to be acceptable.

5.9 Where possible, existing trees have been retained and new landscaping has been incorporated into the scheme that will contribute to the existing suburban residential setting. Most importantly, the large Willow to the rear of units 10 -13 is to be retained. During the course of the application, the layout was amended to reduce future pressure on this tree by moving secondary windows to the rear of the flats and moving the garden areas for the flats away from under the canopy of the tree. Appropriate garden sizes have been provided for each property and every property has a direct route to their garden without having to go through their property (as is a requirement for all affordable units).

- 5.10 In summary, the design has been carefully considered to take account of the existing and proposed future street scape and is considered to be entirely acceptable.
- 5.11 Residential Amenity
There are two strands to be considered when assessing residential amenity – that is the impact on neighbouring dwellings and also the level of amenity afforded to potential future residents.
- 5.12 The plans show the provision of adequate private and useable garden space to meet the needs of the proposed new dwellings. Although there will be some overlooking of the proposed gardens from first floor bedroom windows, the level of overlooking will not be unusual for a standard residential estate. The level of amenity provided to the residents of the proposed new dwellings is therefore considered to be entirely acceptable.
- 5.13 In considering the level of amenity afforded to neighbouring dwellings, officers have compared the existing and proposed situation with regards to loss of privacy and overlooking. The relationship between the proposed redevelopment and the existing dwellings on both Newlands Avenue and Oldlands Avenue will be almost exactly the same as the existing situation. The absence of neighbour objection is a reflection of the amount of work that the applicants put in prior to submitting a planning application to ensure that the amenities of neighbouring dwellings were not unacceptably affected.
- 5.14 The potential exception to the above is the rear windows in the first floor of dwelling No's 14 to 16 that will face north towards the rear garden of No. 17 Newlands Avenue. However, the distance between the rear windows in the proposed dwellings and the rear windows in this existing dwelling is still in excess of 15 metres at a very oblique angle which would preclude direct intervisibility. Although there will be some overlooking of gardens, none will be in excess of that commonly found in residential estates.
- 5.15 It is also noted that dwelling 14 and flats 10 – 13 will be closer to dwellings 30 to 40 Bell Road that lies to the southwest of the application site. Due to the lack of overlooking from primary windows and the retention of the large Willow tree, again, the impact on these dwellings has been carefully considered and deemed to be entirely acceptable.
- 5.16 With regards to the level of amenity to be afforded to potential future occupiers, the relationship between the rear elevation of flats 10 to 13 and the large Willow tree causes your officer greatest concern. However, in order to mitigate against this concern, during the course of the application the internal floor layout of these flats was amended to ensure that, as far as possible, all primary living room and kitchen windows face out away from this tree to allow maximum natural daylight to enter. On balance, the level of amenity afforded to each of the proposed flats is considered to be acceptable.

5.17 Furthermore, no concerns are raised with regards to overlooking, overbearing or loss of privacy between the proposed new units. Impact on future levels of residential amenity is therefore deemed to be acceptable.

5.18 Ecology

There are no known ecological barriers to the development. During the course of the application and at the request of Council officer, a survey of the Willow tree was carried out to check for any potential bat roost. The survey was submitted as requested and found no sign of bat roost activity. As such there is no objection to the scheme from an ecological perspective.

5.19 Highways

The plans show the provision of off street parking in accordance with the adopted Residential Parking Standards SPD. The proposed new vehicular access has been assessed by highway officer and is considered safe. Cycle storage sufficient to meet the requirements of Policy T7 will be provided in the sheds to be provided in each of the gardens. As such, there are no concerns that the proposed development would cause any issues of highway safety.

5.20 CIL Regulations

In accordance with paragraph 204 of the NPPF, Planning obligations should only be sought where they meet all of the following tests: -

- necessary to make the development acceptable in planning terms
- directly related to the development;
- and fairly and reasonably related in scale and kind to the development.

Officers have been mindful of these tests when considering the S106 contributions being requested for this application.

5.21 Affordable Housing

Affordable Housing is sought in line with Policy CS18 of the Adopted Core Strategy. In this instance this application proposes to demolish 12 homes and build 22 new homes providing a net gain of 10 dwellings. 35% of 10 dwellings (net gain) equates to 4 affordable homes when rounded up. The policy requirement therefore is for 4 units to come forward as affordable housing.

In addition to this, the applicant - being Merlin Housing Association, proposes to provide all of the remaining units as affordable housing. Therefore the Council will gain an additional 18 affordable homes over and above the 35% policy requirement. This is a significant factor that is being significant weight in the determination of the application.

5.22 The Councils housing enabling team request that the 4 affordable units are provided for social rent or as otherwise agreed in writing by the Council. As this scheme is for 100% affordable housing the section 106 units can be delivered with public subsidy if required. The Section 106 will also include a clause which is flexible to take account of the fact that some of the social

rented homes will be re-let to existing tenants as this is a redevelopment programme and will also include a clause to secure 75% of relets.

- 5.23 The housing enabling team also seek the following mix of property sizes to meet local need: 4 x 2 bed houses. The provision of 4 units does not trigger the requirement for a wheelchair unit.
- 5.24 The affordable housing is to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 is signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and compliance of RP design brief. Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE standards will need to be adhered to.
- 5.25 Additional provision of affordable housing units over and above the policy requirement
Policy CS18 of the adopted Core Strategy identifies that there is an estimated average annual need for 903 new affordable housing units over the period 2009 to 2021 in South Gloucestershire. In addition, the Strategy identifies key features, namely the large backlog of need for affordable housing, the projected annual increase of newly forming households continuing to need social rented accommodation, and the relatively small existing stock of affordable housing stock limiting the ability to meet need through re-lets.
- 5.26 The Councils Housing Strategy 2013-2018 sets out the Councils drive to provide all residents with a home they can afford that meets their needs. One of the objectives is to address the affordability and prevent homelessness by helping people to find and keep the housing they want, which meets their needs and they can afford. This is a material consideration when considering the viability of the scheme as discussed later in this report.
- 5.27 Public Open Space Requirements
Using current average occupancy data and the proposed number and mix of dwellings, it is estimated this development of 22 dwellings would generate a net population increase of 24 people. It is therefore possible to argue that the proposed development would put an additional strain on existing services than the existing situation.
- 5.28 In accordance with Core Strategy policy CS24, where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.
- 5.29 Although the New Communities Team have requested a contribution towards the provision and maintenance of Public Open Space, for viability reasons, it is

not possible to provide the sums requested whilst still bringing forward the scheme as 100% affordable housing. A detailed viability report was submitted during the course of the application and has been subject to scrutiny by the District Valuer who confirms that at 100% affordable housing, no further contributions towards POS are achievable – see paragraph 5.32 below.

5.30 Library Service

The additional Net gain of 24 people is also likely to put further strain on the library service. Again, for viability reasons (see paragraph 5.32 below – this contribution is not payable)

5.31 Education

No education S106 contribution request has been put forward as there is no projected deficit in primary or secondary education at this time.

5.32 Viability Case

The applicants have stated that they are unable to meet all of the S106 requests and have put forward a viability case. Details have been submitted to, and scrutinised by the District Valuer who agrees that if the scheme is bought forward for 100% affordable housing, it is not viably possible for the scheme to meet any other S106 costs. In fact, because the housing is all for affordable purposes and the developer is a not for profit organisation, the site is being developed at a loss.

5.33 Although it is usual in viability cases for members to have more than one option to consider, in this case no further options are possible – the only realistic options available are to approve as a 100% affordable scheme with no other S106 contributions or refuse for lack of other S106 contributions.

5.34 Applying weight to contribution request

The proposal is to provide 22 no. affordable housing units on site. Your case officer would like to highlight that under Policy CS18 of the adopted Core Strategy, the Council can only secure up to 35% i.e. 4 no. residential units to be delivered as affordable housing units as part of the Section 106. However in addition to this, the applicant proposes to provide the remaining units as affordable housing and therefore the Council will gain additional 18 affordable housing units over and above the 35% policy requirement. This is a material consideration that weighs positively in favour of the application.

5.35 Therefore a balanced judgement needs to be made between the benefit of the provision of additional 18 no. affordable housing units on site and the financial contributions towards public open space and library facilities required in accordance with the planning policies.

5.36 In this particular instance, consideration is being given to the fact that the applicants are currently working with the Parish Council entirely separately of this application to help improve the Ridings Road play area. The Ward Members have confirmed to your officer that Merlin are working with them entirely voluntarily to help towards improving this play area both for existing and proposed residents. Although this is voluntary, and cannot be given weight to the determination of this application, your officer has reason to believe that

some benefit to play facilities will result anyway without the need for a S106 agreement. Furthermore, good sized private amenity gardens are provided for the dwellings and the flats and the site is within easy walking distance to frequent public transport links on Badminton Road giving access to wider facilities. It is not however disputed that the development will put additional pressure on the existing leisure facilities.

5.37 Given the financial position of the Register Provider, the identified need for additional affordable housing units in the locality, and the voluntary improvements to play equipment already in negotiation outside of this application, it is your officers' view that the benefits of gaining 18 additional affordable homes far outweighs the required contributions towards educational facilities.

5.38 In the event that none of the additional 18 affordable housing units are delivered as affordable housing, a financial contribution of £37,875.78 to POS provision, £34,046.59 to POS maintenance, and £2,575.44 toward the library, will be secured through the S106 process. The financial contributions are to be applied pro rata in the event that only some of the additional 18 no. affordable housing units have achieved.

5.39 **S106 Summary for Members Information**

It is the opinion of your officer that the benefit of gaining 18 units of affordable housing is a significant material consideration that outweighs the lacking contributions towards public open space provision and maintenance and the library service. The application therefore appears on the circulated schedule with this recommendation. In the event that members do not agree with the officer recommendation, it should be called before the full planning committee to allow members to decide what is in the best public interest.

5.40 **Ward Members**

The Ward Members were consulted on the proposed officer recommendation prior to the publication of this report. Cllr Pat Hockey and Cllr Dave Hockey have both confirmed they are in agreement with the officer recommendation.

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 authority be delegated to the Director of Environment and Community Services 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:

- a) 4 residential units to be delivered as affordable housing in accordance with the Affordable Housing - Summary of Requirements (Revised Comments) dated 17th October 2014.

Reason: To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the Affordable Housing SPD.

- b) In the event that none of the 'additional 18 units of affordable housing units' have achieved practical completion in accordance with all the approved plans set out in the Planning Permission or any subsequent approved variation to approved plans within 3 (three) years from the date of issue of the Planning Permission the Owner shall pay (i) £37,875.78 to POS provision, £34,046.59 to POS maintenance, and £2,575.44 toward the library. In the event that less than 18 additional affordable housing units have achieved practical completed within 3 (three) years from the date of issue of the Planning Permission, these financial contributions will be pro rata.

Reason: To mitigate against the impact of the development and to accord with the requirements of Policy LC2 of south Gloucestershire Local Plan (Adopted) January 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. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday; 8.00 to 13.00 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

To protect the amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013

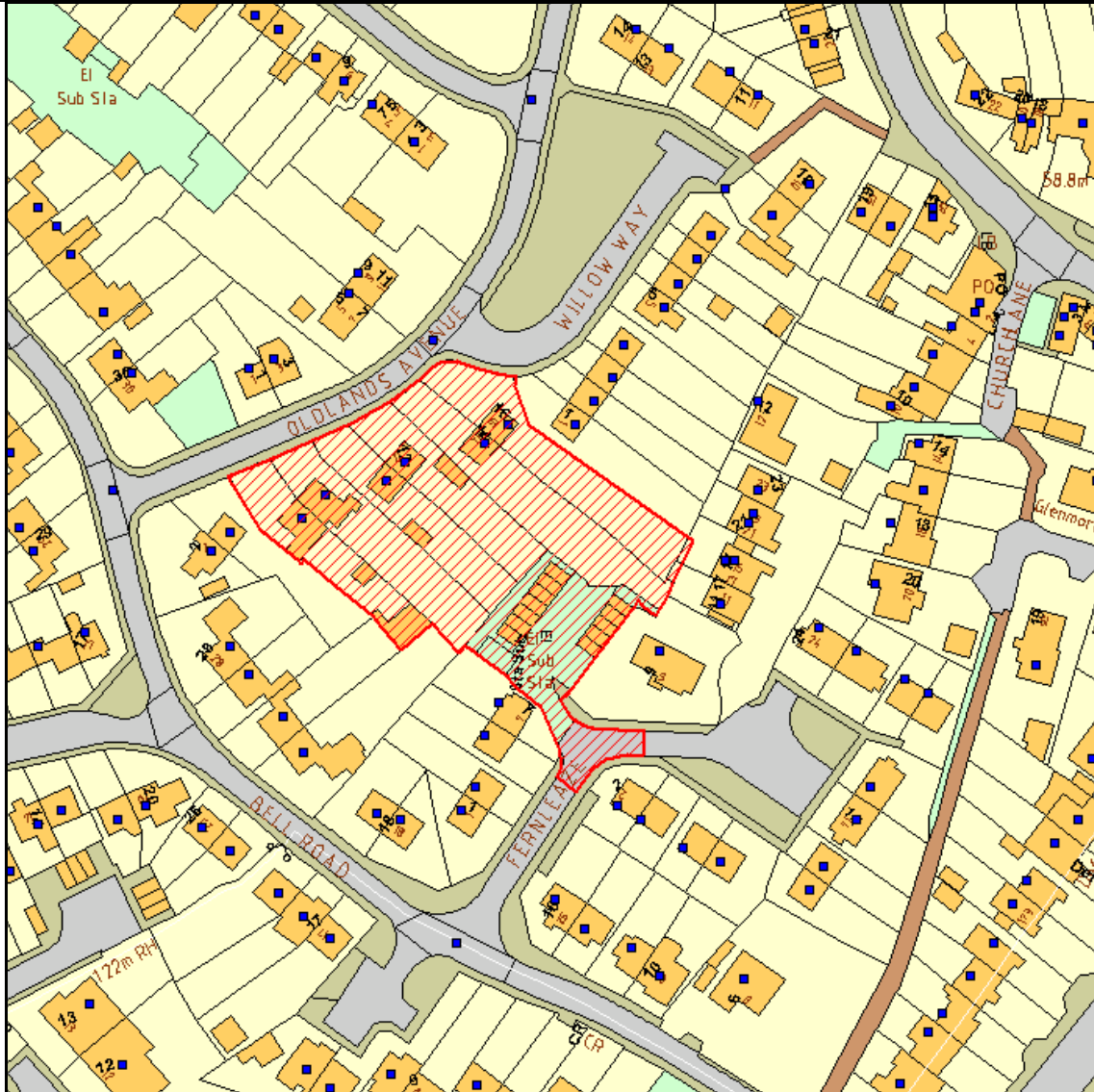
3. The off-street parking facilities shown on the plan hereby approved shall be provided before the dwellings are first occupied, and thereafter retained for that purpose.

