

**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. 30/14

Date to Members: 25/07/14

Member's Deadline: 31/07/14 (5pm)

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

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

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

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

NOTES FOR COUNCILLORS - FORMAL ARRANGEMENTS

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

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

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

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

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

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

GUIDANCE FOR 'REFERRING' APPLICATIONS

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

- Before referring an application always speak to the case officer or Area Planning Manager first to see if your concerns can be addressed without the application being referred.
- If you are considering referring in an application outside the ward you represent, as a courtesy, speak to the ward member(s) to see what their views are, before referring the application.
- Always make your referral request as soon as possible, once you have considered all the application details and advice of the case officer. Please do not leave it to the last minute
- Always make your referral request by e-mail to MemberReferral@southglos.gov.uk, where referrals can be picked up quickly by the Development Management Technical Support Team. If in exceptional circumstances, you are unable to e-mail your 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.

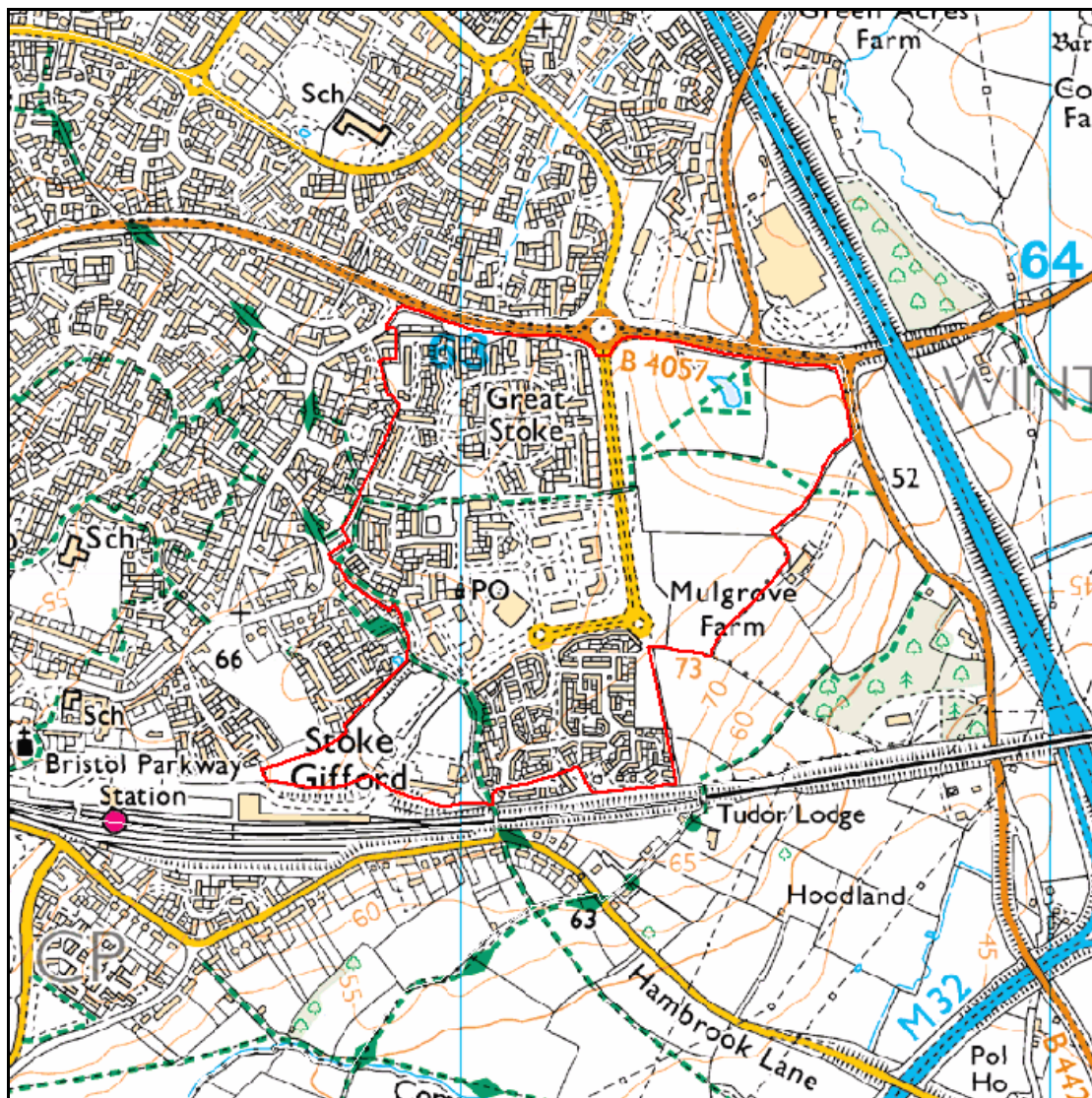
CIRCULATED SCHEDULE – 25 JULY 2014

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	MODT14/0003	No Objection	Land East Of Bristol Parkway Station North Road Stoke Gifford South Gloucestershire BS34 8PU	Stoke Gifford	Stoke Gifford Parish Council
2	PK13/2851/F	Approve with Conditions	Staple Hill Police Station 108 - 110 Broad Street Staple Hill South Gloucestershire	Staple Hill	None
3	PK14/1068/F	Approve with Conditions	Moat House Kings Lane Pucklechurch South Gloucestershire BS16 9PP	Boyd Valley	Pucklechurch Parish Council
4	PK14/1069/LB	Approve with Conditions	Moat House Kings Lane Pucklechurch South Gloucestershire BS16 9PP	Boyd Valley	Pucklechurch Parish Council
5	PK14/1352/O	Approve with Conditions	Mangotsfield Methodist Church Windsor Place Mangotsfield South Gloucestershire	Rodway	None
6	PK14/1753/F	Approve with Conditions	28 Alexandra Gardens Soundwell South Gloucestershire BS16 4QJ	Staple Hill	None
7	PK14/1952/F	Approve with Conditions	2 The Dingle Yate South Gloucestershire BS37 7GA	Yate North	Yate Town
8	PK14/2112/F	Approve with Conditions	12 Springville Close Longwell Green South Gloucestershire BS30 9UG	Longwell Green	Oldland Parish Council
9	PK14/2125/F	Approve with Conditions	Bramble Cottage High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Cotswold Edge	Hawkesbury Parish Council
10	PK14/2272/CLP	Approve with Conditions	3 Ludlow Close Willsbridge South Gloucestershire	Bitton	Oldland Parish Council
11	PK14/2308/F	Approve with Conditions	60 Huckford Road Winterbourne South Gloucestershire BS36 1DU	Winterbourne	Winterbourne Parish Council
12	PK14/2365/TRE	Approve with Conditions	Sea Harvest High Street Iron Acton South Gloucestershire BS37 9UH	Frampton Cotterell	Iron Acton Parish Council
13	PT13/2475/CLE	Approve with Conditions	Victoria Ableton Lane Severn Beach South Gloucestershire BS35 4PR	Pilning And Severn Beach	Pilning And Severn Beach Parish Council
14	PT13/3260/CLP	Approve with Conditions	The Clays Redhill Lane Olveston South Gloucestershire BS35 4AJ	Severn	Aust Parish Council
15	PT14/0807/TRE	Approve with Conditions	45 Wolfridge Ride Alveston South Gloucestershire	Thornbury South And	Alveston Parish Council
16	PT14/1676/R3F	Deemed Consent	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire BS32 9BS	Bradley Stoke Central And Stoke Lodge	Bradley Stoke Town Council
17	PT14/1685/CLE	Approve with Conditions	The Leaze Sundayshill Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DQ	Charfield	Falfield Parish Council
18	PT14/2130/F	Approve with Conditions	5 Burrough Way Winterbourne South Gloucestershire BS36 1LF	Winterbourne	Winterbourne Parish Council

