



**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. 43/14

Date to Members: 24/10/14

Member's Deadline: 30/10/14 (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 - 24 October 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	PK14/1958/F	Approve with Conditions	94A Yew Tree Drive Kingswood South Gloucestershire BS15 4UD	Rodway	None
2	PK14/2712/F	Split decision See D/N	52A High Street Staple Hill South Gloucestershire BS16 5HW	Staple Hill	None
3	PK14/3224/RV	Approve with Conditions	Bath Ales House Southway Drive Warmley South Gloucestershire	Oldland	Bitton Parish Council
4	PK14/3368/F	Approve with Conditions	21 Crowthers Avenue Yate South Gloucestershire BS37 5SZ	Yate North	Yate Town
5	PK14/3418/F	Approve with Conditions	10 Cherry Garden Lane Bitton South Gloucestershire BS30 6JH	Bitton	Bitton Parish Council
6	PT14/1136/RVC	Approve with Conditions	Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Almondsbury	Almondsbury Parish Council
7	PT14/3019/F	Refusal	Neathwood New Road Tytherington Wotton Under Edge South Gloucestershire GL12 8UP	Ladden Brook	Tytherington Parish Council
8	PT14/3044/F	Approve with Conditions	13 Woodlands Road Charfield Wotton Under Edge South Gloucestershire GL12 8LT	Charfield	Charfield Parish Council
9	PT14/3222/PDR	Approve with Conditions	33 Ellicks Close Bradley Stoke South Gloucestershire BS32 0EP	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
10	PT14/3226/FDI	Approve	University Of West Of England Coldharbour Lane Stoke Gifford South Gloucestershire BS16 1QY	Frenchay And Stoke Park	Stoke Gifford Parish Council
11	PT14/3315/RVC	Approve with Conditions	Land At Oldbury Lane Thornbury South Gloucestershire BS35 1RD	Thornbury North	Thornbury Town Council
12	PT14/3506/F	Approve with Conditions	Wayside Cottage 53 Gloucester Road Rudgeway South Gloucestershire BS35 3SG	Thornbury South And	Alveston Parish Council

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.: PK14/1958/F
Site: 94A Yew Tree Drive Kingswood South
 Gloucestershire BS15 4UD

Applicant: Mr James Cole
Date Reg: 16th June 2014

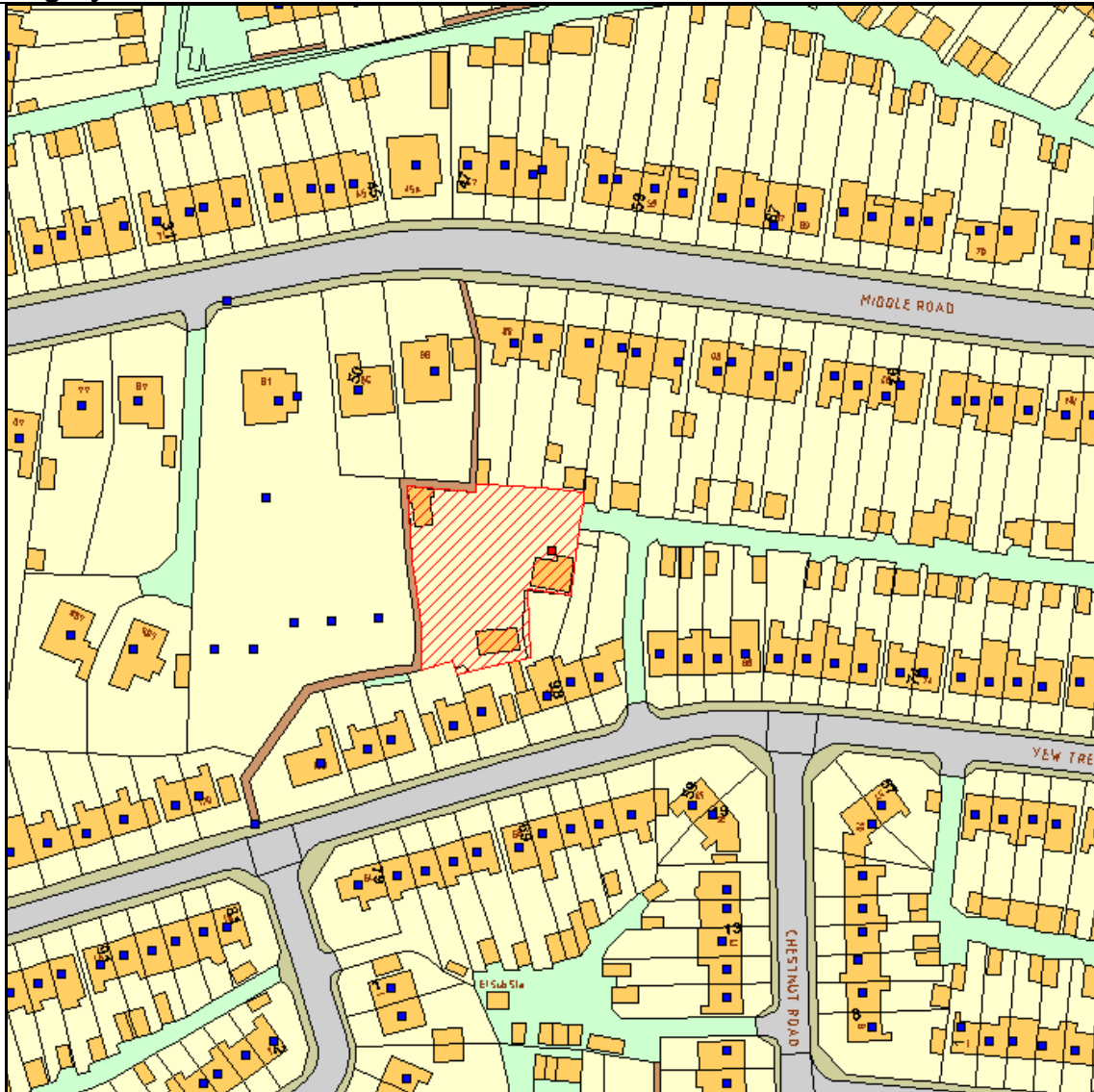
Proposal: Demolition of existing bungalow and outbuildings and erection of 1 no. detached dwelling and detached double garage with associated works.

Parish: None

Map Ref: 365636 175241

Ward: Rodway
Target Date: 8th August 2014

Application Category: Minor



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 100023410, 2008. N.T.S. PK14/1958/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks full planning permission for the demolition of existing bungalow and outbuildings and erection of 1no. detached dwelling and detached double garage with associated works.
- 1.2 The application site is situated within the urban area of Kingswood. The site is on a hillside sloping eastwards; within the site, the ground slopes moderately to a low point in the south-east corner. To the immediate north and south of the site there are terraced residential properties, with their rear gardens bounding the application site. To the west lies a new development of 7no. bungalows which are nearly complete. To the east is the access lane from Yew Tree Drive, a bank of garages associated with properties on Middle Road.
- 1.3 The application site relates to 'The Bungalow', otherwise known as 94A Yew Tree Drive, measuring 0.11ha in size and includes two outbuildings. The building is a small, detached, single-storey property and is located at the southern end of the site.
- 1.4 A Certificate of Lawfulness to confirm the continued use of the dwelling ('The Bungalow') for permanent residential use was granted in August 2012. The applicant is now seeking planning permission to replace the existing dwelling with a larger property. To facilitate the development, all of the existing buildings on site are to be demolished.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework (March 2012)
National Planning Policy Framework Technical Guidance (2012)

- 2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS5 Location of Development
- CS9 Managing the Environment and Heritage
- CS17 Housing Diversity

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

- H4 Development within Existing Residential Curtilages
- L1 Landscape
- LC12 Recreational Routes
- T12 Transportation Development Control Policy for New Development

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1434/CLE Application for Certificate of Lawfulness for an existing use as Dwelling house (Class C3) as defined in the Town and Country Planning (Use Classes) Order 1987 (as amend).
Approved 31.08.2012
- 3.2 PK08/0436/O Land to the rear of 72 Middle Road Kingswood South Gloucestershire BS15 4XL
Erection of 5no. bungalows (Outline) with layout and access to be determined. All other matters reserved.
Refused 07.04.2008
- 3.3 PK06/3479/F 72 Middle Road Kingswood Bristol
Erection of 2 no. ancillary detached dwellings to the rear of 72 Middle Road, with car parking and associated works.
Withdrawn 25.10.2007
- 3.4 K1101/LAP Land Adjoining No. 68 Middle Road Kingswood
Erection of a bungalow with garage and construction of new vehicular and pedestrian access (previous id: k1101/lap).
Approved 17.08.1976
- 3.5 K1101 66 Middle Road Kingswood Bristol
Outline application for the erection of a detached dwelling house garage construction of new vehicular and pedestrian access (Previous ID: K1101)
Refused 11.12.1975

There have been several planning applications in relation to land to the rear of No's 48 and 50 Middle Road. Those applications particularly relevant to this application are listed below:

- 3.6 Lane to the rear of 50 Middle Road
PK14/2745/F Land Rear Of 50 Middle Road
Erection of 1no. detached bungalow with associated works (resubmission of PK14/1538/F)
Approved 08.09.2014
- 3.7 PK13/4406/F Land Rear Of 50 Middle Road
Erection of 1 no. detached bungalow and associated works
Approved 31.01.2014
- 3.8 K2560/5AP Erection of detached bungalow with integral garage.
Construction of car hardstanding and vehicular and

pedestrian access to highway
Approved 24.10.83

- 3.9 Land to the rear of 48 Middle Road
PK14/2336/F 48A Middle Road Kingswood Bristol
Demolition of side extension to existing bungalow. Erection of 1 no. bungalow with rear conservatory. (Amendment to previously approved scheme under PK13/4383/F)
Approved 31.07.2014
- 3.10 PK13/4383/F 48 Middle Road Kingswood
Demolition of side extension to existing bungalow. Erection of 1 no. bungalow and associated works.
Approved 25.03.2014
- 3.11 PK12/2747/F 48 Middle Road Kingswood
Demolition of existing detached garage and erection to rear of 5 no. two bedroomed bungalows and associated works.
Approved 06.06.2013

4. CONSULTATION RESPONSES

- 4.1 Coal Authority
No objection.
- 4.2 Drainage
No objection.
- 4.3 Highway Structures
No comment.
- 4.4 Parish/Town Council
The area is unparished.
- 4.5 PROW
Suggested condition to be attached to decision notice in relation to existing public footpath Ref. KW4 encroachment.
- 4.6 Transportation DC
No objection.

Other Representations

- 4.7 Local Residents
Four objections have been received from local residents from Middle Road:
- Property is too large for such a small area;
 - Proposed dwelling will directly overlook and infringe privacy;
 - Access to the property will be a problem as it is only a narrow private lane which is in poor condition;

- Access lane is used by occupiers of Middle Road to access their garages 24/7, only suitable for cars not larger vehicles
- School children use the lane to walk to/from school.
- How will the services be routed?;
- Drainage issues on Middle Road already;
- PROW (north and west) should be 2 metres wide, currently much narrower.

One local resident has commented neither objecting to nor supporting the application:

- The access point is via a private lane. Concern about possible damage to the road caused by building work.
- The increased number of cars using the private lane to gain access to the new property.

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). The advice contained within the NPPF 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, saved policy H4 of the adopted Local Plan (January 2006), and policies CS1, CS5 and CS9 of the adopted Core Strategy (December 2013) all apply. Whilst these are permissive of proposals for new residential development, this is subject to considerations of design, residential amenity and highway safety. Overall, the principle of development supports the proposal.

5.3 Design / Visual Amenity

The application seeks full planning permission for the demolition of the existing bungalow and outbuildings and erection of 1no. detached dwelling and detached double garage. The site appears to be an agglomeration of various parcels of land and potentially previously rear gardens of neighbouring properties. According to the Council's aerial photographs, the application site has existed prior to 1991 (the earliest available aerial photographs). Therefore, the development and evolving use of the site has not been a recent occurrence. The agent asserts that the current bungalow is overly close to other neighbouring residential properties and is too small to meet the needs of the applicant. The proposed dwelling would replace a small bungalow building measuring approximately 8.3 metres in length by 5 metres wide, with a roof height of 3.5 metres. The building is poorly sited in a sunken area, at the lower point of the site.

- 5.4 The proposed dwelling will be of a size and scale commensurate with the plot of land it will occupy. The dwelling will be orientated with its principle elevation facing east to avoid overlooking of gardens to the north and south. The proposed 1.5 storey house will have first floor accommodation in the roof space in order to reduce the height and scale and the house will be cut into the landscape, in order to mitigate the increase in the size of the replacement dwelling. The proposal would measure 16.5 metres in length by 9.5 metres wide, with an eaves height of 3.6 metres and maximum ridge height of 7.4 metres. The proposed footprint and scale of the replacement dwelling have been increased; however this is offset by the fact that the proposal would be moved from the rear of No's 98 and 100 Yew Tree Drive's garden to further north towards the rear garden of No. 66 Middle Road.
- 5.5 It is indicated that the building will be constructed/finished in facing brick, painted render and horizontal painted timber/fibre cement weatherboards, with concrete or reconstituted roofing slates. Due to the ambiguity of the exact materials to be used, a condition will be attached requiring samples to be submitted for approval. Features include dormer windows and a central projecting element with an enclosed balcony on the front elevation. The application site is set back from any formal building line and as such, is very much a separate property to the existing built form. It is not considered, given its form and scale, that the proposal would adversely affect the character and appearance of the area given the surrounding housing mix and density, particularly given the ad hoc development of the site behind No's 48 and 50 Middle Road. There is a mix of dwelling styles, sizes and designs in the locality, from traditional terrace to the north and south, to a more modern bungalow development to the west. Given this broad mix, it is not considered that it could be determined that the design of the development contradicted an established pattern of development. It is considered appropriate for a condition to be attached to ensure the submission of sample materials.
- 5.6 Residential Amenity
Four objections have been received from No's 68, 74, 76 and 78 Middle Road, located to the north of the application site. No's 74 and 76 Middle Road require access via the rear private lane to their existing garages, near the entrance to the application site. No. 68 does not have any rear access. With respect to the physical impact of the proposed dwelling, it would be located closest to the end of the rear garden of No. 68 (which has an outbuilding in the corner closest to the proposed dwelling). Whilst the northern most first floor dormer window and enclosed balcony will be adjacent to No. 68, it is unlikely that they will have direct views into the garden enough to cause significant overlooking or prejudice the existing levels of privacy. Similarly, the impact on No. 74 would be minimal due to the significant distances between the proposal and rear garden (approximately 20+ metres). There are no proposed windows in the north elevation; it is considered appropriate to attach a condition to the decision notice to require consent for any further windows on this elevation. It is accepted that the proposed dwelling will be closer and within view, but due to its orientation and being set down into the landscape it is considered the impact will not be significantly harmful or detrimental to residential amenity.

- 5.7 The amount of private amenity space afforded to the proposal would be generous, given that the existing bungalow is significantly smaller. The majority of the garden would be located in front of the proposed dwelling and to the south, with additional landscaping and planting proposed. In order to maintain and improve on existing privacy levels, it is considered reasonable to attach a condition requiring a scheme of landscaping be submitted to the Council for approval.
- 5.8 Transportation
Saved policy T12 of the adopted Local Plan (January 2006) requires new development to make adequate, safe and appropriate provision for the transportation needs which it will create in order to minimise the adverse impact of vehicular traffic. The private access lane measures approximately 8 metres wide and the entrance to the application site is from Yew Tree Drive side, along approximately 50 metres in length of the access lane. Concern has been raised that the proposed development can only be accessed via a private lane used for local residents to access the rear of properties and their associated garages on Middle Road and Yew Tree Drive. It is acknowledged that the access lane to the application site is a sloping, narrow, private lane, unsurfaced and is well-used by local residents. Nevertheless, the access lane has already been used by the applicant for a number of years to access the application site and serve the existing residential bungalow.
- 5.9 Concerns have been raised about the use of the private access lane by larger vehicles, particularly during the construction of the proposal and emergency vehicular access. It is acknowledged that the access lane is not suitable for intensive use; previous applications for 2no. and 5no. dwellings on the site have been withdrawn and refused respectively. However the site has an existing certificate for the lawful use of the land for a single residential bungalow. The replacement of the bungalow with a larger dwelling is unlikely to materially increase traffic as a result, aside from the larger construction vehicles entering the site to undertake the development. Whilst the existing site access is unusual and not ideal in some respects, the site it is situated within an established residential area, in an urban location. Unfortunately, planning has no jurisdiction with regard to the use of the private access lane and as it has been used for a number of years to access the site, there is no policy reason to object to its continued use. Due to the close proximity of the access lane to residential properties on Yew Tree Drive, a condition will be attached restricting the construction and delivery hours.
- 5.10 The applicant proposes off-street parking provision for 3no. vehicles, however the curtilage has capacity for additional vehicles should they be required. The proposed dwelling would also be served by a large driveway/hardstanding area, double detached garage and turning area to enable vehicles to enter and leave in a forward gear. The proposed parking arrangements are adequate to ensure that vehicles can safely enter and leave the site. The provision meets the parking standards set out in the Residential Parking Standards SPD (a three bedroom property requires two spaces). No highway objections have been received, but a suggested condition requiring the parking arrangements to be completed in accordance with the submitted drawings and retained thereafter will be attached to the decision notice. It is considered that the

proposal is fully in accordance with the aims and objectives of saved policy T12 and the adopted Residential Parking Standards SPD.

5.11 Public Rights of Way

Concern has been raised by the PROW Officer that the application may affect the existing public right of way (Ref. KW4/10), which runs adjacent to the west and part of the northern boundary of the site, between Yew Tree Drive and Middle Road. Previous investigations into the position of fencing erected for planning application PK13/4406 on land to the rear of 50 Middle Road, on the opposite side of the footpath, suggested that the block wall may have been built partly on the 2m width of KW4, which was specified in the Highways Act 1980 S.119 Diversion Order 1990.

5.12 The position of the new fencing replaced an old fence line as per the detailed survey undertaken circa 2008. This matter was investigated in January 2014 after the subject of encroachment was brought into question by a member of the public. The position of the new fence was accepted by the Council. New fencing along the boundary of the adjacent site was also reviewed which led to developers moving the fencing back by between 0-2 and 0-3m to behind the original fence posts.

5.13 The footpath adjacent to this site varies between 1.3 - 1.6 metres on the western boundary, and between 1.4 - 1.9 metres on the northern boundary. Encroachment by development can lead to a detrimental affect on public safety and general enjoyment of a path. It is important that the Council addresses this issue during the application stage and that the PROW is maintained to an appropriate and standard size, correcting previous anomalies and issues. In this instance and given the above comments, it is considered appropriate to apply a condition to secure the removal of the block wall adjacent to the public footpath (west boundary), replacement to be 2 metres minimum width and the restoration or a contribution towards a new level surface.

5.14 Drainage/Other Services

Concern has been raised by a local resident about the availability of services to the proposed dwelling. As there is an existing, albeit smaller, dwelling on site which appears to have a number of services installed already.

5.15 The details submitted with the application in respect of both the foul and surface water drainage designs are considered acceptable. The foul drainage connection is to an existing foul sewer at the rear of the properties in Yew Tree Drive. The surface water is to an adjacent public surface water sewer; incorporated within this design is an attenuation tank to control surface water run-off into the existing drainage system. The proposed drainage arrangements indicate that provision is acceptable and will not further exacerbate the issues on Middle Road.

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 (Saved Policies) 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
Tel. No. 01454 863436

CONDITIONS

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

Reason

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

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

Reason

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

3. Prior to commencement, details of the removal of the block wall (western boundary) affecting the adjacent public footpath Ref. KW4, the proposed replacement fence or wall (allowing a minimum of 2 metres width of footpath) and restoration of a level surface footpath using stone and dust, shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details within 3 months of the commencement of development.

Reason

To conform to S.130 and S.137 Highways Act 1980, Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 and Saved Policy LC12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies)

4. The dwelling shall not be occupied until the off-street parking facilities shown on the plan (Ref. 220, received by the Council on 13 June 2014) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

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

Reason

To protect the character and appearance of the area and to protect the privacy and amenity of neighbouring occupiers, to accord with Saved Policies H4 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013.

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

Reason

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

ITEM 2

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PK14/2712/F	Applicant:	SNT Property Ltd
Site:	52A High Street Staple Hill South Gloucestershire BS16 5HW	Date Reg:	22nd July 2014
Proposal:	Installation of 1m high railings and staircase to rear of property	Parish:	None
Map Ref:	364589 175925	Ward:	Staple Hill
Application Category:	Householder	Target Date:	16th September 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 received during the public consultation period.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of railings around a first floor flat roof to form a balcony and the installation of a rear external staircase. The application site is a hairdressers with one-bedroom flat above on High Street in Staple Hill.
- 1.2 At the rear of the property is a courtyard which provides parking and bin storage for a number of properties on High Street and Upper Station Road.
- 1.3 To the rear of the application site are two parking spaces. It has been confirmed by the applicant that these serve the one-bedroom flat on the first floor and the hairdressers on the ground floor. The proposed staircase would descend into one of these parking spaces by running adjacent to the rear extension at no.54 High Street.

2. POLICY CONTEXT

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

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

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)
T8 Parking Standards
T12 Transportation
H4 Development within Residential Curtilages
RT12 Use of Upper Floors in Town Centres
- 2.3 Supplementary Planning Guidance
 - (a) South Gloucestershire Design Checklist (Adopted) August 2007
 - (b) Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 K4270/2 Approval of Full Planning 09/08/1995
Change of use from office (B1) to hairdressing salon (A1)
- 3.2 K4270/1 Approval 19/19/1983
Erection of storage building

3.3 K4270 Approval
Erection of single storey extension to offices

22/08/1983

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
This area is unparished

4.2 Transport Officer
Insufficient information to make a full and detailed comment.

Other Representations

4.3 Local Residents
Four comments of objection have been received from members of the public which raise the following points:

- Article 8 of the Human Rights Act applies
- Development would lead to a reduction in property value
- Disputes have taken place over the parking at the rear
- Has impacts on security
- Lead to a loss of light
- May lead to problems accessing parking bays
- Result in a loss of privacy and lead to overlooking
- Use of balcony would result in excess and disruptive noise and smells
- Works have taken place at the property without notification

5. ANALYSIS OF PROPOSAL

5.1 This application seeks planning permission for the erection of railings around a first floor balcony and the installation of an external rear access staircase.

5.2 Principle of Development
The application site is a mixed site of retail on the ground floor and residential on the upper floor. The development relates to the residential element on the upper floor. Policy RT12 supports the residential use of upper floors provided that it would not have a unacceptable environmental or transportation impact. In addition to this, policy CS1 should be applied with regard to design. Therefore the development is acceptable in principle and should be determined against the analysis set out below.

5.3 It should be noted that the development does involve any material change of use. The erection of the railings would create a balcony through utilising the existing flat roof and there are no previous conditions preventing the use of the roof for such a purpose.

5.4 A number of conditions on the previous planning consents for the site relate to the parking area and require the retention of parking spaces in the interests of highway safety.

5.5 Residential Amenity

The amenity of nearby occupiers should be protected from unreasonable harm as a result of development. Within a built up urban environment, there is likely to be some close relationships between properties and the test is therefore whether the harm of the development has an unreasonable impact on other occupiers.

5.6 The proposed staircase would project from the rear elevation of the property. As the staircase descends it would be sited over the ground floor window of what is considered to be principal room on the side elevation of no.54.

5.7 If the staircase was permitted it would result in a harmful impact on the amenity of this window. The outlook and availability of light would be prejudicially affected by a staircase crossing over the aperture. The staircase would therefore be unreasonably harmful to residential amenity and cannot be supported.

5.8 A door has been inserted into the rear elevation of the property; this does not require planning permission. Nor does the use of the flat roof. A flat would fall into class C3 of the Use Classes Order. The use of the flat roof in association with the residential flat does not constitute a material change of use as it remains within class C3 of the Order.

5.9 However, the use of the flat roof as a balcony would be less likely without the guard railings and therefore some weight can be applied to the increase in use as a result of this development.

5.10 As existing, the property does not accord with building regulations. The railings are required as without them the door onto the unguarded flat roof represents a dangerous structure.

5.11 The railings along the eastern boundary (with no.54) would only stand at 0.7 metres in height. Although close relationships between dwellings exist within urban areas, the relationship between these two is very close at hand. A railing of 0.7 metres is not considered to be an adequate to protect the amenity and a screen of 1.8 metres should be erected along this elevation. This is required due to the close proximity and intervisibility between the application site and the adjacent flat.

5.12 Objections have been received from the neighbour on the opposite side (no.50). The railings are set back from the boundary with no.50 and the use of the flat roof as some form of balcony is consistent with the extant planning permission on the site.

5.13 The railings themselves are not considered to have an impact on the amenity of the occupiers of no.50. This is because the railings would not be directly adjacent to the property and therefore the existing relationship is mainly retained.

- 5.14 The roof terrace may be used by the occupier of the flat and it would not be possible for the Local Planning Authority to restrict the use of the terrace, for example to prevent smoking upon it.
- 5.15 Transport and Parking
Two policies apply that are relevant to parking and transport in addition to the previous conditions on the site. Past planning decisions have placed a requirement on the site that the number of parking spaces be retained in order to meet the needs arising from the mixed use of the site.
- 5.16 Since these permissions have been granted, the development plan has changed. With regard to the retail unit, the Council operates a maximum parking provision as set out in policy T8. Residential parking operates under a minimum parking provision as set out in the Residential Parking Standard SPD. Under the above, a one-bedroom flat would require 1 parking space measuring a minimum of 2.4 metres by 4.8 metres and the retail use 1 parking space per 35 square metres.
- 5.17 Two parking spaces are provided at the site. This is considered to be the minimum acceptable number of parking spaces. The proposed staircase would descend from first floor level into one of these parking spaces. The application has failed to demonstrate that the proposed staircase would not impede access to the parking spaces and that an alternative layout could be achieved which enables access to the first floor and retains two parking spaces.
- 5.18 Without evidence to the contrary, it is the opinion of the case officer that a staircase in the location and alignment proposed would have the effect of removing one of these parking spaces. A staircase aligned along the width of the rear elevation rather than projecting from it might be able to be accommodated without infringing on parking provision.
- 5.19 Therefore, the staircase element represents poor design and does not demonstrate that other alternatives (which allow the retention of two parking spaces) have been tried and found wanting.
- 5.20 Design and Visual Amenity
It is important to note that only the railings themselves and the staircase require planning permission and can therefore be assessed. A door has been inserted into the rear elevation of the first floor of the building; this does not require planning permission. The proposed railings would not enclose the entire flat roof. Instead they would enclose the area of flat roof beyond the gable wall. This would enclose an area of approximately 3.4 metres by 1.9 metres, leaving a gap of 2.2 metres between the railings and the edge of the roof on the boundary of the site to the west.
- 5.21 The railings are shown on the plan to be constructed of a post and guard rail at a height of 0.7 metres. The railings are inoffensive and are not considered to be harmful to the visual amenity of the property. This is because they face into a rear service yard which has little discernible character. A roof terrace, such as that which would be created, would be reasonably expected to have a guard

rail. There are no objections to the railings or staircase with regard to the appearance.