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 the requirements of the Residential Parking Standards SPD (Adopted)

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PT14/1517/F	Applicant:	Merlin Housing Society
Site:	12 Oldlands Avenue Coalpit Heath South Gloucestershire BS36 2SF	Date Reg:	30th April 2014
Proposal:	Erection of 17no. dwellings and associated works	Parish:	Frampton Cotterell Parish Council
Map Ref:	367323 180928	Ward:	Frampton Cotterell
Application Category:	Major	Target Date:	25th July 2014



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 100023410, 2008. N.T.S. PT14/1517/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule to ensure members agree with the officer recommendation in terms of the S106 contributions secured and what is in the public interest.

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of six existing properties and a series of garages and the erection of seventeen replacement properties in their place. The site would also be divided to provide each of the properties with off street parking and garden space. On this site, six no. 1 bedroomed flats, two no. two bedroomed flats, four no. 2 bedroomed houses and five no. 3 bedroomed houses are proposed.
- 1.2 This application forms one of a cluster of applications in Coalpit Heath to re-develop existing residential sites owned by a housing association. The purpose of the application is to not only improve the living standards of the residents, but also to provide additional affordable housing.
- 1.3 The proposal is for all 17 of the new units to come forward as affordable housing.
- 1.4 The application site is dual fronted in that half of the site faces towards, and is accessed from Oldlands Avenue, with the other half being accessed from Fernleaze. There will be no properties facing directly onto Fernleaze – Fernleaze will form the access to a new cul-de-sac. The scheme is being developed by a housing association and will be brought forward as 100% affordable housing. In light of this, the scheme has been subject to a viability appraisal. This is discussed in more detail below where S106 contributions are discussed.
- 1.5 Prior to the submission of the application, the applicants undertook quite extensive public consultation with local residents. The scheme as submitted has been developed to, as far as possible, address any public comments made.

2. POLICY CONTEXT

2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

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

H4 Development within Existing Residential Curtilages
L1 Landscape Protection and Enhancement
L9 Species Protection
T7 Cycle Parking
T12 Transportation Development Control

- LC1 Provision for community facilities
- LC2 Provision for education facilities

South Gloucestershire 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
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS24 Green Infrastructure, Sports and Recreation Standards

- 2.3 Supplementary Planning Guidance
 - Affordable Housing SPD (Adopted)
 - Residential Parking Standards SPD (Adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 None directly relevant on this site. This application is one of six applications all within very close proximity to one another – all applications have been submitted by the same applicant. The five other planning reference numbers are – PT14/1489/F, PT14/1490/F, PT14/1518/F, PT14/1496/F and PT14/1492/F.

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
No Objection

- 4.2 Education comment
No contribution required

New Communities Team

No Objection subject to a S106 legal agreement to secure £27,370.22 to POS provision, £24,562.29 to POS maintenance, and £1,963.77 toward the library.

Housing Enabling

No Objection subject to a S106 legal agreement to secure 35% on site affordable housing.

Highway Drainage

No Objection

Highway Officer

No Objection subject to autotracking to show a refuse truck can service plots 1-8

Landscape Architect
No Objection

Environmental Protection
No Objection

Archaeological Officer
No Objection

Coal Authority
No Objection

Other Representations

4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Notwithstanding the above, given that the application site is located within the built up area, planning policy H4 of the adopted local plan, and policies CS1, CS5 and CS9 of the adopted core strategy all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety whilst adequate amenity space should be provided for any new separately occupied dwelling.

5.3 The NPPF states that there is a strong presumption in favour of sustainable development and also of relevance as set out in para. 17 (Core Principles) is that the reuse of land that has been previously developed (brownfield land) should be a priority. Elsewhere (para 58), it states that development should maximise the potential of sites to accommodate development.

5.4 Design and Visual Amenity

The site is on Oldlands Avenue and incorporates a garage site (next to Fernleaze) and its access. The site is bounded by residential properties on all

sides, being predominantly two storey on Oldlands Avenue and bungalows along Fernleaze. The existing units are Precast Reinforced Concrete (PRC) construction that falls below the acceptable standard of living.

- 5.5 At present, there are 6no. three bedroom houses on the site. The parking forecourt to the rear of the site consists of 12no. garages and an electric substation. Both the garages and parking are underutilised, creating an area which represents an antisocial behaviour risk. All houses on the site are two storeys and the garages are single storey. The houses are set back from the highway, creating front garden areas.
- 5.6 The proposed new dwellings do not simply 'copy' existing neighbouring housing stock. Instead, they take their general design cues from them in terms of scale and massing, and then incorporate a new bespoke design. The design is carried through to all six redevelopment sites (as set out in paragraph 3.1 of this report). Therefore, although in isolation the design may appear unusual, upon completion of the whole re-development scheme, dwellings of this style will not be unusual in the immediate vicinity.
- 5.7 In line with the precedent set by the existing housing, the new housing has been kept away from the edge of the footpath and wherever possible allocated parking has been located to the front of the relevant property. The scheme is a mix of residential accommodation (houses, bungalows and flats) with associated hard and soft landscaping. The layout has been designed to respond to both the existing street frontage along Oldlands Avenue and Fernleaze, and to create continuity with neighbouring street scenes of the Coalpit Heath redevelopment.
- 5.8 The proposal indicates the removal of a single silver birch on the southern boundary which is currently under a Tree Preservation Order (TPO). Although the tree is of good quality, the applicants are proposing the removal of the tree to ensure that a suitable road can be brought into the site. The new road enables the provision of additional units which in turn ensures the scheme is financially viable. A replacement TPOD tree will be secured via condition.
- 5.9 During the course of the application, meetings were held with the applicant and suggestions made to alter the visual appearance of the site. Suggestions were made which, in the opinion of your officer would have improved the aesthetic appearance of the site. The applicants have not made the alternations as suggested but instead have put forward justification to demonstrate why the application (especially along Oldlands Avenue) is remaining the same. Although you officer maintains that some minor alterations would be desirable, generally the proposal demonstrates an appropriate standard of design that will work with the Coalpit Heath Merlin re-development as a whole.
- 5.10 In summary, the design has been carefully considered to take account of the existing and proposed future street scape and is considered to be entirely acceptable.
- 5.11 Residential Amenity

There are two strands to be considered when assessing residential amenity – that is the impact on neighbouring dwellings and also the level of amenity afforded to potential future residents.

- 5.12 The plans show the provision of adequate private and useable garden space to meet the needs of the proposed new dwellings. Although there will be some overlooking of the proposed gardens from first floor bedroom windows, the level of overlooking will not be unusual for a standard residential estate. The level of amenity provided to the residents of the proposed new dwellings is therefore considered to be entirely acceptable.
- 5.13 In considering the level of amenity afforded to neighbouring dwellings, officers have compared the existing and proposed situation with regards to loss of privacy and overlooking. The relationship between the proposed redevelopment and the existing dwellings on both Oldlands Avenue will be almost exactly the same as the existing situation. It is accepted however, that the proposed development may have a greater impact on the existing level of residential amenity afforded to the dwellings on Fernleaze.
- 5.14 Access to the existing garages to be demolished is achieved via a small road between 7 and 9 Fernleaze. By the applicants own admission, this access road is rarely used as the garages and parking area have a very low level of patronage. By means of comparison, the proposal is to increase the width of this existing narrow road to an adoptable standard, and for this resultant road to then serve 8 dwellings. This would undoubtedly result in an increase number of vehicle movements on the highway. Although 8 dwellings will result in increased movements, the issue for consideration is whether this is unacceptable. Officers have taken the view, that because of the degree of separation between the access road and the existing dwellings, the existing boundary treatments and the scope for further landscape planting, the impact will not be so significant so as to have a detrimental impact sufficient to warrant the refusal of the application.
- 5.15 Furthermore, because of the orientation of the proposed dwellings, the location of proposed primary windows, the degree of separation and the existing boundary treatments in place, it is not considered that any issues of overlooking or loss of privacy over and above that standardly found in residential areas will result. The absence of neighbour objection is a reflection of the amount of work that the applicants put in prior to submitting a planning application to ensure that the amenities of neighbouring dwellings were not unacceptably affected.
- 5.16 Furthermore, no concerns are raised with regards to overlooking, overbearing or loss of privacy between the proposed new units. Impact on future levels of residential amenity is therefore deemed to be acceptable.
- 5.17 Highways
The plans show the provision of off street parking in accordance with the adopted Residential Parking Standards SPD. The proposed new vehicular access has been assessed by highway officer and is considered safe. Cycle

storage sufficient to meet the requirements of Policy T7 will be provided in the sheds to be provided in each of the gardens.

5.18 During the course of the application, at the request of the highway engineer, an amended plan was received to show that a refuse truck could turn in the space serving units 1-8. As such, there are no concerns that the proposed development would cause any issues of highway safety.

5.19 CIL Regulations

In accordance with paragraph 204 of the NPPF, Planning obligations should only be sought where they meet all of the following tests: -

- necessary to make the development acceptable in planning terms
- directly related to the development;
- and fairly and reasonably related in scale and kind to the development.

Officers have been mindful of these tests when considering the S106 contributions being requested for this application.

5.20 Affordable Housing

Affordable Housing is sought in line with Policy CS18 of the Adopted Core Strategy. In this instance this application proposes to demolish 6 homes and build 17 new homes providing a net gain of 11 dwellings. 35% of 11 dwellings (net gain) equates to 4 affordable homes when rounded up. The policy requirement therefore is for 4 units to come forward as affordable housing.

In addition to this, the applicant - being Merlin Housing Association, proposes to provide all of the remaining units as affordable housing. Therefore the Council will gain an additional 13 affordable homes over and above the 35% policy requirement. This is a significant factor that is being significant weight in the determination of the application.

5.21 The Councils housing enabling team request that the 4 affordable units are provided for social rent or as otherwise agreed in writing by the Council. As this scheme is for 100% affordable housing the section 106 units can be delivered with public subsidy if required. The Section 106 will also include a clause which is flexible to take account of the fact that some of the social rented homes will be re-let to existing tenants as this is a redevelopment programme and will also include a clause to secure 75% of relets.

5.22 The housing enabling team also seek the following mix of property sizes to meet local need: 1 x 2 bed house, 2 x 3 bed house and 1 x 2 bed bungalow. The provision of 4 units does not trigger the requirement for a wheelchair unit.

5.23 The affordable housing is to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 is signed, to include at least Level 3 of the Code for Sustainable Homes, Lifetime Homes standard, Secured by Design, and compliance of RP design brief. Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is

set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE standards will need to be adhered to.

5.24 Additional provision of affordable housing units over and above the policy requirement

Policy CS18 of the adopted Core Strategy identifies that there is an estimated average annual need for 903 new affordable housing units over the period 2009 to 2021 in South Gloucestershire. In addition, the Strategy identifies key features, namely the large backlog of need for affordable housing, the projected annual increase of newly forming households continuing to need social rented accommodation, and the relatively small existing stock of affordable housing stock limiting the ability to meet need through re-lets.

5.25 The Councils Housing Strategy 2013-2018 sets out the Councils drive to provide all residents with a home they can afford that meets their needs. One of the objectives is to address the affordability and prevent homelessness by helping people to find and keep the housing they want, which meets their needs and they can afford. This is a material consideration when considering the viability of the scheme as discussed later in this report.

5.26 Public Open Space Requirements

Using current average occupancy data and the proposed number and mix of dwellings, it is estimated this development of 17 dwellings would generate a net population increase of 18.3 people. It is therefore possible to argue that the proposed development would put an additional strain on existing services than the existing situation.

5.27 In accordance with Core Strategy policy CS24, where existing provision, in terms of quantity, quality and accessibility would be inadequate to meet the needs of future residents, then new provision and/or enhancement must be made in accordance with the appropriate local standards. The local standards are set out in Core Strategy Appendix 5.

5.28 Although the New Communities Team have requested a contribution towards the provision and maintenance of Public Open Space, for viability reasons, it is not possible to provide the sums requested whilst still bringing forward the scheme as 100% affordable housing. A detailed viability report was submitted during the course of the application and has been subject to scrutiny by the District Valuer who confirms that at 100% affordable housing, no further contributions towards POS are achievable – see paragraph 5.32 below.

5.29 Library Service

The additional Net gain of 18.3 people is also likely to put further strain on the library service. Again, for viability reasons (see paragraph 5.32 below – this contribution is not payable)

5.30 Education

No education S106 contribution request has been put forward as there is no projected deficit in primary or secondary education at this time.