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
19	PT14/2178/F	Approve with Conditions	32 Clyde Road Frampton Cotterell South Gloucestershire BS36 2EE	Frampton Cotterell	Frampton Cotterell Parish Council
20	PT14/2188/PDR	Approve with Conditions	4 Kent Close Stoke Gifford South Gloucestershire BS34 8TB	Stoke Gifford	Stoke Gifford Parish Council
21	PT14/2190/F	Approve with Conditions	26 Clyde Road Frampton Cotterell South Gloucestershire BS36 2EE	Frampton Cotterell	Frampton Cotterell Parish Council
22	PT14/2218/CLP	Refusal	18 Hawthorn Close Charfield Wotton Under Edge South Gloucestershire GL12 8TX	Charfield	Charfield Parish Council
23	PT14/2315/F	Approve with Conditions	26 Parkside Avenue Winterbourne South Gloucestershire BS36 1LU	Winterbourne	Winterbourne Parish Council
24	PT14/2360/TRE	Refusal	8 Orchard Close Winterbourne South Gloucestershire BS36 1BF	Winterbourne	Winterbourne Parish Council

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	MODT14/0003	Applicant:	Crest Nicholson Operations Limited
Site:	Land East Of Bristol Parkway Station North Road Stoke Gifford Bristol South Gloucestershire BS34 8PU	Date Reg:	22nd July 2014
Proposal:	Deed of Variation of Section 106 Legal Agreement attached to planning permission P92/2321	Parish:	Stoke Gifford Parish Council
Map Ref:	362399 179619	Ward:	Stoke Gifford
Application Category:		Target Date:	15th September 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application relates to the modification of a S106 legal agreement and as such is required to be referred to the Circulated Schedule.

1. THE PROPOSAL

- 1.1 The application is made under section 106A of the Town and Country Planning Act 1990. The proposed Deed of Variation relates to Planning Permission P92/2321 as detailed in section 3 of this report.
- 1.2 At this time, planning permission P92/2321 is subject to a s106 legal agreement which requires that an area of land, roughly triangular in shape and located immediately East of Harry Stoke Way (between Great Stoke Roundabout and Parkway North Roundabout), South of Winterbourne Road (between Great Stoke Roundabout and Old Gloucester Road) and due Northwest of Mulgrove Farm is to be transferred to South Gloucestershire Council for use as agriculture, forestry, outdoor leisure, community uses or as cemetery. For the purpose of this report (and application) this land is referred to as 'the blue land'. At this time, 'the blue land' has not been transferred and remains in the control of Crest Nicholson Operations Ltd. Effectively, The Blue Land currently remains subject to covenants as to its use and at the present time, it is not capable of being developed unless the covenants are removed or varied.
- 1.3 Essentially, the applicant (Crest Nicholson Operations Ltd) now proposes a variation to the S106 agreement so as to re-define the timeframe within which the Blue Land will be retained for the purposes set out in the s106 agreement.
- 1.4 It should be noted that an earlier application (MODT13/3223) to Modify the s106 legal agreement was submitted to the Local Planning Authority that sought to reduce the area of land (the 'blue land') which is required to be transferred to the Council (SGC) as part of the development approved under P92/2321. That application is now subject of appeal with the Planning Inspectorate against the failure of the Council to determine the application within 8 weeks of submission. This is set out in more detail in section 5.2 below.
- 1.5 It is the position of the Local Planning Authority that the land subject of the appeal continues to serve a useful purpose both in respect of the development permitted under P92/2321 and the new neighbourhood at Harry Stoke allocated under policy CS27 of the South Gloucestershire Local Plan; Core Strategy (adopted December 2013). Despite the appeal being lodged, the appellant (Crest Nicholson Operations Ltd) have continued to negotiate with the Local Planning Authority so as to avoid the need to continue with the forthcoming appeal at public inquiry.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

2.2 Development Plans

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

L1 Landscape Protection and Enhancement

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

CS1 High Quality Design

CS24 Green Infrastructure, Sport and Recreation Standards

CS27 East of Harry Stoke New Neighbourhood

2.3 Supplementary Planning Guidance

East of Harry Stoke New Neighbourhood Development Framework SPD (Draft for Consultation) July 2014

3. RELEVANT PLANNING HISTORY

3.1 P92/2321 Development of 39.94 hectares (98.5 acres) of land for residential, offices, retailing and open spaces. Construction of roads and associated highway works including a park and ride facility and LRT station (outline)

Approved 22nd December 1993

3.2 P94/2461 Development of 2.611ha of land for erection of 110,000 square feet of office/buildings (class B1 of the Town and Country Planning (Use Classes Order 1987). Construction of associated access roads and car parking (to be read in conjunction with P92/2321)

Approved 16th February 1995

3.3 P94/2527 Residential development on 10 acres of land to include the erection of 102 houses and associated works. Construction of roads

Approved 5th June 1995

3.4 P94/2624 Residential development on 11 acres of land to include the erection of 136 houses. Construction of roads, public open space and ancillary works. (to be read in conjunction with P92/2321)

Approved 5th June 1995

3.5 P95/1840 Erection of 12 dwellings and associated works on land east of Bristol Parkway, Stoke Gifford (to be read in conjunction with P92/2321)

Approved 15th September 1995

3.6 P96/1675 Erection of 20 dwellings (re-plan of previously approved site)

Approved 13th August 1996

- 3.7 P96/1741 Erection of 50 dwellings (re-plan of part of previously approved site) and associated works
Approved 30th September 1996
- 3.8 P99/2180 Development of land for residential purposes, and erection school site (outline).
Approved 3rd May 2000
- 3.9 PT99/0270/RM Erection of 83 dwellings and associated works.
Reserved Matters Approved 14th July 2000
- 3.10 PT00/2213/RM Erection of 234 dwellings and associated works
Reserved Matters Approved 21st December 2000
- 3.11 PT09/0741/VAR Modification of Section 106 agreement dated 28th April 2000 attached to planning permission P99/2180 discharge of obligation to pay the education contribution to the Council.
Refused (June 2009) and Dismissed at appeal (April 2010).
- 3.12 PT09/5495/F Erection of 34 no. one, two and three bedroom dwellings with associated parking, landscaping and works. New access.
Approved 5th October 2010
- 3.13 MODT13/3223 Modification of S106 Agreement attached to planning application P92/2321 to reduce the area of land subject to the s106 legal agreement.
Resolved to Refuse 23rd May 2014
- This application was not determined by the Local Planning Authority and as such was appeal by the applicant against non-determination. The appellant and the Local Planning Authority are now engaged in preparations for the appeal to be held at a Public Enquiry in October 2014*

4. CONSULTATION RESPONSES

This is not a planning application and there is no requirement for public consultation.

5. ANALYSIS OF PROPOSAL

- 5.1 The relevant section of the s106 agreement is Clause 3(b) – Dedication of Land. This section relates to the requirements for the developer (Crest Nicholson) as owners of the “Blue Land” to transfer the entirety of the Blue

Land within 3 years of commencement or 5 years of the date of the agreement or upon service of a notice by the Director of Property Services of the satisfactory landscaping of the Blue Land. This proposal does not seek to carry out development, rather it is a proposal to vary the previously agreed term under the section 106 agreement in order to re-define the timeframe within which the Blue Land will be retained for the purpose set out within the s106 agreement associated with development as approved under P92/2321. The proposed deed of variation is essentially an alteration to the section referred to above such that the time scale and mechanism for the transfer of the land to South Gloucestershire Council is re-defined. To this end, this application is not a planning application but is a request to vary the existing s106 by deed which is permitted under section 106A of the Town and Country Planning Act 1990.