5.22 It is not considered that the development would have an impact on safety. Policy CS1 requires development to take account of personal safety, security and crime prevention. The formation of additional accesses into an area which has limited pedestrian movements and interaction is considered to increase the natural surveillance over the yard to the benefit of security.

5.23 Other Matters

Points have been raised in the public consultation exercise which have not been addressed above. Applications should be decided in accordance with planning policy unless material considerations dictate otherwise. Therefore, in terms of parking the proposal must accord with policy and disputes between residents would not necessarily prevent the development.

5.24 Whether works have been undertaken with the relevant building regulation approvals is not given weight in determining an application for planning permission.

5.25 Whether the proposal would impact on property value is given no weight in determining this planning application.

5.26 The Human Rights Act requires decision to balance the wider public interest against the impact on an individual. In determining this planning application, an assessment has been made as to whether the proposal would have a prejudicial impact on residential amenity. This judgement exercise is a proportionate response to the proposed development, its impacts, and the public interest. Therefore the proposal is not considered to contravene the Human Rights Act and the decision making authority is considered to have undertaken its statutory duty.

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 issue a split decision 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 a **SPLIT-DECISION** be issued to refuse planning permission for the staircase and approve the railings for the reasons and conditions as listed below.

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. A privacy screen of 1.8 metres must be installed against the railings along the eastern boundary adjacent to no.54 High Street.

Reason

To protect the residential amenity of the neighbouring occupiers and to accord with the provisions of the National Planning Policy Framework, March 2012.

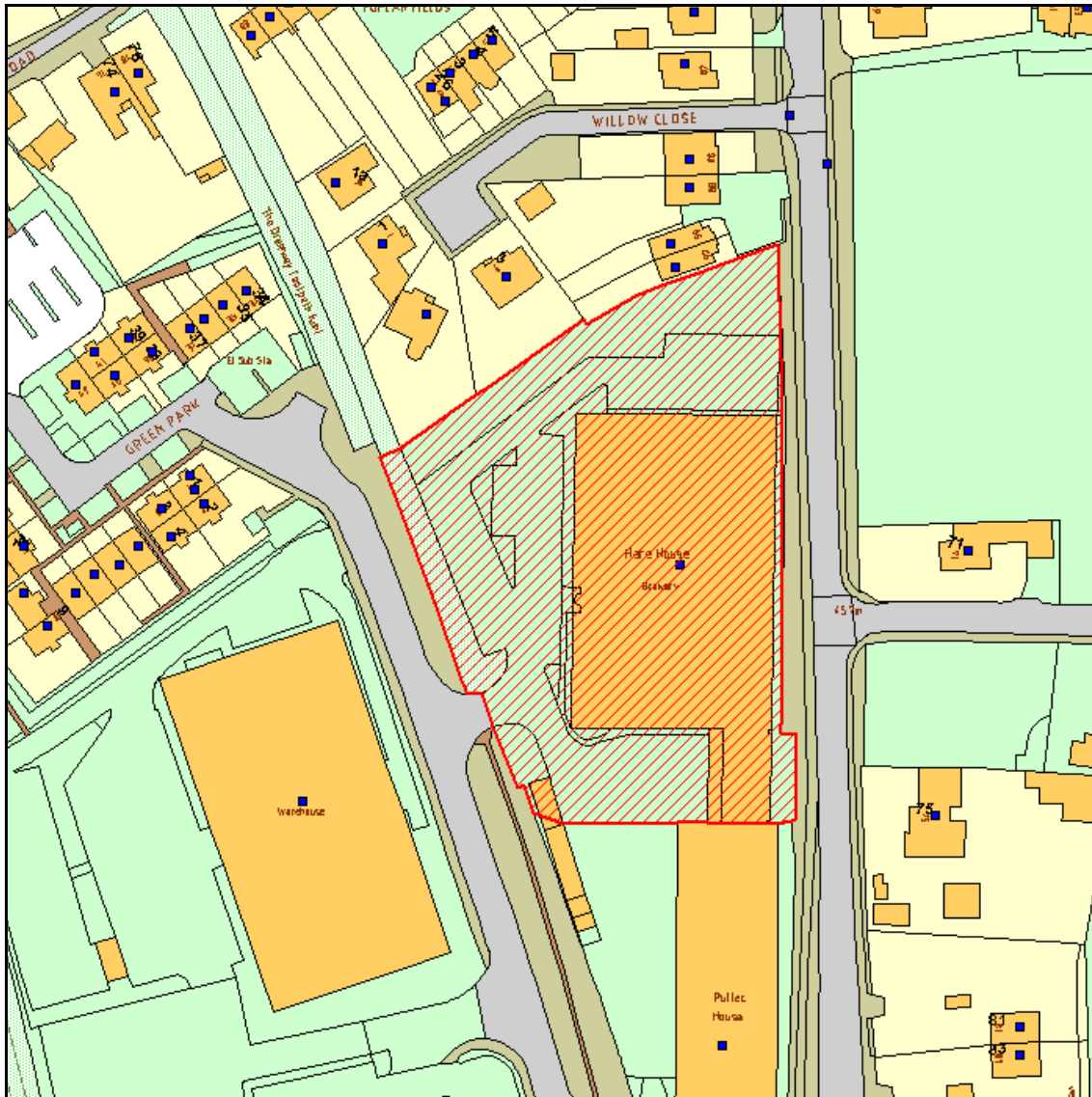
REFUSAL REASONS

The proposed staircase fails to demonstrate that the highest possible standards of site planning and design have been achieved as, if permitted, it would have a detrimental and intrusive impact on the living conditions of the occupiers of no.54 High Street, as the staircase crosses one of the windows to this property. This would result in an unreasonable loss of outlook. Furthermore, the application has failed to demonstrate that alternative designs which would enable the retention of the existing parking facilities are unworkable. The proposed development is therefore contrary to policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy RT12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework, March 2012.

ITEM 3

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PK14/3224/RVC	Applicant:	Bath Ales Ltd
Site:	Bath Ales House Southway Drive Warmley South Gloucestershire	Date Reg:	3rd September 2014
Proposal:	Variation of condition attached to K448/30, K448/38, K448/58 and PK14/0549/F all relating to hours of operations being 24 hours to allow brewing overnight.	Parish:	Bitton Parish Council
Map Ref:	367870 172586	Ward:	Oldland Common
Application Category:	Minor	Target Date:	9th October 2014



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100023410, 2008. **N.T.S.** **PK14/3224/RVC**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination as comments of objection have been received which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 This application is made under section 73 of the Town and Country Planning Act 1990 (as amended). Applications made under this section seek to develop land without compliance with conditions previously attached to planning permissions. In this instance, the applicant seeks to vary conditions relating to the operation hours of the site.
- 1.2 The site is located within an area safeguarded for economic development under policy CS12(23) of the Core Strategy, 'Southway Drive, North Common'. A public right of way, The Dramway, runs along the front of the application site. To the east of the site lies open countryside included as part of the Bristol and Bath Green Belt; the site itself is not included within the green belt. The site also lies in an area of former coal mining.
- 1.3 The application site is the former Bousfield Ink factory on Southway Drive in Warmley. The site is now occupied by Bath Ales. A variation of the operation hours of the site is sought to enable overnight brewing.
- 1.4 A number of previous applications have been made on this site that includes the erection of the factory itself and various extensions and alterations to the building. This has resulted in a number of different decision notices covering various parts of the site. This application seeks to regulate these previous decisions on the part of the site operated by Bath Ales.
- 1.5 A variation is sought to the following specific conditions:

K448/30

New warehouse, workshop with associated offices for the production of printing inks.
Formation of car park, yard, roads and footpaths.

- (k) *Operations at the premises shall be limited to the hours of 7.00am – 6.00pm Monday to Saturday only*

Reason

In the interests of the residential amenity of local residents and to prevent pollution.

K448/38

Extension to existing factory at Bousfield Inks Limited Southway Drive North Common

- (7) *Operations at the whole premises hereby extended shall be limited to the hours of 7.00am – 6.00pm Mondays to Saturdays only.*

Reason

In the interests of the residential amenity of local residents

K448/58

Extension to existing ink factory with parking and landscaping at Bousfield Inks Southway Drive North Common

- (9) Operations at the whole premises hereby extended shall be limited to the hours of 7.00am – 6.00pm Mondays to Saturday only.

Reason

To safeguard the amenities of neighbouring residents

PK14/0549/F

Installation of 2no. grain silos.

- (2) *The grain silos hereby approved shall only be operational in accordance with the operational hours of the wider site. For the avoidance of doubt, operations at the whole premises shall take place between the hours of 07:00 and 18:00 Monday to Saturday only.*

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006.

- 1.6 As a decision under section 73 of the Act has the effect of granting a new permission, all the conditions on all the applications that are relevant to this site will need to be reviewed, however, the assessment (and determination) of the application is with specific regard to the proposal to vary operation hours on the site.

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

CS9 Managing the Environment and Heritage

CS11 Distribution of Economic Development Land

CS12 Safeguarded Areas for Economic Development

CS29 Communities of the East Fringe of Bristol Urban Area

South Gloucestershire Local Plan Adopted January 2006 (Saved Policies)

L1 Landscape

T12 Transportation

E3 Criteria for Assessing Proposals for Employment Development

LC12 Recreational Routes

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------|---|------------|
| 3.1 | PK14/0549/F | Approve with Conditions
Installation of 2no. grain silos. | 12/05/2014 |
| 3.2 | PK00/0520/F | Approve with Conditions
Erection of single storey side extension to existing | 02/06/2000 |
| 3.3 | PK99/0108/F | Approve with Conditions
Erection of single storey side extension (with 4m high flue) to house solvent recovery machine | 03/12/1999 |
| 3.4 | P96/4588 | Approval of Full Planning
Erection of housing for external plant | 04/12/1996 |
| 3.5 | P96/4237 | Approval of Full Planning
Raise height of dust extract stack | 15/07/1996 |
| 3.6 | K448/58 | Approval of Full Planning
Extension to existing ink factory with parking and landscaping | 17/08/1992 |
| 3.7 | K448/51 | Approval of Full Planning
New ink store and extension to inflammable goods store | 29/01/1990 |
| 3.8 | K448/38 | Approval
Extension to existing factory (floor area 501 square metres; 5,400 square feet) | 14/12/1987 |
| 3.9 | K448/30 | Approval
New warehouse, workshop with associated offices for the production of printing inks, formation of car park, yard, roads and footpaths | 10/08/1984 |

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
No objection. Request the views of a local resident be taken into account.
- 4.2 Coal Authority
No comment
- 4.3 Drainage
No comment

- 4.4 Environmental Protection
Seeks conditions relating to delivery hours and noise
- 4.5 Transport
No objection

Other Representations

- 4.6 Local Residents
Three letters from one local resident have been received raising an objection to the proposal for the following reasons –
- Barrel cleaning starts at 7am with neat ammonia
 - Barrels are pressure washed 65ft away from residential properties
 - Barrels used are noisy
 - Bath Ales do not adhere to strict timings of the factory operations
 - Bath Ales have outgrown the site
 - Bath Ales relocated after permission to operate 24 hours a day was refused on a different site
 - Brewery should move to a site away from residential properties
 - Built house in 1989 when there was nothing opposite
 - File with environmental protection
 - Log sheets have been requested under the Environmental Protection Act
 - Lorries are dispatched as late as 7pm
 - Noise from external forklift, reversing vehicles, and trucks
 - Only separation from site is a road and a hedge
 - Operations on the site have a significant impact on health of residents
 - Poisoned with ammonia from roof outlets and yard
 - Smells mean windows have to be shut
 - Three other factories on the estate operate but do not operate 24 hours a day

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks to vary conditions restricting the operation hours of the site in order to allow 24 hour brewing.
- 5.2 Principle of Development
Applications made under s73 of the Act seek permission for the development of land without compliance with conditions subject to which a previous planning permission was granted. With applications made under s73, the Local Planning Authority shall consider only the conditions subject to which planning permission was granted; the principle of development is therefore established.
- 5.3 If the Local Planning Authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, the Authority should grant permission accordingly. If the Authority decides that planning permission should be granted subject to the same conditions, then the application should be refused.

- 5.4 Therefore, an analysis of other conditions attached to the previous planning consent shall also be undertaken as part of this application against the provisions of paragraph 206 of the NPPF.
- 5.5 Consideration of Proposed Variation of Operation Hours
Whilst an assessment of the impacts of the proposed variation must be made, this assessment should be done against current policy considerations. In the background to any discussion on the impacts of the proposal is the presumption in favour of sustainable development and economic growth.
- 5.6 The government is committed to securing economic growth and to ensuring that the planning system supports sustainable economic growth. The proposed variation of operation hours is in the interests of enabling the occupying business to operate efficiently. Bath Ales is a local brewery business that employs around 235 people across its operations and significant weight should be attributed to the economic role of the site in determining this application.
- 5.7 The previous conditions have been imposed in the interests of protecting residential amenity and the environment. Therefore, in order to assess the proposed variation it is necessary to assess what impact the variation would have on these matters, should the application be permitted.
- 5.8 Residential amenity is considered to be the most significant issue for consideration. This is because much of the impact of the environment is likely to be adequately addressed through other legislation.
- 5.9 Impacts on Residential Amenity
The application site has an extant B2 use (as defined in the Town and Country Planning (Use Classes) Order (as amended) from its history as an ink manufacturing place. A brewery would also fall within the B2 use class and therefore the change from the manufacturing of ink to brewing of beer in itself cannot be considered harmful to residential amenity. This is because a material change of use of the site has not occurred. The impacts of this application will be assessed on the basis that the site is used specifically as a brewery and not as a general B2 unit. Should it be found that it is necessary to restrict the use to that against which the application was assessed, a condition to such extent shall be applied.
- 5.10 Hare House (the application site) is a relatively modern industrial building with offices and warehousing. The main yard and car park is located to west of the building, with a smaller yard to the north. Residential properties are located to the north and east of the site. To the north, the nearest property is approximately 29 metres; to the east the nearest property is approximately 35 metres away from the building. Along the eastern boundary runs a hedge and vegetation to screen the site from the road and neighbouring residential properties. A landscaped section also runs along the north of the site.
- 5.11 Operational Noise
Noise is one of the most likely factors to impact on residential amenity. Extant conditions attached to the earlier applications require noise levels to not exceed 50dBA at or beyond the boundary of any residential property (see conditions: (j))

of K448/30; (3) of K448/38; and, (8) of K448/58) in accordance with BS4142 of various dates.

- 5.12 The current British Standard is BS4142:1997. Although this Standard is soon to be updated, it is relevant to the determination of this application. Under this Standard, noise levels of 50dBA are still considered to be acceptable to avoid an undue impact on residential amenity and action under the Environmental Protection Act 1990.
- 5.13 However, as this application is seeking consent to undertake operations overnight, consideration needs to be given to night time noise levels. In discussion with the applicant, a new revised condition will be recommended that addresses noise levels emitted from the operations on the site. The revised condition is based on the known background noise levels at the site and the extant requirement to be less than 50 dBA.
- 5.14 The proposed noise condition would require the noise emitted from the site to not exceed 50dB(LAeq 1hr) during the day (0700 to 2300) and 40dB(LAeq 5min) at night (2300 to 0700) when measured at or beyond the boundary or any residential premises. The measurements and assessment of any noise should be made in accordance with the provisions of BS4142:1997. The applicant has indicated that they are agreeable with a condition as proposed above.
- 5.15 Although the above condition would set a maximum above which noise should not exceed, it does not adequately address any peaks and troughs in noise from the site or allow for the operations at the premises.
- 5.16 The noise generated from the brewing itself is a constant hum of background noise. In addition to background noise, the system relies on compressors (located within the building) and extraction systems. Other activities on the site may result in noise such as deliveries, barrel cleaning and shift changes.
- 5.17 In order to protect the amenity of local residents from disturbance at night a condition will be attached to prevent any outside working in the late evening and over night. This would prevent the operation of forklift trucks and pressure washers during this period. The operation of such machinery can result in a peak of noise which, although below the dB limit above, may cause disturbance.
- 5.18 The applicant has indicated that any shift pattern is likely to be 07:00 to 19:00 and 19:00 to 07:00. The timing of the shift transfer is unlikely to result in high levels of noise to the detriment of residential amenity.
- 5.19 It is considered that conditions of the nature set out above are necessary to ensure that a good standard of residential amenity is achieved with relation to noise. As such, the proposed conditions accord with the requirements of paragraph 206 of the NPPF.

5.20 Delivery Hours

At present there are no extant conditions that relate to deliveries to and from the site. This is because site operations are restricted to 0700 to 1800 Monday to Saturday and therefore deliveries outside of these hours would be in breach of this condition. Should the operation hours condition be removed, then unrestricted deliveries could take place which may be detrimental to residential amenity.

5.21 Therefore it is both reasonable and necessary to control deliveries to and dispatches from the site in the interests of the amenity of nearby occupiers.

5.22 Whilst it has been suggested that a condition relating to deliveries should only control bulk deliveries, such wording would not pass the tests of paragraph 206 of the NPPF as the definition of 'bulk' may be ambiguous and a condition worded in this manner would be difficult to enforce. Therefore, any condition to control deliveries must control all deliveries in order to pass the necessary tests.

5.23 It is therefore proposed to impose a condition that restricts all deliveries to and dispatches from the site outside of certain times. The proposed times in which deliveries and dispatches would be permissible are 0700 to 1800 Monday to Saturday with no deliveries or dispatches on Sundays or Bank Holidays.

5.24 Smells

Industrial processes can result in the emissions of odours which can be unpleasant. Such emissions therefore have the potential to be harmful to residential amenity. When the building was permitted, it was for use as an ink factory.

5.25 Three extant conditions are attached to the site (in relation to the manufacture of ink) that relate to smells. These are: condition (i) of K448/30 which reads '*any activities carried on within or in connection with the premises must not give rise to a nuisance from odour or emission of effluvia*'; condition (2) of P96/4237 which reads '*the flue hereby approved shall be maintained, insulated and designed so as not to cause noise, vibration, smell or nuisance to adjoining premises*'; and, condition (2) of PK99/0108/F which reads '*the flue hereby approved shall be maintained, insulated and designed so as not to cause noise, vibration, smell or nuisance to adjoining premises*'.

5.26 None of these conditions provide a reference to which any nuisance or smell can be measured and therefore would seem unlikely to pass the tests of paragraph 206 of the NPPF. This is because the conditions fail to precisely identify a level above which the smell would be considered a nuisance. As such, the conditions as worded would be difficult to enforce.

5.27 Whilst it is acknowledged that industrial processes can result in the emission of smells and odours, this application is not assessing the installation of any new extraction system. Should a new extraction system be required, a planning application would need to be submitted onto which conditions could be attached to ensure adequate and well maintained ventilation.

- 5.28 Notwithstanding the above, the brewing equipment used has been reviewed by the environmental protection officer. The industrial equipment is modern and emits far fewer odours than older installations. As such, no objection has been raised by the environmental protection officer with regard to the emission of smells.
- 5.29 Should the industrial processes undertaken on the site result in unexpected odours, then adequate provision is made in the Environmental Protection Act 1990 to deal with any nuisance. It is not considered that a further planning condition is required to address emissions, partly as no operational development is proposed, and partly as other legislation would adequately address this matter.
- 5.30 As a result, it is not considered that the variation of the operation hours of the site would have a detrimental impact on residential amenity through the emission of noxious odours from the site.
- 5.31 Summary of Amenity Issues
The proposed variation of operation hours may result in an impact on residential amenity through increased noise levels and vehicular movements to and from the site. However, it is considered that these impacts can be mitigated so that any impact to nearby occupiers would not be prejudicial to the residential amenity of these properties.
- 5.32 It is therefore proposed that the condition restricting operation hours of the site be removed and a number of new conditions be added in lieu to address noise and delivery times. The proposed conditions are listed at the end of this report.
- 5.33 This assessment has been undertaken on the basis on the use of the site as a brewery. It is on the specific functions of the site as a brewery that this summary has been reached. Therefore a condition will be attached that restricts any future changes of use within the B2 use class so that the noise, operation and delivery hours of any other industrial process may be given due consideration by the Local Planning Authority.
- 5.34 Other Extant Planning Conditions
Due to the number of previous planning decisions that cover this site, there are a several extant planning conditions that are still relevant to the site. An application under s73 has the effect of creating a new decision notice (and in this instance a new planning unit to consolidate all the previous decisions). Therefore all relevant conditions from previous decisions must be attached to any decision made through an application under s73 of the Act. It is therefore necessary to review the extant conditions prior to granting a decision on this application.
- 5.35 Those conditions which are still considered to be relevant and which accord with the tests of a condition shall be carried over without discussion; the section below will address other conditions in relation to the site. These conditions will be addressed in order of the date of the original decision.

- 5.36 K448/30
Condition (b) relating to a landscaping scheme, condition (c) relating to roads/ footpaths/ drainage/ parking and manoeuvring areas, condition (g) require notice of the commencement of development, condition (h) relating to temporary protective vegetation fencing, condition (l) relating to the alignment/ surface/ of the public footpath, and condition (m) relating to the design of fencing and walls are all no longer considered relevant as the development has been carried out and completed. These conditions will not therefore be carried over to the new decision.
- 5.37 Conditions (d) relates to control of external storage. This condition will be updated and applied. Condition (f) relates to the retaining the car and service areas free of obstruction. This condition is considered to be adequately addressed through the prevention of outside storage and is therefore unnecessary.
- 5.38 Condition (e) relates to the repair of vehicles. Planning permission K448/30 also included a workshop. No activity of this manner is carried out on the site in connection with its use as a brewery and therefore this condition is no longer necessary.
- 5.39 K448/38
The conditions attached to this decision are similar to those attached to K448/30 and will therefore be amended, deleted or continued in line with the analysis above.
- 5.40 K448/51
Condition (2) requires the submission of a revised serving and parking plan. It is considered that this condition is not necessary as details would either have been agreed at the time or the development is lawful by virtue of s171B of the Act due to the historic nature of this condition.
- 5.41 K448/58
Condition (2) prevents the felling, lopping or topping of any of the trees or hedgerows on the site. If trees are to be protected it should be under a Tree Preservation Order (TPO). No extant TPO covers the site and therefore this condition is unnecessary and would not pass the tests of paragraph 206 of the NPPF.
- 5.42 Condition (3) relating to a proposed landscaping scheme, condition (4) relating to tree protection measures, condition (6) relating to vehicle parking areas, condition (7) relating to the provision of vehicular access, condition (12) relating to foul and surface water drainage, and condition (13) relating to removal of part of the hedge, are all considered to be no longer relevant as the site and development has been carried out and completed.
- 5.43 Condition (5) relating to parking provision will be addressed through the imposition of an updated and revised condition. The effect of conditions (10) and (11) have been discussed above.

- 5.44 P96/4237
The conditions attached to this planning permission have been addressed above and no further consideration is required.
- 5.45 P96/4588
The Local Planning Authority does not hold a copy of the decision notice on this application and therefore cannot assess any conditions attached to this decision.
- 5.46 PK99/0108/F
The conditions attached to this planning permission have been addressed above and no further consideration is required.
- 5.47 PK00/0520/F
Condition (2) prevents the pruning or reduction in height of the hedge on the east of the site. The wording of this condition is not considered to be precise enough although the reasons for imposing the condition, in order to screen the development, are still valid. Therefore this condition will be reworded and reapplied in order to protect the visual amenity of the locality.
- 5.48 PK14/0549/F
This permission has two conditions: condition (1) relates to the timeframe in which permission should be implemented and condition (2) to the operation hours. Condition (2) is subject to the analysis set out above.
- 5.49 As of the Case Officer's visit, the grain silos permitted under PK14/0549/F had yet to be erected and on this basis it is considered that this planning permission is unimplemented. It is therefore necessary to apply an implementation timeframe condition for the proposed silos.
- 5.50 Other Matters
A few matters have been raised through the public consultation that have not been addressed above. This section will respond to these issues.
- 5.51 At present the operations of the site may be outside of the authorised times. Should this application be granted then the operation hours would be regularised and any further breach could be reported to the planning enforcement team should one arise.
- 5.52 It is not within the remit of the planning system to make the occupants relocate. In fact, the site has an extant B2 use and therefore the site is considered to be appropriate for the operations which are undertaken at this location.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Griff Bunce
Tel. No. 01454 863438

CONDITIONS

1. The grain silos permitted by planning permission PK14/0549/F 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 premises shall be used as a brewery and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to the Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason

To enable the Local Planning Authority to duly assess the impact of other industrial processes or uses to minimise disturbance to occupiers of nearby buildings and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework, March 2012.

3. The level of noise emitted from the site shall not exceed 50 dB(LAeq 1hr) between 07:00 and 23:00 and 40dB (LAeq 5min) between 23:00 and 07:00, as measured at or beyond the boundary of any residential premises. The measurements and assessment shall be made in accordance with the provisions of BS4142:1997.

Reason

To ensure that site operations do not have an unacceptable impact on noise levels in the locality, to ensure a good standard of residential amenity and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework, March 2012.

4. No outside working shall be carried out on the site between 21:00 and 07:00 within any 24 hour period.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework, March 2012.

5. No deliveries shall be taken at or despatched from the site outside the hours of 07:00 to 18:00 Monday to Saturday or at any time on a Sunday, Bank or Public Holidays.

Reason

To ensure a good standard of residential amenity and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policy E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework, March 2012.

6. No outside storage of materials, plant, goods, equipment or waste shall take place at the premises.

Reason

To minimise disturbance to nearby occupiers, to protect the amenity of the adjacent green belt, to protect the visual amenity of the locality and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, policies L1 and E3 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the provisions of the National Planning Policy Framework, March 2012.

7. The existing car parking, vehicle manoeuvring, and delivery areas shall not be used for any purpose other than the parking and manoeuvring of vehicles.

Reason

To ensure adequate car parking and manoeuvring areas in the interests of highway safety, and to accord with Policy CS8 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013, and policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

8. The hedge along the eastern boundary of the site shall be retained and managed so that the hedge shall not have a height of less than 3.5 metres.