5.31 Viability Case

The applicants have stated that they are unable to meet all of the S106 requests and have put forward a viability case. Details have been submitted to, and scrutinised by the District Valuer who agrees that if the scheme is bought forward for 100% affordable housing, it is not viably possible for the scheme to meet any other S106 costs. In fact, because the housing is all for affordable purposes and the developer is a not for profit organisation, the site is being developed at a loss.

5.32 Although it is usual in viability cases for members to have more than one option to consider, in this case no further options are possible – the only realistic options available are to approve as a 100% affordable scheme with no other S106 contributions or refuse for lack of other S106 contributions.

5.33 Applying weight to contribution request

The proposal is to provide 17 no. affordable housing units on site. Your case officer would like to highlight that under Policy CS18 of the adopted Core Strategy, the Council can only secure up to 35% i.e. 4 no. residential units to be delivered as affordable housing units as part of the Section 106. However in addition to this, the applicant proposes to provide the remaining units as affordable housing and therefore the Council will gain additional 13 affordable housing units over and above the 35% policy requirement. This is a material consideration that weighs positively in favour of the application.

5.34 Therefore a balanced judgement needs to be made between the benefit of the provision of additional 13 no. affordable housing units on site and the financial contributions towards public open space and library facilities required in accordance with the planning policies.

5.35 In this particular instance, consideration is being given to the fact that the applicants are currently working with the Parish Council entirely separately of this application to help improve the Ridings Road play area. The Ward Members have confirmed to your officer that Merlin are working with them entirely voluntarily to help towards improving this play area both for existing and proposed residents. Although this is voluntary, and cannot be given weight to the determination of this application, your officer has reason to believe that some benefit to play facilities will result anyway without the need for a S106 agreement. Furthermore, good sized private amenity gardens are provided for the dwellings and the flats and the site is within easy walking distance to frequent public transport links on Badminton Road giving access to wider facilities. It is not however disputed that the development will put additional pressure on the existing leisure facilities.

5.36 Given the financial position of the Register Provider, the identified need for additional affordable housing units in the locality, and the voluntary improvements to play equipment already in negotiation outside of this application, it is your officers' view that the benefits of gaining 18 additional

affordable homes far outweighs the required contributions towards educational facilities.

5.37 In the event that none of the additional 13 affordable housing units are delivered as affordable housing, a financial contribution of £27,370.22 to POS provision, £24,562.29 to POS maintenance, and £1,963.77 toward the library, will be secured through the S106 process. The financial contributions are to be applied pro rata in the event that only some of the additional 13 no. affordable housing units have achieved.

5.38 **S106 Summary for Members Information**

It is the opinion of your officer that the benefit of gaining 13 units of affordable housing is a significant material consideration that outweighs the lacking contributions towards public open space provision and maintenance and the library service. The application therefore appears on the circulated schedule with this recommendation. In the event that members do not agree with the officer recommendation, it should be called before the full planning committee to allow members to decide what is in the best public interest.

5.39 **Ward Members**

The Ward Members were consulted on the proposed officer recommendation prior to the publication of this report. Cllr Pat Hockey and Cllr Dave Hockey have both confirmed they are in agreement with the officer recommendation.

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 authority be delegated to the Director of Environment and Community Services 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:

- a) 4 residential units to be delivered as affordable housing in accordance with the Affordable Housing - Summary of Requirements (Revised Comments) dated 17th October 2014.

Reason: To accord with Policy CS18 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the Affordable Housing SPD.

- b) In the event that none of the 'additional 13 units of affordable housing units' have achieved practical completion in accordance with all the approved plans set out in the Planning Permission or any subsequent approved variation to approved plans within 3 (three) years from the date of issue of the Planning Permission the Owner shall pay (i) £27,370.22 to POS provision, £24,562.29 to POS maintenance, and £1,963.77 toward the library. In the event that less than 13 additional affordable housing units have achieved practical completed within 3 (three) years from the date of issue of the Planning Permission, these financial contributions will be pro rata.

Reason: To mitigate against the impact of the development and to accord with the requirements of Policy LC2 of south Gloucestershire Local Plan (Adopted) January 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. The hours of working on site during the period of construction shall be restricted to 7.30 to 18.00 Monday to Friday; 8.00 to 13.00 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

To protect the amenity enjoyed by those living in the locality to accord with Policy CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013.

3. The off-street parking facilities shown on the plan hereby approved shall be provided before the dwellings are 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 the requirements of the Residential Parking Standards SPD (Adopted).

4. A replacement tree, the species, size and location of which is/are to be approved in writing by the Local Planning Authority, shall be planted in the first planting season following the felling of the Silver Birch hereby authorised.

Reason

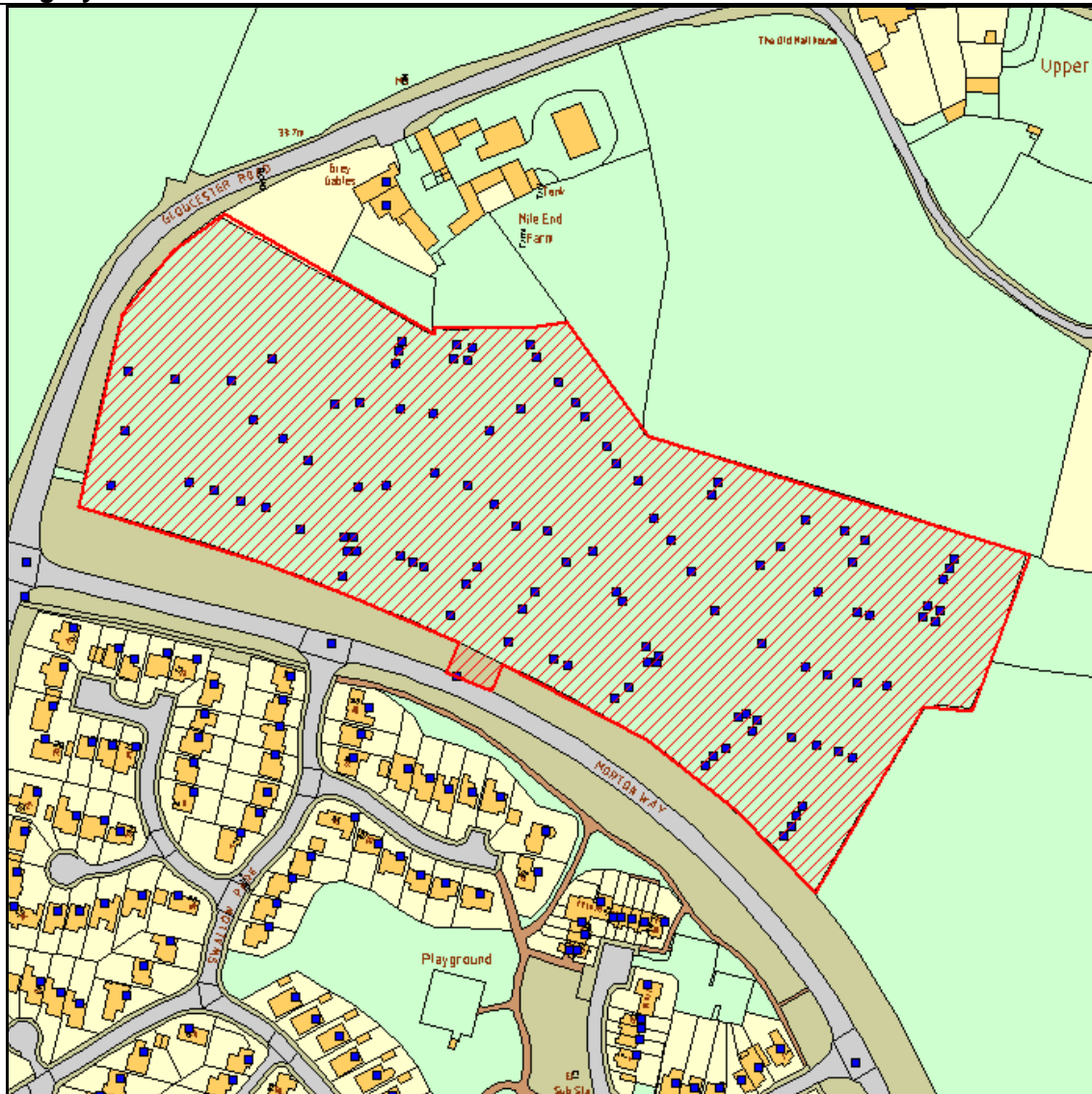
To protect the character and appearance of the area to accord with Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and CS1 of the Core Strategy (Adopted).

ITEM 13

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.: PT14/2398/RVC
Site: Land At Morton Way Thornbury South Gloucestershire
Proposal: Variation of condition 22 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development.
Map Ref: 364479 191294
Application Category: Major

Applicant: Bloor Homes Ltd
Date Reg: 10th July 2014
Parish: Thornbury Town Council
Ward: Thornbury North
Target Date: 24th September 2014



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100023410, 2008.

N.T.S.

PT14/2398/RVC

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule as representations have been made contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The applicant seeks a variation of condition 22 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the Morton Way development.
- 1.2 Application PT12/2395/O was granted planning permission on appeal. The application description was as follows: "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. 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."
- 1.3 Application PT12/2395/O was subsequently varied through section 73 application PT13/3585/RVC. This application allowed amended house types and minor variations to the layout of the Phase 1 part of the Morton Way development.
- 1.4 This section 73 application seeks to vary condition 22. This condition lists all of the plans that were approved by the Inspector in the appeal process and were subsequently amended earlier this year by application PT13/3585/RVC. The applicant seeks to vary this list of approved plans and documents to allow amended house types, materials and minor variations to the layout of phase 1 of the development, which relates to 109 no. dwellings.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework 2012
Technical Guidance to the National Planning Policy Framework 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006

L1	Landscape Protection and Enhancement
L7	Sites of National Nature Conservation Interest
L8	Sites of Regional and Local Nature Conservation Interest
L9	Species Protection
L11	Archaeology
EP2	Flood Risk and Development

T7	Cycle Parking
T8	Parking Standards
T12	Transportation Development Control Policy for New Development
E6	Employment Development in the Countryside
H3	Residential Development in the Countryside
LC1	Provision of Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
LC2	Provision for Education Facilities (Site Allocations and Developer Contributions)
LC12	Recreational Routes

South Gloucestershire Local Plan: Core Strategy (Adopted) 2013

CS1	High Quality Design
CS2	Green Infrastructure
CS5	Location of Development
CS6	Infrastructure and Development Contributions
CS8	Improving Accessibility
CS9	Managing the Environment and Heritage
CS11	Distribution of Economic Development Land
CS15	Distribution of Housing
CS16	Housing Density
CS18	Affordable Housing
CS24	Green Infrastructure, Sport and Recreation Standards
CS32	Thornbury
CS34	Rural Areas

2.3 Supplementary Planning Guidance

Residential Parking Standards SPD
South Gloucestershire Design Checklist (Adopted) 2007

3. RELEVANT PLANNING HISTORY

- 3.1 PT11/015/SCR Screening Opinion for an outline permission for the development of up to 500 new homes, new access roads from Morton Way and associated works. EIA not required.
- 3.2 PT12/2395/O 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. 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. Appeal Allowed 23rd May 2013.
- 3.3 PT14/002/SCR Screening opinion for variation of condition 23 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development. EIA not required.

- 3.4 PT13/3585/RVC Variation of condition 23 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development. Approved 17th January 2014.
- 3.5 PT14/027/SCR Variation of condition 22 to include amendments to planning permission PT12/2395/O to allow amended house types and minor variations to the layout of the Phase 1 part of the development. Screening opinion for PT14/2398/RVC. EIA not required.

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

No objection.

4.2 Other Consultees

Affordable Housing

No objection.

Conservation Officer

No objection.

Ecology

No objection raised.

English Heritage

No objection raised.

Environmental Protection

No objection.

Drainage

No objection raised.

Landscape Officer

No objection raised.

Transportation

No objection raised to revised plans.

Public Rights of Way

No objection to revised plans.

Urban Design Officer

No objection.

Other Representations

4.3 Local Residents

1 letter of objection has been received raising the following concerns:

- Thornbury will become overpopulated and unsightly
- No housing need
- Loss of countryside / wildlife

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The applicant seeks consent for the variation of condition 22 attached to planning permission PT12/2395/O to vary this list of approved plans and documents to allow amended house types, materials and minor variations to the layout of phase 1 of the development, which relates to 109 no. dwellings. This condition was attached to the decision by the Inspector for the reason "For the avoidance of doubt and in the interests of proper planning".

5.2 Assessment of Proposal

Application PT12/2395/O consisted of a hybrid application for residential development comprising 300 dwellings, a local shop, public open space and landscaping, and included full details for the first 109 dwellings (phase 1). Application PT12/2395/O was subsequently varied through section 73 application PT13/3585/RVC. This application allowed amended house types and minor variations to the layout of the Phase 1 part of the Morton Way development.

Condition 22

- 5.3 An amended layout and materials plan (including boundary treatments) has been submitted along with amended planning housing types, elevations, floor plans, a site layout plan and streetscenes. These amended plans are to the satisfaction of the Council's Urban Design Officer, Highway Officer and Conservation Officer. The layout has been altered slightly. The previously proposed swale has been omitted along with the lane to the rear of plots 68-72. Neither of these features are considered to adversely impact upon the quality of the development. The plots 68-72 have also been broken up from a terrace to semi detached properties with streetscene elevation drawings provided demonstrating the new proposals to be of a high quality. The remaining changes refer to changes to the layout of the plots mainly concentrated on the western side of the site. This has resulted in an improvement to the layout that sees plots 29-32 facing onto Gloucester Road where they were previously at angles. The revised elevation drawings of the detached dwellings make only minor changes to the elevational treatment and are acceptable. The continued use of natural stone in particular on key buildings throughout the site, along with a good mix of brick, render and recon stone, ensures the development reflects local character and distinctiveness as specified in the applicant's Design & Access Statement. The specific type of natural stone to be used on phase 1 has been agreed with the Council through condition 6 which requires samples of all external facing materials and specifically sample panels of stone

work and render. As such, condition 22 can be varied to include an updated version of all the plans submitted as part of this application.