- 5.2 At this time the land has not yet been transferred to the Council, but its uses have been consistent with the uses set out in the s106 legal agreement. The applicant (Crest Nicholson Operations Ltd) has previously applied for the s106 legal agreement to be modified (MODT13/3223) such that the majority of the 'blue land' from the covenant requiring its use as agriculture, forestry, outdoor leisure, community uses or as a cemetery. The application was not determined by the Local Planning Authority and is now subject of an appeal by Crest Nicholson against the non-determination of the application. The Local Planning Authority has resolved that had it been in a position to determine this application that the application would have been refused and that the s106 planning obligation continue to have effect without modification for the following reason;

The obligation under the section 106 legal agreement (dated 15th August 1994) attached to the outline planning consent P92/2321 continues to serve a useful purpose in order to provide open-space in the interests of the existing and new communities and in the interests of the visual amenity of the surrounding landscape. The proposal would be contrary to the provisions of Policy CS27 of the South Gloucestershire Local Plan; Core Strategy (adopted) December 2013; and Saved Policy L1 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.3 The Local Planning Authority and Crest Nicholson Operations Ltd are now preparing for the appeal which is to be held at public inquiry in October 2014. It should be noted that the appellant (Crest Nicholson Operations Ltd) have agreed to withdraw the appeal on the successful completion of the deed of variation now applied for under this application.

- 5.4 The Purpose of the 'Blue Land' as referred to in the S106 Legal Agreement
The Section 106 Legal Agreement (s106) requires that an area of land, roughly triangular in shape and located immediately East of Harry Stoke Way (between Great Stoke Roundabout and Parkway North Roundabout), South of Winterbourne Road (between Great Stoke Roundabout and Old Gloucester Road) and due Northwest of Mulgrove Farm is to be transferred to South Gloucestershire Council. For the purpose of this report this land is referred to as 'the blue land'. At this time, 'the blue land' has not been transferred and remains in the control of Crest Nicholson Operations Ltd.

- 5.5 The s106 requires that the land is to be held for informal recreation or other approved purpose (or combination of such uses) as specified in the s106; but for no other purpose. The approved uses are;
- agriculture,
 - forestry,
 - cemetery,
 - outdoor leisure and recreation,
 - community uses,
 - appropriate ancillary buildings
- 5.6 It is the position of the Local Planning Authority that the land subject of the appeal continues to serve a useful purpose both in respect of the development permitted under P92/2321 and the new neighbourhood at Harry Stoke allocated under policy CS27 of the South Gloucestershire Local Plan; Core Strategy (adopted December 2013).
- 5.7 The Proposed Deed of Variation to the Section 106 Legal Agreement
The applicant (Crest Nicholson Operations Ltd) proposes to alter the s106 so as to re-define the timeframe within which the Blue Land will be retained (by Crest Nicholson Operations) for the purposes set out in the s106 agreement.
- 5.8 Analysis of the Proposal to Modify the Agreement
The development to which this agreement is subject to was approved under outline planning permission P92/2321 and was determined under the North Fringe Local Plan; policy LP37 now superseded. The purpose of the obligation to transfer the 'blue land' to South Gloucestershire Council was to secure land to provide open space, whether functional or visual. In broad terms the existing s106 agreement requires the transfer of the 'blue land' within 3 years of commencement or 5 years of the date of the agreement or upon service of a notice by the Director of Property Services of the satisfactory landscaping of the Blue Land. The proposed Deed of Variation seeks to re-define the time period for the transfer of the 'blue land'. Officers consider that this proposal is acceptable in principle.
- 5.9 The proposed Deed of Variation is such that the existing covenants as to use would be retained, unless or until the Local Planning Authority grants planning consent for an alternative use at which time, it would take in to account and determine the extent to which the covenants as to use continued to serve a useful purpose. Whilst this is acceptable in principle, officers are continuing to negotiate with the applicant in terms of the precise wording, process and time scales. In particular, officers consider that, in order to protect the public interest that the Deed of Variation should include provision for the submission of a specific detail (such as a master plan for endorsement by South Gloucestershire Council relating to the development of land for a new neighbourhood under policy CS27 of the South Gloucestershire Core Strategy) in support of any future planning application relating to and affecting the 'blue land' subject of this Deed of Variation.

- 5.10 It has been noted in this report that South Gloucestershire Council is currently preparing for an appeal at public inquiry relating to a proposed modification to the s106 which would effectively reduce the area of 'blue land' to be transferred to South Gloucestershire Council. Officers consider that it is likely that a variation to the existing s106 could be negotiated such that it protects the public interest and means that it will be unnecessary to pursue the existing lodged appeal further. It also has the advantage of providing certainty (as there remains an element of risk with any appeal outcome); and maintains working relations with a significant landowner within the strategic allocation at Harry Stoke
- 5.11 Officers consider that in order to protect the Council's interests in the 'blue land' the proposed Deed of Variation offers a reasonable process by which to avoid the risk identified above, whilst allowing for a suitable process for new development under Policy CS27 of the South Gloucestershire Core Strategy; and is therefore acceptable in principle subject to detailed negotiations between officers and the applicant (Crest Nicholson Operations Ltd)
- 5.11 In the event that officers are not able to negotiate an appropriate variation and the appeal proceeds, the Council will continue its preparation for the public inquiry in October in accordance with the resolution that had the Council been able to, it would have refused the application to modify the S106 agreement

6. RECOMMENDATION

- 6.1 i) That authority is delegated to the Director of Environment and Community Services to continue to negotiate with the applicant (Crest Nicholson Operations Ltd) over the precise wording of the Deed of Variation.
- ii) That authority is delegated to the Director of Environment and Community Services to vary the s106 legal agreement dated 15th August 1995 (associated with P92/2321) so as to re-define the timeframe within which the Blue Land will be retained (by Crest Nicholson Operations) for the purposes set out in the s106 agreement in accordance with any such agreed negotiation.
- iii) In the event that the precise wording of the Deed of Variation is not agreed between the Director of Environment and Community Services and the applicant (Crest Nicholson Operations Ltd) by 19th September 2014 of the date of this decision that authority is delegated to the Director of Environment and Community Services to refuse to enter into the proposed Deed of Variation.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK13/2851/F	Applicant:	McCarthy And Stone Retirement Lifestyles Ltd
Site:	Staple Hill Police Station 108 - 110 Broad Street Staple Hill South Gloucestershire BS16 5LX	Date Reg:	23rd August 2013
Proposal:	Demolition of existing Police Authority buildings and erection of building to form 43no. Later Living Apartments including car parking, landscaping and associated works. Conversion of existing Police Station House to form 5no. apartments.	Parish:	None
Map Ref:	365438 175864	Ward:	Staple Hill
Application Category:	Major	Target Date:	20th November 2013



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 100023410, 2008. **N.T.S.** **PK13/2851/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application first appeared before the Development Control East Committee on 13th February 2014 due to the viability issues faced by the site and in order to allow members to decide what is in the best public interest. The Case Officer's recommendation was for approval, with the caveat (below) attached.