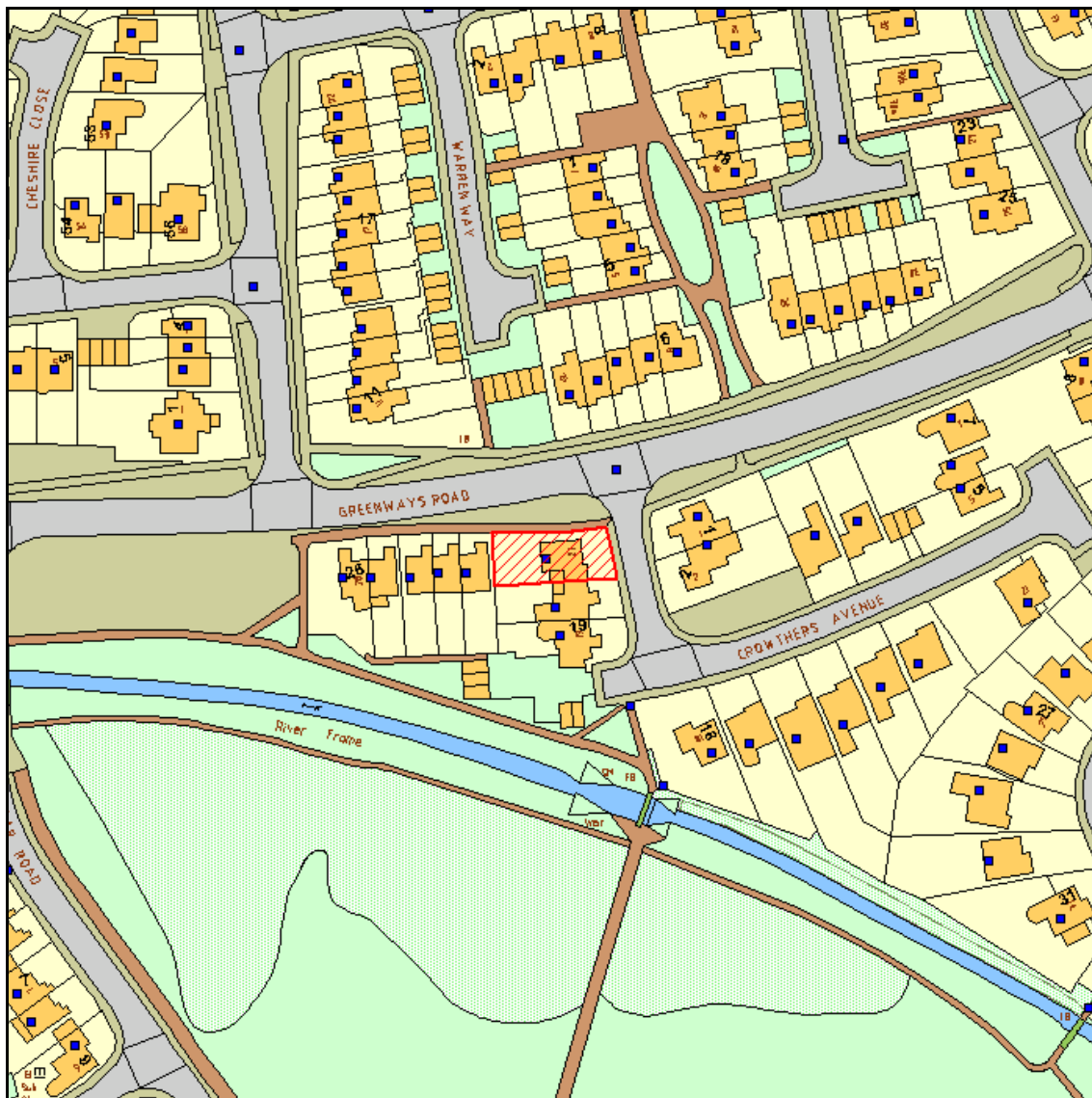
Reason

To ensure adequate screening of the site from the public highway and green belt and to ensure that any works are carried out in an appropriate manner and in the interests of the health and visual amenity of the hedge, and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

ITEM 4

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PK14/3368/F	Applicant:	Mr George Leach
Site:	21 Crowthers Avenue Yate South Gloucestershire BS37 5SZ	Date Reg:	22nd September 2014
Proposal:	Erection of single storey rear and side extension to form additional living accommodation.	Parish:	Yate Town Council
Map Ref:	371284 183100	Ward:	Yate North
Application Category:	Householder	Target Date:	10th November 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because a letter of concern has been received from a neighbouring occupier contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey rear and side extension to form additional living accommodation.
- 1.2 The application site comprises a two-storey detached property located on the western side of Crowthers Avenue within the established residential area of Yate. Some excavation for the footings has already taken place.

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 No relevant planning history.

4. CONSULTATION RESPONSES

- 4.1 Yate Town Council
No objection
- 4.2 Highway Structures Officer
The property is not within a vehicle weight restricted area; however, it is in close proximity to a number of vehicle weight restrictions.
- 4.3 Drainage Officer
No objection subject to standard informative.

Other Representations

- 4.4 Local Residents

One letter of concern has been raised by a neighbouring occupier regarding water drainage. The occupier raises concern that surface water from the roof of the existing dwelling and extension, which amounts to a significant amount, will drain at a point adjacent to the boundary.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

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

5.2 Appearance/Form

The proposal comprises an 'L' shaped footprint and wraps around the southern rear corner of the dwelling and adjoins the rear wall of an existing garage. An existing flat roof utility room to the rear of the garage will be removed to facilitate the build. The proposal extends approximately 3.6 metres from the rear wall of the existing dwelling and 7.8 metres from the rear wall of the garage and is encompassed by lean-to roofs to the side and rear. The applicant has specified the materials facing brickwork in red/brown colour; concrete pantiles in light brown; and hardwood effect UPVC frames in brown for the doors and windows. The applicant has specified that all materials will match the appearance of the existing dwelling; therefore, a condition on this basis is not required if permission is granted. The proposal is considered to be acceptably in-keeping with the character of the host dwelling and surrounding properties and will not be adversely prominent from views from the public realm.

5.3 Residential Amenity

The host dwelling benefits from its corner location by only having one neighbouring property within close proximity to the south flank. A neighbouring property is located adjacent to the rear boundary of the rear garden to the west; however, given the single storey scale of the proposal and the level of separation to the neighbouring property (7 metres approx.), it is not considered that the proposal will have a significant adverse effect on occupiers through loss of natural light or privacy.

5.4 The neighbouring property no. 20 is located directly to the south of the host dwelling. The neighbouring property is located forward of the host dwelling by approximately 2 metres which will exacerbate the impact of the proposal. The proposed extension measures 7.8 metres in length (approx.) adjacent to the southern flank boundary; therefore, the proposal will impact on neighbouring occupiers. However, given the location of the extension north of the neighbouring property, the single storey scale of the extension, its lean-to design, and the fact that the majority of the extension will be screened from view by an existing close boarded timber fence on the boundary, 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 outlook.

5.5 Given the single storey scale of the proposal it is not considered that it will bring about any significant adverse privacy issues to the detriment of neighbouring

occupiers. An adequate amount of private amenity space will be left to serve the host dwelling.

5.6 Transportation

The proposal will not increase the number of bedrooms in the property; therefore, the existing parking at the site is sufficient to serve the proposal.

5.7 Drainage

A neighbouring occupier has raised concerns that the surface water collected from the roofs of the existing dwelling and extension will drain adjacent to the shared boundary. The concern of the neighbour is understood; however, given the urban context of the site it is considered that an adequate means of drainage could be provided without there being a significant risk of flooding to neighbouring land. An adequate means of drainage will be required to be provided under building regulations; the applicant will also be required to adhere to the Party Wall Act 1996 for any works adjacent to the boundary. An informative is considered appropriate to notify the applicant. Notwithstanding this, the applicant has stated on site that the soakaway will be moved to a location further away from the boundary following the concerns raised by the neighbouring occupier. Given that this matter will be considered further under building regulations a condition on this basis is unnecessary.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following condition.

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).

ITEM 5

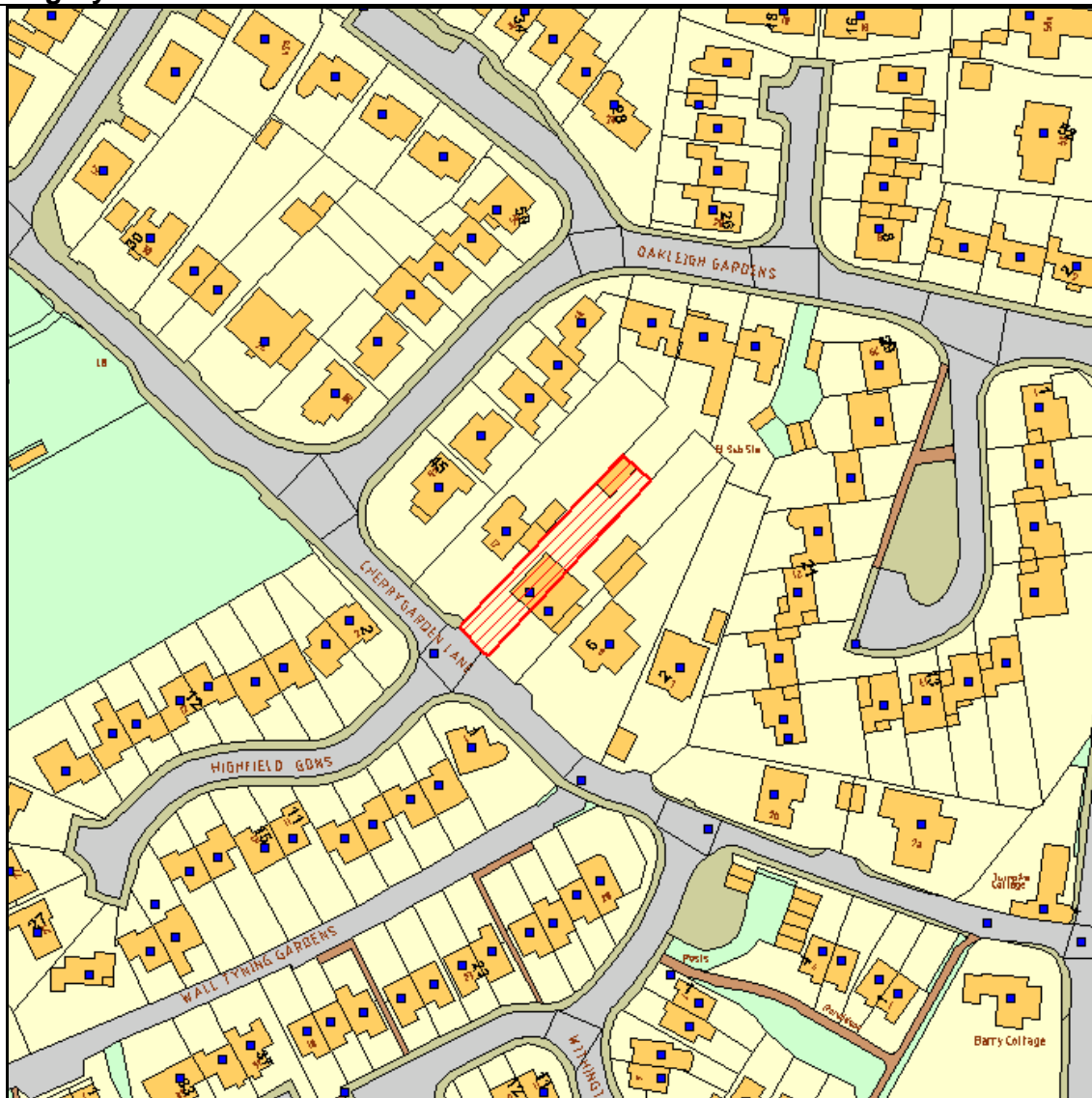
CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER

App No.: PK14/3418/F
Site: 10 Cherry Garden Lane Bitton Bristol
South Gloucestershire BS30 6JH
Proposal: Alterations to roof and installation of
dormer windows to facilitate extension
to existing loft extension.
(Resubmission of PK14/1830/F).

Applicant: Mr Richard Allen
Date Reg: 15th September
2014
Parish: Bitton Parish
Council

Map Ref: 367141 170726
Application Category: Householder

Ward: Bitton
Target Date: 24th October 2014



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1. THE PROPOSAL

- 1.1 The application is for alterations to the roof and installation of dormer windows to facilitate the extension to an existing loft extension. This includes alterations to the existing side dormer and creation of a further dormer to the rear.
- 1.2 The property is a semi detached white rendered dwelling with an existing side dormer. The site is located within the residential area of Bitton.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework
- 2.2 Development Plans
South Gloucestershire Local Plan (Adopted) January 2006
H4 Development within Existing Residential Curtilages, Including Extensions and New Dwellings
T8 Parking Standards
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
South Gloucestershire Design Checklist (Adopted) 2007.
Residential Parking Standards SPD (December 2013)

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1830/F – Alterations to roof and installation of dormer windows to facilitate extension to existing loft extension. Refused 2nd July 2014.

4. CONSULTATION RESPONSES

- 4.1 Bitton Parish Council
Councillors considered the proposals and noted the slight reduction in mass and impact but remained strongly opposed to this application. The dwelling occupies an elevated position and has already been significantly enlarged. As proposed it would be unattractive and out of keeping with the street scene. Councillors felt that their previous comments on these issues remained pertinent.

Highway Drainage
No comments

Other Representations

- 4.2 Local Residents

No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 advises that proposals for residential extensions should respect the massing, scale, proportions, materials and overall design of the existing property and the character of the street scene and surrounding area and they should not prejudice the amenities of nearby occupiers,

- 5.2 Previous proposals were refused for the following reason: *The proposed extension, by reason of its size, design and external appearance, would be out of keeping with the existing dwellinghouse and other nearby properties and the new roof shape and design would result in a dwelling with an incongruous roof shape, design and overall scale in relation to the existing dwelling, adjacent dwellings and the street scene and the proposed balcony would also increase overlooking of adjacent properties to the detriment of residential amenity. The proposal is therefore considered contrary to Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.*

The main issue to consider therefore is whether the current proposals address the previous concerns to a satisfactory degree.

Design / Visual Amenity

- 5.3 The application property consists of a white rendered, semi detached dwelling. A side dormer already exists on the property. The previous application involved a roof extension with a combination of pitched roof and flat roof elements to the rear and the dormer and would affect all elevations of the property as it extended around the side, front and rear of the roof. The pitch of the proposed dormer was considered at odds with the pitch of the main roof of the dwelling and the dormer failed to integrate at any level with the design and building lines of the existing dwelling.
- 5.4 The current proposals are essentially a small alteration to the existing side dormer and the addition of a rear dormer with a pitched roof. It is considered that the current proposals represent a significant improvement on the previous application. The proposals integrate to a much better degree than the previous application. It is considered that this has addressed the design issues to a satisfactory degree and in this respect it is not considered that there would be a significant design impact such as to warrant and sustain a refusal of the application.
- 5.5 Residential Amenity
There were previous concerns outlined in the report, regarding amenity, in particular in relation to the addition of a Juliet balcony at roof level which would potentially give rise to a far greater level of overlooking and loss of privacy of surrounding properties. The balcony has been replaced with standard windows. This has addressed the issue to a satisfactory degree and in this respect it is

not considered that there would be a significant amenity impact such as to warrant a refusal of the application.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development is of an acceptable design and as such is considered to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 and CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 That planning permission is approved subject to the conditions below.

Contact Officer: Simon Ford
Tel. No. 01454 863714

CONDITIONS

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

Reason

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

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

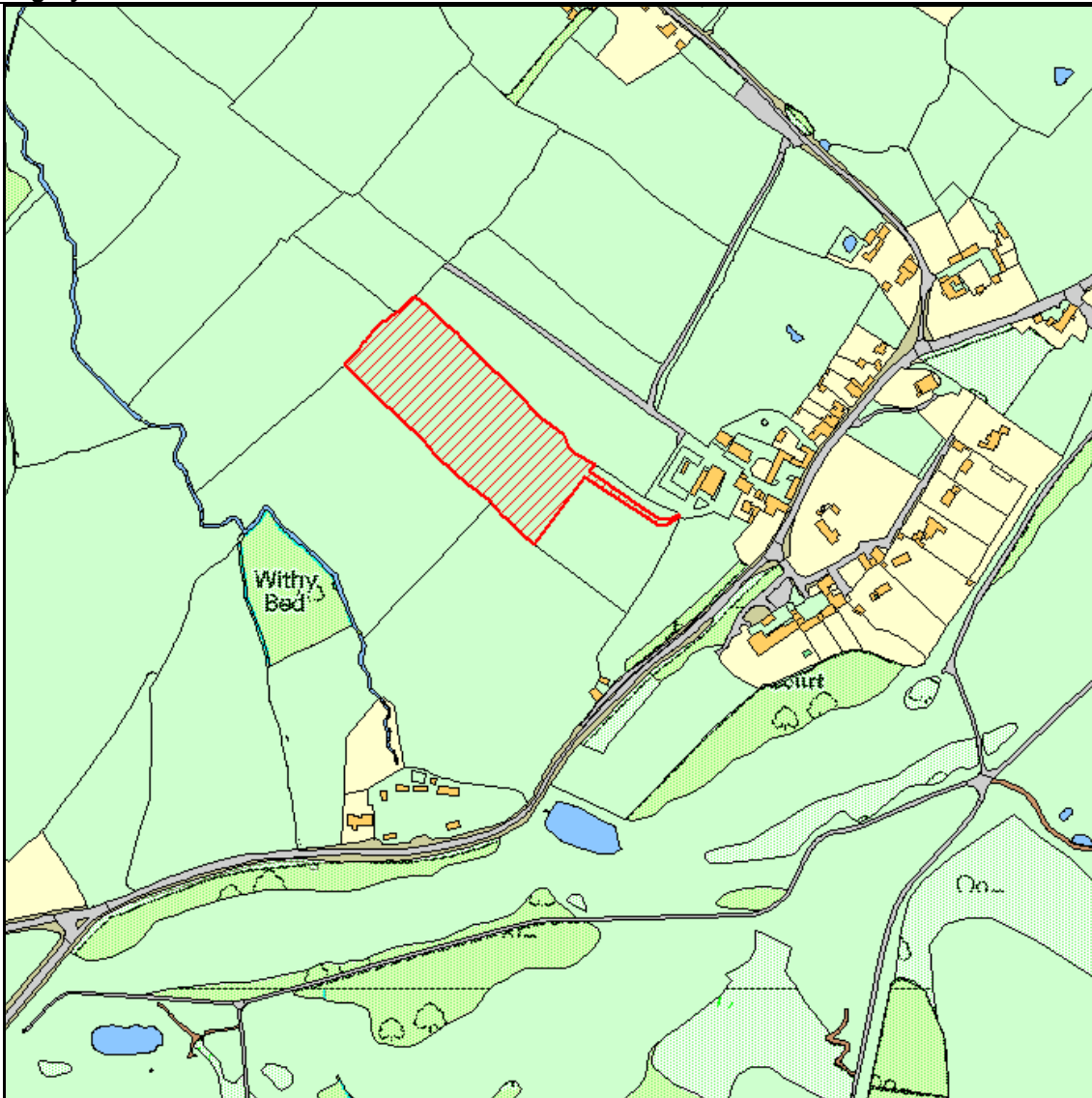
Reason

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

ITEM 6

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PT14/1136/RVC	Applicant:	Mojo Active
Site:	Over Court Farm Over Lane Almondsbury South Gloucestershire BS32 4DF	Date Reg:	31st March 2014
Proposal:	Variation of condition 3 and removal of condition 4 attached to planning permission PT11/3174/F to allow the outdoor fitness facility to be utilised from 0800 to 2200 within April to September inclusive and 0800 to 1800 within October to March inclusive and no restriction on persons using the facility at any one time.	Parish:	Almondsbury Parish Council
Map Ref:	358650 182409	Ward:	Almondsbury
Application Category:	Major	Target Date:	25th June 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been referred to the Councils Circulated Schedule in view of the concerns that have been raised by neighbouring residents and the Parish Council.

1. THE PROPOSAL

1.1 The application seeks planning permission for the variation of condition 3 and the removal of condition 4 of planning permission PT11/3174 to allow the outdoor fitness facility to be utilised from 0800 to 2200 within April to September inclusive and 0800 to 1800 within October to March inclusive and no restriction on persons using the facility at any one time.

1.2 Planning permission PT11/3174/F was granted for the change of use of agricultural land to provide an outdoor fitness facility.

Condition 3 states 'The outdoor fitness facility hereby permitted shall not be utilised before 6.30pm on weekdays (excluding Bank Holidays). Reason: In the interest of highway safety and residential amenity all to accord with Planning Policies T12 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006.'

Condition 4 states 'The outdoor fitness facility hereby approved shall be used by no more than 20 persons at any one time. Reason: In the interest of visual and residential amenity and to accord with Planning Policies GB1, L1 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006.'

1.3 The application relates to approximately 1.9 ha of land on the north side of Over Lane, Almondsbury. The site is set back from the main road and thus is devoid of a road frontage. Further, the application site is located beyond any settlement boundary and within the open 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
L8 Sites of Regional and Local Nature Conservation Interest
L9 Species Protection
L13 Listed Buildings
LC5 Proposals for Sport and Outdoor Recreation beyond the Urban Area/
Settlement Boundaries
LC12 Recreational Routes
T8 Parking Standards
T12 Development Control Policy for New Development

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 Management of Environment and Heritage

CS24 Green Infrastructure, Sport and Recreation Standards

CS34: Rural Areas

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted)

Development in the Green Belt (Adopted)

South Gloucestershire Biodiversity Action Plan (Adopted)

SG Landscape Character Assessment Character 18: Severn Ridges.

3. RELEVANT PLANNING HISTORY

3.1 PT11/041/SCR: Change of use of agricultural land to outdoor fitness facility (Class D2) and erection of associated structures. EIA not required: 18 June 2011

3.2 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 January 2012

4. CONSULTATION RESPONSES

4.1 Almondsbury Parish Council

The Parish Council object the application on grounds of light and noise pollution, traffic generation and highway safety with coaches already allowing passengers on and off the vehicle on Over Lane.

4.2 Other Consultees

Landscape Officer: No objection / comment to make.

Ecologist: No objection

Highway Drainage: No comment

Highway DC: Additional details have been submitted. No objection to a temporary consent for one year in order to monitor the highway issues of the site.

Environmental Protection: No objection

Conservation Officer: No objection

Other Representations

4.3 Summary of Local Residents Comments

13 no. letters of objection have been received (and one of them is a duplicate letter) and the residents raise the following concerns:

(a) Increased noise/ disturbance:

- The proposed hours are wholly inappropriate and unacceptable even neighbours at commercial enterprises such as Alton Towers get relief after 18:00.
- Regularly disturbed by children screaming whilst using these facilities, particularly from the woodland adjoining the application area, where the majority of activities take place.
- Possibly open to late night hen and stag parties.
- This is a residential area and consideration needs to be given to the noise levels at such a facility, especially at 10pm.
- It is fair to expect peace and quiet after 20.00 each day.
- There is also a climbing wall with a police siren; children press this once they have reached the top. The noise is constant at times.
- Extra noise generated by extra hours and limitless numbers.
- This rural community is peaceful and quiet.
- Screaming children to sirens (now replaced by whistles) every 30 secs in the evenings and during the weekend to the raucous sounds of a stag party.
- Hours of use should be the same as Hydrock Consultants' for the same reasons. (P97/1978 Condition 9)
- Condition 4 was the number of "users" that MOJO ACTIVE anticipated. A school class may number 30 but all other bookings should remain at 20. Larger numbers mean more noise, more disruption for residents for whom home was once a place of refuge and rest.

(b) Unsuitable access increased traffic and public highway safety

- Unsuitable access from Over Lane for large number of visitors along with access to the Hydrock business.
- Over Lane is already dangerous at certain times of the day and more traffic will simply increase the chances for a fatal accident along this stretch of road. In fact, there was a serious road traffic accident right outside the entrance to Mojo Active in February
- As a nearby resident I am often unable to exit my drive in a safe manner due to the level of traffic along the road and the speed of cars passing through the hamlet of Over.
- Extra traffic will undoubtedly be generated if the facility is open for longer hours. A full and independent traffic survey (not from Hydrock) should be requested.
- For some major events (an inter-school cross country event) the entrance on Badgers Lane was used with Mojo employees directing traffic from Over Lane down into Badgers Lane to use the Hydrock gateway for access in order to cope with the extra volume of traffic. This demonstrates that the access off Over Lane cannot cope with extra numbers of people using the Mojo facility.
- Additional use of access in Badgers Lane when permitted access of Over Lane will not be sufficient for volume of traffic using Mojo Active
- Site access was always considered an issue even when the original Office consent was granted and we are now looking at further

substantial expansion, with a growing business, both for the existing, highly successful, Hydrock organisation.

- This has a major impact on the surrounding roads and in particular to the narrow and bending Over Lane.
- Concerns over the increase of traffic along the road recently and the removal / variations to the planning conditions for the Mojo Active site will further increase the traffic. It is simply not safe for an increase in traffic on Over Lane.
- As an example of a recent event, 25 cub scouts were dropped off by approximately 25 cars in the space of 10 minutes and then the exercise of pick-up was repeated 90 minutes later. That was 100 car journeys in and out of the site in the space of 90 mins.
- I live opposite Over Court Farm, and since moving here 27 years ago the traffic has increased so much that we are now unable to walk anywhere. It is the volume of extra traffic at all hours that bothers me most, especially with the "Wave" coming. If a narrow footpath could be built to encourage us to walk and leave our cars at home I would be much happier.
- Their hours have been extended so that schools can participate. Hydrock Consultants, who use the same vehicular entrance, stated on their planning application in July 1997 (P97/1978) that there would be parking for 12 vehicles and 10 staffs would be on site. Since then the company has expanded to about 60 staff on that site or "the deerpark" nearby and through the day vehicles come and go. Because the entrance is at the top of a hill and round a slight bend there is little time to act when a vehicle is crossing to enter or slowing for the gate. Often 2 vehicles arrive and traffic halts while they enter. Although the minibus system is operating, I have seen a coach waiting at the entrance. No sign of the children. At peak times B 4055 is extremely busy and difficult for residents to cross safely to/from their homes. This entrance is not suitable for MOJO ACTIVE.
- The Hydrock report also mentions that the Mojo Active site utilise the Deer Park site for coaches and that they then transfer children to the Mojo site with the use of mini-buses. In the time that Mojo has operated I have never witnessed such a use and instead we have seen coaches parked outside the entrance on Over Lane to drop off and pick up children / persons.

(c) Green Belt

- There seems to be a continual attempt by Mojo Active / Hydrock (which in my view should be considered as a joint venture) to constantly try and downgrade the Green Belt protection on their land to facilitate further developments.
- Very concerned about the surveys and reports which are carried out by themselves for themselves to justify the downgrading of their land from Green Belt.
- The absence of footpaths, mains drainage, and street lighting lead us to believe we are living in a rural community, and we do not believe that the further commercial exploitation of green belt land is appropriate.

- The situation is that this is a growing business, seeking to expand, on Green Belt land.