Planning Conditions

5.4 As development has commenced on site some of the remaining 21 conditions have had to be reworded to require details be submitted to the council and agreed in writing within 3 months of the date of decision. In addition, some of the conditions have been discharged and so conditions have been reworded to reflect this.

5.5 Other Matters

A local resident raised concern regarding the principle of development (housing need, over-population), and loss of countryside/wildlife and the development being unsightly. This section 73 application can only consider existing conditions that were put on by the Inspector on his appeal decision notice. The Council cannot make fundamental alterations to the scheme at this stage. As such, it is considered that these matters have been addressed in application PT12/2395/O.

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

7. RECOMMENDATION

7.1 That planning permission is **GRANTED** subject to the following conditions.

Contact Officer: Will Collins
Tel. No. 01454 863425

CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") in respect of phases 2 and 3 of the development (outline permission) comprising 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular accesses from Morton Way, shall be submitted to and approved in writing by the Local Planning Authority before either of these phases of development begin. The development shall be carried out as approved.

Reason

This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.

2. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 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).

3. The development for phases 2 and 3 of the scheme (outline permission) comprising 191 new dwellings and a local shop (Use Class A1) (up to 270 sq metres net floor area) with supporting infrastructure and facilities including new vehicular accesses from Morton Way, public open space and landscaping shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason

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

4. The reserved matters shall be based upon the information contained within the Design & Access Statement dated November 2012 and the Addendum dated April 2013.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

5. Prior to the commencement of the relevant phase of the development representative sample panels of: stonework of all of the stone types to be used, each of at least one metre square showing the stone, coursing, mortar and pointing; render of all of the types of render to be used, of at least one metre square showing the texture and colour; and brickwork of all of the brick types to be used, each of at least one metre square showing the brick, bonding and pointing; shall be erected on site and approved in writing by the Local Planning Authority. The approved sample panels shall be kept on site for reference until the relevant work is complete. Details and samples of all roofing 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 agreed details and samples.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

6. Within 3 months of the date of decision details of any external lighting, including measures to control light spillage, in respect of phase 1 of the development shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the approved details. Prior to the commencement of phase 2 and prior to the commencement of phase 3 of the development, details of any external lighting, including measures to control light spillage, shall be submitted to the Local

Planning Authority for approval. Development shall be carried out in accordance with the approved details.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

7. Within 3 months of the date of decision a scheme of landscaping for phase 1 of the development shall be submitted to and approved in writing by the Local Planning Authority. This and the landscaping details required as part of the reserved matters for phases 2 and 3, to be submitted prior to the commencement of development of the relevant phase, shall include details of: all existing trees and hedgerows on the land, including those trees growing on land immediately adjoining the site; details of those trees and hedgerows to be retained, together with measures for their protection during the course of the development; proposed planting, including new tree planting; a timetable for planting; boundary treatments and areas of hardsurfacing. The 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 to ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

8. No development shall commence in respect of phases 2 or 3 until details of a 'Home Zone Scheme' has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Scheme.

Reason

To ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

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

Reason

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

10. Prior to the commencement of the relevant phase of development schemes for mitigating the impact of the development upon local populations of hedgehogs, slow-worms, bats and badgers shall be submitted to and approved in writing by the Local Planning Authority (LPA). Such mitigation shall be based upon the recommendations contained within the various fauna surveys undertaken by WYG in support of the application. In the event of development not commencing by the dates specified within the WYG surveys for the validity of those surveys, updated fauna surveys shall be undertaken (including identification of any new/additional mitigation) and shall be

submitted to and approved in writing by the LPA. The development shall be carried out in accordance with the approved schemes.

Reason

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

11. Within 3 months of the date of decision a foul water drainage strategy, which shall include a timetable/scheme of implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved strategy.

Reason

To ensure that a satisfactory means of drainage is provided in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

12. Unless otherwise agreed in writing by the Local Planning Authority, the finished floor levels of the dwellings shall be a minimum of 150mm above the ground level of the surrounding ground, as set out in the conclusions of the amended WYG Flood Risk Assessment dated September 2012.

Reason

To minimise the effect of any flooding which may occur in accordance with policy EP2 of the South Gloucestershire Local Plan 2006 and policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

13. Within 3 months of the date of decision a surface water drainage scheme for the site (including a timetable for implementation and details for the future management/maintenance of the scheme) shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on sustainable drainage principles (where possible) and an assessment of the hydrological and hydrogeological context of the development. The development shall be carried out and managed thereafter in accordance with the approved scheme.

Reason

To ensure that a satisfactory means of drainage is provided in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

14. Within 3 months of the date of decision a remediation strategy that includes the following components to deal with the risks associated with any contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority (LPA):
 - i) a preliminary risk assessment which has identified all previous uses, any potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, and potentially unacceptable risks arising from contamination at the site;
 - ii) a site investigation scheme, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site;

iii) the results of the site investigation and the detailed risk assessment referred to in (ii) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken;

iv) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in

v) (iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to the above components shall require the written consent of the LPA. The scheme shall be implemented in accordance with the approved strategy.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land in accordance with policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

15. If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority [LPA]) shall be carried out until the developer has submitted a remediation strategy to the LPA detailing how this unsuspected contamination shall be dealt with and obtained written approval from the LPA. The remediation strategy shall be implemented as approved.

Reason

To ensure that adequate measures have been taken to mitigate against contaminated land in accordance with policy EP6 of the South Gloucestershire Local Plan (Adopted) January 2006.

16. Within 3 months of the date of decision, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Plan.

Reason

To safeguard the living conditions of neighbouring residents in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

17. The hours of working on site during the construction period shall be restricted to 07:30 hours to 18:30 hours Monday-Friday and 08:30 hours to 13:00 hours on Saturdays, with no work taking place on Sundays or Public/Bank 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/clearing work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site.

Reason

To safeguard the living conditions of neighbouring residents in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

18. Within 3 months of the date of decision a Waste Management Audit for the detailed element of the scheme (phase 1) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Audit. No development shall commence on either of the relevant reserved matters elements of the scheme (phases 2 and 3) until a Waste Management Audit has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed Audit.

Reason

To limit the amount of waste from the site in accordance with policy CS9 of the South Gloucestershire Local Plan: Core Strategy 2013.

19. The development shall be carried out in accordance with the following approved plans:

- Red Line Site Boundary (drawing no. 151069/UD/PP/PHASE1);
- Proposed Access Arrangements (drawing no. A076588_A_03);
- Illustrative Master Plan (drawing no. 151069/UD/IMP Rev A);
- Building Density Plan (drawing no. 151069/UD/BDP Rev A);
- Building Heights Plan (drawing no. 151069/UD/PP/BHP Rev A);
- Land Use Plan (drawing no. 151069/UD/PP/LUP Rev A);
- Movement and Access Plan (drawing no. 151069/UD/PP/M&AP Rev A);
- Strategic Landscape Plan (drawing no. 151069/UD/PP/SLA Rev A);
- Street Scenes (drawing no. ME-0006-11-STESC-0.2 Rev A);
- Planning Layout (drawing no. SW002-SL-01 Rev Q);
- Materials and Boundary Treatment Layout (drawing no. SW002-SL-02 Rev M);
- Window Styles Plan (drawing no. SW002-SL-03 Rev E);
- The following house type elevations and floor plans:
 - 301 (drawing no. SW-002-12-301.03);
 - 301/305 (drawing no. SW-002-12-301/305.01);
 - 301/305 (drawing no. SW-002-12-301/305.02 Rev A);
 - 301/305 (drawing no. SW-002-12-301/305.03);
 - 301/305 (drawing no. SW-002-12-301/305.04 Rev A);
 - 301/305 (drawing no. SW-002-12-301/305.05);
 - 303 (drawing no. SW-002-12-303.01 Rev A);
 - 303 (drawing no. SW-002-12-303.02);
 - 303 (drawing no. SW-002-12-303.03 Rev A);
 - 303 (drawing no. SW-002-12-303.04 Rev B);
 - 303 (drawing no. SW-002-12-303.05 Rev A);
 - 303 (drawing no. SW-002-12-303.06);
 - 303 (drawing no. SW-002-12-303.07);
 - 303/305 (drawing no. SW-002-12-303/305.01 Rev C);
 - 303/305 (drawing no. SW-002-12-303/305.02 Rev A);
 - 303/450 (drawing no. SW-002-12-303/450.01 Rev A);
 - 303/450 (drawing no. SW-002-12-303/450.02 Rev B);
 - 303/450 (drawing no. SW-002-12-303/450.03 Rev A);
 - 303/450 (drawing no. SW-002-12-303/450.04 Rev A);
 - 303/450 (drawing no. SW-002-12-303/450.05);

- 304 (drawing no. SW-002-12-304.02 Rev B);
- 304 (drawing no. SW-002-12-304.03 Rev B);
- 308 (drawing no. SW-002-12-308.01 Rev A);
- 308 (drawing no. SW-002-12-308.02 Rev A);
- 353 (drawing no. SW-002-12-353.01);
- 353 (drawing no. SW-002-12-353.02);
- 353 (drawing no. SW-002-12-353.03);
- 353 (drawing no. SW-002-12-353.04);
- 353 (drawing no. SW-002-12-353.05);
- 356 (drawing no. SW-002-12-356.01);
- 356 (drawing no. SW-002-12-356.02);
- 356 (drawing no. SW-002-12-356.03);
- 356 (drawing no. SW-002-12-356.04);
- 400 (drawing no. SW-002-12-400.01 Rev A);
- 400 (drawing no. SW-002-12-400.02 Rev B);
- 402 (drawing no. SW-002-12-402.01 Rev A);
- 402 (drawing no. SW-002-12-402.02 Rev A);
- 406 (drawing no. SW-002-12-406.01 Rev B);
- 406 (drawing no. SW-002-12-406.04 Rev B);
- 406 (drawing no. SW-002-12-406.05 Rev C);
- 415 (drawing no. SW-002-12-415.01 Rev C);
- 415 (drawing no. SW-002-12-415.02 Rev C);
- 416 (drawing no. SW-002-12-416.01);
- 420 (drawing no. SW-002-12-420.01);
- 421 (drawing no. SW-002-12-421.01 Rev C);
- 421 (drawing no. SW-002-12-421.02 Rev C);
- 421 (drawing no. SW-002-12-421.03);
- 421 (drawing no. SW-002-12-421.04);
- 426 (drawing no. SW-002-12-426.01 Rev A);
- 426 (drawing no. SW-002-12-426.02);
- 450 (drawing no. SW-002-12-450.01);
- 450 (drawing no. SW-002-12-450.02);
- 450 (drawing no. SW-002-12-450.03);
- 453 (drawing no. SW-002-12-453.01);
- 453 (drawing no. SW-002-12-453.02);
- 453 (drawing no. SW-002-12-453.03);
- 453 (drawing no. SW-002-12-453.04);
- 454 (drawing no. SW-002-12-454.01);
- 455 (drawing no. SW-002-12-455.01);
- 506 (drawing no. SW-002-12-506.01 Rev C);
- 506 (drawing no. SW-002-12-506.02 Rev C);
- 506 (drawing no. SW-002-12-506.03 Rev C);
- 506 (drawing no. SW-002-12-506.04 Rev B);
- 2B4P (drawing no. SW-002-12-2B4P.01 Rev C);
- 2B4P (drawing no. SW-002-12-2B4P.04);
- 2B4P (drawing no. SW-002-12-2B4P.05 Rev A);
- 2B4P (drawing no. SW-002-12-2B4P.06 Rev A);
- 2B4P (drawing no. SW-002-12-2B4P.07 Rev A);

- 2B4P (drawing no. SW-002-12-2B4P.08 Rev A);
 - 2B4P (drawing no. SW-002-12-2B4P.09 Rev B);
 - 2B4P (drawing no. SW-002-12-2B4P.10);
 - 2B4P (drawing no. SW-002-12-2B4P.11);
 - 3B5P (drawing no. SW-002-12-3B5P.01 Rev C);
 - 3B5P (drawing no. SW-002-12-3B5P.02 Rev A);
 - 3B5P (drawing no. SW-002-12-3B5P.03 Rev B);
 - 3B5P (drawing no. SW-002-12-3B5P.04);
 - 4B6P (drawing no. SW-002-12-4B6P.02 Rev C);
 - 4B6P (drawing no. SW-002-12-4B6P.03 Rev C);
 - 1Bed Apartment (drawing no. SW-002-12-apart.01 Rev E);
 - 1Bed Apartment (drawing no. SW-002-12-apart.02 Rev F);
 - 1Bed Apartment (drawing no. SW-002-12-apart.09 Rev E);
 - 1Bed Apartment (drawing no. SW-002-12-apart.10 Rev E); and
 - 1BF01 (drawing no. SW-002-12-1BF01.01 Rev B).
-
- Bin & Bike Store (drawing no. SW-002-12-bin&bike.01 Rev A);
 - Bin Store (drawing no. SW-002-12-bin.02);
 - 4 Bike Store (drawing no. SW-002-12-BS4 Rev B);
 - Garage (drawing no. SW-002-12- gar.01);
 - Garage (drawing no. SW-002-12- gar.02);
 - Garage (drawing no. SW-002-12- gar.03);
 - Garage (drawing no. SW-002-12- gar.04 Rev B);
 - Garage (drawing no. SW-002-12- gar.05);
 - Garage (drawing no. SW-002-12- gar.06);
 - Garage (drawing no. SW-002-12- gar.07);
 - Garage (drawing no. SW-002-12- gar.08);
 - Garage (drawing no. SW-002-12- gar.09);
 - Garage (drawing no. SW-002-12- gar.10);
 - Garage (drawing no. SW-002-12- gar.11);
 - Street Scene (drawing no. SW-002-12- STSC-0.1 Rev A);
 - Street Scene (drawing no. SW-002-12- STSC-0.2 Rev A);
 - Street Scene (drawing no. SW-002-12- STSC-0.3 Rev A); and
 - Street Scene (drawing no. SW-002-12- STSC-0.4 Rev A).