If the S106 Agreement is not signed and sealed within 6 months of this determination, then in view of the length of time, the application should either;

- a) Be returned to the circulated schedule for reconsideration;*
- or*
- b) The application should be refused due to the failure to secure the Heads of Terms listed.*

The six month completion period expires on 13th August 2014. Through negotiation with the agent, it has been agreed to continue with the application rather than recommend refusal. Although steps are being taken to ensure the agreement is signed as a matter of urgency, an extension of time is being requested to ensure that the agreed completion date is not missed. Consent is also requested to slightly alter the wording of three of the heads of terms – this will be explained further in the body of the report below.

Since the original report was prepared, there have been no notable updates to planning Policy that need to be addressed.

1. THE PROPOSAL

- 1.1 The application sought full planning permission for the demolition of the existing Police Authority buildings and erection of building to form 43 no. Later Living Apartments including car parking, landscaping and associated works. Also for the conversion of the existing Police Station House to form 5 no apartments.
- 1.2 This application is now referred back to Circulated Schedule as the time scale granted (6 months) as part of the resolution to complete the S106 agreement is about to lapse and also to get the wording slightly amended.
- 1.3 Negotiations have progressed and the S106 agreement is at an advanced stage with the applicants working willingly with the Council to ensure the agreement is sealed as promptly as possible.

2. POLICY CONSIDERATIONS

The current policies against which the application stands to be assessed are as follows. Please note these are the same policies considered by the Committee when assessing the application in February:

- 2.1 National Guidance
National Planning Policy Framework
National Planning Practice Guidance

2.2 Development Plans

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

- H4 Development within Existing Residential Curtilages
- L1 Landscape Protection and Enhancement
- L9 Species Protection
- L13 Listed Buildings
- L15 Buildings of Significance (Locally Listed Buildings)
- T7 Cycle Parking
- T8 Parking standards
- T12 Transportation Development Control
- H5 Re-use of buildings for residential purposes
- LC1 Provision for community facilities
- LC2 Provision for education facilities

South Gloucestershire Local Plan Core Strategy : Adopted December 2013

- CS1 High Quality Design
- CS4A Presumption in favour of sustainable development
- CS5 Location of Development
- CS6 Infrastructure and Developer Contributions
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS18 Affordable Housing
- CS24 Green Infrastructure, Sports and Recreation Standards
- CS29 Communities of the East Fringe Urban Area

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist Supplementary Planning Document (Adopted) August 2007

Affordable Housing SPD (Adopted)

Residential Parking Standards SPD

Locally Listed Buildings SPD

3. **ASSESSMENT OF MATERIAL CHANGES SINCE FEBRUARY 2014**

- 3.1 As previously mentioned there have been no changes to policy that require further consideration and/or re-assessment.
- 3.2 The need for the extension in time (a further three months) and the slight alterations to the wording of the Heads of Terms are all due to the applicant

and the Council working together to try to ensure that the affordable housing is provided on site rather than needing to resort to an off site contribution. The three heads of terms to be altered are as follows:

- (i) The applicant/developer shall within ~~3~~ **6** months of the date ~~of signing the S106~~ **the decision notice is issued** seek public subsidy to deliver 10% (5 dwellings) of the total dwellings for affordable housing, as defined by the NPPF, onsite.
- (ix) In the event that public subsidy is not available within the ~~3~~ **6** month period following the date of planning permission, the applicant/developer shall agree to pay the sum of £200,958 index linked by RPI for the provision of offsite affordable housing at the commencement of development.
- (x) If the scheme achieves practical completion within 18 months of the date ~~the s.106 is signed~~ **decision notice is issued** there shall be no review of the viability.

3.3 Your officers are very keen indeed to ensure that the 5 units of affordable housing are provided on site and the applicants are being more than lenient in agreeing to extend the time period in which to gain public subsidy. The alterations to the wording are direct requests of Council officers rather than the wishes of the applicant.

3.4 All obligations are still considered to be necessary and meets the three test of an obligation as set out at paragraph 204 of the NPPF and the CIL regulations.

4. RECOMMENDATION

4.1 That authority be delegated to the Director of Environment and Community Services to grant planning permission, subject to the conditions set out below and the applicant first voluntarily entering into an Agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to secure the following:

- (i) The applicant/developer shall within 6 months of the date the decision notice is issued seek public subsidy to deliver 10% (5 dwellings) of the total dwellings for affordable housing, as defined by the NPPF, onsite.
- (ii) The affordable housing shall be provided in a range of unit types to meet housing need as shown below:

Affordable Rent

Number	Type	Min Size m2
2	1 bed flats	57
3	2 bed flats	84

- (iii) The Council shall refer potential occupants to all first lettings and 75% of subsequent lettings.

- (iv) The affordable housing shall be located as a cluster of 5 units identified as the "Police Station" in drawing no. AO1-1916-01.
- (v) All units to be built in line with the same standards as the market units (if higher) and to fully comply with the latest Homes and Communities Agency (HCA) standards applicable at the time the S.106 will be signed, to include at least Level 3 of the Code for Sustainable Homes, Part 2 of Secured by Design, and compliance of RP design brief. The applicant/developer shall ensure best endeavours to achieve Lifetime Homes standard in accordance with the schedule attached.
- (vi) Delivery is preferred through a Housing Delivery Panel (HDP) RP. The HDP is set up to deliver affordable housing across the West of England to local development and management standards. The Council encourages the developer to work with a member of the HDP, and in the event of the developer choosing an Affordable Housing Provider from outside this panel then the same WoE standards will need to be adhered to.
- (vii) Affordable housing to be built at the same time as the rest of the housing on site in line with agreed triggers as per S.106 agreement, with a detailed assessment on a site by site basis.
- (viii) The Council will define affordability outputs in the S.106 agreement, without any further information regarding sales values the affordability standards are as follows:
 - affordable rents to include service charges in line with NPPF definition and set at up to 80% local median market rents
 - service charges will be capped at an appropriate level to ensure that the affordable housing is affordable
- (ix) In the event that public subsidy is not available within the 6 month period following the date of planning permission, the applicant/developer shall agree to pay the sum of £200,958 index linked by RPI for the provision of offsite affordable housing at the commencement of development.
- (x) If the scheme achieves practical completion within 18 months of the date the decision notice is issued there shall be no review of the viability.
- (xi) A contribution of £17,500 towards Traffic Regulation Orders to remove the zig-zag lines outside the police station and also to contribute towards improvements to the existing pavement and pedestrian crossing points within 200m of the site.
- (xii) All works to the public highway should be carried out at the applicants expense and in full agreement with the Council. The developer will meet all reasonable costs for the Councils Development Implementation team to check the design and supervise works to the public highway.

The reasons for this Agreement are:

- (i) to (x) inclusive- Taking into account the viability considerations, to secure the provision of as much on-site affordable housing as possible in accordance with the requirements of Policy CS18 of the South Gloucestershire. Where on site provision does not prove to be viable, a sum is provided for off site provision.
 - (xi) to (xii) inclusive – To ensure that the Traffic Regulation Order immediately outside the site is necessarily amended and to ensure that all works to the public highway are safe and correct. To ensure that pedestrian and vehicular access to and from the site is safe and also to improve pedestrian links in the immediate vicinity of the site in accordance with the requirements of Policy T12 of the South Gloucestershire Local Plan (Adopted), and policies CS5 and CS8 of the South Gloucestershire Core Strategy (Adopted)
- (2) That the Head of Legal & Democratic Services be authorised to prepare and seal the agreement.
- (3) If the S106 Agreement is not signed and sealed within 3 months of this determination then, in view of the length of time, the application should either:
- a) Be returned to the Circulated Schedule for reconsideration;
- Or
- b) The application should be refused due to the failure to secure the Heads of Terms listed above under a Section 106 Agreement, for the reason listed.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

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

Reason

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

2. The residents of the later life apartments marked as 'Proposed Later Living Development' on plan No A01-1916-01 shall comply with the following age restriction: The minimum age limit for a single or eldest partner is 60 years with a minimum age limit of 55 years for a second person living in the same apartment

Reason

The amount of on site parking and amenity space provided is specifically tailored to meet the needs of a later living development. Occupation of the properties on an unrestricted basis would require further consideration of the impact on parking provision and the provision of adequate private and useable amenity space. In accordance with the requirements of Policies CS1 and CS5 of the South Gloucestershire Core Strategy (Adopted).