(d) Natural environment

- Greater impact on wildlife if these extended hours are granted. There has already been a clearing and reduction of wildlife habitat without planning consent within Withered Bed Copse to create a ropes course. I am baffled how Mojo can apply for planning permission for a track and access when the area for which the track serves currently has no planning permission to exist in the first place.
- There is a mown path around many of the fields owned by Hydrock as well as destroyed hedgerows to allow this path to be continuous

(e) The Wave

- In the event of the Wave project being given approval, this permission if granted would already be in place, allowing the area to be used by clients of the Wave along with possibility of "unofficial" parking places at Hydrock.
- The situation is made more difficult by the fact that 'The Wave' application has now been passed.
- This leaves around 40 acres of land between the Wave site and the village of Over, with no substantive use and this application seeks to formalise and extend an 'all hours' leisure use to that land.
- The use of the site is growing and creeping outwards all the time, with what appears to be a scramble, or race track now having appeared in the field to the west of the site, as the owners seek to find further profitable outlets for business expansion and to extend their use of the land.
- As mentioned before relaxing these conditions would open up an argument for extending the hours at "The Wave" if the project comes to fruition.
- I see no reason why these conditions should be altered. In fact there is more reason to enforce the conditions due the increased traffic that will result from the proposed Wave Development nearby.
- The council will look at the bigger picture of the site (the proposed Wave development) and not concede to any unnecessary development.
- Extending the hours for Mojo Active would mean that should The Wave be granted, the extra hours are already in place. The owner of the land has a vested interest in all of the proposals, therefore it is important to consider how one proposal will impact on the other.

(f) Impact upon the amenity

- The Hamlet of Over was originally a rural residential community in an area of conservation, but now the Hamlet is being turned into a commercial and recreational playground.
- The Hydrock business now dominates the village (with two sites) and the addition of Mojo Active along with Bristol Zoo, Bristol Golf Course and possibly soon The Wave has turned the area into this recreational playground.

(g) Other issues

- As the applicants themselves say, they would not currently use the land after dark - why then apply unless there is a business agenda to utilise this in the future.
- Clearly Mojo Active have failed to comply with these conditions and should therefore face penalties rather than be allowed just to simply apply for new conditions.
- The business should prove itself capable of operating under the prior planning conditions for a period of one / two years before granting any changes to planning permission for the site.
- Mojo Active should follow normal business hours 9AM 5PM. There is a local business which operates on the same site and adheres to these constraints.
- More and more proposals are being pushed through by the owners of the land, who also have a joint share in Mojo Active. Residents constantly feel on edge, uncertain about the future of our community.
- Mojo Active has already disregarded the constraints which were part of the initial planning stipulations; operating hours have not been adhered to and trees have been felled, not replanted.
- Allowing this proposal sets a bad precedent; people can do whatever they want regardless of the planning regulations.
- The facility is valued and enjoyed by school classes- occurring prior to 15:30 Monday to Friday. If no school teacher is present, the original request for no more than 20 can be taken as reflecting the maximum number the organizers felt comfortable supervising.
- Fields that are not included in their original planning application are being used for Mojo activities.
- A ropes course has been constructed without planning consent
- The management of the Mojo Active business has clearly been operating outside of the original planning conditions and to simply state that these should now be dropped means that the local planning rules can simply be ignored and if someone complains in the future that a retrospective planning application can be accepted and submitted.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site is located within the open Green Belt. In this regard, National Planning Policy Framework advises that planning permission will only be granted for the construction of new buildings, for a limited number of criteria; one such criteria relates to essential facilities for outdoor sport and recreation and for other uses which preserve the openness of the Green Belt and which do not conflict with the purposes of including land within the Green Belt.

Planning permission PT13/11374/F has been granted for the existing use of the site, therefore there is no principle objection to the proposed variation or removal of conditions as the green belt issues has been considered with the previous 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 review 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.

Policy LC5 is permissive of proposals for outdoor sport and recreation facilities outside of the urban areas and the settlement boundaries again subject to a number of criteria. As considered significant in this case, this relate to consideration of the impact on visual / residential amenity, highway safety considerations and the control of outdoors lighting.

5.2 The Proposal

The application site comprises approximately 1.9 hectares and is located on a parcel of land to the southwest of the Over Court Barns development. It is noted that the immediate area comprises of a collection of residential properties fronting Over Lane with offices at Over Court Barns and with the surrounding land agricultural.

The proposal is to vary condition 3 to allow extended opening hours and to remove condition 4 without restricting the number of users on site.

5.3 **Variation of Condition 3:**

Condition 3 was imposed to ensure the approved facility is not utilised before 6.30pm on weekdays (excluding Bank Holidays) due to the public highway safety reason and the residential amenity.

Highway Safety

With regard to the previous application for the outdoor fitness facility, the Highway Officer had no transportation objection to the use of the site subject to a condition that would limit the hours of use so it use would not coincide with either network peak or operational times of the adjacent units who facilities would be used for changing / showering.

On this application in relating to the variation of condition 3, Highway Officer had concerns over how the access would work in relation to the increased number of users, and how this would conflict with the vehicle movements associated with the existing uses on site. The Highway Officer advises that one of the reasons for condition 3 was to avoid potential conflicts during peak times on both Over Lane and the use of the access by the existing office development in addition to this the availability of parking on the site to accommodate an increase has not been indicated. The original proposal indicated typical low key participants (8 - 20 according to D&A statement), this proposal if approved would intensify the operation both without justification of the capability of the access to cope with the increased demand or the availability on site for parking/turning associated with this proposal.

To address the above concerns, the applicant submitted further transportation technical details. The Highway Officer has considered the submitted details and remains concerned that the suitability of the access to take the additional movement. However, The Highway Officer and your case officer consider that it would be acceptable and reasonable to impose a temporary condition to allow the highway issue to be monitored for a year. On this basis, there is no transportation objection to the proposal.

Residential Amenity

It should be noted that the existing planning condition 3 encourages the facilities to be used during late afternoon and evening due to the public highway safety reason.

The facility is located in a quiet rural area with low night-time background noise levels. Noise generated from the site is likely to be audible at certain times and this is more likely to be prominent later in the evening as traffic noise reduces. The proposal to continue until 2200 hrs certainly has the potential to cause annoyance to local residents in the summer months with windows open and who will be valuing their rest time.

Officers have concerns regarding precision as drafted seems to address highway concerns does allow evening use. Officers have also acknowledged that there are strong objections from local residents due to the late closing hours.

Prior to the submission of this application, the Environmental Health Officer received one noise / nuisance complaint. Due to the lack of further contact from the complainant, the Officer was therefore unable to take further action or investigation.

Due to the receipt of residents' objections during the course of this application, Environmental Health Officer has visited the site 5 times during the day and has not witnessed any noise coming from the site. On one occasion visit there were around 30 children on site and officers have not experienced unacceptable noise disturbance outside premises. In addition, the local residents are encouraged to contact Environmental Health Officer when the activities taking place to enable officers having opportunities to witness or experience the potential noise / nuisance impact upon the neighbouring occupiers.

As the Council have not received any evidence that activities are noisy on site, which makes it difficult to judge what the sound would be like during the evening. It would be expected that the background noise levels would be lower however due to reduced traffic on the roads, and an opening time of up to 22:00 for large groups may well be a problem as it would be in the summer when people would be expected to be sitting in their gardens. This is difficult to gauge however, as officers have not been able to monitor when a large group are visiting, or in the evening.

Although the applicant seeks to extend the evening hours to 22.00pm within April to September (inclusive), after taking into consideration the residents concerns, the Environmental Health Officer and your case officer consider that it would be more appropriate to impose a temporary condition for a year for the following opening hours to allow the Environmental Protection Team to visit and monitor the activities throughout the year.

For October to March (inclusive): 08.00am to 18.30pm

For April to September (inclusive): 08.00am to 21.00pm Mondays to Fridays, and 08.00am to 18.30pm Saturdays and Sundays.

In this instance, officers consider that it would be necessary to impose a temporary planning condition for 1 year to allow the facilities to be used for the above suggested opening hours in order to enable officers to monitor the activities on site in respect of the public highway safety and residential amenity upon the neighbouring property and to allow the local planning authority to review the situation after the expiry of the temporary planning consent.

5.4 **Removal of Condition 4:**

Condition 4 was imposed to restrict the number of persons to no more than 20 at any time due to the interest of visual and residential amenity in accordance with Policy GB1, L1 and LC15 of the adopted Local Plan.

To support the removal of this condition, the applicant confirmed the following:

- Mojo do not use amplified equipment / music as part of the operations on site.
- After complaints from neighbours, the applicant removed the sirens from the mobile climbing wall.

- When groups are on site, they are supervised by Mojo staff, with the correct stall to pupil ratios.

In terms of visual and landscaping issues, there is no physical change to the site and the obstacle equipment has been installed on site. It is considered that the size of the field and the nature of the activities would naturally restrict the potential number of people using the facility at any one time. It is therefore considered that the number of people would not cause unreasonable harm to the visual or landscape character of the site or the locality.

Whilst officers consider that limiting the number of people participating can be a way of controlling the noise, there is no guarantee that 20 people will be quieter than a higher number of participants due to human nature and individual behaviours. Therefore it would be more effective for this type of noise to be managed by the supervisors rather than rely on a maximum number of participants.

Therefore there is no objection to the removal of condition 4. Nevertheless, it is considered that it would be necessary to impose a condition to ensure no amplified equipment or siren or music to be played on site.

In view of the above, and having regard to the distance of neighbouring dwellings from the application site, on balance there is no objection to the proposal to vary the condition 3 and to remove condition 4.

5.4 Other issues and considerations

Residents have raised concerns over how this current proposal would affect the development of the Wave including the Withy Bed, which has recently been granted planning permission. It should be noted that any future proposals for the Wave will be subject to a separate planning application and every planning application is considered and determined on its own merit.

There are a number of conditions attached to the previous planning permission PT11/3174/F. Officers have reviewed these conditions. Although the applicant has submitted details in 2012 to discharge the conditions, and some of pre-commencement conditions have not been fully or formally discharged. The submitted details include: (i) Existing hedgerow and trees are not affected and all retained, (ii) no flood lighting or external illumination, (iii) no impact upon on the existing habitat. Officers however consider that the submitted details are not adequate to fully discharge conditions. The outstanding items to discharge conditions include the details of new hedges along the north western and south eastern boundary, details of band stand structure, details of ecological habitat creation and management plan (i.e. sympathetically managing boundary hedges and the creation of rough grassland margins alongside the hedgerows for use by barn owls.). Officers therefore made amendments to the existing conditions to ensure all required details are submitted and approved details are carried out.

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 temporary planning permission for one year has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and the South Gloucestershire Local Plan (Adopted) January 2006 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

- 7.1 A temporary planning permission for one year is **GRANTED** subject to the following conditions:

Contact Officer: Olivia Tresise

Tel. No. 01454 863761

CONDITIONS

1. This temporary planning permission shall be ceased on or before 24 November 2015.

Reason

In the interest of highway safety and residential amenity all to accord with Planning Policies T12 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

2. Within three months of this planning permission be granted, details of a native hedge with standard trees on the north west boundary and the section of the south east boundary where there is currently no hedge) shall be submitted to the Local Planning Authority for approval. The approved planting scheme shall be carried out at the first planting season.

Reason:

To protect the landscape character of the area and to accord with Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. The outdoor fitness facility hereby approved shall only be utilised from 08.00am to 21.00pm Mondays to Fridays and 08.00am to 18.30pm Saturdays and Sundays within April to September inclusive and 08.00am to 18.30pm within October to March.

Reason

In the interest of highway safety and residential amenity all to accord with Planning Policies T12 and LC15 of the South Gloucestershire Local Plan (Adopted) January

2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

4. Within three months of this planning permission be granted, details and the exact location of the band stand structure shall be submitted to and approved in writing by the Local Planning Authority. Development shall accord with these approved details.

Reason

In the interests of visual amenity and the openness of the Green Belt and to accord with National Planning Policy Framework, Policies CS1 and CS5 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013), Policy LC15 and L1 of the South Gloucestershire Local Plan (Adopted) January 2006.

5. No floodlighting and external illuminations shall be installed on the land at any time.

Reason

In the interests of visual amenity and the openness of the Green Belt and to accord with National Planning Policy Framework, Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Planning Policies L1 and LC15 of the South Gloucestershire Local Plan (Adopted) January 2006.

6. No amplified equipment, sirens, or music shall be played on the land at any time.

Reason

In the interest of residential amenity of the neighbouring occupiers and to accord with Planning Policy LC15 of the South Gloucestershire Local Plan (Adopted) January 2006, and Policies CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

7. Within three months of this planning permission be granted, details of landscaping scheme including a native hedge with standard trees on the north west boundary and the section of the south east boundary (where there is no hedge) shall be submitted to the Local Planning Authority for approval. The landscaping scheme shall then be carried out at the first planting season in accordance with the agreed details.

Reason

To protect the character and appearance of the area to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L1 and LC5 of the South Gloucestershire Local Plan (Adopted) January 2006.

8. Within three months of this planning permission, details of an ecological habitat creation and management plan shall be submitted to and approved in writing by the Local Planning Authority. The details and management plan shall be carried out in accordance with the approved details.

Reason

In the interests of species protection and to accord with Policy CS9 of the South Gloucestershire Local Plan; Core Strategy (Adopted December 2013) and Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

ITEM 7

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.: PT14/3019/F
Site: Neathwood New Road Tytherington
Wotton Under Edge South
Gloucestershire GL12 8UP

Applicant: Mr David Gayther
Date Reg: 26th August 2014

Proposal: Erection of 2 no detached dwellings
with garages and associated works

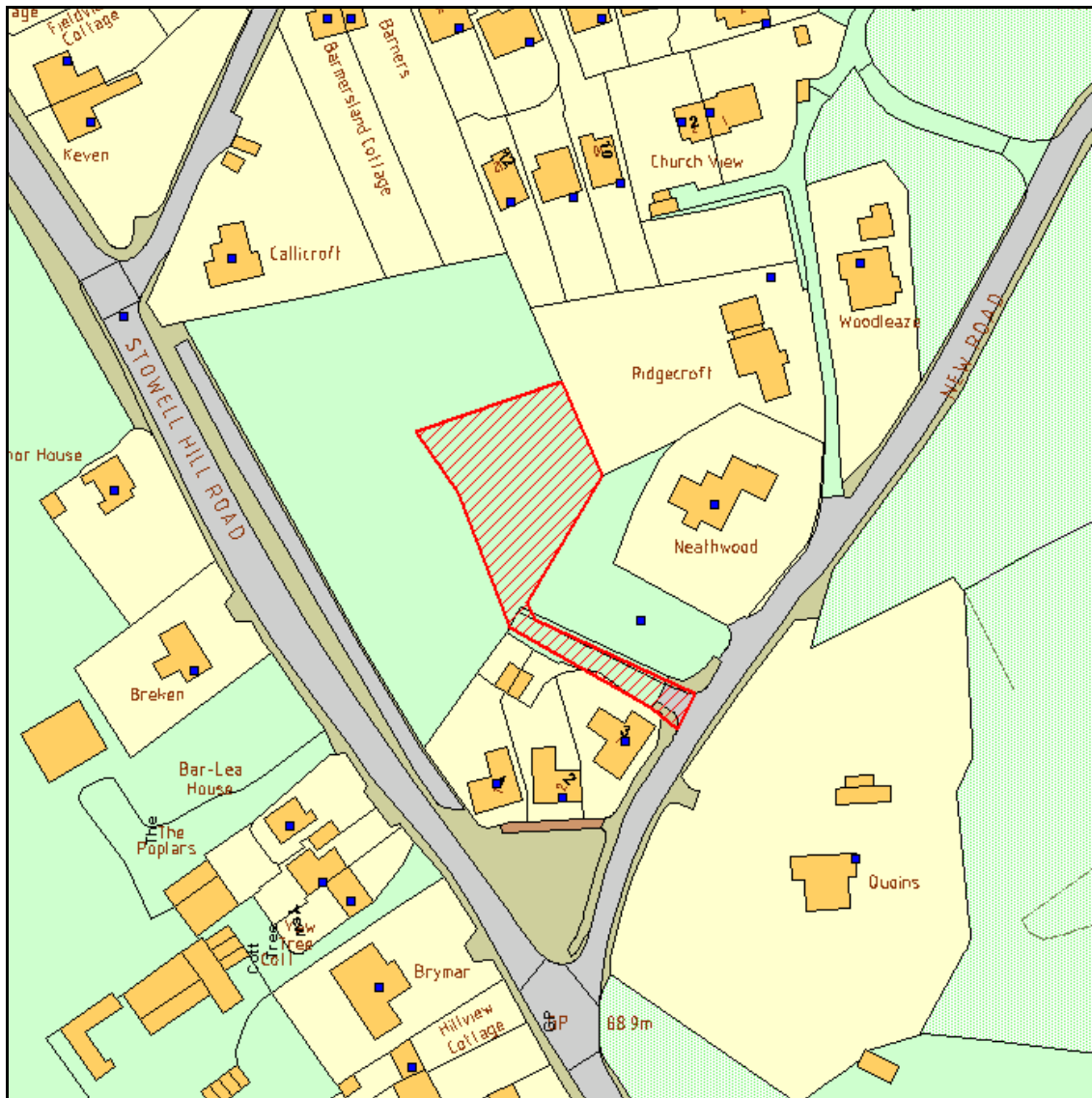
Parish: Tytherington
Parish Council
Ward: Ladden Brook
Target 15th October 2014

Map Ref: 366824 188515

Application Minor

Date:

Category:



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100023410, 2008. N.T.S. PT14/3019/F

REASONS FOR REFERRING TO CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule because representations have been made in support, which are contrary to the officer recommendation.

1. THE PROPOSAL

- 1.1 The application site is a 0.09 hectare plot of land within the Established Settlement Boundary of the village of Tytherington; the site also lies within the Tytherington Conservation Area. The site forms part of a larger field approximately 0.53 hectares that has recently been the subject of two planning applications, by the current applicant, for residential development (see applications PT13/3637/F & PT13/2787/F). The larger field has trees on most of the boundaries whilst within the field are three Chestnut trees which are the subject of Tree Preservation Order. The field fronts onto Stowell Hill Road to the south-west where the field boundary is marked by a steep bank with a row of overgrown Leylandii planted on it. On other sides the field is largely bordered by the rear gardens of existing dwellings. The Old Manor House, a Grade II Listed Building, stands on the opposite side of Stowell Hill Road.
- 1.2 Application PT13/3637/F related to only 0.192 ha in the central part of the main field and sought planning permission for 4 dwellings. An earlier application PT13/2787/F related to the whole field (0.53ha) and sought full consent for the erection of 9no. dwellings. In both cases the proposed vehicular access was to be from Stowell Hill Road. Both applications were refused for the reasons listed in paras. 3.9 & 3.10 below and both applications were subsequently dismissed at appeal for the same reasons listed.
- 1.3 In the current application, the development site has been reduced in area again to now cover only 0.09 of a hectare in the north-east of the main field, with in part boundaries to the residential properties at 'Ridgecroft' and no.3 New Road. The accompanying site location plan shows adjoining land in the applicant's ownership and enclosed in blue. The applicant has since confirmed however that the other land within the main field, that adjoins the application site, has been transferred to other family members but the transfer has not yet been registered.
- 1.4 The current application now seeks a full planning permission to erect only two detached dwellings (one 3-bed and one 4-bed) on the plot; an existing track off New Road would be utilised for vehicular and pedestrian access. Each dwelling would have a detached single garage. The dwellings would have hipped roofs with pennant sandstone walls and clay roof tiles; doors would be hardwood but windows would be white Upvc. The existing private drive off New Road would be extended into the site to the north of the Chestnut Trees; furthermore the scheme now incorporates a turning area to the east of the trees.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

The National Planning Practice Guidance 2014

2.2 Development Plans

The South Gloucestershire Local Plan (Adopted) 6th January 2006

- L1 - Trees and landscape
- L9 - Species Protection
- L11 - Archaeology
- L12 - Conservation Areas
- L13 - Listed Buildings
- EP2 - Flood Risk and Development
- T7 - Cycle Parking
- T12 - Highway Safety
- LC1 - Provision for Built Sports, Leisure and Community Facilities (Site Allocations and Developer Contributions)
- LC2 - Provision for Education Facilities (Site Allocations and Developer Contributions)
- LC12 - Recreation Routes

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

- CS1 - High Quality Design
- CS4A – Presumption in Favour of Sustainable Development
- CS5 - Location of Development
- CS6 - Infrastructure and Developer Contributions
- CS9 - Managing the Environment and Heritage
- CS17 - Housing Diversity
- CS18 - Affordable Housing
- CS23 - Community Infrastructure and Cultural Activity
- CS24 - Green Infrastructure, Sport and Recreation Standards

2.3 Supplementary Planning Guidance

- Trees on Development Sites SPG (Adopted) Nov. 2005.
- The South Gloucestershire Design Check List (SPD) Adopted Aug 2007.
- Affordable Housing SPD Adopted Sept.2008.
- South Gloucestershire Council Residential Parking Standards (SPD) Adopted.
- SG Landscape Character Assessment as adopted Aug 2005.
- Tytherington Conservation Area guidance note.

2.4 Emerging Plan

Policies, Sites & Places Development Plan Document (Draft) June 2014

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP5 - Undesignated Open Spaces within Urban Areas and Settlements
- PSP6 - Onsite Renewable & Low Carbon Energy
- PSP8 - Settlement Boundaries and Residential Amenity
- PSP10 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and the Historic Environment
- PSP19 - Wider Biodiversity

PSP20 - Flood Risk, Surface Water and Watercourses
PSP21 - Environmental Pollution and Impacts
PSP39 - Private Amenity Space Standards

3. RELEVANT PLANNING HISTORY

- 3.1 P90/2936 - Erection of 4 detached dwellings on approx. 0.2 ha (0.5 acres); alterations to existing vehicular and pedestrian access and construction of estate road (outline).
Refused 20 Feb 1991
- 3.2 PT02/1895/F - Erection of three dwellings.
Approved 8 May 2003
- 3.3 PT02/3075/F - Erection of detached dwelling and garage.
Refused 7 April 2003
- 3.4 PT04/1930/TCA - Felling of 10 fir trees (mixed larch and spruce) in Conservation Area
No objection 29 June 2004
- 3.5 PT06/1198/F - Change of use of paddock to residential curtilage
Approved 2 June 2006
- 3.6 PT10/2133/TRE - Various works to 3no. pine trees, 3no. silver birch and 1no. eucalyptus tree covered by TPO 0507 dated 10th April 2008.
Split Decision 8 Oct. 2010
- 3.7 PT12/2488/F - Erection of 1no. detached dwelling and associated works.
Approved 17 Sept. 2012
- 3.8 PT13/2411/F - Erection of 1no. detached dwelling with detached garage, access, landscaping and associated works. (Resubmission of PT12/2488/F).
Approved 9 Sept. 2013
- 3.9 PT13/2787/F - Erection of 9 detached dwellings and garages, new access and associated works.
Refused 27 Sept. 2013 for the following reasons:

1) The proposed access by virtue of inadequate details relating to the form, type and geometry of the proposed access and how this relates to the existing traffic calming on Stowell Hill Road does not demonstrate that a safe access onto a classified highway can be created this is detrimental to highway safety and contrary to policy D1 and T12 of the adopted South Gloucestershire Local Plan.

2) The lack of detailed plans within the development area does not demonstrate that waste and service vehicles have adequate turning facilities which could lead to vehicles reversing back onto the classified Stowell Hill

Road to detriment of highway safety and contrary to policy D1 and T12 of the adopted South Gloucestershire Local Plan.

3) *The lack of detailed plans within the development area fails to show how car parking can be accommodated within the development contrary to the SPG on residential parking adopted for Development Control purposes and policy T12 of the adopted South Gloucestershire Local Plan.*

4) *The development, as proposed, would lead to an adverse impact on existing levels of residential amenity caused by overlooking of the garden of Ridgcroft by the proposed dwelling on plot 5, as well as the residential amenity of future occupiers of the dwellings proposed on plots 2 and 3 by virtue of inter-visibility between habitable rooms, the garden of plot 6 from the dwelling on plot 5 and the overbearing impact of that dwelling on the house proposed for plot 4. This is contrary to policy H2 of the adopted South Gloucestershire Local Plan.*

5) *The application site lies within the Tytherington Conservation Area, the character or appearance of which it is desirable to preserve or enhance, and to the north of the Grade II listed Old Manor House, the setting of which it is desirable to preserve. The proposed development would fail to have proper regard to the distinctive character and appearance of the Conservation Area and the setting of the listed building, contrary to Policies L12 and L13 of the Adopted South Gloucestershire Local Plan, national guidance contained in the National Planning Policy Framework.*

6) *In the absence of the appropriate ecological surveys of the site, it has not been demonstrated that the proposal would not have an adverse impact upon protected species and/ or their habitat, contrary to policy L9 of the adopted South Gloucestershire Local Plan and the provisions of the NPPF.*

7) *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the landscape setting of the site, contrary to policies D1 and L1 of the adopted South Gloucestershire Local Plan.*

8) *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the archaeological resource contrary to policy L11 of the adopted South Gloucestershire Local Plan and the provisions of the NPPF.*

9) *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the trees on and around the site, with particular regard to those that are protected by TPOs, contrary to policies D1 and L1 of the adopted South Gloucestershire Local Plan.*

10) *In the absence of a s106 legal agreement to secure affordable housing of an appropriate size, tenure and the design of the scheme precluding the transfer of properties to a Registered Provider, the proposed development is*

contrary to policies H6 and D1 of the adopted South Gloucestershire Local Plan.

A subsequent Appeal Ref: APP/P0119/A/13/2206578 was dismissed 2 June 2014.

- 3.10 PT13/3637/F - Erection of 4no. detached dwellings with new access and associated works. (Resubmission of PT13/2787/F).
Refused 25 Nov 2013 for the following reasons:

1) *The proposed access by virtue of inadequate details relating to the form, type and geometry of the proposed access and how this relates to the existing traffic calming on Stowell Hill Road does not demonstrate that a safe access onto a classified highway can be created this is detrimental to highway safety and contrary to policy D1 and T12 of the adopted South Gloucestershire Local Plan.*

2) *The lack of detailed plans within the development area does not demonstrate how waste collection may be facilitated from Stowell Hill Road in such a manner so as not to detriment the safe passage and use of the highway, contrary to highway safety and policy D1 and T12 of the adopted South Gloucestershire Local Plan.*

3) *The lack of detailed plans within the development area fails to show how car parking can be accommodated within the development contrary to the SPG on residential parking adopted for Development Control purposes and policy T12 of the adopted South Gloucestershire Local Plan.*

4) *The application site lies within the Tytherington Conservation Area, the character or appearance of which it is desirable to preserve or enhance, and to the north of the Grade II listed Old Manor House, the setting of which it is desirable to preserve. The proposed development would fail to have proper regard to the distinctive character and appearance of the Conservation Area and the setting of the listed building, contrary to Policies L12 and L13 of the Adopted South Gloucestershire Local Plan, national guidance contained in the National Planning Policy Framework.*

5) *In the absence of the appropriate ecological surveys of the site, it has not been demonstrated that the proposal would not have an adverse impact upon protected species and/ or their habitat, contrary to policy L9 of the adopted South Gloucestershire Local Plan and the provisions of the NPPF.*

6) *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the landscape setting of the site, contrary to policies D1 and L1 of the adopted South Gloucestershire Local Plan.*

7) *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the archaeological resource contrary to policy L11 of the adopted South Gloucestershire Local Plan and the provisions of the NPPF.*

8) *The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the trees on and around the site, with particular regard to those that are protected by TPOs, contrary to policies D1 and L1 of the adopted South Gloucestershire Local Plan.*

9) *The proposal exceeds the rural affordable housing site threshold of 0.2 hectares and therefore there would be a requirement to provide one affordable dwelling on site. The applicant has offered to provide a financial contribution towards an affordable dwelling but this approach is not supported. In the absence of affordable housing secured through a Section 106 Agreement on this site, the proposal is contrary to Policy H6 of the adopted South Gloucestershire Local Plan, Policy CS18 of the Core Strategy and the Affordable Housing Supplementary Planning Document.*

A subsequent Appeal Ref: APP/P0119/A/14/2211554 was dismissed 2 June 2014.