Reason

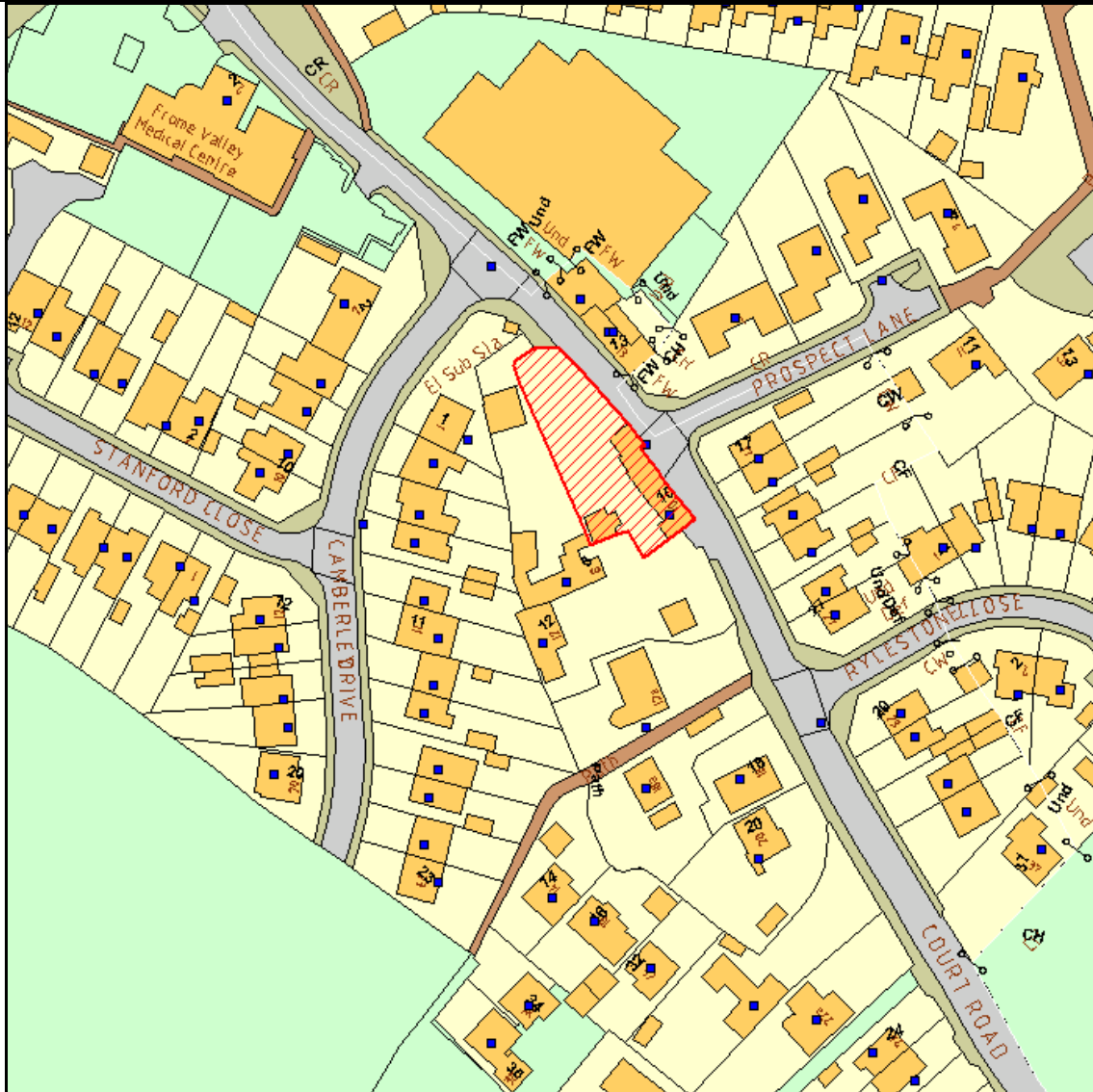
For the avoidance of doubt and in the interests of proper planning and to ensure that the scheme is designed to a high standard in accordance with policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013.

ITEM 14

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.: PT14/3155/CLP
Site: 10 Court Road Frampton Cotterell Bristol
South Gloucestershire BS36 2DE
Proposal: Application for a certificate of lawfulness
for the replacement of the conservatory
roof and installation of new doors and
windows.
Map Ref: 365786 181744
**Application
Category:**

Applicant: Mrs Charlie Turner
Date Reg: 4th September 2014
Parish: Winterbourne Parish
Council
Ward: Winterbourne
**Target
Date:** 28th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed alterations to an existing conservatory on the front of 10 Court Road, Frampton Cotterell, would require planning permission. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. The proposed alterations include the installation of a new roof including the raising of the maximum height and the replacement of the glazing with new windows and doors.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application a revised proposed elevation plan has been submitted to remove the timber cladding from the side elevation. An email also confirms that all materials will match the existing property.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 Section 192
Town and Country Planning (General Management Procedures) (England) Order 2010
Town and Country Planning (General Permitted Development) Order (As Amended) 1995. Schedule 2, Part 1, Class A.

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No objection

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Received 2nd September 2014:
Site Location and Block Plans PG NO: 01
Existing Elevations PG NO: 01
Proposed Sections PG NO: 04

Received 14th October 2014:
Proposed Elevations PG NO: 04
Email Correspondence dated 14th October regarding materials.

6. EVALUATION

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for Planning Consent. Accordingly there is no consideration of planning merit, the planning application is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application; the decision rests upon the evidence that has been submitted. If the evidence submitted demonstrates that the proposed use is lawful on the balance of probabilities, the Local Planning Authority must grant a Certificate confirming that the proposed development is lawful.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class A of the GDPO (As Amended) 1995.
- 6.3 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. This allows for the enlargement, improvement or other alteration of a dwellinghouse, provided it meets the criteria as detailed below:

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

- (za) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class IA or MB of Part 3 of this Schedule (changes of use);**
The dwellinghouse was not granted permission by virtue of Class IA or MB of Part 3 of the schedule.
- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The development would not exceed 50% of the total area of the curtilage.

- (b) **The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The maximum height of the proposal would not exceed the maximum height of the existing dwellinghouse.
- (c) **The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The height of the eaves of the proposal would not exceed the horizontal line from the eaves of the existing dwellinghouse.
- (d) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
(i) **fronts a highway, and**
(ii) **forms either the principal elevation or a side elevation of the original dwellinghouse;**
The development would extend beyond a wall that forms the principal elevation but this wall does not front a highway.
- (e) **The enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
The development would not extend beyond the rear wall of the dwellinghouse.
- (ea) **until 30th May 2016, for a dwellinghouse not on article 1(5) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—**
(i) **extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or**
(ii) **exceed 4 metres in height;**
The development would not extend beyond the rear wall of the dwellinghouse.
- (f) **The enlarged part of the dwellinghouse would have more than one storey:**
The proposal is single storey.
- (g) **The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres:**
The development would be within two metres of the boundary of the curtilage but the eaves would not exceed 3 metres in height.
- (h) **The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would:**

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

The development would not extend beyond the side elevation of the original dwellinghouse

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

The proposal does not include any of the above.

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

- (a) It would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebbledash, render, timber, plastic or tiles :**
- (b) The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or**
- (c) The enlarged part of the dwellinghouse would have more than one storey and extend beyond the rear wall of the original dwellinghouse.**

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

CONDITIONS

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

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

The revised plan received 14th October 2014 removes the previously proposed timber cladding and the associated email correspondence confirms that all materials will match the existing property. The development therefore accords with this condition.

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

The proposal does not include the installation of any upper floor windows.

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

The proposal is single storey.

- A.4.—(1) The following conditions apply to development permitted by Class A which exceeds the limits in paragraph A.1(e) but is allowed by paragraph A.1(ea)...**

Not applicable.

7. RECOMMENDATION

- 7.1 That a certificate of lawfulness for proposed development is granted for the following reason:

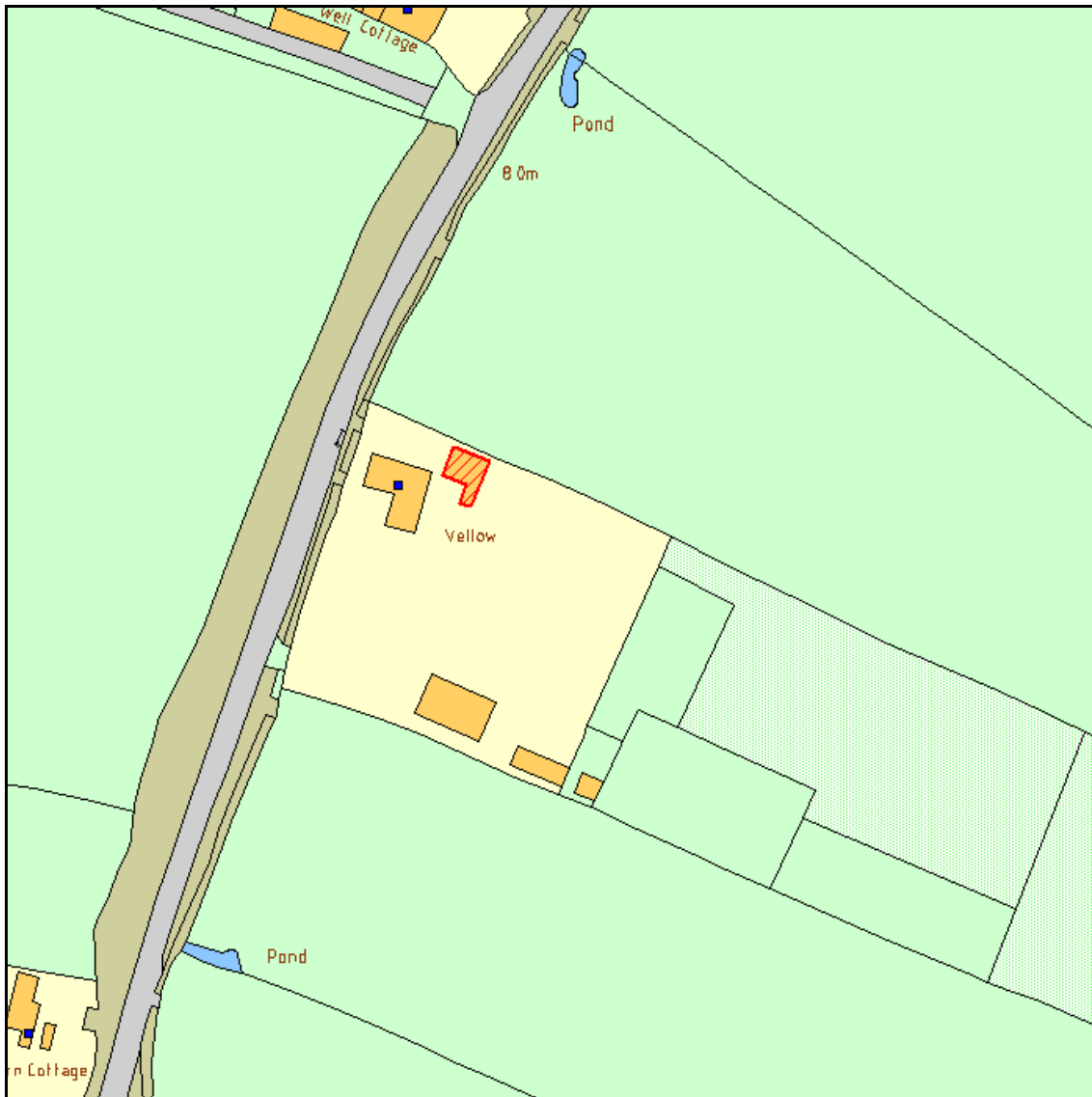
Evidence has been provided to demonstrate that the development falls within permitted development within the curtilage of the dwellinghouse under Part 1 of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

ITEM 15

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PT14/3359/CLP	Applicant:	Mr G Williams
Site:	Yellow Thornbury Road Rockhampton Berkeley South Gloucestershire GL13 9DY	Date Reg:	8th September 2014
Proposal:	Application for Certificate of Lawfulness for the proposed installation of rear dormer window and enlargement of existing side window. (Resubmission of PT14/1231/CLP)	Parish:	Rockhampton Parish Council
Map Ref:	364931 193271	Ward:	Severn
Application Category:		Target Date:	24th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the installation of a rear dormer window and the enlargement of an existing side window to an ancillary building within the curtilage of Vellow on Thornbury Road would be lawful.
- 1.2 This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.3 Additional detail regarding materials was provided by means of an email from the agent received on 19th September 2014. A re-consultation was deemed unnecessary due to the fact that the proposal did not change.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990 (As Amended) 1990 section 192
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning (General Permitted Development) Order (GPDO) (As Amended) 1995

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/1231/CLP - Certificate of Lawfulness for the proposed installation of a rear dormer window and enlargement of existing side window
Refused – 30/05/2014
- 3.2 P98/2553 - Conversion of outbuilding to ancillary living accommodation.
Erection of single storey link extension to main dwelling.
Approved – 21/12/1998

4. CONSULTATION RESPONSES

- 4.1 Rockhampton Parish Council
No comment received.
- 4.2 Other Consultees

Highway Drainage
No comment.