3. The coach house element of the scheme as detailed on drawing P01-1916-16A may only be occupied by visitors and guests of the residents in the main later living development and can not be used as a separate or primary unit of ancillary accommodation.

Reason

All conditions and S106 contributions have been calculated on the basis that the coach house is not to be used as a primary unit of residential accommodation. Use of the coach house for this purpose would require further consideration of the S106 contributions, on site parking provision and amenity space layout and provision in accordance with the requirements of Policies CS1, CS6, CS8, CS18 and CS24 of the South Gloucestershire Core Strategy (Adopted)

4. Prior to the commencement of development, the intrusive investigation works recommended within the Coal Mining Risk Assessment submitted in support of the application must be carried out. In the event that the site investigations confirm the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures (e.g. gas protection) to ensure the safety and stability of the proposed development, these works should also be undertaken prior to commencement of development.

Reason

To ensure that the development takes place in a safe way on stable land and to comply with the requirements of Policy CS9 of the South Gloucestershire Core Strategy (Adopted).

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

Because of the risk of disease, some of the proposed planting species are not considered to be acceptable. To ensure that a detailed and suitable landscaping scheme is implemented in accordance with the requirements of Policy CS1 of the South Gloucestershire Core Strategy (Adopted) and Policy L1 of the South Gloucestershire Local Plan (Adopted)

6. Prior to the commencement of development a detailed method statement showing a no dig solution for all works within the root protection areas of the trees to be retained on site, and a tree protection plan shall be submitted to the Council for written approval. If acceptable, the Council will give written agreement to the details

submitted and all works must be carried out exactly in accordance with the details so agreed.

Reason

The submitted plans show the retention of a number of trees on site - one of which is subject to a Tree Preservation Order. It is necessary to ensure that the works as carried out are not detrimental to the health or longevity of these trees in accordance with the requirements of Policy L1 of the South Gloucestershire Local Plan, and Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with the requirements of policy CS9 of the South Gloucestershire Core Strategy (Adopted)

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

Reason

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

9. Sample panels of all stonework types (ashlar, coursed and rubble), demonstrating the colour, coursing, texture, pointing and, where relevant, copings are to be erected on site and approved in writing by the Local Planning Authority before the relevant parts of the work are commenced. The approved sample panels shall be kept on site for reference until the stonework is complete. Development shall be carried out in accordance with the agreed sample

Reason

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

10. Notwithstanding previously submitted details, development shall not commence until the detailed design, including materials and finishes of the following items have been submitted to and approved in writing by the local planning authority:
 - a) All new railings and other boundary treatments;
 - b) all new external doors including frames and door furniture and fittings;
 - c) all new windows (including cill, reveal and head details);
 - d) all new vents, flues and extracts (including those in the former Police Station);
 - e) glazed entrance screen and colour of backing board;
 - f) eaves, verge, ridges and corbelling and coping;
 - g) dormers;
 - h) balconies;

- i) all new external lighting;
- j) rainwater goods.

The design and details shall be accompanied by elevations and section drawings to a minimum scale of 1:5 with full size moulding cross sections. The works shall thereafter be implemented strictly in accordance with the agreed details.

Reason

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

- 11. All new external works and finishes, and works of making good of the former Police Station, shall match the existing original building in respect of materials used, detailed execution and finished appearance, except where indicated otherwise on the drawings hereby approved.

Reason

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

- 12. Prior to its reinstatement and repair, large scale details of the entrance porch on the east elevation of the former Police Station shall be submitted to and approved in writing by the local planning authority. The replacement sash window shall match the existing original sash windows in respect of materials used, detailed execution and finished appearance.

Reason

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

- 13. The replacement dormer to the Stable Block shall match the existing original dormer in respect of materials used, detailed execution and finished appearance and shall be completed prior to first occupation of the Stable Block.

Reason

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

- 14. Prior to development commencing, an ecological and landscape management plan be drawn up and agreed with the Council in writing. The plan should include details of any new landscape planting and a programme of monitoring of all works for a period of 5 years. All works are to be carried out exactly in accordance with details agreed.

Reason

To comply with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

- 15. Prior to the commencement of development a scheme of bat and bird boxes shall be drawn up and agreed with the Council in writing as per Section 8 of the extended Phase 1 survey by Marishal Thompson Group Arboricultural and Ecological

Consultants dated 9th January 2013 and forming part of the application. All works shall be carried out exactly in accordance with the details agreed.

Reason

To comply with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

16. Prior to the commencement of development, details of the design and location of all external lighting shall be submitted to the Council, and if acceptable agreed in writing to prevent light spill affecting local biodiversity. All works are to be carried out exactly in accordance with the details agreed.

Reason

To comply with the requirements of Policy L9 of the South Gloucestershire Local Plan (Adopted).

17. The hours of working on site during the period of construction shall be restricted to 08.00 to 18.00 Monday to Friday, 09.00 to 13.00 on Saturday; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect the existing level of residential amenity afforded to the neighbouring dwelling to satisfy the requirements of Policy CS1 of the South Gloucestershire Core Strategy (Adopted).