4. CONSULTATION RESPONSES

4.1 Tytherington Parish Council

Although there has been a number of objections Council were surprised that the applicant had been asked for an archaeological survey as apart from the Solar Farm they were unaware of any other developer being asked for such a survey. It was felt that without affecting the outlook it was a site that should be developed. However the current plans had insufficient detail on house design for them to comment in detail and the road access seems inadequate for service and other vehicles.

4.2 Other Consultees (including internal Consultees of the Council).

Transportation Development Control

No objection subject to a condition to secure the access, parking and turning facilities prior to first occupation.

Conservation Officer

The reduction in the size of the application site and the retention of the Leylandii is an attempt at overcoming the previous refusal reasons relating to the detrimental impact on the setting of the Listed Building and the character of the Tytherington Conservation Area. Whilst the retention of this overgrown hedge may screen the proposed development and provide a degree of mitigation for the setting of the Listed Building, there are no guarantees of its future retention and thus the design of the proposal remains a significant consideration in the determination of the application. Despite the consistent advice offered in respect of the sensitive development of the site as a whole, the design and layout of the proposed scheme fails to achieve the highest possible standards of design and site planning as expected under policy CS1 and still does not demonstrate proper regard to the distinctive character and appearance of the Conservation Area as required under policy L12.

Landscape Officer

Insufficient information has been supplied to determine the application. It is considered that the appropriate development of the site could contribute to the character of the area and be in keeping with the Conservation Area. The Leylandii should be removed, in order for the development to be in accordance with Policy L1, and the whole site should be developed as a whole rather than what appears to be a piecemeal approach.

Tree Officer

There are several established trees that could be affected by the development if not afforded suitable protection. In order to consider this application, an arboricultural report to include an arboricultural implications assessment and arboricultural method statement and tree protection plan should be submitted.

Archaeology Officer

The applicant has still failed to demonstrate the archaeological significance of the Project Site in accordance with NPPF and the Local Plan: Core Strategy. Therefore the requirements for a predetermination archaeological assessment comprising trial trenching, in accordance with a brief provided by the council, still stand. This should be supported by a desk-based assessment.

To achieve this, the applicant should appoint a professional archaeological unit to undertake field evaluation (incorporating a desk-based assessment) of the site in line with established professional standards and guidance (e.g. the IFA). That organisation should submit to the council a Written Scheme of Investigation (WSI) for comment and approval prior to any archaeological works taking place.

Highway Drainage

No objection subject to a condition to secure a SUDS drainage Scheme.

Highway Structures

No comment

Environmental Protection

No objection. Standard informatives relating to construction sites should apply.

Ecology

There is insufficient information to determine the application. The application needs to demonstrate that development would not result in the loss of an area of species-rich grassland (by extended Phase 1 habitat survey); or adversely affect bats, ahead of it being determined.

Housing Enabling

The land the subject of this planning application forms part of a wider package of land, some of which is within the applicant's ownership and some of which is

in the process of being transferred. Where subdivision of land has taken place or where it is proposed to sub-divide sites, Policy CS18 of the Core Strategy allows the Council to take the whole site for the purpose of determining whether the scheme falls above or below the site threshold for the provision of affordable housing.

Taking the site as a whole, the proposal exceeds the rural affordable housing site threshold of 0.2 hectares and therefore there would be a requirement to provide 0.7 affordable housing on site, which must comply with the affordable housing requirements or alternatively, a financial contribution towards an equivalent off-site affordable housing provision

Other Representations

4.3 Local Residents

4no. local residents objected to the proposal. The concerns raised are summarised as follows:

- Insufficient details on the plans.
- Inaccurate plans.
- Proposed screening hedge to 'Ridgecroft' is out of keeping with field and post and rail fence.
- A water pipe runs under Stowell Hill Road and under proposed roadway and house no.1 – no re-routing proposed.
- Loss of outlook for no.2 New Road.
- Loss of privacy due to overlooking of no.2 New Road.
- Solar Panels would cause glare to no.2 New Road.
- Solar Panels would detract from the visual amenity of the Conservation Area.
- No turning facility for service vehicles.
- Lane too narrow for traffic.
- Poor drainage in lane.
- Insufficient room to put bins out at corner of New Road.
- Impact on wildlife.
- No legal right to access paddock.
- House designs not in-keeping.
- Intensification of traffic using lane.
- Adverse impact on Chestnut Trees.
- Light Pollution.
- Will lead to further development.
- PVC windows not in-keeping with Conservation Area.

1no. letter was received from Mrs. Liza Riggway who did not specifically object but raised the following:

- Nos. 1, 2 and 3 already have access via the lane so there would in fact be five houses with the two new dwellings.
- There would be disruption during the development phase, in particular from contractors lorries'.

There were 5no. responses in favour of the proposal. The comments made are summarised as follows:

- The leylandii trees are an eyesore and should be removed.
- There is a need for affordable housing.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The site lies within the Established Settlement Boundary, within which there is generally no in-principle objection to residential development. Two previous applications for housing developments on the wider site to which this application relates were refused for the reasons listed (see paras. 3.9 & 3.10 above) and subsequent appeals to both were dismissed. The appeal decision letter is a material considerations of significant weight in the determination of this current application.

5.2 The NPPF has superseded various PPS's and PPG's, not least PPS3 – Housing. The NPPF carries a general presumption in favour of sustainable development. Para.2 of the NPPF makes it clear that applications for planning permission must be determined in accordance with the Development Plan and this includes the Local Plan. Para 12 states that the NPPF does not change the statutory status of the Development Plan as the starting point for decision-making. Proposed development that conflicts with an up-to-date Development Plan should be refused unless material considerations indicate otherwise. At para. 211 the NPPF states that for the purposes of decision-taking, the policies in the Local Plan should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF.

5.3 The South Gloucestershire Local Plan Core Strategy has now been adopted (Dec 2013) so the policies therein also form part of the Development Plan. Policy CS4 replicates the NPPF in enforcing the presumption in favour of sustainable development. In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible.

5.4 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.

5.5 In this case the relevant Local Plan is The South Gloucestershire Local Plan, which was adopted Jan 6th 2006. The Council considers that the saved Local Plan policies referred to in this report provide a robust and adequately up to date basis for the determination of the application. The Policies Sites and Places Development Plan Document is only a draft plan in its infancy and as such the policies therein carry little weight at this stage.

5.6 Officers consider that the main issues to consider in the determination of this application are much the same as those previously identified for the earlier applications and confirmed by the Inspector for the subsequent appeals, these being:

- Whether the proposal would preserve or enhance the character or appearance of the Tytherington Conservation Area.
- Whether the proposal would preserve the setting of the Old Manor House, a Grade II Listed Building.
- The effect of the proposal on the landscape character of the area.
- The effect of the proposal on nearby trees protected by Tree Preservation Orders.
- The effects of the proposal on ecology.
- The effects of the proposal on archaeology.
- The effects of the proposal on highway safety and parking.
- The effect of the proposal on the living conditions of the occupiers of existing residential property and those of the future occupiers of the proposal.
- The provision of affordable housing.

5.7 Conservation and Design Issues

This application follows the refusal and subsequent dismissal of the appeal for two schemes of housing on the wider plot of land, all of which lies within the Tytherington Conservation Area. The land was included in the Tytherington Conservation Area when it was designated on 30th July 1975 and as such saved Policy L12 of the adopted Local Plan applies, as do policies CS1 and CS9 of the Core Strategy (adopted December 2013). In addition, the Old Manor House to the west of the application site was listed at Grade II on 20th August 2013 and Policy L13 of the adopted Local Plan will also apply to any proposals that affect the setting of this designated heritage asset.

5.8 Policy L12 of the adopted Local Plan requires development 'within or affecting a Conservation Area' to demonstrate that:

- A. *Size, form, position, scale, materials, design, colour and detailing have proper regard to the distinctive character and appearance of the Conservation Area; and*
- B. *Buildings, groups of buildings, historic street and plot patterns, open spaces, building lines, views, vistas, ground surfaces, boundary walls and other architectural or hard landscaped features which contribute to the character or appearance of the Conservation Area are retained; and*
- C. *Existing trees, hedges and green spaces, or other natural features, which contribute to the character or appearance of the Conservation Area will be retained and protected.*

Development will only be permitted by Policy L12 where it would preserve or enhance the character or appearance of the Conservation Area, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Policy L13 of the adopted Local Plan states that development affecting the setting of a Listed Building will not be permitted unless 'the building and its setting would be preserved' in accordance with Section 66(1) of the aforementioned Act.

Of particular relevance to the application, Policies CS1 and CS9 of the Adopted Core Strategy state:

CS1

Development will only be permitted where the highest possible standards of design and site planning are achieved. Information submitted with an application should be proportionate to the scale, significance and impact of the proposal.

Development proposals will be required to demonstrate that:

1. Siting, form, scale, height, massing, detailing, colour and materials, are informed by, respect and enhance the character, distinctiveness and amenity of both the site and its context;...

CS9

The natural and historic environment is a finite and irreplaceable resource. In order to protect and manage South Gloucestershire's environment and its resources in a sustainable way, new development will be expected to:

- 1. ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance;*
- 2. conserve and enhance the natural environment, avoiding or minimising impacts on biodiversity and geodiversity;*
- 3. conserve and enhance the character, quality, distinctiveness and amenity of the landscape;*

- 5.9 The character of this part of the Conservation Area, is distinctly one of open spaces, with buildings taking second place to gardens, informal greens and fields. The playing field adjacent to the public house, the small green in front of the cottages, the church graveyard, the green and gardens in front of the property known as 'Quoins' all contribute to a sense of space and rural informality in this part of the Conservation Area. Except for the three, prominent, modern buildings on the corner of New Road, development in this area tends to be dispersed, with modest cottages nestling behind established gardens and set back generously from the road edge. Despite it now being screened by the monumental Leylandii hedge, it is reasonable to suggest that the field that is in part, the subject of this application, was considered to reinforce this sense of openness and rural character that is prevalent in this part of Tytherington, hence its inclusion in the original designation. The character of the village changes considerably south of the public house, where the grain becomes tighter and buildings become more prominent and create a sense of enclosure to the streets.

This assessment is reinforced by the Planning Inspectors decision notice for the recent two appeals, where he states:

As I saw on my site visit, the part of the CA in which the appeal sites are situated is characterised by a dispersed settlement pattern compared to the more built up areas in the southern half of the CA. There is a sense of space and rural informality. Dwellings, in the main, are set back from roads within spacious plots and there are informal open areas. At present, the appeal sites contribute towards the character of the CA. They are open in that they are free of development, albeit that they are hidden from public view by the Leylandii hedge. Throughout the CA, there are a variety of building designs which, in my view, also make an important contribution to its character and appearance.

- 5.10 The present scheme further reduces the number of units to two on a smaller site and leaves a larger area of land undeveloped and hidden behind the overgrown Leylandii 'hedge'. The presence of the Leylandii does afford screening of the development from the setting of the listed Old Manor House, but there remains confusion as to its contribution to the character and appearance of the Conservation Area, and the setting of the Listed Building. The applicant has stated in the supporting Design and Access Statement that it is now agreed and accepted that "The Leylandii trees along Stowell Hill road cannot be removed since that would adversely affect the setting of the Old Manor House".

Officers however disagree. This line of trees was not considered sacrosanct in the recent applications either by the Council or by the Planning Inspector. In fact, it was previously commented that:

"the removal of the remaining Leylandii trees is supported in principle, provided the scheme of development that replaces it preserves or enhances the character or appearance of the Conservation Area as required under Policy L12 and preserves the setting of the Listed Building in accordance with Policy L13."

This was supported by the Planning Inspectors decision where he states:

"In my opinion, the removal of all or some of the Leylandii fronting the field and, in principle, the development of all or part of the field for residential purposes would not necessarily fail to preserve the setting of the Listed Building. To my mind, what is important is that new development on the field should respect the rural character of the setting of the Listed Building."

- 5.11 Officers have consistently identified the opportunity for a well designed scheme of dwellings on this field that included the removal of the Leylandii and introduction of new landscaping with native trees. A layout and quantum of development that respected the rural character of the locality and sense of openness along the road frontage could then be achieved. As there is nothing to stop this hedge being removed in the future, subject to the appropriate notification to the Council prior to the works taking place, the following comments are based solely on the design and layout of the development.

Firstly, the removal of the previously proposed two properties close to the southern boundary of the site removes the immediate harm to the setting of the Listed Building and, notwithstanding the Leylandii, retains the openness of this part of the field.

However, the layout and alignment of the two proposed buildings, including the garages, appears cramped and still distinctly suburban in character, which is out of keeping with the settlement pattern in this area. The garages and parking areas are positioned immediately in front of the buildings, giving them undue prominence in the plots, and completely obscuring the ground floor windows serving the downstairs bathrooms. The design and form of the dwellings is also typical of the 20th century housing found elsewhere in the village, and there is little in the application which demonstrates how the scheme will promote or reinforce local distinctiveness in accordance with Local Plan policy and paragraph 60 of the NPPF.

- 5.12 In the appeal decisions, the Inspector commented on the importance of design and found that the previous dwelling design would be “alien to the traditional vernacular character and appearance of those within the CA and would appear as incongruous features”. The stretched and compressed elevations of the earlier scheme have been removed under this proposal and the design is a simpler rectangular box with overhanging eaves, hipped roof and casement windows. The applicant suggests that the design is very similar in form, scale, massing, detailing, colour and materials to those already approved and built on the adjoining land, yet the most recent developments to the east of the site have traditional gables as opposed to hipped roofs, are better proportioned and have attempted to reinforce some of the traditional detailing found locally. As presented, the proposed dwellings would remain an incongruous addition to the locality. Whilst the applicant comments on the perceived ‘prescriptive approach in passing judgement on the architecture of previous proposals’, the NPPF makes it clear that it is proper to seek to promote or reinforce local distinctiveness (para.60) and that decisions should aim to ensure that developments ‘respond to local character and history, and reflect the identity of local surroundings and materials’ and ‘are visually attractive as a result of good architecture and appropriate planning’ (para 58).
- 5.13 Furthermore, the relationship of the plots with the rest of the field is poorly defined and there is the inherent potential risk of further piecemeal development in the future that will eventually lead to an incongruous and disjointed development of the site as a whole. Officers would reiterate the advice above that sensitive development of the field, having special regard to the setting of the Listed Building and the character and appearance of the Conservation Area could be achieved with a well designed scheme. Incremental development of small portions of the field would make it difficult to achieve the standard of design and high quality place making expected under section 7 of the NPPF.
- 5.14 Having regard to all of the above, officers must conclude that, the design and layout of the proposed scheme fails to achieve the highest possible standards of design and site planning as expected under policy CS1 and still does not

demonstrate proper regard to the distinctive character and appearance of the Conservation Area as required under policy L12.

5.15 Landscape and Tree Issues

The site layout plan submitted in support of this application is at a scale of 1:500 and its accuracy has been challenged. The plan shows insufficient detail to determine the application. The site plan needs to be at a scale that can clearly show details of hard surfaced areas, including proposed materials. The submitted layout shows the access road and car parking but shows no details of materials, or delineations for pedestrian access or footpaths to the front doors. The parking areas appear to be large expanses of hard surface with no vegetation to soften, or help to delineate different ownerships. The turning area on the amended plan looks contrived and does not integrate well with the rest of the site.

5.16 The site contains 5 trees which are covered by TPO's. The Horse Chestnut trees to the south of the development could be affected by the construction of the access road and turning area. Furthermore the submitted plans suggest that the houses, being located to the north of the Chestnut Trees, would suffer from an unacceptable level of shading from the trees leading to pressure for trees to be trimmed or even removed. The Tree Officer has stated that a full tree survey needs to be undertaken to accurately locate the trees and determine the root protection zones, this should be carried out in accordance with BS5837: Trees in Relation to Design, Demolition and Construction. In addition to the arboricultural survey an arboricultural method statement describing how the trees will be protected during the construction phase needs to be submitted but as with the previous proposals, the applicant has declined to submit either, suggesting that the Council's concerns could be overcome through the imposition of appropriately worded conditions.

5.17 At para. 20 of the appeal decision letter, the Inspector gave the following response to this issue:

"I have given careful thought to this. However, it seems to me that with both schemes, the lack of information is such that the appellant has not been able to demonstrate, in principle, that the schemes would not have an adverse impact on the landscape character of the area. Against this background, I am not satisfied that conditions requiring further details would be appropriate. Accordingly, I must exercise the precautionary approach and conclude that the proposals are unacceptable in this regard. This would be contrary to Policies CS1 and CS9 of the Core Strategy and Policy L1 of the Local Plan which seek to prevent such harm."

The Inspector also made a similar comment in response to the lack of information regarding the effect of the proposals on the existing trees (see Decision Letter para. 23)

- 5.18 The Landscape Officer concurs with the comments made by the Conservation Officer that the development should respect the character of the Conservation Area; which is distinctly one of open spaces with buildings taking second place to gardens.
- 5.19 The current application does not propose to remove the Leylandii which run along the south-western boundary of the site. The Leylandii (which can grow to over 40m) are visually detrimental to the character of the area and in order to enhance the site, in accordance with Policy L1, any development should, subject to an appropriate house design, include the removal of the Leylandii. Developing the site without removing the Leylandii would result in dwellings with poor outlook and would be contrary to Policy CS1 which states that "Development will only be permitted where the highest possible standards of design and site planning are achieved".
- 5.20 It is proposed to use 1.8m high fencing to divide the plots. This type of fencing may be acceptable for dividing the back gardens however they should not extend to the front of the plot as shown on the western boundary of Plot 2. The proposed dwellings are located in the eastern corner of the plot, with the rest of the plot left undeveloped. This is not resulting in the best use of the plot or a high quality of site layout. There is a concern that in the event of permission being granted there would be subsequent applications for further dwellings on the site.
- 5.21 The proposal is, for the reasons outlined above therefore contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 and Policies CS1 and CS9 of The Core Strategy.
- 5.22 Ecology
The application site forms part of an agricultural field (pasture) associated with an existing detached property off New Road in the village of Tytherington. The site is not covered by any statutory or non-statutory nature conservation designations.
- 5.23 Phase 1 habitat information indicates that the field comprises semi-improved grassland. Whilst not indicating whether this is species-rich or species-poor, unimproved or species-rich semi-improved grassland are habitats listed on the South Gloucestershire Biodiversity Action Plan and protected under Policy L9. They are types of habitat for which the Council has undertaken to take specific measures to conserve and accordingly the application needs to include supporting ecological information to ascertain the status of the grassland.
- 5.24 Rough grassland, scrub and hedges provide suitable habitat for a variety of wildlife such as hedgehog and slowworm. Slowworms are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000. They are also listed on the South Gloucestershire Biodiversity Action Plan as a species for which the Council will require specific measures to conserve and enhance populations. Additionally, hedgehogs are a Priority Species nationally and included on both the UK and South Gloucestershire Biodiversity Action Plans. The application therefore needs to include a survey for the two species; and, if either is present, a mitigation strategy to avoid killing or injuring animals.

- 5.25 There are several mature/semi-mature trees (beech and chestnut) adjacent to the application site and within the same field and some species of bats characteristically use trees as roosts. All bats are protected under the Wildlife & Countryside Act 1981 (as amended) and CROW Act 2000; and by the EC Habitats Directive 1992, implemented in Britain by the Habitat Regulations 2010. Additionally, some species are listed as being of principal importance for biological diversity in Britain under Section 41 of the NERC Act 2006; and on the UK and South Gloucestershire Biodiversity Action Plans.
- 5.26 As European protected species, the application needs to include an inspection of the trees for features suitable for use as roosts by bats and a dusk emergence/dawn re-entry survey if appropriate; as well as a survey of foraging and commuting activity.
- 5.27 The ecological appraisal should also include a survey for badgers and include details of any work subject to the licensing provisions of the Protection of Badgers Act 1992.
- 5.28 As with the previous schemes, the application does not include any supporting ecological information or even a survey of the trees to see if they are being used for bat roosts. Despite requests to provide this information the applicant has steadfastly refused to do so, again suggesting that these matters should be dealt with by condition.
- 5.29 At para. 26 of his Decision Letter for the previous appeals, the Inspector had the following to say:
- “The appellant has suggested that concerns over ecology at other sites have been dealt with by way of condition but I have not been supplied with detailed information about these sites. Having regard to the particular circumstances pertaining to the appeal sites, including the possible presence of protected species, and to the relevant caselaw, I do not consider that concerns over the effects of the proposals on ecology could be overcome by the imposition of planning conditions.”*
- 5.30 There is therefore insufficient information to determine the application. The application needs to demonstrate that development would not result in the loss of an area of species-rich grassland (by extended Phase 1 habitat survey); or adversely affect bats ahead of it being determined. In this respect the proposal is contrary to Policy CS9 of the Core Strategy and Policy L9 of the Local Plan.
- 5.31 Archaeology
The current application follows on from previous applications at the Project Site which were rejected and subsequently dismissed at appeal. The current proposal has reduced the number of proposed dwellings to two with garages and associated works.
- 5.32 Whilst this is a reduction, the site is still located within an area of considerable archaeological potential. It is close to an Iron Age Hillfort and remains of Iron Age settlement/landscape use may be present. It is also within an area of

considerable Medieval activity - it is located within the extents of the Medieval settlement of Tytherington (which includes burials of the Saxon period) and directly adjacent to rabbit warrens which are likely to be remnants of a manorial estate. Other Medieval features exist within the surrounding landscape and archaeological deposits relating to this may also be present. Further to this, in the recent appeal decision, the planning inspector highlighted the archaeological potential of the site and cited insufficient information about this archaeology as a reason for refusal.

5.33 Officers note in the application that the developer refers to PPG16 and PPS5. These have been replaced by the NPPF and are no longer a consideration in decision making. In accordance with the NPPF and the Core Strategy, the applicant is required to determine the significance of the heritage assets to be affected. This includes sites which have the potential to include heritage assets with archaeological interest. The applicant has still failed to demonstrate the archaeological significance of the Project Site in accordance with the NPPF and the Local Plan: Core Strategy. Therefore the requirements for a predetermination archaeological assessment comprising trial trenching, in accordance with a brief provided by the council, still stand. This should be supported by a desk-based assessment. To achieve this, the applicant should appoint a professional archaeological unit to undertake field evaluation (incorporating a desk-based assessment) of the site in line with established professional standards and guidance (e.g. the IFA). That organisation would submit to the council a Written Scheme of Investigation (WSI) for comment and approval **prior** to any archaeological works taking place.

5.34 Given the lack of information highlighted above, the proposal is contrary to Policy CS9 of the Core Strategy and Policy L11 of the Local Plan.

5.35 Transportation Issues

The proposal for 2no. dwellings, is considered to be in transportation terms, a small scale development within the settlement boundary of Tytherington. The site is within a short walking distance of local facilities in Tytherington and a bus service to Thornbury, in this respect therefore the site is in a sustainable location.

5.36 Access to the proposal would be via an existing private driveway which currently serves 5 dwellings. The access is of a suitable width having regard to the small number of dwellings proposed. Adequate visibility splays exist where the access meets New Road. The proposed car parking provision would be in excess of that required by the recently adopted South Gloucestershire Council Residential Parking Standards SPD, which are minimum standards. The proposed garages are of a suitable size to accommodate cycle parking as well as a car.

5.37 In response to resident concerns the applicant has submitted a revised plan showing a turning head within the site. The swept path analysis shows that a large vehicle could enter the site and leave in forward gear. Despite this, it is likely that refuse would be collected from New Road as currently happens and officers consider that there is space for the refuse from two additional dwellings to be accommodated here.

5.38 Subject therefore to a condition to secure the parking, access and turning facilities prior to the first occupation of the dwellings proposed, there are no highway objections to the proposal.

5.39 Impact on Residential Amenity

In terms of the living conditions for future occupiers; adequate amounts of private amenity space would be provided to the rear of the proposed houses, each of which, are capable of family occupation. However, given the proximity and orientation of the proposed buildings to each other there would be the potential for inter-visibility between windows at ground floor level, there being only c2.1m between the ground floor bathroom window of House 2 and the kitchen window of House 1. Furthermore, the lounge window to House 2 looks directly into the garden of House 1 resulting in a further loss of privacy for respective occupiers. Given the secondary nature of these windows it may be possible to overcome these concerns by way of a condition requiring the windows to be fixed and obscurely glazed, but this is not an ideal situation.

5.40 In order to fit these large houses onto the small plots, they appear shoehorned into the site. As such the ground-floor side windows of House no.1 would be hard against the boundary fence, providing a stark and oppressive outlook for future occupiers. Similarly, the garages for each dwelling would be located hard against the front bathroom windows of the respective houses. With the arrangement described, the bathroom of house no.1 would receive hardly any natural light at all and that of house no.2 very little. This would provide poor living conditions for future occupiers and is therefore contrary to one of the core planning principles listed in the NPPF (para.17), which officers consider to be grounds for a further refusal reason.

5.41 Previous concerns about loss of privacy due to overlooking of 'Ridgecroft' (see appeal decision para. 41) have been adequately addressed by setting the respective houses further back into the site and eliminating the previously proposed balcony. Otherwise the proposed boundary treatments would prevent any loss of privacy at ground floor level.

5.42 Concerns have been raised about overlooking of no. 2 New Road from Plot 1 but any views from the front windows of this property would be from an adequate distance i.e. 30m to the garden and c45m to the rear elevation of no.2). Officers consider that some overlooking of neighbouring property in a residential district is only to be expected, provided it is from a reasonable distance.

5.43 In terms of overbearing impact, officers are satisfied that the proposed dwellings, although in close proximity to each other would not be so overbearing as to warrant refusal on this issue. House no.1 however is hard on the boundary to the east but there appears to be an adequate buffer zone between the gardens of 'Neathwood'/no.4 New Road and the side elevation of House no.1. There are no windows proposed at first floor level for the side elevations of either of the two proposed dwellings and this could be secured by condition.