Other Representations

- 4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Existing and Proposed Ground Floor Plan (drawing no. 14-03-01); Existing and Proposed First Floor Plan (drawing no. 14-03-02); Existing Elevations (drawing no 14-03-03); Proposed Elevations (drawing no 14-03-04A), Location Plan. All received 29th August 2014.
- 5.2 Email from the agent clarifying details received on 19th September 2014.

6. ANALYSIS OF PROPOSAL

- 6.1 The application for a Certificate of Lawfulness is purely an evidential test and is a formal way of establishing whether or not the proposed development can be implemented lawfully without the need for planning permission. Accordingly there is no consideration of planning merit: the decision is based on the facts presented. The submission is not a planning application and thus the Development Plan is not of relevance to the determination of this application. If the evidence submitted demonstrates that the proposed development is lawful, on the balance of probabilities, the Local Planning Authority must grant a certificate confirming this.
- 6.2 The key issue is to determine whether the proposal falls within the permitted development rights afforded to householders under Schedule 2, Part 1, Class B for the dormer window (the enlargement of a dwellinghouse consisting of an addition or alteration to it's roof) and Class A for the window on the side elevation (the enlargement, improvement or other alteration of a dwellinghouse).
- 6.3 Class B allows for dormer windows, subject to the following criteria:

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

(a) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The highest part of the proposed dormer window would, at it's highest point, be the same height as the existing roofline. Therefore, the development meets this criterion.

(b) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principle elevation of the dwellinghouse and fronts a highway;

For the purpose of this application, it is considered that the principle elevation of the property to which this ancillary building is joined to is the elevation facing onto Rockhampton Hill. This is not only because the principle elevation usually faces onto a highway, but also because the door on that elevation has the appearance of a front door, with a pitched roof

porch over it. Accordingly, the same elevation of the ancillary building to be altered by this proposal will be considered the principle elevation. The principle elevation is left unaltered by either of the proposals indicated on this application and therefore the proposal meets this criterion.

(c) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than-

(i) 40 cubic metres in the case of a terrace house, or

(ii) 50 cubic metres in any other case;

The house is a detached property, and the volume of the dormer window does not exceed 50 cubic metres.

(d) It would consist of or include-

(i) The construction or provision of a veranda, balcony or raised platform, or

(ii) The installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposal does not include any of the above.

(e) The dwellinghouse is on article 1 (5) land.

The dwellinghouse is not on article 1 (5) land.

B.2 Development is permitted by Class B subject to the following conditions

(a) The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

The agent has confirmed by email that the materials will be of similar appearance to the existing dwellinghouse, and therefore the proposal meets this criterion.

(b) Other than in the case of a hip to gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 20cm from the eaves of the original roof; and

The eaves of the original roof of the ancillary building are 1m from the edge of the enlargement which is closest. The proposal therefore meets this criterion.

(c) Any upper-floor window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-

(i) Obscure glazed; and

(ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The previous application (PT14/1231/CLP) for a certificate of lawfulness was refused due to the development not having obscure glazing on the upper floor. This has been addressed in this resubmission, with obscure glazing shown to be from level with the mezzanine floor upwards. The

upper floor parts of the window are shown to be non-opening, as it cannot be reached from the mezzanine level.

6.4 Class A allows for alterations to dwellinghouses subject to the following criteria:

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

- (a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);**
The proposal does not reduce the amount of curtilage of the dwellinghouse, and therefore does not exceed 50% of it.
- (b) The height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse;**
The dormer window is, at its highest part, the same height as the highest part of the existing roof.
- (c) The height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;**
The proposal does not include an extension with eaves, and therefore they do not exceed the height of the eaves of the existing dwellinghouse.
- (d) The enlarged part of the dwellinghouse would extend beyond a wall which—**

 - (i) fronts a highway, and**
 - (ii) forms either the principal elevation or a side elevation of the original dwellinghouse;**
The dormer window does not extend beyond the rear wall.
- (e) The enlarged part of the dwellinghouse would have a single storey and—**

 - (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
 - (ii) exceed 4 metres in height;**
The enlarged part of the dwellinghouse does not extend beyond the rear wall or exceed 4 metres in height. The proposal therefore meets this criterion.
- (f) The enlarged part of the dwellinghouse would have more than one storey:**
The enlarged part of the dwellinghouse does not have more than one storey.
- (g) The enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;**

The enlarged part of the dwellinghouse is not within 2 metres of the boundary.

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

None of the above apply, and the proposal therefore meets this criterion.

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

The proposal does not include any of the above, except for an alteration to the roof to form a dormer window, which is allowed under Class B.

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

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

The agent has confirmed by email that the materials will be of similar appearance to the existing dwellinghouse, and therefore the proposal meets this criterion.

- (b) Any upper-floor window inserted on a wall or roof slope forming the side elevation of a dwellinghouse shall be-**

- (i) Obscure glazed; and**
- (ii) Non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The previous application (PT14/1231/CLP) for a certificate of lawfulness was refused due to the development not having obscure glazing on the upper floor. This has been addressed in this resubmission, with obscure glazing shown to be from level with the mezzanine floor upwards. The upper floor parts of the window are shown to be non-opening, as it cannot be reached from the mezzanine level.

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

The enlarged part does not have more than one storey, and the proposal therefore meets this criterion.

7. **RECOMMENDATION**

- 7.1 That a certificate of lawfulness for the proposed development is **granted** for the following reason;

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

Contact Officer: Trudy Gallagher
Tel. No. 01454 862217

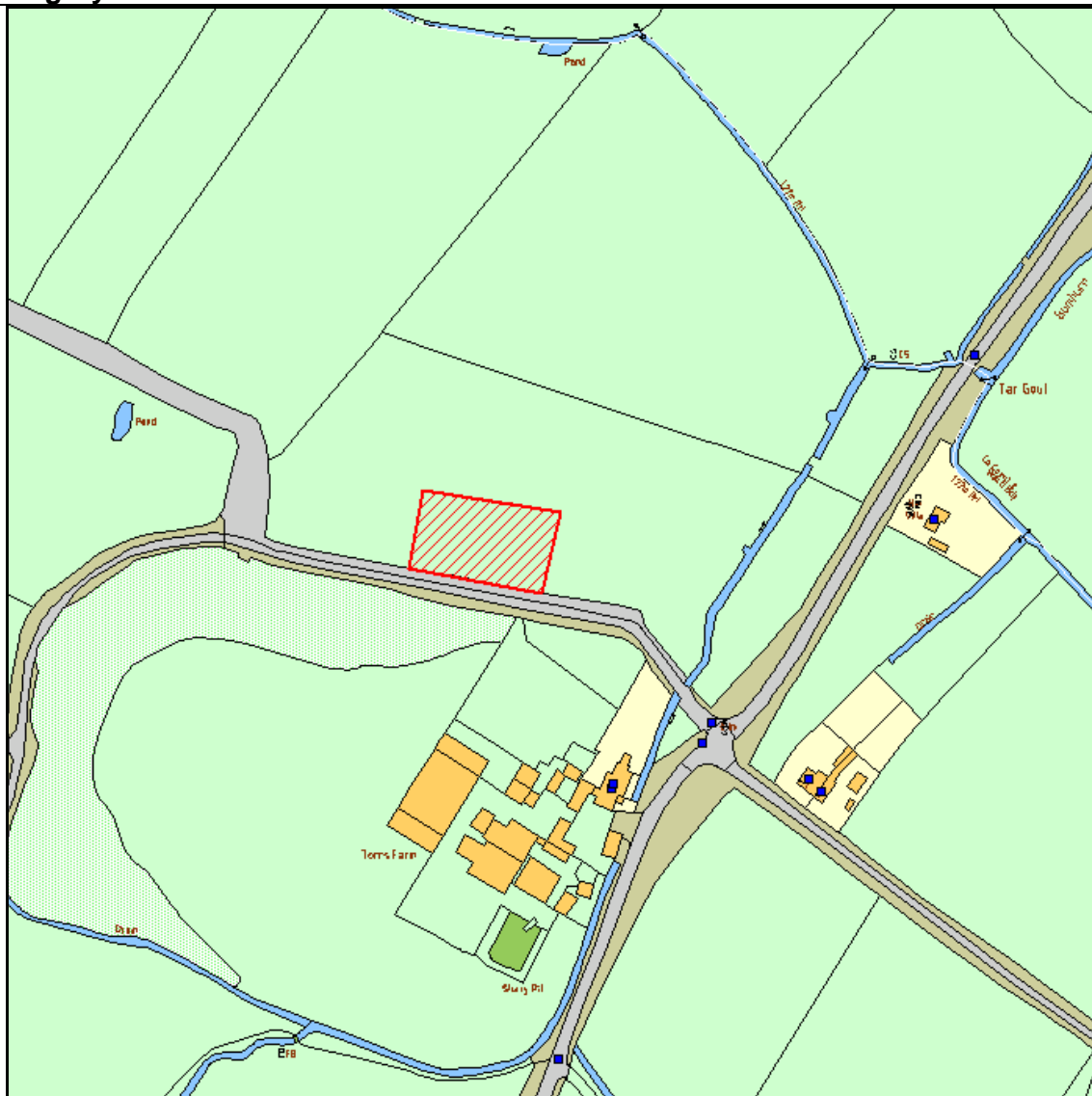
CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.: PT14/3372/F
Site: Land North Of Gumhurn Lane Pilning
 South Gloucestershire BS35 4JL
Proposal: Construction of a dog training arena
 and erection of storage building.

Applicant: Miss Celia Bourne
Date Reg: 18th September
 2014
Parish: Pilning And
 Severn Beach
 Parish Council
Ward: Pilning And
 Severn Beach
**Target
 Date:** 29th October 2014

Map Ref: 356664 184976

**Application
 Category:** Minor



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 100023410, 2008. **N.T.S.** **PT14/3372/F**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because the applicant works for South Gloucestershire Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the construction of a dog training arena and the erection of a storage building.
- 1.2 The application site comprises a field used for a mix of agricultural and dog training/exercising (Use Class sui generis) granted planning permission under application PT12/3237/F. The proposal involves engineering operations to form a dog training arena approximately 40 metres in length and 20 metres in width secured by post and rail fencing, and the siting of a storage building. The site is located on the northern side of Gumhurn Lane to the west of Piling Street. The site is located within the open Green belt outside of any defined settlement boundary. The site is within Flood Zone 3.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
L1 Landscape Protection and Enhancement
L6 Sites of International Nature Conservation Interest
L9 Species Protection
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
CS5 Location of Development
CS9 Managing the Environment and Heritage
CS34 Rural Areas
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Development in the Green Belt SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3237/F, Change of use of land from agricultural to mixed use agricultural and dog training/exercising (sui generis) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended), approval, 23/01/13.

4. CONSULTATION RESPONSES

- 4.1 Piling and Severn Beach Parish Council
Piling and Severn Beach Parish Council only questions the car parking within the site. If this has been considered, then there is no objection to the development.
- 4.2 Highway Structures Officer
No comment
- 4.3 Transportation DC Officer
No objection subject to condition
- 4.4 Drainage Officer
Objection
- 4.5 Tree Officer
No objection subject to condition
- 4.6 Environment Agency
Objection
- 4.7 Landscape Officer
No objection subject to condition
- 4.8 Ecological Officer
Objection

Other Representations

- 4.9 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Green Belt
The application land has consent for a mixed use of agricultural and dog training (use class sui generis) under application PT12/3237/F; therefore, it is considered that the proposal, whilst intensifying the use for dog training, does not constitute a material change of use. The proposal relates to engineering operations to form the training arena surface and the erection of a new building for storage.
- 5.2 Guidance contained in the National Planning Policy Framework (NPPF) is that certain other forms of development, such as engineering operations, are also not inappropriate in the Green Belt provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. The surface of the training arena will be flat, and the only part that

will project above ground level is a timber post and rail fence around its perimeter approximately 1.3 metres in height.

As such, it is considered that the construction of a training area will not have a materially greater effect on the openness of the Green Belt than the existing situation.

- 5.3 A storage building is proposed adjacent to the training arena, which measures approximately 9 metres in length, 3.8 metres in width, and 3.3 metres in height. The NPPF states that the construction of new buildings should be regarded as inappropriate in the Green Belt with the exception of buildings of agricultural and forestry; provision of appropriate facilities for outdoor sport, outdoor recreation and cemeteries; the proportionate extension/alteration of a building; the replacement of a building provided the new building is not materially larger; limited infilling in villages; limited infilling or the partial or complete redevelopment of previously developed sites which would not have a materially greater impact on the openness of the Green Belt than the existing situation. Accordingly, the proposed erection of a new building relating to a dog training business does not fall within the limited categories of development appropriate in the Green Belt and therefore, represents inappropriate development. The NPPF states that, as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.4 The applicant has not provided any 'very special circumstances' to outweigh the harm to the openness of the Green Belt; therefore, the proposal is contrary to guidance contained in the NPPF and policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.
- 5.5 Flooding
The proposal is located in Flood Zone 3, which is an area where there is a high risk of flooding. The previous application, for the change of use of the land to agricultural and dog training, was accepted on the basis that the use was not highly vulnerable to flooding and did not involve any operational development. The proposal involves operational development and The Environment Agency have objected to the proposal on the basis that a Flood Risk Assessment has not been submitted to demonstrate that flood risks will not increase. The comments of the Environment Agency are noted, however, material weight is given to the fact that the principle of the use has already been accepted, and it is a use that is not highly vulnerable to flood risk. Given the small scale of the proposal it is not considered that there will be a significantly greater effect in terms of flood risk over the existing situation provided that an adequate means of drainage is agreed to dispose of surface water. Accordingly, subject to conditions in respect of a suitable flood mitigation plan and drainage scheme being agreed if permission is granted, the proposal will not have a materially greater effect in terms of flood risk.
- 5.6 Although the principle of the development is unacceptable on Green Belt grounds it is still necessary to consider matters relating to appearance/form and the impact on the character of the area; the impact on the residential amenity of neighbouring occupiers; transportation effects; and environmental effects.