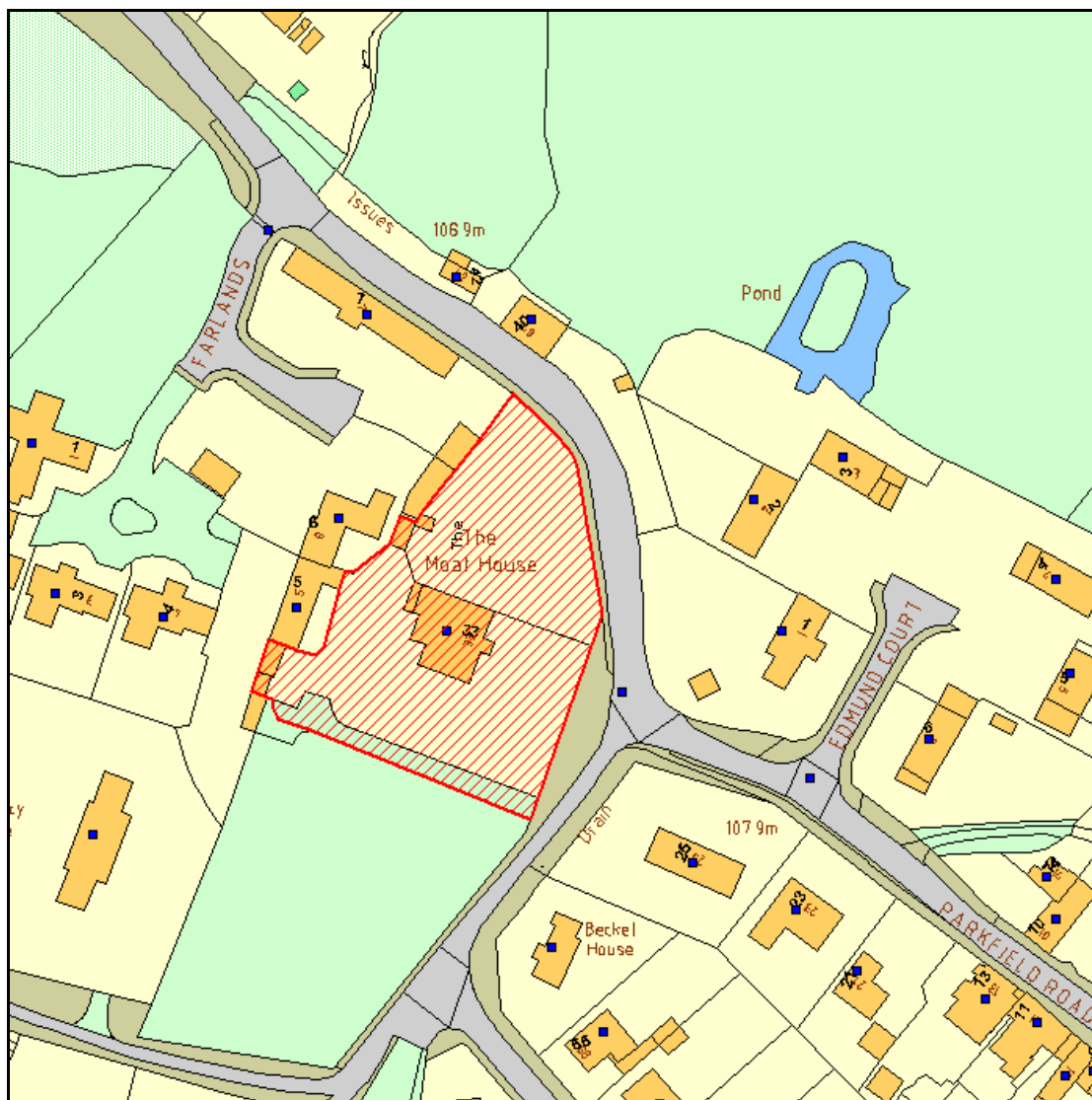
18. The off street parking and bin storage areas must be provided before the development is first occupied and thereafter retained for that purpose.

Reason

To ensure the provision of an adequate amount of off street parking in the interests of Highway Safety in accordance with Policy T12 of the South Gloucestershire Local Plan (Adopted) and to satisfy the requirements of the Residential Parking Standards SPD.

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/1068/F	Applicant:	Mr Alex Brown
Site:	Moat House Kings Lane Pucklechurch Bristol South Gloucestershire BS16 9PP	Date Reg:	2nd April 2014
Proposal:	Erection of glazed entrance lobby linking existing utility room to dwelling and associated renovations to create 2no. covered parking bays	Parish:	Pucklechurch Parish Council
Map Ref:	369704 176709	Ward:	Boyd Valley
Application Category:	Householder	Target Date:	21st May 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule (along with the associated application for Listed Building Consent PK14/1069/LB) to take into account comments of an objection received.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a glazed entrance lobby and renovations to an outbuilding to create a car port at a listed building in Pucklechurch. This application is accompanied by an application for Listed Building Consent (PK14/1069/LB).
- 1.2 During the course of the application, the proposed garden room has been reconsidered and is no longer part of the proposed development. It was the erection of the garden room that was the most contentious aspect of the proposal.
- 1.3 Moat House is a grade II* listed building. It is located to the northwest of the core of Pucklechurch, within the conservation area and defined settlement boundary for the village.

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
CS8 Improving Accessibility
CS9 Managing the Environment and Heritage
CS34 Rural Areas

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

L1 Landscape
L11 Archaeology
L12 Conservation Areas
L13 Listed Buildings
T12 Transportation
H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance
Residential Parking Standard (Adopted) December 2013

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1069/LB Pending Consideration
Erection of glazed entrance lobby linking existing utility room to dwelling and associated renovations to create 2no. covered parking bays.
- 3.2 PK12/4289/LB Approve with Conditions 21/02/2013
Internal alterations including internal refurbishments to living and dining room.
- 3.3 PK01/2761/F Approve with Conditions 31/05/2002
Installation of new entrance gates and associated boundary wall alterations.
Demolition of existing low stone wall.
- 3.4 PK01/2755/LB Approve with Conditions 31/5/2002
Installation of new entrance gates and associated boundary wall alterations.
Demolition of low stone wall.
- 3.5 Further planning history is available but due to its age, it has not been included in this list

4. CONSULTATION RESPONSES

- 4.1 Pucklechurch Parish Council
Objection – design of garden room is not in keeping with the house; pitch of garden room roof is awkward with the existing roofscape.

A later consultation response (4 July) raised no further comment; it did not remove the objection.
- 4.2 Conservation Officer
No objection subject to condition
- 4.3 Drainage
No objection subject to an informative
- 4.4 English Heritage
No objection
- 4.5 Public Rights of Way
No objection subject to informative

Other Representations

- 4.6 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a new entrance lobby and works to create a car port.
- 5.2 Principle of Development
Development within existing residential curtilages is generally supported by policy H4 of the Local Plan, subject to an assessment of design, transport and amenity. However, for the proposal to be acceptable it must accord with the provisions of Policy L13 and retain the features of architectural or historical interest.
- 5.3 Design and Heritage
The list description states that the building is seventeenth century. Research and inspection of the historic fabric reveals that the building has much earlier origins, potentially containing remnants of the original medieval manor house. However the building was largely rebuilt in the sixteenth and early seventeenth centuries.
- 5.4 The north kitchen/living room wing (to the right hand side of the front porch) is understood to date from the seventeenth century and was likely to have been built as a service range containing possibly a kitchen and dairy separated by a small buttery (this small room remains). The bakehouse is likely to have been an eighteenth century addition to the building and this is also considered to be the date of the garage (which has been divorced from the original barn).
- 5.5 The lobby is a relatively modest addition. It extends a nineteenth century scullery addition, which has itself been extended at a later date (the area of the door and window appearing to be later infill). The addition of the lobby does not involve loss of any fabric. The eaves and ridge height match the existing, and the pitch corresponds with the adjacent lean-to. Oak posts, vertically boarded oak doors and clay tiles are used to respect the character of the building and tie in with the existing roof, although the use of large areas of glazing signals this as a new addition to the building, and allows a more lightweight character.
- 5.6 The new car port will not affect historic fabric and is considered acceptable subject to agreement of a roof finish colour and profile.
- 5.7 The design of the proposed additions and alterations is considered to respect the existing form, character and appearance of the building whilst retaining the architectural and historic interest.
- 5.8 Amenity
Development should not prejudice residential amenity. The application site is a large detached building and the modest extension to the lobby would not compromise the amenity offered to the dwelling.
- 5.9 The alterations to the car port are again modest. It involves a raise to the eaves and ridge of the existing structure and an increase in depth. The car port

will be open in nature and would not be overbearing on the adjacent neighbours.

5.10 It is not considered that the development will have a prejudicial impact on the amenity of nearby occupiers and is therefore acceptable.

5.11 Transport and Parking

With regard to householder applications, development is required to provide adequate levels of off-street parking to meet the needs arising from the development. Parking need is measured against the number of bedrooms.

5.12 This application does not propose to create any additional bedrooms and therefore the Residential Parking Standard is not engaged. Notwithstanding this, the proposed car port would create two additional parking spaces. It is therefore considered that adequate off-street parking is provided within the curtilage of the property to meet the needs arising from the development.

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. It is considered that an acceptable standard of site planning and design is proposed that respects the heritage designation of the site. The development will not adversely affect residential amenity or highway safety.