- 5.44 Concerns have been raised about loss of outlook for the occupiers of no.2 New Road but there is no right to a view across land in private ownership. Furthermore the views from the rear of no.2 would be in part across the existing garage block and would in part be baffled by existing vegetation. Given the existing backdrop of residential dwellings to the north, officers do not consider that the outlook for occupiers of no.2 New Road would be significantly compromised by the proposal.
- 5.45 As regards potential glare from the proposed solar panels, officers are not aware that such concerns have ever been justified for either existing or proposed dwellings. Furthermore, given the distance between the respective properties, this is not considered to be justification to refuse the scheme. There are countless examples of solar roof panels in residential locations.
- 5.46 Whilst there would inevitably be some disturbance for local residents during the development phase, this would be temporary and the hours of working could be adequately controlled by condition. Blocking of the road by contractors vehicles would be a matter for the police to resolve. The amount of light pollution from two new dwellings within the settlement boundary would not in officer view be significant.
- 5.47 On balance therefore, whilst some of the previous concerns have been addressed in this proposal there still remain concerns about certain aspects of the design with regards the living conditions for future occupiers, which would be contrary to the requirements of the NPPF.
- 5.48 Affordable Housing
- This application follows two recently refused planning applications both of which were dismissed at appeal i.e PT13/2787/F & PT13/3637/F.
- 5.49 The site area of this current application has been reduced in size again from the previous two applications to that of 0.09 hectares i.e. below the 0.2ha threshold for affordable housing in rural areas. The accompanying site location plan however confirms that adjoining land is within the applicant's ownership. The applicant has also confirmed that other land that adjoins the site has been transferred to family members but the transfer has not yet been registered.

The Council is of the view that recent activities regarding this land amount to site subdivision which is covered by the adopted Affordable Housing SPD and Policy CS18 of the Core Strategy should this other land be developed in the future:

Subdivision of Sites

Policy CS18 of the Core Strategy states at para. 10.37:

"Similarly, where it is proposed to phase development, sub-divide sites or where recent subdivision has taken place, or where there is a reasonable prospect of adjoining land being developed for residential purposes in tandem, the Council will take the whole site for the purpose of determining whether the scheme falls above or below the site thresholds for the provision of affordable housing."

- 5.50 The land the subject of this current planning application forms part of a wider package of land, some of which is within the applicant's ownership and some which is in the process of being transferred. Where sub-division of land has taken place or where it is proposed to sub-divide sites Policy CS18 of the Core Strategy allows the Council to take the whole site for the purpose of determining whether the scheme falls above or below the site threshold for the provision of affordable housing. Taking the site as a whole the proposal exceeds the rural affordable housing site threshold of 0.2 hectares and therefore there would be a requirement to provide 35% affordable housing if this land is developed in the future. In the event of this current application being approved a suitable condition would need to be imposed to secure this.
- 5.51 On this basis officers consider that it would be unreasonable to refuse the current application on the grounds of the lack of an affordable housing contribution.
- 5.52 Education Service
The development comprises 2no. new dwellings only and this is below the threshold (5) for contributions towards Education.
- 5.53 Community Services
The proposal is for 2no. new dwellings only, which is below the Council's threshold (10) for contributions to Community Services.
- 5.54 Community Infrastructure Levy (CIL)
Developer's should be aware that the Council is likely to introduce CIL in April 2015.
- 5.55 Other Issues
The consultation process has raised a number of other points which have not been addressed above. Other issues raised include the concern that the boundary treatment to Ridgcroft is not a post and rail fence, this could be a breach of condition relating to that property. In this regard, the condition only applies to that site as approved and not other sites. Rights of access are legal matters to be resolved by the respective parties and are not resolved by the Planning Act. The re-routing of any water pipes would be a matter for Wessex Water.

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

7. **RECOMMENDATION**

7.1 That planning permission be REFUSED for the reasons listed below.

Contact Officer: Roger Hemming
Tel. No. 01454 863537

1. The application site lies within the Tytherington Conservation Area, the character or appearance of which it is desirable to preserve or enhance. The proposed development would fail to have proper regard to the distinctive character and appearance of the Conservation Area, contrary to Policy CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L12 and of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006, national guidance contained in the National Planning Policy Framework and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
2. In the absence of the appropriate ecological surveys of the site, it has not been demonstrated that the proposal would not have an adverse impact upon protected species and/ or their habitat, contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L9 and of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.
3. The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the landscape setting of the site, contrary to Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.
4. The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the archaeological resource contrary to Policy CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L11 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and the provisions of the NPPF.
5. The level of detail in support of this application is insufficient to demonstrate that the proposal would not have an adverse impact on the trees on and around the site, with particular regard to those that are protected by TPOs, contrary to Policies CS1 and CS9 of The South Gloucestershire Local Plan Core Strategy (Adopted) 11th Dec. 2013 and Policy L1 of the South Gloucestershire Local Plan (Adopted) 6th Jan. 2006 and 'Trees on Development Sites' SPG Adopted Nov. 2005.
6. The development as proposed would, by reason of the proximity to windows of the proposed garages and boundary fence, lead to poor living conditions for future occupiers to the detriment of residential amenity, which would be contrary to one of the core planning principles listed at paragraph 17 of the NPPF.

ITEM 8

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.: PT14/3044/F
Site: 13 Woodlands Road Charfield Wotton
Under Edge South Gloucestershire
GL12 8LT

Applicant: Mr Ashpole
Date Reg: 18th September
2014

Proposal: Change of use of amenity verge to
residential curtilage and erection of
2.1m maximum high boundary wall.

Parish: Charfield Parish
Council

Map Ref: 372602 191830

Ward: Charfield
Target 3rd November

Application Minor

Date: 2014

Category:



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100023410, 2008. N.T.S. PT14/3044/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule owing to comments made by a local resident.

1. THE PROPOSAL

- 1.1 The application seeks permission for the change of use of an amenity verge to form residential curtilage and the erection of a maximum 2.1 metre high boundary wall.
- 1.2 The application relates to a detached dwelling situated on the south side of the junction of Woodlands Road from Little Stoke Lane. The grass verge area subject to this application is situated between the existing boundary wall and the Woodlands Road. Its width varies from 1.8 metres at the narrowest point to 3.6 metres at the widest point.
- 1.3 The application is a re-submission of a previous application ref. PT14/1178/F, which was withdrawn owing to concerns relating to visual amenity.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Practice Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS34 Rural Areas

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

L5 Open Areas within the Defined Settlement Boundaries
H4 Development within Existing Residential Curtilages
T12 Transportation Development Control Policy

2.3 Supplementary Planning Guidance

Design Checklist SPD (Adopted) 2007
Residential Parking Standards SPD (Adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PT14/1178/F - Change of use of amenity verge to residential curtilage and the erection of 2.1m maximum high boundary wall. Withdrawn 19th May 2014
- 3.2 PT04/2723/F - Erection of single storey front extension to form hall and study. Approved 9th September 2004

- 3.3 PT04/0158/F - Erection of two metre high boundary fence. Refused 10th February 2004
- 3.4 P88/1680 - Erection of 182 houses and garages. Construction of estate roads and accessways; provision of open space and landscaping on approximately 8 hectares (20 acres) (in accordance with the revised layout plan received by the council on 17TH june 1988). Approved 16th February 1989
- Cond.05:...*no gates, fences, walls or other means of enclosure...shall be constructed or erected without the prior permission, in writing, of the Council.*

4. CONSULTATION RESPONSES

- 4.1 Charfield Parish Council
No comments received
- 4.2 Transportation DC
No objection
- 4.3 Drainage Engineer
The proximity of a public foul and surface water sewer may affect the layout of the development. Refer the application to Wessex Water for determination.

Other Representations

- 4.4 Local Residents
One comment has been received from a local resident. The concerns are outlined as follows:
- Location of boundary between no.s 1 and 13.
 - Loss of light to no.1.
 - Request to show angle of wall from boundary line.
 - Require gated access to allow access to gable end for maintenance.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The application seeks permission for the change of use of an amenity verge to residential curtilage and the erection of a maximum 2.1 metres high boundary fence. The application stands to be assessed against policies CS1, CS5 and CS34 of the Core Strategy (Adopted 2013) and saved policy L5 of the SGLP (Adopted 2006). Saved policy L5 of the SGLP states that within the settlement boundaries development will not be permitted where it would adversely affect the contribution that an open area makes to the quality, character, amenity and distinctiveness of the locality. Other pertinent issues are the impact of the development on highway safety and on residential amenity.
- 5.2 Visual Amenity
The application relates to a grass verge area situated on the south side of Woodlands Road between the existing boundary treatment and the highway. The verge is adjacent to and clearly visible from the junction of Woodlands Road from Little Stoke Lane. As existing the verge has a varied width from 1.8

metres at the narrowest point to 3.6 metres at the widest point. Its position is clearly intended to contribute towards the visual amenity of the housing estate and is considered to make a positive contribution towards the character and distinctiveness of area which, although established residential in nature, retains a relatively open and suburban appearance. A similar verged area is also evident on the opposite side of Woodlands Road adjacent to the side of no.10. Boundary treatments are evident in the immediate street scene however a sense of openness either side of the highway is retained throughout.

- 5.3 The proposal is to change the use of the verge in order to extend the residential curtilage of no.13, which is a detached dwelling with its side elevation facing Woodlands Road. As existing a brick and reconstituted boundary wall is in place enclosing the rear garden of no.13. The proposal is erect a brick boundary wall with timber boarded inserts enclosing approximately half of the verge area. A grassed area would remain between the new boundary treatment and the highway with a varying width from 500mm at the narrowest point to two metres at the widest point. The wall generally follows the line of the existing (albeit set further out) with the exception of the far western part of the wall which angles back in towards the neighbour's property.
- 5.4 Within the previously withdrawn application the proposal was to erect a boundary wall directly adjacent to the highway enclosing and changing the use of the whole of the verge area. The applicant was advised that this proposal was not acceptable due to its impact on the visual amenity of the street scene. Following pre-application discussions the revised proposal is to only enclose part of the grass verge as described in the paragraph above. On consideration of the revised development Officers consider that although the partial loss of the verge is undesirable it is considered that the retention of the grassed verge area identified is adequate to ensure that the development would not be detrimental to the character or distinctiveness of the street scene, and would ensure that an are of open space remains in continues to contribute towards the character, quality, amenity and distinctiveness of the locality.
- 5.5 In terms of the boundary treatment proposed the proposal is to erect a maximum 2.1 metres brick wall with timber fence inserts and decorative curves above. The height reflects the existing boundary treatment and as such is considered acceptable. The existing boundary treatment is brick with reconstituted stone inserts and this is generally reflective of the materials found in the street scene. In walking around the estate there is evidence of some timber boarded fences however these are located in more inconspicuous locations than that proposed. On consideration of the materials proposed it is considered that use of brick to match the existing dwelling is appropriate and in keeping with the character and appearance of the street scene. The use of timber inserts is not a desirable feature however in the context of this locality it is considered on balance that this would not have a detrimental effect such that a refusal could be warranted under policy CS1. Therefore, provided the brickwork matches the dwelling the proposed development is considered acceptable in design terms.

- 5.6 In order to ensure that the leftover verge area is retained as open space and continues to contribute towards the character of the estate a condition will ensure that this area, which is hatched green on the proposed plan, is not subject to the change of use. A further condition will ensure that no additional gates, fences, wall or other means of enclosure are erected on this verge which is consistent with condition 5 attached to application ref. P88/1680.
- 5.7 Highway safety
The application proposes to change the use of the verge and erect a 2.1 metres boundary treatment closer to the public footpath and highway than the existing. The land subject to the change of use does not form part of the public highway and the wall is to be contained entirely within it. The boundary treatments will not impact on visibility at the junction and raises no other concerns in highway safety terms. There are therefore no objections on these grounds.
- 5.8 Residential Amenity
The proposed development would bring the boundary treatment out beyond the front elevation of no.1 Woodlands Road. The layout of the wall is such that the wall would angle back in towards the side elevation of no.1 at an angle. It is considered that this angle is sufficient to ensure that the outlook from the front of no.1 would not be significantly altered and would not appear overbearing or dominant to the detriment of the amenity of the occupiers. Although the neighbouring occupiers has raised concern over loss of light, Officers note that no.1 is situated to west of the application site and as such it is considered that the wall would not have a significant impact on light entering the front of no.1. It is considered that all other neighbours are situated an adequate distance from the proposed development to remain unprejudiced.
- 5.9 Public Sewer
It is noted that the proximity of a public foul and surface water sewer may affect the layout of the development. Refer the application to Wessex Water for determination. Note: Private sewers were transferred to the water and sewerage company (Wessex Water PLC) on 1 October 2011 and are now of public sewer status. Maintenance of these sewers are now the responsibility of Wessex Water and will therefore be subject to 'building over' or 'building in close proximity to' restrictions. The applicant or agent is recommended to discuss this matter with Wessex Water PLC
- 5.10 Other Matters
Additional matters have been raised during the consultation period which have not been addressed in the paragraphs above. In terms of land ownership it is noted that the Certificate A has been signed by the applicant implying that all land subject to the development is within the applicant's ownership and this is confirmed by further correspondence from the applicant. Although the neighbour's concerns are noted there is no evidence to suggest that the application form is incorrect and as such the application is determined accordingly. It should however be noted that matters relating to land ownership do not carry material weight in the determination of the application. This is instead a civil matter to be dealt with by relevant parties. Planning consent does not grant permission to carry out works on, or over, land not within the

ownership, or control, of the applicant and this information would be outlined on the decision notice. Similarly concern relating to access to the land and through the wall to undertake future maintenance is a matter to be dealt with between relevant parties involved. These issues do not stand in the way of granting planning permission.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

2. The bricks to be used externally in the wall hereby permitted shall match those used on the existing wall or on those used on 13 Woodlands Road in colour and texture.

Reason

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

3. Notwithstanding the plans submitted the area of land hatched green on the Proposed Plan - Drawing no. 03 received 8th September 2014 - shall not be granted a change of use to residential curtilage.

Reason

To protect the character, distinctiveness and amenity of the locality to accord with saved policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006, and

policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no walls, fences, gates or other means of enclosure other than those shown on the plans hereby approved shall be erected or placed in the area hatched green on the Proposed Plan - Drawing no.03 received 8th September 2014

Reason

To protect the character, distinctiveness and amenity of the locality to accord with saved policy L5 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

ITEM 9

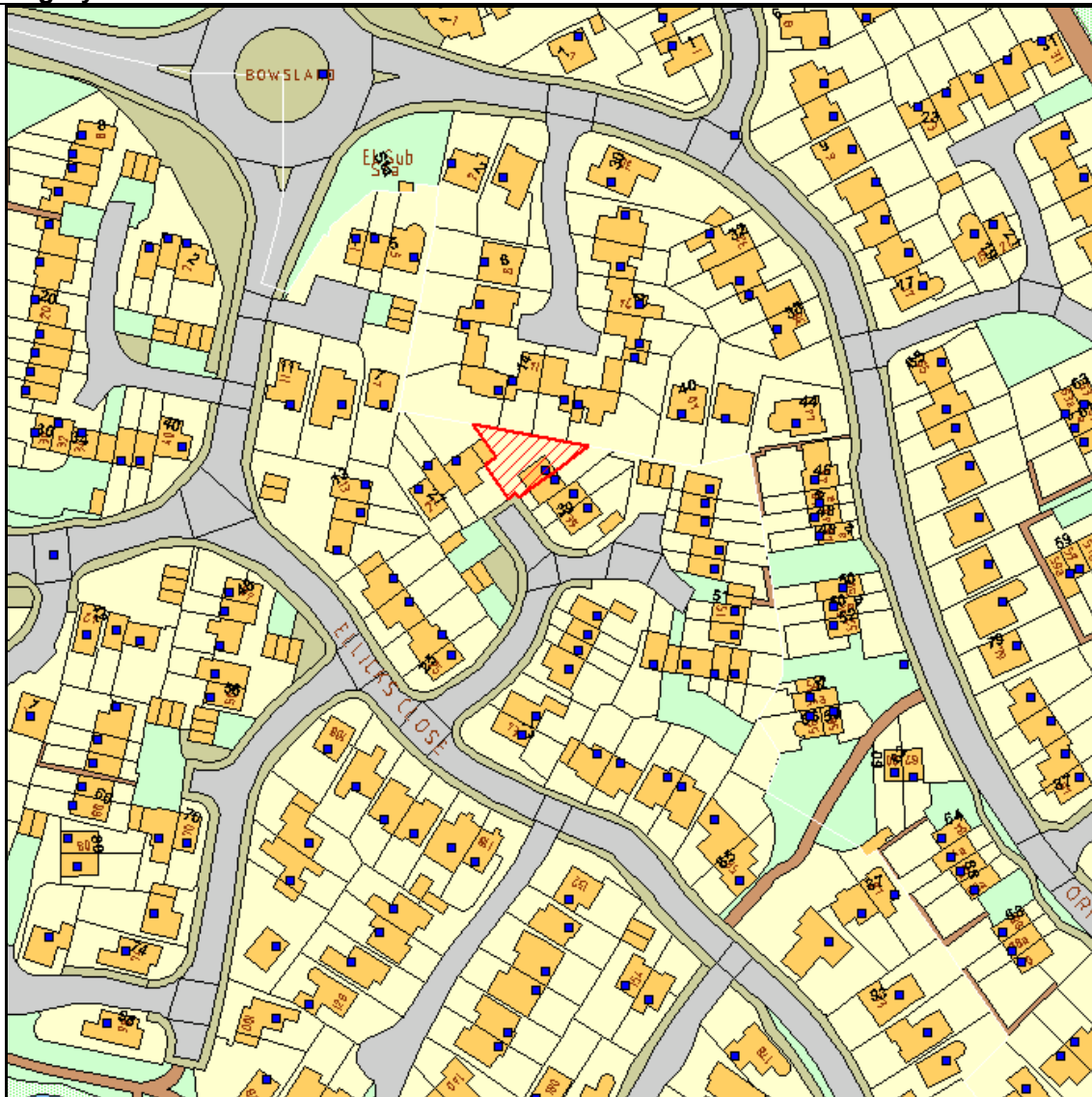
CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.: PT14/3222/PDR
Site: 33 Ellicks Close Bradley Stoke Bristol
South Gloucestershire BS32 0EP
Proposal: Installation of 2no. velux window to roof of
rear elevation of dwelling (retrospective).
Map Ref: 362203 182589

Applicant: Mr James Jesson
Date Reg: 16th September
2014
Parish: Bradley Stoke Town
Council
Ward: Bradley Stoke
Central And Stoke
Lodge

Application Category: Householder

Target Date: 7th November 2014



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100023410, 2008. N.T.S. PT14/3222/PDR

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is reported to the Circulated Schedule given that two letters of objection which are contrary to the officer's recommendation have been received throughout the application process.

1. THE PROPOSAL

- 1.1 This application proposes the installation of 2 no. velux windows on the rear elevation of a residential dwelling at 33 Ellicks Close, Bradley Stoke. The application site submitted falls within the established residential curtilage of a residential dwelling within the settlement boundary of Bradley Stoke.
- 1.2 Within planning permission PT12/1176/F condition 3 removed the landowners permitted development rights by requiring no other windows other than those approved by submitted plans, shall be inserted at any time for reasons due to privacy and amenity of neighbouring occupiers.
- 1.3 The red line of this permission covers the entirety of the property (i.e. extension and original dwelling). Therefore, the installation of 2 no. velux windows, one of which on the existing dwelling and one within the two storey side extension, requires the benefit of planning consent via formal planning application.
- 1.4 Under usual circumstances such works would be permitted under statute legislation contained within the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 1.5 The installation of the velux windows on the rear elevation which are the subject of this application proposal have already been undertaken and, therefore, this application is retrospective in nature.
- 1.6 The dwelling of which this application relates comprises of one dwelling out of 4 arranged in the terraced formation within a cul-de-sac location. Number 33 and 35 Ellicks Close are set forward towards the roadside of Ellicks Close; with numbers 37 and 39 being set back off the road.
- 1.7 Approximately 11 metres to the north of the rear of the application site is numbers 14 and 16 Ormonds Close, Bradley Stoke whose rear elevation faces the rear of the application site and dwelling.
- 1.8 The rear elevation of the dwelling currently contains 2 windows on the upper storeys of the existing dwelling; with one 'fake' window which will be finished in blockwork on the upper storey of the side extension.
- 1.9 Therefore, the primary consideration within the determination of this application will be as to whether the installation of 2 no. velux windows will provide any additional impacts, in terms of the relevant policy and material considerations, which may exceed those already present within the previously established, and consented, upper storey windows.

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
Policy CS1 High Quality Design

South Gloucestershire Local Plan Adopted January 2006

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

- 2.3 Supplementary Planning Guidance
Design Checklist SPD adopted August 2007

3. RELEVANT PLANNING HISTORY

- 3.1 The application site contains multiple relevant planning histories which are considered to have a material bearing on the determination of this application. These histories are outlined as follows:
- 3.2 Application PT12/0542/F refused the proposed development of a two storey side extension and single storey rear extension at the application address due to the two-storey extension, by reason of its size, design, massing and scale would comprise an overdevelopment of the site that would be detrimental to the visual amenity.
- 3.3 Application PT12/1176/F granted a split-decision for the erection of a two storey side and single storey rear extension to form additional living accommodation (resubmission of PT12/0542/F). The refusal of the single-storey rear extension was considered to have an adverse and unreasonable impact on the residential amenity of the occupiers of the adjacent property of number 35 Ellicks Close.
- 3.4 Split-decision PT12/1176/F approved the erection of the two storey side extension on the north-western elevation of the existing dwelling. This is the permission which is currently in the process of being implemented on the site; although has not yet been completed.
- 3.5 Condition 3 attached to split decision PT12/1176/F imposed the following restriction:
- No windows other than those shown on the plans hereby approved shall be inserted at any time in the extension hereby approved.*
- 3.6 Condition 3 was implemented on the basis of protecting the privacy and amenity of neighbouring occupiers.
- 3.7 Condition 3 has meant that the installation of any further windows on the plans shown and approved under the above permission, require the benefit of planning consent from the Local Planning Authority, and cannot be installed under associated permitted development rights.
- 3.8 Planning application PT13/0064/F and associated appeal decision (APP/P0119/D/13/2199637) refused a proposed single storey side extension, at appeal, due to the likely effect of the proposal on the living conditions of the occupants of the adjacent dwelling at number 35 Ellicks Close.
- 3.9 There are no further planning histories which are considered to be of material relevance to the determination of this application.

4. CONSULTATION RESPONSES

- 4.1 This application initially proposed the installation of 1 no. velux window in the rear elevation of 33 Ellicks Close, Bradley Stoke. From the initial comments submitted within the consultation

period, it became apparent that there were in fact 2 no. velux windows inserted on the rear elevation of the above dwelling without the benefit of planning consent.

4.2 At the site visit undertaken by the Planning Officer, amended plans were submitted to the Council whereby a further 7 day consultation period was permitted. All consultees have had the opportunity to amend and re-submit any initial comments which were submitted as part of the initial proposal.

4.3 Bradley Stoke Town Council

Bradley Stoke Town council have provided no objection to this planning application.

4.4 Other Consultees: Highway Drainage

Highway Drainage has provided a 'no comment' consultation response in respect of this application.

Other Representations

4.5 Local Residents

Two letters of objection have been received from local residents in respect of this application. One letter was received prior to the period of re-consultation period and has not been amended as a result of the re-consultation undertaken. The second letter of objection was received after the date of re-consultation.

These letters of objection comprise of the following points of concern:

- *Already a big window in the front extension of the extension at second storey level and believe a velux window to the two storey rear extension is unnecessary*
- *Inclusion of the window would be detriment to a vast number of neighbours in Ormonds Close*
- *Resident can poke their head through the window and could be seen all around*
- *More than adequate windows in the property already overlooking number 35 Ellicks Close*
- *This additional window does not look like part of the building*
- *This additional window would overlook all the relevant neighbours especially number 35 and be an invasion of privacy*
- *Residents already have 2 velux windows in their loft extension*
- *Velux window is already in place*
- *Both windows will seriously affect the privacy of adjoining neighbours*

These matters are addressed within the following subsequent sections of this report.

Within the letters of objection, information was submitted in relation to an existing decision LPA ref: PT12/0542/F, matters which relate to Building Control and matters which relate to normal householder permitted development rights. Whilst these are not considered to have a material bearing on the determination of this application, they comprise of the following:

- *South Gloucestershire Council have unfairly given permission to construct a 2 storey extension*
- *This extension overrides the legal limits of a two storey extension set by the authorities themselves*
- *The 2 storey extension permitted sits very close to the fence*
- *The decision made by the Council is totally unacceptable*

- *Never heard of planning permission submitted after things are in place*
- *Council construction process should have gates of checks while the construction is on going*
- *Why was this breach of planning control not picked up on at an early stage?*
- *Continued granting of unfair constructions at the application site*
- *Proposal, given that it is retrospective, is in breach of planning permission*
- *The planning committee did not consent to this velux window*
- *Window having been inserted on the rear elevation, top storey, which is considered to have breached planning permission which is now blocked in*
- *Window ledge (a row of bricks) externally remains and looks as though it can be reopened at any point*

These above mentioned matters are not considered to have a material influence on the determination of this application, however, the former of these two lists will be addressed through the subsequent stages of this report.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application site falls within the residential curtilage of 33 Ellicks Close, Bradley Stoke and proposes the installation of 2 no. velux windows in the roof of the original dwelling and roof of the single storey extension.

In light of the above, the contents contained with Policies CS1 of the South Gloucestershire Council Core Strategy and H4 of the South Gloucestershire Council Local Plan, will provide the overarching considerations for the determination of this application.

Equally, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires Local Planning Authorities to determine all applications in accordance with the policies contained within the development plan, unless material considerations indicate otherwise.

The material planning considerations which will be assessed against the relevant policy criteria in the determination of this application comprise of the following:

- *Design of Rooflights/Velux Windows*
- *Privacy/Overlooking of Neighbouring Residents*

These material planning considerations will be addressed within the following paragraphs of this report.

5.2 Planning Issues: Design of Rooflights/Velux Windows

Policy CS1 of the South Gloucestershire Council Core Strategy requires development to only be permitted where the highest possible standards of design and site planning are achieved. Further, Policy H4 of the South Gloucestershire Council Local Plan requires development to respect the materials and overall design and character of the street scene and surrounding area.

Policy H4 provides a criteria against which development should be assessed against. For the purposes of the consideration of the design of the rooflight/velux window, part A of Policy H4 is considered to be of relevance. For clarification, part A states that development should:

A Respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area

It is important to note at this stage, that the removal of the landowner's permitted development rights under the PT12/1176/F was undertaken on the basis of protecting neighbouring residential privacy and amenity, and not on the basis of design.

It should be noted that under usual circumstances, permitted development rights would not have any restriction over design and use of materials in such developments as these and, therefore, the design of such windows is given limited weight in the determination of this application.

In any eventuality, the windows are situated in the roofline of a building which is considered to have an angular pitch. The windows are constructed of clear glass finished in black metal surrounding casements and are considered to be of a standard typical design and finish.

Whilst the black metal window surround does represent a new material in an elevation of this building, the extent of the use is so limited that the variance in material is considered to be negligible.