5.7 Appearance/Form and Impact on the Character of the Area

The training arena and storage building are proposed to be tucked against the southern boundary of the site adjacent to the existing entrance to the field, which is considered to be the correct approach to reduce the length of any access track required and to reduce the level of encroachment into the field. At 3.3 metres at ridge height and 2.5 metres at the eaves (approx.), the proposed building will have a relatively low profile. In addition, its simple linear form and materials comprising profiled metal sheeting for the roof, shiplap timber cladding for the walls and a rendered block base are considered in-keeping with the character of the area. The building will have the appearance of a small stable/agricultural building and will not appear out of keeping in the rural context. The post and rail timber fencing is considered to be a sympathetic boundary treatment. The field is enclosed by mature vegetation on the boundaries and this, and the topography, reduces views from the wider area. The boundary to the south of the site along Gumhurn Lane and the hedge on the western boundary beside the public footpath is in a poor state of repair and no longer provides an effective screen to the application site. If permission is granted a condition is recommended for the submission of a five year management plan for the restoration of the hedge, and this should include initial inter-planting with native shrub species. Accordingly, subject to condition, the proposal will not have a significant adverse effect on the character of the area or the wider landscape. If permission is granted, a condition is recommended to restrict floodlighting at the site.

5.8 Residential Amenity

Weight is given to the fact that planning permission has been granted for the change of use of the land to a mix of agricultural and dog training to allow dog training to take place. Accordingly, provided that conditions from the previous consent to limit the number of dogs at the site, and the hours of use, are copied to the new consent, it is not considered that there will be a materially greater effect on the residential amenity of neighbouring occupiers than the existing situation.

5.9 Transportation

Weight is given to the fact that the site already has planning permission for dog training. The existing parking/access will be used for the proposal. Provided that the condition from the previous consent to limit the number of dogs at the site to 6 is copied to the new consent, to limit the scale of the use, it is not considered that there will be a materially greater effect in terms of transportation.

5.10 Environmental
Impact on Trees

The dog training arena will require a small amount of excavations for the foundations and this may impact on the roots of trees growing on the southern boundary of the site. The block plan submitted demonstrates that the arena will be clear of the canopy of the trees on the boundary; therefore, the Tree Officer has no objections in principle. A condition is recommended if permission is

granted, for an arboricultural method statement and Tree Protection Plan to be submitted.

5.11 Ecology

The application site consists of an agricultural field off Gumhurn Lane between the A403 and foreshore of the Severn Estuary off Warth Lane adjacent to the Northwick Farm landfill between Aust and Pilning. Whilst the application site itself is not covered by any statutory or non-statutory nature conservation designations, it lies within the coastal floodplain of the Severn Estuary which is notified as a Site of Special Scientific Interest (SSSI) and protected under the Wildlife & Countryside Act 1981 (as amended). The Severn Estuary is also designated as a Special Protection Area (SPA) under EC Directive 79/409 on the Conservation of Wild Birds ('the Birds Directive') and a Ramsar site under the Ramsar Convention on the Conservation of Wetlands of Importance. It is also a Special Area of Conservation (SAC) under European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora ('the Habitats Directive 1992'), implemented in Britain by the Conservation (Natural Habitats & c) Regulations 2010 ('the Habitat Regulations'), otherwise known as European or Natura 2000 (N2K) Sites.

5.12 There are records of skylarks in close proximity to the application site. Skylarks are included on the UK Biodiversity Action Plan (UKBAP) and listed under Section 41 of the NERC Act 2006 as 'a species of principal importance for biological diversity in Britain' and are protected under saved Policy L9 of the adopted South Gloucestershire Local Plan.

5.13 Application PT12/3237/F identified that the field was previously managed by hay cut and grazing with cattle. As skylarks utilise (late-cut) hay meadows for ground-nesting, the loss traditionally managed meadows can affect local populations' successful breeding. In lieu of further survey work, a management prescription was agreed under a Condition attached to application PT12/3237/F to reconcile development with the continued use of the field for nesting skylark (hay cuts). The proposal would mean the permanent loss of semi-natural habitat within the field and disturbance to any pairs of skylark nesting on site.

5.14 Further Matters

It is noted that Herras fencing is still in situ at the site and that a number of jumps, as well as a number of temporary structures associated with dog training, which is in breach of conditions 8 and 5 of the original consent respectively. This matter will be referred to the Council's Enforcement Team.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is REFUSED for the following reasons.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

REFUSAL REASONS

1. The site is located within the Bristol/Bath Green Belt and the proposal does not fall within the limited categories of development normally considered appropriate within the Green Belt. In addition, the applicant has not demonstrated that very special circumstances apply, such that the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to The National Planning Policy Framework; and policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Development in the Green belt SPD (adopted).
2. Skylark are a species included on the UK Biodiversity Action Plan (UKBAP) and listed under Section 41 of the NERC Act 2006 as 'a species of principal importance for biological diversity in Britain'. Skylarks utilise (late-cut) hay meadows for ground-nesting; therefore, the proposed development would result in the permanent loss of semi-natural habitat within the field and disturbance to any pairs of skylark nesting on site. The proposal is therefore, contrary to policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policies L6 and L9 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

ITEM 17

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PT14/3377/CLE	Applicant:	Mr Peter Sargent
Site:	Sturden Manor Winterbourne Hill Winterbourne South Gloucestershire BS36 1JR	Date Reg:	17th September 2014
Proposal:	Certificate of lawfulness for the existing use of land and buildings for B2 and B8 uses (as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended),	Parish:	Winterbourne Parish Council
Map Ref:	364678 180195	Ward:	Winterbourne
Application	Certificate of Lawfulness	Target	28th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because it forms a Certificate of Lawfulness.

1. THE PROPOSAL

- 1.1 The application submitted comprises a Certificate of Lawfulness under S.191 of the Town and Country Planning Act 1990 as amended by S.10 of the Planning and Compensation Act 1991 in respect of the use of ten buildings at Sturden Manor, Winterbourne Hill, Winterbourne.
- 1.2 The buildings are located in the site of an old farm. The buildings are constructed in a range of materials and are in various states of repair. All of the buildings have been on site since at least 1991 according to council aerial photography.
- 1.3 The application is supported by a supporting statement, a Statutory declaration by Mr P Sargent and another by Mr J Clarke.

2. NATIONAL GUIDANCE/LEGISLATIVE FRAMEWORK

- Town and Country Planning Act Section 191
- Planning Policy Guidance March 2014

Because the application is a Certificate of Lawfulness the policy context is not directly relevant as the planning merits are not under consideration. The applicant need only prove that on the balance of probabilities the uses have taken place for a continuous period of 10 years up to the date of this application.

3. RELEVANT PLANNING HISTORY

- 3.1 Planning Enforcement issued a Planning Contravention Notice on 9 May 2014 under reference COM/14/0204/OD/2. This is a notice served to acquire information rather than an 'enforcement notice' to prevent/stop a use.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection but felt that no further businesses should be allowed on site. No evidence provided.
- 4.2 Public Rights Of Way
No objection but no evidence provided
- 4.3 Local Residents
None provided

4.4 Site Notice

A site notice was erected outside of the site and this expires on 24 October. Should the notice bring forward evidence which assists the determination of the application the report may be recirculated.

5. ANALYSIS OF PROPOSAL

5.1 The proposal

The application seeks a Certificate of Lawfulness in respect of the buildings labelled 1 to 10 within the parcel of land to the west of Winterbourne Hill.

5.2 The agent sets out the alleged use of each building as being:

- Building 1 – Webb Storage Class B8
- Building 2 – Cooling Freezing Services Class B8
- Building 3 – Haskins Builders Class B8
- Building 4 – Hadley Storage Class B8
- Building 5 – Agricultural use
- Building 6 – Castles Car repairs Class B2
- Building 7- Construction Chemicals Class B8
- Building 8 – Auto Car/Office Storage Class B8
- Building 9 –Cleeveewood Motors Class B8
- Building 10- North Avon Auctions Class B8

5.3 The relevant test of the submitted evidence

The onus of proof is firmly on the applicant and the relevant test of the evidence on such matters is “on the balance of probability”. For a certificate to be issued, the buildings as labelled within the red edged application site-plan, must have been continuously used for B8 storage or B2 car repair purposes for 10 years consecutively, prior to the receipt of the application on the 1st September 2014. The relevant period for consideration is therefore between 1st September 2004 and 1st September 2014. A certificate should not be refused because an applicant has failed to discharge the stricter criminal burden of proof, i.e. “beyond reasonable doubt.” Furthermore, the applicant’s own evidence need not be corroborated by independent evidence in order to be accepted. The Order states that “if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant’s version of events less than probable, there is no good reason to refuse the application, provided the applicant’s evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability”. The planning merits of the use are not relevant to the consideration of the purely legal issues, which are involved in determining an application. Any contradictory evidence, which makes the applicant’s version of events less than probable, should be taken into account.

5.4 Hierarchy of Evidence

The evidence submitted comprises a mix of affidavits or statutory declarations, letters, photographs and supporting documents. Inspectors and the Secretary of State usually value and give weight to evidence in the following order of worth:-

1. Personal appearance, under oath or affirmation, by an independent witness whose evidence can be tested in cross-examination and re-examination, especially if able to link historic events to some personal event that he/she would be likely to recall.
2. Other personal appearance under oath or affirmation.
3. Verifiable photographic evidence.
4. Contemporary documentary evidence, especially if prepared for some other purpose.
5. Sworn written statements (witness statements or affidavits), which are clear as to the precise nature and extent of the use or activity at a particular time.
6. Unsworn letters as 5 above.
7. Written statements, whether sworn or not, which are not clear as to the precise nature, extent and timing of the use/activity in question.

5.5 Examination of evidence

The only issue, which needs to be resolved in the determination of this application, is whether or not the land within the red edged application site plan has been continuously used for B8 storage purposes or B2 car repairs where claimed for 10 years consecutively, prior to the receipt of the application on the 1st September 2014. The relevant period for consideration is therefore 1st September 2004 to 1st September 2014.

5.6 Evidence base

Aerial photography taken for South Gloucestershire Council

Aerial photo taken around July 1999 shows:

All buildings in place, grass on both sides of building 7 and bushes/ rough ground to south and west of building ten. All tracks to buildings visible.

Aerial photo taken May to July 2005 shows;

All buildings in place, grass on both sides of building 7 and bushes/ rough ground to south and west of building ten. All tracks to buildings visible.

Aerial photo taken in 2006 shows

All buildings in place, grass on both sides of building 7 and bushes/ rough ground to south and west of building ten. All tracks to buildings visible.

Aerial photo taken May to July 2008/9 shows;

All buildings in place, grass on both sides of building 7 and bushes/ rough ground to south and west of building ten. All tracks to buildings visible.

- 5.7 Planning Contravention Notice served on Michael Sargent on 9 May 2014 as a result of waste and disused vehicles being stored outside of buildings. This indicated that the buildings subject of this application were in use for the

purposes currently claimed but despite being requested in the PCN no details of relevant curtilages of each building were provided.

5.8 A site visit showed the following contrary evidence

User and use claimed	State found and any evidence inside
Building 1 – Webb Storage Class B8	Stone built old farm building with red brick repairs/alteration and metal sliding vehicular door and personnel door within. No visual inside.
Building 2 – Cooling Freezing Services Class B8	Mid level poor repair. metal sliding door. View inside from window to the north elevation shows a workable area with fridges present.
Building 3 – Haskins Builders Class B8	Low level poor repair . metal sliding door. View inside from window to the north elevation shows an unkempt selection of items. Part of roof falling in and a single wheelbarrow close to the door. No workable area.
Building 4 – Hadley Storage Class B8	Low level building in poor repair with steel sliding door no longer used (bramble) One personnel door - locked. Emergency/highway vehicle parked inside.
Building 5 – Agricultural use	No change from agriculture
Building 6 – Castles Car repairs Class B2	Large long building with a distinct separation between the northern and southern end. Northern end has access only via a personnel size opening (not for cars and appears to be unused save for some small use for domestic items not connected to B2 use). The southern end of the building is secure but contained a single caravan in the view available to the officer.
Building 7- Construction Chemicals Class B8	Atcos style building – reasonable repair and in use for storage in orderly fashion (enforcement photos) seemingly regularly accessed morning and afternoon to supply building industry with chemicals. Officer met occupier (whose family own the site) on his return to premises.
Building 8 – Auto Car/Office Storage Class B8	Old Atcos style building with access only from south and outside of ‘site’ area. One metre gap above large vehicular doors and no visual inside.
Building 9 –Cleeve wood Motors Class B8	Red brick building with corrugated roof – no visual inside. Rough hardsurfaced parking

	area to south but no cars present.
Building 10- North Avon Auctions Class B8	Single level concrete building surrounded by bramble overgrowth- some of which coming through the roof/eaves. Access to north side only. Contains an unorderly mass of unkempt objects – water barrel, furniture, crates, mirrors, wood staked at rear.