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

7. RECOMMENDATION

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

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

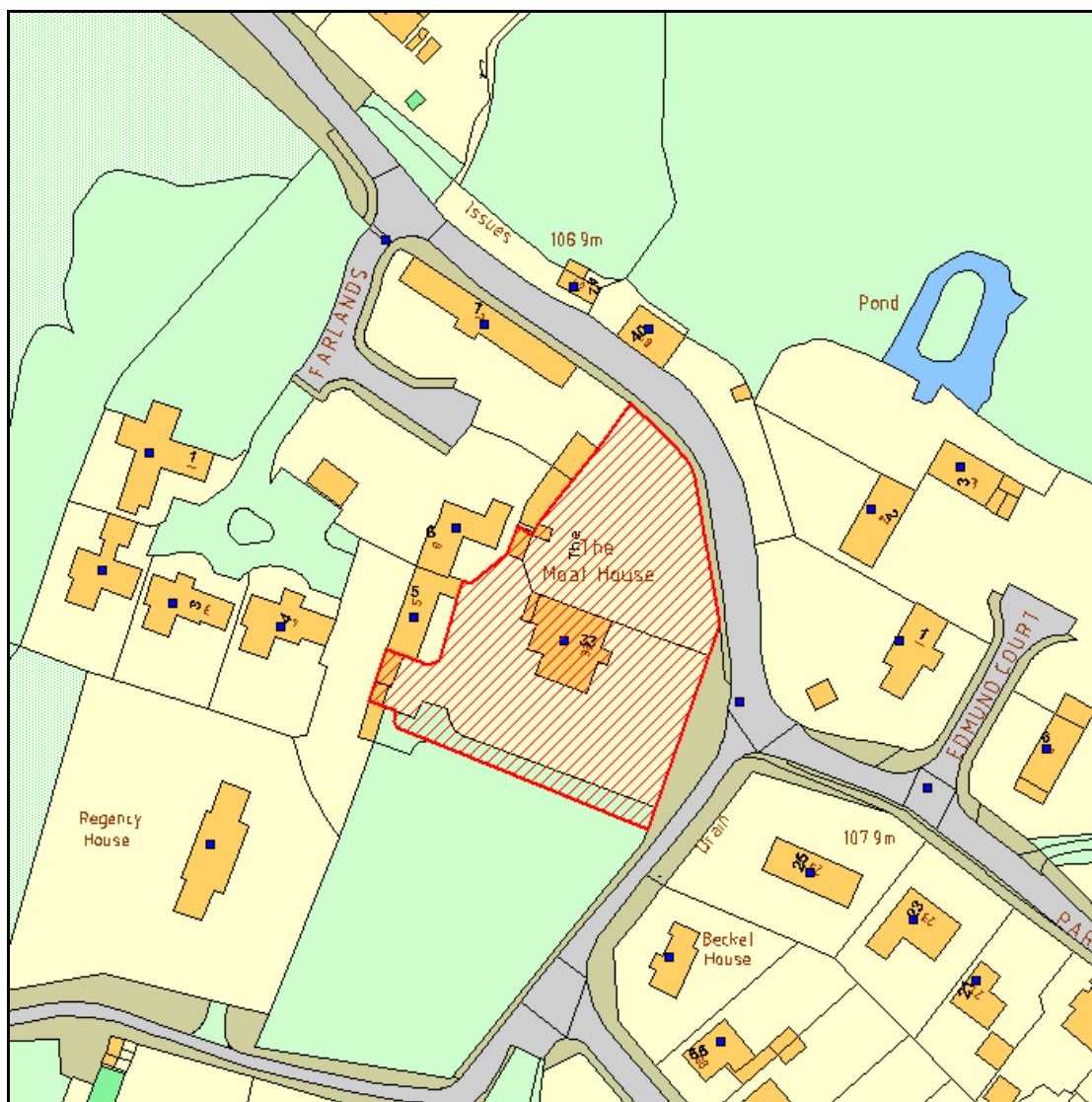
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/1069/LB	Applicant:	Mr Alex Brown
Site:	Moat House Kings Lane Pucklechurch South Gloucestershire BS16 9PP	Date Reg:	2nd April 2014
Proposal:	Erection of glazed entrance lobby linking existing utility room to dwelling and associated renovations to create 2no. covered parking bays	Parish:	Pucklechurch Parish Council
Map Ref:	369704 176709	Ward:	Boyd Valley
Application Category:	Minor	Target Date:	21st May 2014



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 100023410, 2008. **N.T.S.** **PK14/1069/LB**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application has been referred to the Circulated Schedule (along with the associated application for planning permission PK14/1068/F) to take into account comments of objection received.

1. THE PROPOSAL

- 1.1 This application seeks Listed Building Consent for works to enable the erection of a glazed entrance lobby and renovations to an outbuilding to create a car port at a listed building in Pucklechurch. This application is accompanied by an application for planning permission (PK14/1068/F).
- 1.2 During the course of the application, the proposed garden room has been reconsidered and is no longer part of the proposed development. It was the erection of the garden room that was the most contentious aspect of the proposal.
- 1.3 Moat House is a grade II* listed building. It is located to the northwest of the core of Pucklechurch, within the conservation area and defined settlement boundary for the village.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1069/LB Pending Consideration
Erection of glazed entrance lobby linking existing utility room to dwelling and associated renovations to create 2no. covered parking bays.
- 3.2 PK12/4289/LB Approve with Conditions 21/02/2013
Internal alterations including internal refurbishments to living and dining room.
- 3.3 PK01/2761/F Approve with Conditions 31/05/2002
Installation of new entrance gates and associated boundary wall alterations.
Demolition of existing low stone wall.
- 3.4 PK01/2755/LB Approve with Conditions 31/5/2002
Installation of new entrance gates and associated boundary wall alterations.
Demolition of low stone wall.
- 3.5 Further planning history is available but due to its age, it has not been included in this list

4. CONSULTATION RESPONSES

4.1 Pucklechurch Parish Council

Objection – design of garden room is not in keeping with the house; pitch of garden room roof is awkward with the existing roofscape.

A later consultation response (4 July) raised no further comment; it did not remove the objection.

4.2 Conservation Officer

No objection subject to condition

4.3 English Heritage

No objection

4.4 Society for the Protection of Ancient Buildings (SPAB)

Proposal and existing buildings/outbuildings have an uncomfortable relationship

Other Representations

4.5 Local Residents

None received

5. ANALYSIS OF PROPOSAL

5.1 This application seeks Listed Building Consent for works to a grade II* listed building in Pucklechurch.

5.2 Principle of Development

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

5.3 Assessment of Impact on Heritage Asset

The listing description states that the building is seventeenth century. Research and inspection of the historic fabric reveals that the building has much earlier origins, potentially containing remnants of the original medieval manor house. However, the house was largely being rebuilt in the sixteenth and early seventeenth centuries.

5.4 The garden room, which was the more contentious element of the proposal, has been omitted. The lobby is a relatively modest addition; it extends a nineteenth century scullery, which has itself been extended at a later date (the area of the door and window appearing to be later infill).

5.5 The addition of the lobby does not involve loss of any fabric. The eaves and ridge height match the existing, and the pitch corresponds with the adjacent lean-to. Oak posts, vertically boarded oak doors and clay tiles are used to respect the character of the building and tie in with the existing roof, although

- the use of large areas of glazing signals this as a new addition to the building, and allows a more lightweight character.
- 5.6 The new car port will not affect historic fabric and is considered acceptable subject to agreement of a roof finish colour and profile.
- 5.7 The proposal therefore is not considered to have an unacceptable impact on the historic fabric, architectural features or interest of the building and is therefore acceptable.
- 5.8 Conditions will be attached for large scale drawings of door and windows and samples of materials.