The window and associated materials incorporates well into the roofline and does not appear, in terms of design, as a discordant or unsightly addition to the roofline of the dwelling.

The installation of the windows, in terms of their size and location, do not result in an overall feeling of over massing to the existing building.

In light of the above it is considered that the development proposal accords with the contents of Policies CS1 of the South Gloucestershire Council Core Strategy (adopted January 2014) and H4 of the South Gloucestershire Council Local Plan (adopted January 2006) in terms of design, given that the colour and use of materials respect and enhance the character, distinctiveness and amenity of both the site and its context.

5.3 Planning Issues: Privacy/Overlooking of Neighbouring Properties

Policy H4 of the South Gloucestershire Council Local Plan (adopted January 2006) provides a 5 point criteria used to inform development throughout the area in relation to development within existing residential curtilages.

Of applicability to this development proposal is point B of the above Policy. For reference, this seeks for development to:

B Not prejudice the amenities of nearby occupiers

At the site visit undertaken, it was noted that the window installed within the roofline of the two storey side extension was used for the purposes of a light-well. The upper room of the two storey side extension is a 1 ½ storey heighted room and, therefore, occupants of this room are unable to physically reach the height of the window to look out of it.

The applicant, through on-site discussions, notified me that the window would be electrically opening given that the occupants are unable to reach the ceiling to open this. This would equally concur with onsite discussions and site visit observations.

Therefore, it is considered that given the floor levels of the upper storey room, and height of the velux window installed, there will be little to no opportunities for overlooking facilitated by the velux window installed in the roofline of the two storey side extension.

The window which is installed within the roofline of the main original dwelling is positioned within the roofline in a slightly higher position, in comparison to the velux window inserted in the roofline of the two storey extension.

Windows on the rear elevation (not roofline) do already allow for overlooking, hence the removal of the landowner's permitted development rights in the 2012 consent. However, the velux window has been installed within a pitched roof which has resulted in an angular installation according with the roof's pitch.

Therefore, opportunities for overlooking from velux windows will naturally be less when compared traditional windows in vertical elevations; due to the angle of their installation.

It is important to note that there is already currently one window of clear glass finishing that is installed on the rear elevation at first floor level of the dwelling. This is permitted under the original consent of the original reserved matters application and already provides a degree of overlooking into the gardens of 16 and 18 Ordmond's Close, Bradley Stoke.

It is considered that opportunities for overlooking which would exceed the level that the originally consented windows already do, would not be present within the both windows proposed.

Therefore, it is noted that through the installation of the velux window on the upper storey of the original dwelling, opportunities for overlooking may be created.

However, these opportunities are significantly limited by the angle of the roofline, are not considered to be additional to those already present within the existing windows, and consequently, any overlooking would be minimal and limited.

In light of the above, it is considered that the proposed installation of the 2 no. velux windows on the above property would not cause any adverse impacts in terms of residential amenity that would justifiably amount to a refusal of planning permission.

5.4 Planning Considerations: Installation of Further Windows and Removal of Permitted Development Rights

It is noted that through the granting of this planning permission, this will become the most recent, implemented consent in respect of the rear elevation of the land. Therefore, it is necessary to adhere to the previous conditions in respect of similar issues present within this development, as a matter of consistency within the decision making process.

It is considered that the issue of overlooking would still be relevant if any further windows were added on the rear elevation, and the Local Planning Authority would wish to maintain control over the installation of any further windows.

Therefore, the Council considers it appropriate to remove the landowner's permitted development rights, in respect of windows, by imposing the following condition:

No other windows or rooflights, other than those approved by this permission, shall be added/inserted onto or in the rear elevation at any time.

This will require any further windows or rooflights on the rear elevation to require the benefit of planning permission prior to their installation.

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 following conditions:

No other windows or rooflights, other than those approved by this permission, shall be added or inserted to the rear elevation of the dwelling at any time.

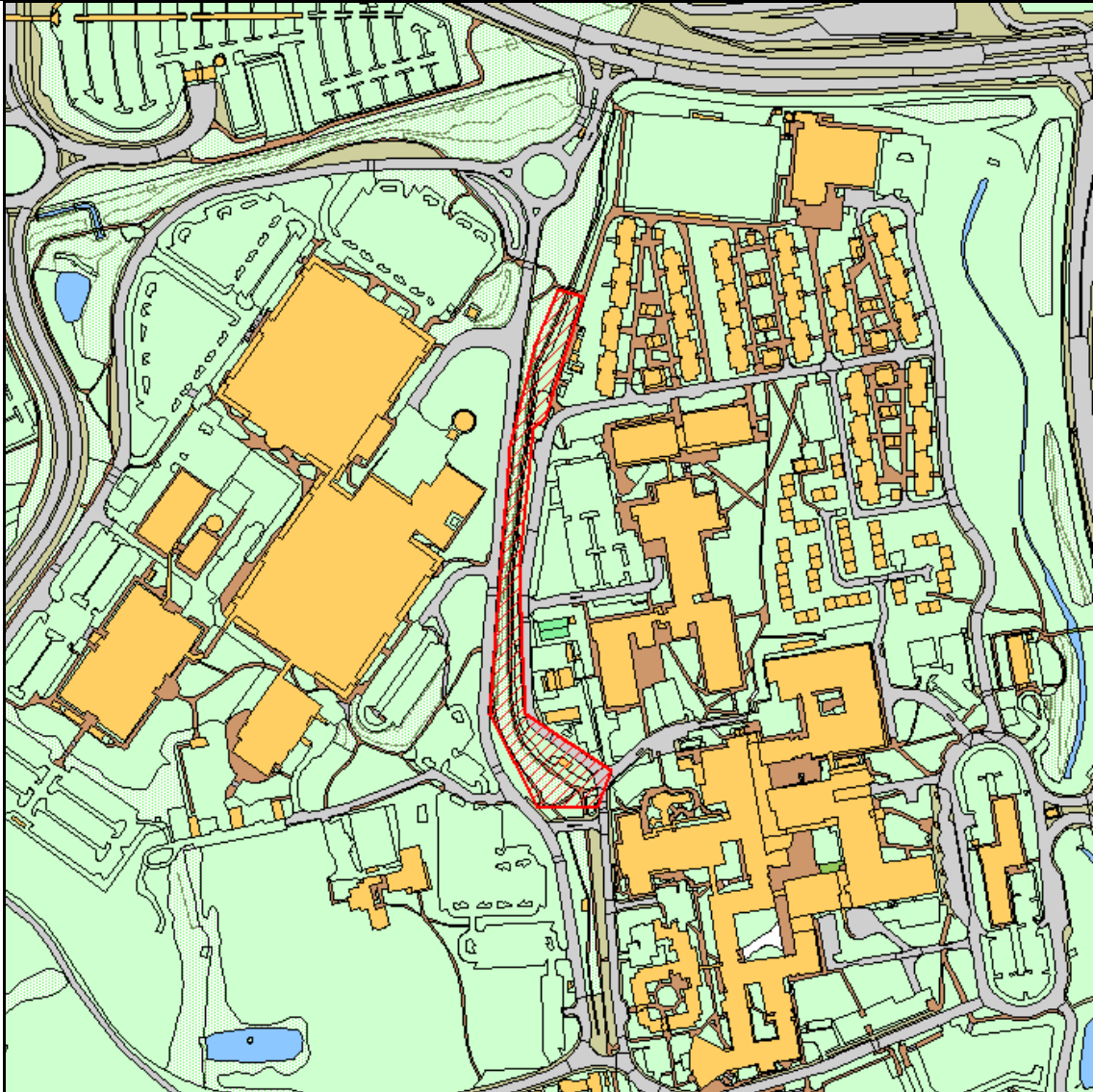
REASON

To protect the residential amenity of neighbouring occupiers and to accord with Policies H4 of the South Gloucestershire Council Local Plan (adopted January 2006) and CS1 of the South Gloucestershire Council Core Strategy (adopted January 2014).

Contact Officer: James Cross
Tel. No.

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PT14/3226/FDI	Applicant:	University Of West Of England
Site:	University Of West Of England Coldharbour Lane Stoke Gifford Bristol South Gloucestershire BS16 1QY	Date Reg:	1st September 2014
Proposal:	Diversion of footpath LSG 22/20	Parish:	Stoke Gifford Parish Council
Map Ref:	362096 178158	Ward:	Frenchay And Stoke Park
Application Category:	Minor	Target Date:	9th October 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

Under the current scheme of delegation all footpath diversion orders are required to be determined by the circulated schedule process.

1. THE PROPOSAL

- 1.1 The application is made under Section 257 of the Town and Country Planning Act 1990 (as amended) for the diversion of footpath LSG 22/20
- 1.2 The application seeks consent for the stopping up of the footpath from points A to B on the submitted plan and the creation of a new footpath between points B and A as shown on the route plan received by the Council on 14^h August 2014. Between points F and E the existing route will remain as it is.
- 1.3 The proposed stopping up and diversion is required as part of the University of the West of England's redevelopment proposals which includes a new 'heartzone' of which the new Faculty of Business and Law will be positioned in close proximity to points B and F. To ensure pedestrian safety during construction and to provide a sufficient buffer to the new faculty building, the PROW will be diverted to the west between points I and G.

2. POLICY CONTEXT

- 2.1 National Guidance
Circular 01/2009 Rights of Way
- 2.2 Development Plans

South Gloucestershire Local Plan (Adopted) January 2006
LC12 Recreational Routes
- 2.3 South Gloucestershire Core Strategy (Adopted) December 2013
Policy CS9 Environmental Resources and Built Heritage

3. RELEVANT PLANNING HISTORY

- 3.1 PT12/3809/O: Erection of new buildings on 55.1 hectares of land for; academic, recreation, administration and support purposes (44,055m², Use Class D1); student residential and associated welfare facilities (30,790m², sui generis use); 15,200m² of mixed commercial uses, consisting of a Hotel (200 bedrooms [6,000m², Use Class D1), Restaurant/Public House/Hot Food Take-away (1,200m² Use Classes A3/A4/A5); Office/Research and Development (8,000m², Use Class B1a/B1b); associated infrastructure including provision of a new public transport hub, 2 no. decked and at grade car parks, landscaping, internal highway realignment, amendments to 2 no. adopted vehicular access points; and the demolition of 7,330m² existing buildings. Outline application with all matters reserved except access. Approved 17th June 2013.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No objection.

Other Representations

- 4.2 Public Rights of Way Officer

This application relates to the diversion of public footpath LSG22. The site has been recently visited with the agent for the applicant and walked through the proposed diversion and we have liaised extensively with regard to positioning and design and separation from cyclists where possible. The existing footpath is a pleasant tree lined walk, especially since UWE has removed the constricting fence, and so the main issues for the diversion relate to landscaping, mostly where the path will be next to the car park and where it slopes down to the new plaza. It is important that the path retains its relatively rural feel as it is well used by the public but there is no objection in principle to the proposed diversion.

Transportation

As the diversion is minor in nature, short in extent and a connected right of way is preserved, there are no transportation comments about this application.

- 4.3 Local Residents
No consultation responses were received.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle Matters

The diversion of a Public Right of Way is not development as defined in the Town and Country Planning Act. As such a diversion order can only be considered within planning legislation when the diversion of the footpath is required in order to allow the implementation of a planning permission. The nature of the assessment should consider the proposed route and its suitability in terms of the amenity of the public right of way and whether or not the diversion is reasonably necessary in respect of the planning permission it relates to.

- 5.2 The Proposal

This footpath is identified as an LC12 route in the Local Plan. As noted above, the current footpath runs along the line what will be the western elevation of the Faculty of Business and Law that has outline approval. The footpath therefore needs to be diverted in order to allow the implementation of a planning permission.

- 5.3 The diversion would see a small section of the route divert approximately 10m to the west before returning to the existing route as the footpath runs to the west of the proposed new car park. To its north, another small section of the footpath will be diverted east to run through an landscaped area.

- 5.4 In order to address the above comments of the Public Rights of Way officer, and to satisfy the concerns raised in the letters of objection, an alternative route is to be provided as shown on the submitted plan. The Councils public rights of way officer has no objection to the proposed diversion.
- 5.5 Given the above, it is considered that the diversion is suitable in terms of amenity and necessary in the light of existing planning permissions and development of the site.

6. CONCLUSION

- 6.1 The recommendation to raise no objection 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 material considerations set out in the report.
- 6.2 The proposal is considered to satisfactorily comply with Circular 01/09 and Policy LC12 of the South Gloucestershire Local Plan (Adopted) 6th January 2006 as the utility and amenity of the route would be retained.

7. RECOMMENDATION

- 7.1 That no objection be raised to the proposed diversion of footpath LSG 22/20 and that the Head of Legal and Democratic Services be instructed and authorised to make an Order under Section 257 of the Town and Country Planning Act 1990 for the diversion of footpath LSG 22/20 as illustrated on layout plan reference received by the Council on 14th August 2014.

Contact Officer: Robert Nicholson

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PT14/3315/RVC	Applicant:	Mr T Butler
Site:	Land At Oldbury Lane Thornbury Bristol South Gloucestershire BS35 1RD	Date Reg:	10th September 2014
Proposal:	Removal of conditions 11, 12 and 16 attached to planning permission PT13/3361/F	Parish:	Thornbury Town Council
Map Ref:	363968 191736	Ward:	Thornbury North
Application Category:	Minor	Target Date:	21st October 2014



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PT14/3315/RVC

REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections received from local residents and the Parish Council.

1. THE PROPOSAL

- 1.1 The applicant seeks permission to remove conditions 11, 12 and 16 attached to planning permission PT13/3361/F. Planning permission PT13/3361/F gave permission for the Change of use from agricultural land to land for the siting of 1no. caravan pitch for a Romany Gypsy family with associated works including hardstanding and landscaping. Erection of 1no. dayroom.
- 1.2 Conditions 11, 12 and 16 are copied below with the reasons for their inclusion in the planning approval:

11. Prior to the commencement of development, full details of the proposed mobile home shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason: To ensure a good standard of design and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013

12. This permission gives planning permission for 1 permanent gypsy and traveller pitch to include 1 mobile home, 1 day room and 2 touring caravans (to only be occupied in association with the mobile home) the sizes of which shall not exceed those details shown by drawings 1380/02 and 1380/03 received on 6.9.13. No further development in respect of the proposed gypsy/ traveller site use is approved.

Reason: In the interests of visual amenity and to accord with Planning Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

16. Prior to the commencement of development, a site management plan shall be submitted to and approved in writing by the Local Planning Authority. This site management plan shall address issues inclusive of rubbish collection and storage, maintenance of physical structures and boundary treatments and the upkeep of areas of hard surfacing and the maintenance and upkeep of all drainage systems. Development shall strictly accord with these approved details.

Reason: In the interests of visual amenity and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (adopted) 2013.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
Planning Policy for Traveller Sites March 2012
Designing Gypsy and Traveller Sites: Good Practice Guide 2008

2.2 Development Plans

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

T12 Transportation Development Control
E9 Agricultural Development
L1 Landscape Protection
L9 Species Protection
L11 Archaeology
L16 Protecting the Best Agricultural Land
EP2 Flood Risk

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS5 Location of Development
CS9 Environmental Resources and Built Heritage
CS21 Gypsy and Traveller Accommodation
CS24 Open Space Standards
CS34 Rural Areas

2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PT13/3361/F Change of use from agricultural land to land for the siting of 1no. caravan pitch for a Romany Gypsy family with associated works including hardstanding and landscaping. Erection of 1no. dayroom
Approved 30.4.14

4. CONSULTATION RESPONSES

4.1 Thornbury Town Council

Objection: each condition in its own right is essential to the correct management of the site

4.2 Other Consultees

Ecologist

No objection

Enabling Team

No comment

Environmental Protection

Condition 17 deals with foul drainage. Condition 16 is necessary and needs to be kept in some form to deal with other drainage on the site for example surface water.

Highway Engineer

The drainage element to ensure a satisfactory foul drainage system provision and maintenance plan was covered in condition 17 and there is no objection to the removal of condition 16.

Tree Officer

No objection

Highway Drainage

No comment

Other Representations

4.3 Local Residents

11 no. letters objecting to the application have been received by the Council. The points raised are:

- LPA has good and valid reasons to set conditions and the removal of these conditions causes concern
- Removal of condition 11 without details of design and size the development could proceed without any restrictions whatsoever – this is unreasonable. As with the settled community, future increase and changes can be made by seeking planning approval
- Condition 12 stipulates that the 2 touring caravans are to be occupied in association with the mobile home which is not the same as condition 2 which dictates the number. Condition 12 states no further development in respect of the proposed gypsy/traveller site use is approved. The removal of this condition leaves the authority with no powers to regulate the site
- If there is a repetition with regard to other conditions there will not prove onerous to the applicant. We presume there is significance in the other elements included in this condition which will impose additional safeguards to the other conditions
- The decision to pass this application was made with these conditions in place. If they are to be removed the whole application should be reconsidered afresh on this basis. Any other outcome is illogical
- The site is located outside the Thornbury development envelope, surrounded by good quality (Grade 2) agricultural land, in open countryside adjacent to the Natura 2000-designated Severn Estuary SPA/SAC/Ramsar site. The site is not identified in South Gloucestershire's Core Strategy. It is overlooked by 2 two storey cottage properties on the opposite side of Oldbury Lane and is separated from adjacent land belonging to Oak Farmhouse by a bridle-path, regularly used by farmers and walkers to access farmland to the west of the site. Oldbury Lane is considerably elevated above the field level and the proposed legal maximum height hedging will therefore be ineffectual in screening the site from the houses opposite, the road or bridleway users.

- When granting planning permissions, South Gloucestershire Planners have legal duties, amongst others: to consider any developments impact on road safety, to ensure the development does not have a detrimental impact on the landscape or on the amenity of local inhabitants, to ensure that environmental damage is not caused to ensure that the health and safety of the site occupants are protected. These same conditions apply to gypsy sites.
- Since the Caravan Sites Act and its 2006 Amendments do not distinguish between the maximum dimensions of a mobile home and a caravan, this condition, requiring clarification of the exact dimensions, construction materials and design of the mobile home, enables the Planning Authority to discharge its duties to protect the right to amenity and privacy of the neighbouring properties that directly overlook it. It controls exactly what they have permitted on the site and its precise location. It also enables mitigation of the impact of the building on the landscape for neighbours and people passing by it on the adjacent road and bridle path. If the mobile home unit is excessively reflective or tall, it will not be concealed by the sheltering hedges and may also impede the view of traffic on Oldbury Lane, creating a danger for all road users, including the site occupants. This very visible location adjacent to the Severn Estuary Special Conservation Area requires this conditions level of planning control. The condition is not interchangeable with condition 12 and therefore I oppose the removal of Condition 11.
- Condition 12: Since planning law does not distinguish between a caravan and mobile home and does not define the maximum external height of a caravan, this condition removes any ambiguity in this case by requiring precise clarification of the dimensions, construction materials and design of the caravans and their locations. It enables the Planning Authority to discharge its duties to ensure these details are sympathetic to the landscape and take into consideration the impact of the caravans on the right to privacy of the neighbouring properties that overlook the site. This condition is in place to prevent an unacceptable impact on the landscape for people passing it on the road and the adjacent bridle path. The justification for the caravans was that they were to be used as an extension of the mobile home family accommodation and not by other unconnected families. This condition states that no further development is envisaged at this site and, by requiring these caravan details, it prevents substitution of the caravans with extra mobile homes, which would provide the potential for uncontrollable expansion of the site population. If there is a subsequent need to replace the caravans, this condition ensures these factors to continue to remain under control by requiring further planning permission. This is a very visible site location, adjacent to the Severn Estuary Special Protection Area, in full view of local inhabitants, bridle path and road users and therefore requires this level of planning control. The condition is not covered by Condition 2 or 11 and therefore I oppose the removal of Condition 12.
- Condition 16: Access from the site on to Oldbury Lane is within approximately 180 metres of a blind bend in the road, along which cars and motorbikes legally travel at up to 60 mph. Therefore the required site hedge screening must be maintained below/at the legal maximum. Otherwise it would prevent safe exiting on to Oldbury Lane from the site or block the

sight-line to the site exit for a driver on Oldbury Lane. Oldbury Lane has a past and recent history of accidents and the Planning Authority has a duty to ensure the safety of the site occupants and other road users in its granting of permission. A detailed site management plan is therefore a necessary condition of this planning permission and Condition 16 is necessary to ensure the boundary hedges are regularly maintained on a planned basis.

- The site is water-logged during wet weather because it lies on very poorly draining alluvial clay, is only 12 metres above mean sea level and therefore very close to the Environment Agency designated Flood Zone 1 boundary. At present any surface water run-off from the road and the field is channelled into the local rhines system via field ditches to the sites north and south. To the west it drains across the bridle-path to the ditch bounding Oak Farm. The site has no eastern boundary ditch for drainage, since it is bounded by a belt of land allocated for an access road to a Showmens site on Pound Mill Farm.
- Details of regular ditch maintenance are required, which would need consultation with neighbouring land owners, to ensure the extra runoff created by all the various site buildings, plus that from hard-standing areas and paths, is accommodated satisfactorily. This would have to be without flooding adjacent land or upsetting the delicate balance of flow through the ditches to the rhines. Removal of surface water to alleviate water-logging requires a SUDS compliant drainage system here and will require regular maintenance. The location and maintenance of rubbish collection areas must ensure no pollutants reach the field drainage system and hence the ditches and rhines serving the surrounding farmland. This will also need to be included in the maintenance plan. Condition 17 only deals with the disposal of foul water and is therefore not a substitute for Condition 16. The Planning Authority has a duty to ensure the sites environment is safe from flooding, that its presence does not cause flooding or pollution of adjacent land/properties and that the occupants do not pollute or damage the waterways. All these factors require a detailed management plan, approved by the Planning Authoritys advisors, particularly because the watercourses all drain into the Severn Estuary SPA. These requirements are essential and not stipulated in conditions elsewhere and therefore I oppose the removal of Condition 16.
- Conditions 11 and 12 are intrinsically necessary – their removal would mean the applicant can put onto the site anything they feel is suitable without recourse. The design guidance is very clear and it is evident that it was a fundamental consideration at the time of approval. Without these conditions who will ensure the development is acceptable under planning regulation
- Removal of condition 16 is requested supposedly because it replicates other conditions, if this was truthfully the case the applicant would be able to satisfy this condition solely by meeting conditions 7,13, and 17 with no extra effort required. However, I suggest that maintenance of physical structures and upkeep of areas of hard surfacing are not covered sufficiently by other conditions and are paramount in the maintenance for visual amenity. Without this condition planning authorities absolve their authority to restrict development of hardstanding and physical structures.

- Condition 11 is not unreasonable – the LPA is rightly requesting details of the proposed development before it begins. To remove it effectively allows carte blanche to choose design and size without further reference to the Authority. This would not be permitted on any other form of development. The fact that is not a 'standard' gypsy and traveller condition is irrelevant
- The applicant is seeking to circumvent the normal planning controls and safeguards that apply to any application. The condition should remain otherwise the LPA is effectively emasculated in carrying out its statutory obligations
- If condition 16 covers other aspects or imposes additional safeguards then it must remain.
- It is clear that the rules relating to applications from the travelling community are already less onerous than those imposed on the settled community (and there may be valid reasons for this). However, it is not reasonable then to request a further dilution of the planning controls to reduce or remove the legitimate role of the LPA
- Condition 11 is absolutely necessary as the definitions for Mobile home and touring caravan are interchangeable and indeed the definition of Mobile home is tenuous as it merely implies it can be moved all be it in several sections by whatever means. By removing this condition the planning authority is allowing the applicant free reign to install 3 large properties without restriction on dimension or design merely because they can be assembled in sections.
- The applicant and their agent were fully aware of the design guidance for Gypsy travellers at the time of application but chose to ignore it and declare dimensions to aid councillors decision making, whilst I recognise that residents may wish to change their accommodation at some point in the future it is not unreasonable to request these remain of similar dimensions and if indeed they wished to increase the size of their residence then they should be subject to the usual planning regulations and are within their rights to apply for any changes as and when the need arises.
- How can the applicant say that the development is by definition limited by the plans submitted and then request total derestriction of the size and design of the mobile home and 2 touring caravans, this is a total contradiction. If this condition is removed planning authorities are removing all powers of regulation from themselves as they will be unable to restrict development
- Removal of these restrictions would significantly restrict any action by the Council enforcing any relevant concerns they or the neighbours have on possible infringements of planning control. This site is very visible and needs to be tightly controlled to prevent loss of visual amenity. A well maintained site would benefit everybody
- Conditions have been applied for valid reasons and to remove them would not allow the Council to take enforcement action if deviations to the permitted application take place
- Condition 11. Although this may not be a 'standard' condition, it has been applied by the Planning Committee for a valid reason ie. to ensure the appearance and design is of a good standard. The agent/applicant submitted the size of the mobile home when applying for planning permission, approximately 2.5 times the size of the day room, this was accepted by the Planning Committee. I believe this condition is therefore

not unreasonable and should be kept to allow the council to be able to enforce any deviations to the design or nature of said mobile home.

- Condition 12. This condition was applied to keep the pitch within the permitted size (as per application) and not to allow the impact of the size of caravans and mobile home to become too overpowering within the rural setting. If the applicant needed or wanted larger units, then the sizes of such should have been submitted on the original application. I believe this condition should be kept and is not unreasonable, thus allowing the council's officers to enforce any deviations to the original approved application.
- Condition 16. This condition is a management plan of how the applicant intends to maintain the upkeep of the site and is not duplicated in other conditions. Drainage in Condition 17 alludes to foul water not natural water drain off as in this condition. The site is prone to flooding after heavy rains. Management plans must be in place to avoid any run-off into, and/or contamination of adjoining farmers' fields, ditches, road and neighbouring properties due to the introduction of a large area of hard surfacing. The very nature of the make-up of this surfacing makes it impervious and therefore no natural drainage will occur
- Without these conditions the planning council will have no way of monitoring/regulating what the applicant will be doing on the site

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

s.73 of the Town and Country Planning Act 1990 allows for an application to be made that would vary/remove or improve the conditions attached to the approved permission. Under this s.73 provision the local authority must only consider the question of the conditions. The outcome may be that the permission shall be subject to the same conditions as attached to the previously stipulated or be subject to different conditions or that permission should be granted unconditionally. As such only the question of the conditions can be considered under this application and the Local Authority has the right to impose new conditions subject to them being conditions that they could have lawfully imposed on the earlier permission and which do not amount to a fundamental alteration to the proposal put forward. It must be noted that an application under s.73 cannot be used to plug any perceived holes in the earlier permission.

- 5.2 It is essential that any conditions attached to a decision notice meet the six tests: necessary; relevant to planning and; to the development to be permitted; enforceable; precise and; reasonable in all other respects. Each of the conditions and their corresponding reasons attached to the previous permission will be re-examined to ensure they meet these criteria. It is worth noting that permission was originally granted in April 2014 yet the applicant has chosen not to exercise the right of appeal against the original conditions and instead has chosen to submit an application under s73 to vary/remove three of the conditions. It is considered that since the original decision there have been no material changes to the application/site and no further evidence presented. As such the assessment can be made using the previously submitted details.