5.9 **Supportive evidence**

The evidence provided is accepted as true unless contradictory evidence indicates otherwise.

Statutory declaration of Peter Sargent dated 27 August 2014 states that he has owned the property for a period of 24 years. The declaration states that the Land use plan marked PS2 annexed to the declaration accurately reflects the uses on the property for the last ten years.

Statutory declaration of John Clarke of Kingsway Associates, dated 27 August 2014 states that he has helped manage the property for the registered proprietor, Peter Sargent, for approximately 30 years. He states that he frequently visits the property and has first-hand knowledge of the various businesses that occupy the property. The declaration states that the Land use plan marked PS2 annexed to the declaration accurately reflects the uses on the property for the last ten years.

5.10 **Contrary evidence**

There is no written contrary evidence. Given that the application is for the use of buildings within the site area rather than for outside storage or uses aerial photography is of little use. Buildings 3 and 10 appear to have been used as ancillary storage Haskins Builders and North Avon Auctions but whilst these businesses may have ceased trading the stored goods are still there. No use change has occurred since the businesses were trading.

The Ratings team of the Council have been alerted to the site uses and are seeking information from the owner such that the Valuation Office can advise of the rateable value of each building/site and then rates may be charged to the business owners. This is likely to be back dated. Details have not been forthcoming to date despite being chased.

6. **SUMMARY OF EVIDENCE SUBMITTED FOR AND AGAINST.**

The applicant's submission dated 1 September 2014 states that the land and buildings have been used as B8 and B2 uses for more than 10 years and than that there has been no interruption in this use.

Given that the buildings are very clearly separate structures and there are two uses involved in the application, this report will deal with each building separately as appropriate.

Building 1 No contra evidence that this is not currently in storage use and as such on the balance of probabilities the building has been used continuously for storage for B8 storage the required period.

Building 2 No contra evidence against this claim. as such on the balance of probabilities the building has been used continuously for B8 storage for the required period.

Building 3 The business appears to have ceased trading but with its stored contents in place in an unusable state. Despite this the building is still storing goods. As such on the balance of probabilities the building has been used continuously for storage for B8 storage the required period.

Building 4 No contra evidence against this claim. as such on the balance of probabilities the building has been used continuously for B8 storage for the required period.

Building 5 This is agricultural and not claimed as B8 or B2 uses and needs to be excluded from any certificate.

Building 6 The application claims that this is in B2 use by Castle Car Repairs. A caravan is being stored inside the unit and no person was at the site carrying out the B2 use at the time of any officer visit. It is considered that insufficient information has been provided to show the nature of the B2 use. This building is also in two distinctly different parts, the southern half accommodating the caravan and the northern half having no apparent use.

Building 7 This building is claimed to be used for the storage of chemicals for the building industry. There is no contra evidence and the use has been seen in operation. As such on the balance of probabilities the building has been used continuously for storage for B8 storage the required period.

Building 8 There is no contra evidence and the building is not used for storage. As such on the balance of probabilities the building has been used continuously for storage for B8 storage the required period.

Building 9 There is no contra evidence and the building is not used for storage. As such on the balance of probabilities the building has been used continuously for storage for B8 storage the required period.

Building 10 The business appears to have ceased trading with its stored contents in place in an unusable state. Until April this year foliage had grown across the large doors making access difficult. Despite this the building is still storing goods. As such on the balance of probabilities the building has been used continuously for storage for B8 storage the required period.

The supporting statement states at paragraph 2.3 that “some of the buildings have associated curtilages to include parking of vehicles and this is also depicted on the Land Use Plan”. Despite this there is no clear identification of areas used in association with units and indeed much of the site is and seems to have been used as agricultural grazing or scrub land since 1999.

Indeed white ticker tape was evident on the day of the officer site visit on the land between buildings 6 and 7. Given that there is no clear indication of the ancillary area claimed for each building, any certificate issued will, in the plan issued as part of it, reflect only the use of buildings and will assume use of the existing tracks for access to the buildings which are also used for the existing agricultural enterprise at the site.

7. CONCLUSION

7.1 It is considered that on the balance of probability the applicant has provided sufficient clear and unambiguous evidence to demonstrate that buildings 1, 2, 3, 4, 7, 8, 9 and 10 identified in the submission documents have been used as separate individual storage units for a period in excess of ten years. With regards to unit 6 which is claimed to be in use as B2 general industry, half of the claimed building is clearly not currently in use as general industry and the other half appears to be storage at present. As such there is evidence contrary to claim for B2 general industry on the whole building and this use is not proven on the balance of probability.

7.2 The evidence provided relates specifically to buildings and no evidence is given as to what outdoor space relates to the individual buildings. It is clear that there is access to each of the buildings but the tracks through the farm also give access to the agricultural use of the wider site area. Much of the areas around the buildings are shown on aerial photographs as being green field or overgrown such that on the balance of probability only the buildings can benefit from the certificate as submitted. The plan issued with the certificate needs to be drawn according to the evidence demonstrating lawful use.

7.3 The buildings proven to have been used as separate independent planning units, on the balance of probability, are as follows and these are shown hatched on the plan:

Buildings 1, 2, 3, 4, 7, 8, 9 and 10 as storage uses.

8. RECOMMENDATION

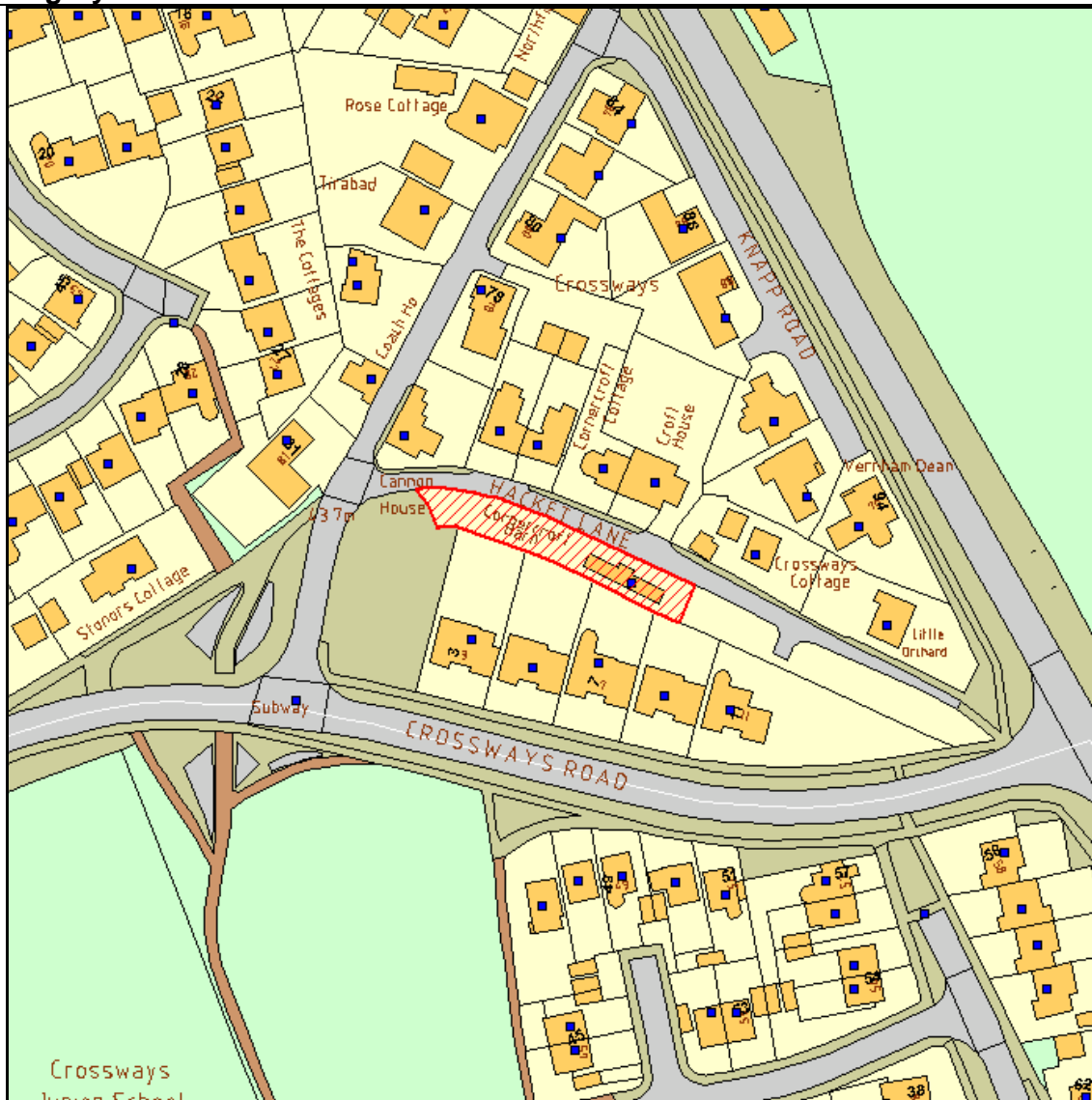
That a Certificate of Lawful Existing Use is granted denoting buildings 1, 2, 3, 4, 7, 8, 9 and 10 are used as storage uses (B8) because only those buildings on the site have been proven on the balance of probability in those uses for a continuous period of over ten years.

Contact Officer: Karen Hayes
Tel. No. 01454 863472

ITEM 18

CIRCULATED SCHEDULE NO. 42/14 – 17 OCTOBER 2014

App No.:	PT14/3533/F	Applicant:	Mr David Parker
Site:	Cornercroft Barn Hacket Lane Thornbury South Gloucestershire BS35 2HH	Date Reg:	18th September 2014
Proposal:	Erection of single storey side extension to form additional living accommodation.	Parish:	Thornbury Town Council
Map Ref:	364985 190320	Ward:	Thornbury North
Application Category:	Householder	Target Date:	29th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule because concerns have been raised by a neighbouring occupier contrary to the officers recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey side extension to provide additional living accommodation.
- 1.2 The application site comprises a two-storey detached former barn, which has been converted to a dwelling, located on the southern side of Hacket Lane within the established residential area of Thornbury.

2. POLICY CONTEXT

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

South Gloucestershire Local Plan (Adopted) January 2006 (saved policies)
H4 Residential Development within Existing Residential Curtilages
T12 Transportation Development Control Policy for New Development

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance
The South Gloucestershire Design Checklist SPD (adopted)
The South Gloucestershire Residential Parking Standards SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2732, Conversion of existing building to form single dwelling erection of detached double garage; alterations to existing vehicular and pedestrian access; erection of front boundary wall (600MM high) and side boundary wall (1800MM high), approval, 10/01/91.
- 3.2 P89/3027, Conversion of existing buildings to form single dwelling erection of detached double garage. Alterations to existing vehicular and pedestrian access. (In accordance with the amended plans received by the council on the 26TH march 1990), approval, 29/03/90.

4. CONSULTATION RESPONSES

- 4.1 Thornbury Town Council
No comments received
- 4.2 Drainage Officer

No comment

- 4.3 Transportation DC Officer
No objection

Other Representations

- 4.4 Local Residents

Two letters of response have been received from neighbouring occupiers. The occupier of Ruby Cottage raises no objection in principle to the extension but questions whether the external appearance is in-keeping with the character of the area. The occupier of no.7 Crossways Road states that they neither support nor reject the application.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development

The proposal is for a domestic extension within the existing residential curtilage. The principle of the proposal is therefore, acceptable by virtue of policy H4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy). The main issues are the appearance/form, the residential amenity effects, and transportation effects.

- 5.2 Appearance/Form

The application dwelling is a former barn and comprises a traditional character and appearance with natural stone at ground floor and brick at first floor, timber windows and a clay tiled roof. Notwithstanding a gabled entrance porch, the application dwelling has a simple linear form and proportions. The proposed extension comprises a mono-pitch pantile roof with countryside chintz horizontal timber weather boarding on the front elevation over a stone plinth; render is proposed on the side and rear elevations. The proposal is linked to the main dwelling by a small flat roof link, which comprises full height timber windows. Full height glazing is located in the southeastern side elevation of the existing dwelling, and the proposal is designed to lessen the impact on the windows in terms of loss of outlook/natural light. When considering the proposal weight is given to the fact that planning permission is only required for the extension due to the proposed timber finish.

- 5.4 The proposal is somewhat out of keeping with the character of the existing dwelling by reason of the timber finish, monopitch form, and floor to ceiling windows. However, the proposal will be clearly read as a modern extension to the dwelling by reason of its appearance and linked design, and there will not be a significant adverse effect on the existing character of the dwelling. Given the relatively small scale of the proposal, it is not considered that there will be a significant adverse effect on the character of the area. Although there a number of large trees growing on the rear boundary of the site, these are set behind an existing retaining wall and will not therefore, be adversely affected by the proposal. If permission is granted, a condition is recommended to ensure that the roof tiles and fenestration matches the existing dwelling.

5.5 Residential Amenity

Given the relatively small scale of the extension it is not considered that there will be a significant adverse effect on the residential amenity of neighbouring occupiers through loss of natural light or privacy.

5.6 Transportation

The proposal will not increase the number of bedrooms at the property. Although there will be the loss of a parking space, officers note that existing parking are available within the site to the northwest. Accordingly, there are no transportation objections to the proposal.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Jonathan Ryan

Tel. No. 01454 863538

CONDITIONS

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

Reason

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

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

Reason

To ensure an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