5.3 In its assessment of the original application the LPA took note of national planning policy *Planning policy for traveller sites* (2012) in which Policy H makes particular reference to *sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness*. The reasons for each condition have therefore been set with this in mind and against adopted local policies. The proposal seeks to remove three conditions which have sought to protect the landscape, surroundings and visual amenity of the area. In a covering letter the applicant has sought to justify the removal of each of the conditions. The reasons are given below:

5.4 Removal of Condition 11:

The applicant states that condition 11 sets out the requirements for 'the full details' of the proposed mobile home to be submitted for written approval by the Planning Authority.

5.5 The applicant states that this condition is *unnecessary on the grounds that it is unreasonable. This is not a standard condition for a Gypsy and Traveller sites primarily because planning permission has been granted for a mobile home that is interchangeable. DCLG guidance 'Designing Gypsy and Traveller Sites: Good Practice' (2008), for instance, recognises that site residents may want to change their accommodation and that this should be facilitated by allowing for adequate space (para 4.19).*

5.6 The letter goes on to state that the important consideration is that the mobile home fulfils the definition of a caravan and it is felt that this restriction is covered by condition 2 which states:

2 No more than one mobile home and two touring caravans shall be stationed on the site at any one time

It is for this reason, they state, that condition 11 should be removed.

5.7 Assessment

The Council is of the opinion that condition 11 was important to the granting of planning permission on the site because it relates to the visual amenity of the area and ensures that the mobile home would be of an acceptable standard. As justification for this condition, policies L1 and CS1 regarding landscape and good quality design were quoted in the reasons attached to condition 11. Furthermore, it is considered that condition 11 passes the six tests quoted above.

5.8 With regard to site location the *Designing Gypsy and Traveller Sites: Good Practice Guide 2008* guide refers to the provision of *privacy and [sites should] have characteristics which are sympathetic to the local environment*. In these terms it is not unreasonable for the LPA to wish to ensure continuity of the physical appearance of the site given its highly visible position next to the main road.

5.9 As with all planning applications appearance/visual amenity is one of the main considerations. The applicant argues that mobile homes are interchangeable, however, Officers are of the opinion that as there are many variations of mobile

homes, some of which can be very large in length and width, it is not unreasonable that when the time comes to change a mobile home that planning permission is sought to ensure that any new mobile home is once again acceptable. In this respect it is the opinion of the LPA that the basis of condition 11 is not unreasonable, that condition 11 passes the six tests and as such there is no justification in the request for the complete removal of condition 11. However, Officers have varied the wording to condition 11 to read:

Prior to the commencement of development, full details of the proposed mobile home shall be submitted to the Local Planning Authority for written approval. Any replacement mobile home shall also require the details to have been previously agreed in writing with the LPA prior to its installation on site (with the original substituted mobile home having been removed within 1 week of the replacement's installation). Thereafter, development shall accord with these approved details.

Reason: To ensure a good standard of design and to accord with saved Planning policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.10 This would safeguard that in future when a new mobile home is proposed the Local Planning Authority would be notified of the design, scale and size of the mobile home to ensure it was acceptable in its setting.

5.11 Removal of Condition 12:

The applicant states that condition 12 sets out the requirements that the dimensions of the caravans and amenity block as shown in the plans submitted as part of the application are not increased.

5.12 The applicant states that this condition is *unreasonable for the same reasons given above regarding the removal of condition 12* [it is assumed the applicant meant condition 11]. *The touring caravans, as with the mobile home are interchangeable units and it is therefore inappropriate to restrict or limit their dimensions. It is only important that the caravans fulfil the definition of a caravan.*

5.13 The applicant goes on to state that *Condition 12 also seeks to ensure that the dimensions of the day room (amenity block) conform to the submitted plans. It is unnecessary however to state this in a condition as the development is by definition limited to the plans submitted as part of the application process.*

5.14 The letter goes on to state that *as part of condition 12 that no further development is approved, however, this is already covered by condition 2.*

It is for this reason they state, that condition 12 be removed.

5.15 Assessment

Condition 12 was attached to the decision notice to again ensure that the mobile home, touring caravans and day room would be acceptable in terms of

the visual amenity of the area and to restrict the scale of the proposal. The reason for the condition was stipulated as having to accord with Policy CS1 which deals with design matters. Although the day room is the permanent feature, the physical presence of the mobile home and touring caravans contribute to the appearance of the site and therefore, it is not unreasonable for all these features to be included within condition 12. However, Officers can recommend that the condition be changed to remove the touring caravans from the description. The amended condition would therefore read:

Condition 12:

This permission gives planning permission for 1 permanent gypsy and traveller pitch to include 1 mobile home, 1 day room and 2 touring caravan (to only be occupied in association with the mobile home). The size of the mobile home and the day room shall not exceed those details shown by drawings 1380/02 and 1380/03 received on 6.9.13. No further development in respect of the proposed gypsy/ traveller site use is approved.

Reason;

In the interests of visual amenity and to accord with Planning Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013

5.16 With regard to no further development on the site, it is Officer opinion that condition 2 only relates to mobile homes and touring caravans whereas condition 12 relates to any other development on the site. The two conditions cover different aspects, as such there is no repetition. It is considered that condition 12 passes the six tests and there is therefore no justification in the request for the removal of condition 12 on this basis.

5.17 Removal of Condition 16

This condition sets out the requirements for a site management plan that includes details of rubbish collection, maintenance of the structures, landscaping and the hard surfacing, and the maintenance of drainage systems to be submitted for written approval of the LPA. Again the justification for setting the condition was cited in the reasons for it having to accord with Policies L1 and CS1 and CS21 which deal with the visual amenity of the area and design matters.

5.18 The applicant states that a site management plan as described in condition 16 is *unnecessary because it repeats requirements that are covered by other conditions. Details of rubbish collection and storage are covered by condition 13; maintenance of boundary treatments is covered by condition 7; and details regarding drainage are covered by condition 17. The other elements are not of significance to a minor development such as this.*

For this reason the applicant proposes that condition 16 is removed.

5.19 Assessment

Condition 16 deals jointly with:

- rubbish collection and storage
- maintenance of physical structures and boundary treatments
- the upkeep of areas of hard-surfacing

- the maintenance and upkeep of all drainage systems

It is therefore useful to deal with each in turn:

5.20 **Rubbish collection and storage:**

It is acknowledged that condition 13 does stipulate full details of refuse collection and storage facilities should be submitted to the LPA for approval and condition 16 also refers to rubbish collection and storage. It can be argued that condition 13 deals with the physical provision of these facilities whereas condition 16 deals with the long-term management of rubbish collection and storage and would assist in ensuring that a satisfactory system was adopted and established on site.

It is worth noting that both conditions 13 and 16 could currently be discharged together with details showing the proposed arrangements and how these arrangements are to be carried out for the longer term. As such it is reasonable for condition 13 to be varied and for this part of condition 16 to be removed.

Revised condition 13 would read:

Prior to the commencement of development, a site management plan including full details of the refuse collection and storage facilities, the maintenance of physical structures and the upkeep of areas of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason:

In the interests of visual amenity and highway safety and to accord with saved Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.21 **Physical structures and boundary treatments:**

Condition 7 mentions a landscape management plan whereas condition 16 specifically mentions boundary treatments. It is considered that boundary treatment is an important part of the application given the site is located next to a main road where highway safety concerns have previously been raised by local residents with experience of using the road on a regular basis. It is acknowledged that the Highway Officer raised no objection subject to a visibility splay and hardstanding conditions, however, the maintenance of the hedge fronting the highway is important in regards to the appearance of the site. Furthermore, the site is in a sensitive area where any new hedges must be of a native species and appropriately maintained to assist its longevity and function as a boundary treatment. Given the site's highly visible location, this part of condition 16 is not unreasonable but it is acknowledged that by varying condition 7 to include specific details of the boundary treatment this part of condition 16 could be removed.

5.22 Revised condition 7 would therefore read:

Prior to the commencement of development, a schedule of landscape maintenance for a minimum period of 5 years, including specific details of all

boundary treatments, shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason:

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

5.23 Upkeep of areas of physical structures and hard surfacing:

The satisfactory upkeep of physical structures and hard surfacing areas is not mentioned in any other condition. For this reason and similarly as detailed above, the upkeep of these would contribute to the overall visual amenity of the site, this part of condition 16 is relevant. However, it is considered that condition 13 can be suitably amended to include the upkeep of hard surfacing and physical structures within the provision of a site management plan. For this reason this element of condition 16 can be removed.

5.24 Maintenance and upkeep of drainage system:

*With regards to drainage para 5.13 of the *Designing Gypsy and Traveller Sites: Good Practice Guide 2008* states *surface water drainage and storm water drainage must be installed. All drainage provision must be in accordance with current legislation, regulations and British Standards.**

*With regards to sewerage para 5.19 of the *Designing Gypsy and Traveller Sites: Good Practice Guide 2008* states:*

Wherever possible, each pitch should be connected to a public sewer when it is economic to do so. Where this is not possible provision must be made for discharge to a properly constructed sealed septic tank.

It is essential that sites are provided with access to mains water, electricity supply, drainage and sanitation. All sanitation must be in accordance with current legislation, regulations and British Standards.

5.25 Condition 17 makes specific mention of a foul drainage system and its future maintenance, whereas condition 16 is more general and requests details of all drainage systems; which could include surface water. However, it is noted that the reason attached to condition 17 also mentions surface water. Local people have stated the site suffers periodically from problems relating to surface water collecting there; but it should be recognised that this is an existing situation. Comments from the Environmental Protection Team are noted however, additional advice from the Highway Drainage Engineer has stated that as an existing situation, he is satisfied that the correct drainage provisions can be met under condition 17.

5.26 Notwithstanding the above, it is also worth noting that the local authority has powers under the Land Drainage Act (1991) to serve a notice on the landowners, if, for example, by not maintaining the land/site in terms of blocking/obstructing the ditches or watercourses surrounding the site,

additional surface water problems are created. Given these powers it is considered acceptable that the part of condition 16 relating to drainage be removed.

5.27 Conclusion

The above has provided:

- justification as to why condition 11 should, for the most part, remain with a slight variation in its wording to ensure any changes to the mobile home in future has prior approval from the LPA;
- has varied condition 12 so that details of the mobile home and day room should comply with the submitted plans
- has removed condition 16 but varied conditions 7 and 13 to ensure boundary treatments and the physical elements of the site are properly maintained.

5.28 Conditions

The conditions attached to planning application PT13/3361/F will be copied over from the decision notice (as none have yet been discharged) along with the altered wording for conditions 7, 11, 12 and 13 and will exclude condition 16.

5.29 Residents Comments

Comments from neighbours and the Parish have been noted above. Many of the points raised have been covered in the Officer's assessment of the proposal. This type of application must be assessed as per s.73 of the Town and Country Planning Act 1990 which stipulates that it is only the original conditions themselves that are to be evaluated against the six tests of setting conditions and their relevance/appropriateness. Any other issues cannot be covered under the remit of this type of application.

6. CONCLUSION

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

6.2 The recommendation to **vary the conditions** 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 a **conditions 7, 11, 12 and 13 be varied** and **condition 16 be removed**.

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. No more than one mobile home and two touring caravans shall be stationed on the site at any one time.

Reason

To control the impact of the development upon the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

3. There shall be no commercial activity on or originating from this site at any time.

Reason

To control the impact of the development upon the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

4. There shall be no outside storage on the site.

Reason

In the interest visual amenity and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

5. If the land ceases to be occupied as a gypsy/ traveller site, all caravans, structures, materials and equipment brought on to the land in connection with the use including the amenity blocks hereby approved, shall be removed. Within 6 months of that time the land shall be restored to its condition before the use commenced

Reason

In the interests of visual amenity and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

6. Prior to the commencement of development a scheme of landscaping, which shall include details of all existing trees and hedgerows on the site and details of proposed planting (and times of planting) along the boundaries shall be submitted to the Local Planning authority for approval. These details shall also provide specific details in respect of the proposed boundary treatments along the north and east site boundaries. Specific details must also be provided (size, type, number) of all new

planting and boundary treatments along the west and south site boundaries. Development shall be carried out in accordance with these agreed details.

Reason

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

7. Prior to the commencement of development, a schedule of landscape maintenance for a minimum period of 5 years, including specific details of all boundary treatments, shall be submitted to the Local Planning Authority for approval. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

8. Prior to the commencement of development details of any floodlighting and external illuminations, including measures to control light spillage, shall be submitted to the Local Planning Authority. Development shall be carried out in accordance with the approved details with no further lighting thereafter erected without the written permission of the Local Planning Authority

Reason

To protect the character and appearance of the area and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

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

Reason

To ensure a good standard of design and in the interests of visual amenity, all to accord with saved Planning Policies L1 and E9 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 and CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

10. The mobile home hereby approved shall be positioned as shown on drawing no. 1380/02 and thereafter the approved development shall be retained as such.

Reason

To protect the character and appearance of the area and in the interests of residential amenity, all to accord with saved Planning Policy L1 of the South Gloucestershire

Local Plan (Adopted January 2006) and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

11. Prior to the commencement of development, full details of the proposed mobile home shall be submitted to the Local Planning Authority for written approval. Any replacement mobile home shall also require the details to have been previously agreed in writing with the LPA prior to its installation on site (with the original substituted mobile home having been removed within 1 week of the replacement's installation). Thereafter, development shall accord with these approved details.

Reason

To ensure a good standard of design and to accord with saved Planning Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

12. This permission gives planning permission for 1 permanent gypsy and traveller pitch to include 1 mobile home, 1 day room and 2 touring caravan (to only be occupied in association with the mobile home). The size of the mobile home and the day room shall not exceed those details shown by drawings 1380/02 and 1380/03 received on 6.9.13. No further development in respect of the proposed gypsy/ traveller site use is approved.

Reason

In the interests of visual amenity and to accord with Planning Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

13. Prior to the commencement of development, a site management plan including full details of the refuse collection and storage facilities, the maintenance of physical structures and the upkeep of areas of hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, development shall accord with these approved details.

Reason

In the interest of visual amenity and highway safety, and to accord with saved Planning Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policies CS1 and CS21 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

14. No works shall commence on site until full details of access proposals including construction, visibility splays and access radii are submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of development the proposed access arrangements shall be completed in all respects in accordance with the approved details and maintained as such at all times thereafter.

Reason

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

15. Prior to commencement of development details of a bound surface to the access gate is required to be submitted and approved in writing by the Local Planning Authority.

Reason

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

16. No development shall commence until details of the foul drainage system has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the scheme shall be maintained and managed after completion. The scheme shall subsequently be implemented in accordance with the approved details before the first occupation of the development.

Reason

To improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system and to accord with Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.

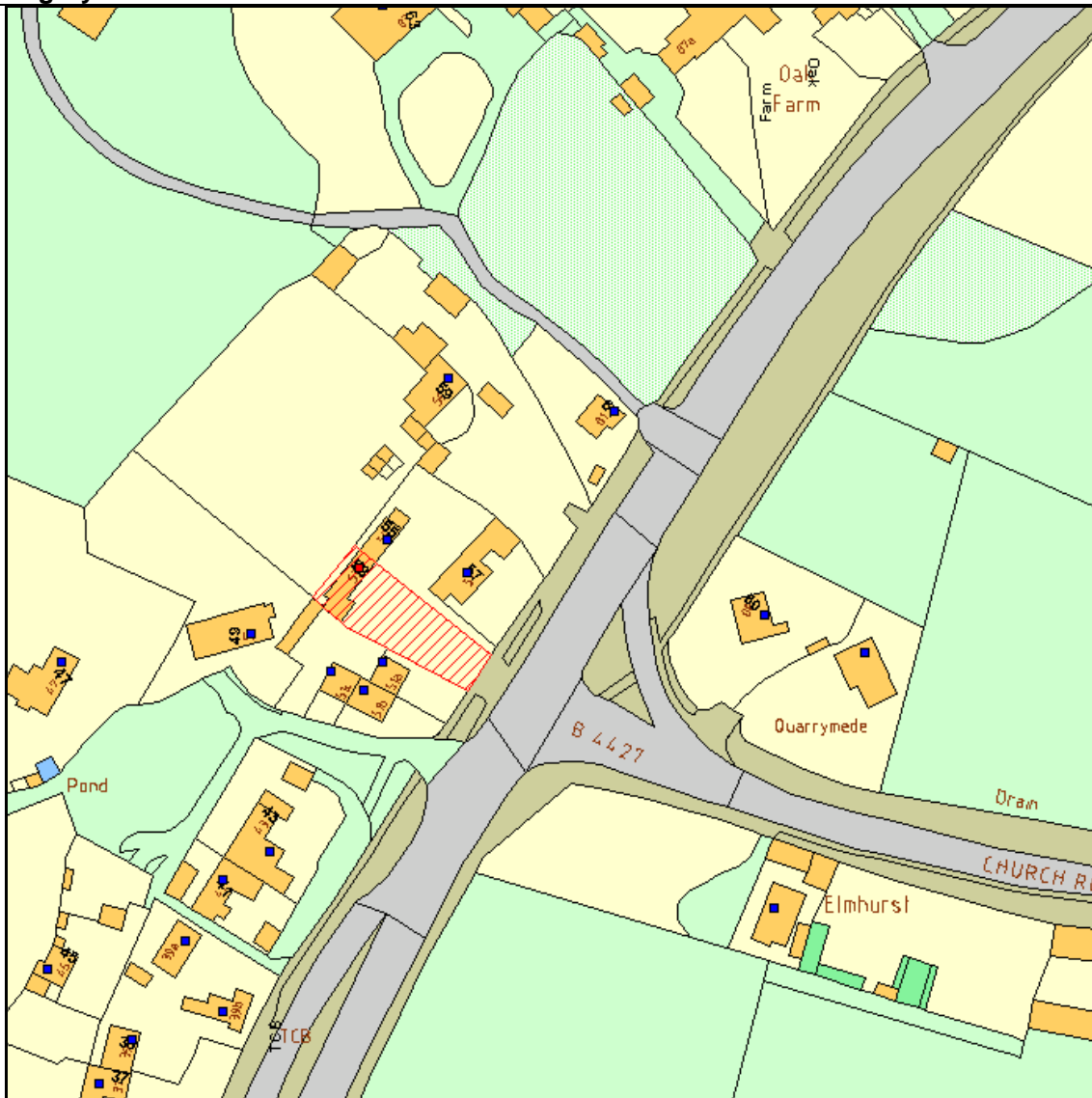
17. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times Monday to Friday 7:30-18:00 and Saturday 8.00-13:00 nor at any time on Sunday or Bank Holidays.

Reason

To protect the amenities of the occupiers of nearby dwelling houses, and to accord with Policy CS21 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.

CIRCULATED SCHEDULE NO. 43/14 – 24 OCTOBER 2014

App No.:	PT14/3506/F	Applicant:	Mrs Jill Player-Bishop
Site:	Wayside Cottage 53 Gloucester Road Rudgeway Bristol South Gloucestershire BS35 3SG	Date Reg:	18th September 2014
Proposal:	Erection of single storey front and side extension to form annexe ancillary to main dwelling.	Parish:	Alveston Parish Council
Map Ref:	362632 186775	Ward:	Thornbury South And Alveston
Application Category:	Householder	Target Date:	3rd November 2014



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REASON FOR SUBMITTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule procedure, following comments received from the Parish Council which are contrary to the Officers recommendation, and also concerns raised by a local resident regarding access.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a single storey front and side extension to form an annexe ancillary to the main dwelling, which is situated along Gloucester Road in Rudgeyway.
- 1.2 The application site is within the settlement boundary of Rudgeyway, which is washed over by the Green Belt.
- 1.3 The application originally included a large detached single garage, but the applicant omitted it from revised plans received 15th October 2014 following a neighbour objection and an objection from the Council's Transport Officer. A period of re-consultation was undertaken for one week following the change in the description of the development.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012
National Planning Policy Guidance 2014

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design
CS8 Improving Accessibility
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

T12 Transportation
H4 Development within Existing Residential Curtilages
L1 Landscape

2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 No relevant planning history for the site.

4. CONSULTATION RESPONSES

4.1 Alveston Parish Council
Objection – the proposal is considered over development within the area.

4.2 Other Consultees

Sustainable Transport

Objection to the garage as the required 6 metres manoeuvring space is not available, and on site turning must be retained for this location. Not large enough to be a double garage.

Highway Drainage

No objection subject to an informative advising the applicant of the proximity of a public foul sewer which may affect the layout of the development, and that the application should be referred to Wessex Water.

Other Representations

4.3 Local Residents

One letter of objection was received about the proximity of the garage to the neighbouring property. The garage has since been omitted from the plans. The neighbour also had concerns regarding their safety whilst egressing from their driveway if construction or delivery vehicles are parked at the access to the site, obstructing visibility.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

Policy CS1 of the South Gloucestershire Core Strategy (Adopted) December 2013 states that all development will only be permitted where the highest possible standards of design and site planning are achieved. Proposals will be required to demonstrate that they respect and enhance the character, distinctiveness and amenity of the site and its context; is well integrated with existing and connected to the wider network of transport links; safeguards existing landscape/nature/heritage features; and contributes to relevant strategic objectives. Saved Policy H4 of the South Gloucestershire Local Plan is supportive in principle of proposals for alterations and extensions to existing dwellings within their curtilage, providing that the design is acceptable and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. The NPPF allows for limited extensions within the Green Belt on the basis that they are not disproportionate to the size of the host dwelling, and therefore the proposal is acceptable in principle but should be determined against the analysis set out below.

5.2 Impact on the Green Belt

The NPPF allows for limited extensions to buildings within the greenbelt providing that they do not result in disproportionate additions over and above the size of the original building (the volume of the dwelling at construction or its

volumes on July 1st 1948). The South Gloucestershire 'Development within the Green Belt SPD' states that an addition resulting in a volume increase of below 30% is likely to be considered acceptable, whilst between 30%- 50% will be subject to careful consideration and assessment. Any proposed development over and above 50% or more of the original dwelling would be considered in excess of any reasonable definition of 'limited extension'. Whether an addition is considered disproportionate or not, depends on the individual circumstances and what type of addition is proposed.

5.3 In this case, it was presumed at first that the original dwellinghouse was as it stands today, minus the rear conservatory. However, historic mapping software indicates that the volume of the dwelling as it stood in 1948 actually included a linear front and side structure of a similar footprint to the proposed annexe. A photograph submitted by the applicant shows it to have been a shallow, lean-to structure, and from this the original volume of the dwelling is estimated to be approximately 275 cubic metres. The proposed volume, including the replacement of the lean-to structure with the annexe and the addition of the rear conservatory, is 389 cubic metres approximately, an increase of around 42%. This is considered acceptable, especially given the location of the development between the existing dwelling and a busy highway, and as it is to be built on land which previously housed another single storey structure of a similar footprint.

5.4 Annexe test

The applicant has described the development as an annexe which is designed to be accessible for a disabled relative, as the existing dwelling does not benefit from the required access. By definition an annexe must be ancillary to the main dwellinghouse and should have some form of physical and functional reliance upon it. In this case the proposed annexe does not contain all of the elements associated with independent living accommodation i.e. a kitchen is not proposed. It is, however, acknowledged that a bathroom, lounge and bedroom would be provided. It is therefore considered to meet the criteria of an annexe, as any occupant of the development would have to return to the main dwelling to use the kitchen. It is common for a decision notice granting permission for an annexe to have a condition attached stating that the use of the annexe must be incidental to the main dwelling and that it cannot be used independently from that dwelling. However, in this case, the lack of kitchen facilities and the fact that the annexe is attached to the development and appears as if it is a standard householder extension, it is not deemed necessary for this condition to be issued in the event of the application being approved.

5.5 Design

The dwelling is a semi-detached property with a linear form, finished in render with stone quoins, a double roman tiled gable roof and wooden-style UPVC windows and doors. There is an existing lean-to single storey structure along the front and south-west side of the dwelling, some of which is to be demolished to facilitate the extension. A timber garage was previously proposed, but this was removed from the plans on 15th October 2014.

- 5.6 The proposed forward facing single storey gable reflects the linear character of the dwelling and the site, and follows the footprint of a previously demolished outbuilding to the front. Whilst front extensions usually alter the building line of a street scene, in this case the extension does not protrude further south-east than the principal elevations of no. 51a, 51b and 57, and is therefore respectful of the pattern of development surrounding it. Externally, all of the materials are detailed to match the host dwelling, and the proposal is therefore considered to be acceptable in terms of policy CS1 of the Core Strategy (Adopted) December 2013.
- 5.7 Residential Amenity
Residential amenity should not be unreasonably harmed as a result of development, Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site, as the extension is linear and extends along the boundary leaving adequate amounts of amenity space for the dwelling, which benefits only from a garden to the front and has no rear amenity space. This development will enclose the garden on the south-west side, allowing for a greater sense of privacy despite the reduced amount of space available.
- 5.8 The boundary to the neighbours on both the south-east and the north-west is a substantial stone wall. To the south-west, only the roof of the proposed gable with three rooflights installed will be visible, and the rooflights are not considered to cause residential amenity issues due to their height and angle. The distance to the boundary of no. 55 to the north west is approximately 8 metres, and the approximately 1m stone boundary wall and high planting in between is considered adequate enough to protect residential amenity. An objection was previously received as a neighbour had concerns regarding the close proximity of the detached garage to the boundary however this part of the objection was retracted following the omission of the garage from the plans and the period of re-consultation. The proposal is therefore considered to respect the residential amenity of the site and its surroundings, and is considered acceptable in terms of policy H4 of the Local Plan (Adopted) January 2006.
- 5.9 Transport
The original development included a large single garage near the access to the site, however this was omitted due to the lack of manoeuvring space in front of the garage to enable users of the site to enter and egress the site in forward gear. This caused the Transport Officer to object on grounds of highway safety, however this objection is no longer relevant to the development as the applicant omitted the garage from the plans. The proposal adds a third bedroom to the property; a capacity which requires two off-street parking spaces which comply with the standards detailed in the Residential Parking Standards SPD (Adopted) December 2013. Whilst the development encroaches onto the driveway, adequate space remains for two off street car parking spaces and there is no transportation objection to the proposal.
- 5.10 Other Matters
The neighbouring occupier at no. 55 Gloucester Road uses the adjacent access to the site, and raised concerns about construction and delivery vehicles affecting visibility when egressing from the driveway. It has been

suggested that deliveries are limited to certain times and vehicles informed that cannot park across the access, however the scale of the development is such that deliveries are not considered to have a significant negative impact, and parking cannot be conditioned outside of the boundary of the development site.

6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. The design of the extension is in keeping with the character and appearance of the existing dwelling and the development will not prejudice residential amenity. Adequate off-street parking is retained and therefore the development will not have an adverse impact on highway safety, and the volume of the development is in accordance with green belt policy.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