6. RECOMMENDATION

- 6.1 It is recommended that consent be GRANTED subject to the conditions listed below.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the commencement of development the detailed design of the following items, including materials and finishes, shall be submitted to and approved in writing by the Local Planning Authority. The details shall be submitted at a scale of 1:5, including elevations and sections. The development shall be carried out in accordance with the agreed details.
- a) all new windows (including cill and head details)
 - b) all new doors (including cill and head details)

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990

3. Prior to the commencement of development a representative sample of clay roof tile and sheet roofing for the garage (showing material, profile and colour) shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

4. Notwithstanding the details as shown on plan 13006(D)001A, the facia of the carport shall be Oak.

Reason

To safeguard the special architectural and historic character of the building, and to accord with Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/1352/O	Applicant:	Frome Mill Homes
Site:	Mangotsfield Methodist Church Windsor Place Mangotsfield Bristol South Gloucestershire BS16 9DE	Date Reg:	12th May 2014
Proposal:	Demolition of existing Church. Erection of 4 no. detached dwellings (Outline) with access and layout to be determined. All other matters reserved.	Parish:	None
Map Ref:	366140 176502	Ward:	Rodway
Application Category:	Minor	Target Date:	4th July 2014



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 100023410, 2008. **N.T.S.** **PK14/1352/O**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This report appears on the Circulated Schedule following objections from local residents.

1. THE PROPOSAL

- 1.1 The application seeks outline planning permission for layout and access to be determined for the erection of 4no. three bed detached dwellinghouses. All other matters are reserved.
- 1.2 The application site comprises approximately 0.14 ha of land associated with Mangotsfield Methodist Church on Windsor Road which would be demolished to accommodate the proposal. It has been confirmed that the church has been unoccupied and empty for three years and is no longer required by the trustees of the Methodist Church.
- 1.3 During the course of the application revised parking arrangements were requested and received by the Council.

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)

T12 Transportation Development Control Policy for New Development

L1 Landscape Protection and Enhancement

L9 Species Protection

South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design

CS5 Location of Development

CS9 Managing the Environment and Heritage

CS16 Housing Density

CS23 Community Infrastructure and Cultural Activity

CS29 Communities of the East Fringe of Bristol Urban Area

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 K7608 ERECTION OF SINGLE STOREY FRONT EXTENSION
Approved 24.1.94

4. CONSULTATION RESPONSES

4.1 Parish/Town Council
The area is unparished

4.2 Other Consultees

Coal Authority

The Coal Authority considers that the content and conclusions of the report from Bristol Coalmining Archives Limited is sufficient for the purposes of the planning system and meets the requirements of the NPPF in demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore has **no objection** to the proposed development. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.

Transport comment

There is no in-principle highway or transportation objection to this application subject to provision two off-street parking for each dwelling on site. However, in this case, it is appropriate for ease of access/egress to provide the parking spaces [for each plot] perpendicular rather than parallel to the road as shown on original submitted plan due to potential manoeuvring problems.

Trading Standards

No objection subject to an informative

Highway Drainage

No objection subject to informatives

Other Representations

4.3 Local Residents

Four letters from local residents have been received - the points are summarised as:

- How do we access the boundary wall and fence at the rear of our property for maintenance?
- Too many bungalows for the site
- Highway problems – Windsor Place is an over used rat run. Vision is often nil for residents access and exiting their properties, mainly caused by parked vehicles
- The area to the rear side of the church has some well established trees, removal would destroy well used habitat for birds and butterflies etc
- Potential overlooking
- Concerns for emergency vehicle access to flats
- Object to size and position of new dwellings – footprint appears 1.5 times size of dwellings in area. Size is out of keeping
- It is usual for homes in the area to have small front gardens and or off-street parking and a much larger rear garden, with houses being positioned towards the road. The proposed houses are not in keeping and properties on Greenside would suffer unnecessary overlooking due to proximity.

Overbearing impact. Front of the proposed houses would overlook the common so positioning them nearer to Windsor Place would not have a negative impact from that aspect

- Surely before any outline planning permission is given a Change of Use application should first be submitted if it has not already? This church should currently be a D1 Class which is not a residential class. So how can planning permission be sort for houses until the Class has been changed? I would like this looked into by the Council.

5. **ANALYSIS OF PROPOSAL**

5.1 Principle of Development

This is an outline application where the principle of development is being assessed and in this case the layout and access are being determined. All other issues i.e. landscaping, appearance and scale are deemed reserved matters and would be considered under a future application.

The NPPF is in favour of sustainable development and South Gloucestershire Council also promotes such development. The site is located within the established urban area of Mangotsfield and comprises a Methodist Church and associated parking area. Policy CS23 is of relevance as this deals with Community Infrastructure and Cultural Activity and the redevelopment of such sites. In this instance the proposal would result in the loss of a place of worship, however, the applicant has stated that the site has been unoccupied and empty for three years. Policy states that a reasonable amount of time must have lapsed for the opportunity an alternative agency/organisation to re-establish the use or for an alternative community use to have begun on the site. It is considered that 3 years would be a suitable time period and as such the proposal for the redevelopment of this site accords with policy.

Policy CS5 states that most new development will take place within the North and East Fringes of the Bristol area because of existing or future infrastructure in these area and thus be regarded as a sustainable location. The NPPF (2012) states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe and cites the importance of delivering a wide range of residential accommodation to achieve inclusive and mixed communities.

The proposal for 4no. units on the site is therefore acceptable in principle, subject to a number of criteria which are discussed below.

5.2 Density

The proposed 4no. units on the 0.14ha site would equate to 28 dwellings per hectare. High density is usually regarded as being in the range 30 to 70 dwelling per hectare. As such the density level is considered appropriate to the site and location. The site sits in a residential area comprising dwellings as varied as cottages, semi-detached dwellings and blocks of flats. It is considered that given the site's location in the heart of the urban area, its walking distance proximity to shops and regular bus routes, the location is highly sustainable and well capable of accommodating a development of the

density proposed. It is therefore considered that the proposal would not be out of character with its immediate surroundings.

5.3 Layout

Issues of external appearance and scale of the dwellings remain to be determined under reserved matters, nevertheless siting is to be determined under the current application. The proposal comprises the erection of 4no. detached dwellings positioned in a row across the site. The accompanying Design and Access Statement states the proposal would be 1.5 storey high and Officers consider this height would be appropriate for the position and the height will be secured by condition attached to the decision notice. The existing church would be demolished to accommodate this development and as such the whole of the site would be occupied by the built form of the 4no. dwellings rather than it being concentrated to one side as is currently the case. The existing church is a modern addition to the street scene. It cannot be regarded as an example of fine architecture, nor do its materials have any merit of quality. It would therefore not be a great loss to the visual amenity of the area.

5.4 Concern has been expressed by local residents that the scale of the development would be out of character with the area. The accompanying Design and Access Statement declares that the approximate size of the proposed dwellings would be 12 metres by 7 metres and a height not exceeding 7 metres. As mentioned above the area is of a mixed-style built form ranging from small cottages to post war terraced dwellings and blocks of more modern flats. As such the scale of the proposed dwellings is considered to complement rather than detract from the immediate area. Further design details of the proposed 1.5 storey dwellings have not been submitted under this outline application but would be considered separately in a future application. This would provide the opportunity for materials and overall appearance to be carefully considered in an attempt to integrate the new dwellings into the existing street scene.

5.5 Landscaping

Landscaping remains to be determined as a reserved matter. It has been noted that there are some trees/shrubs/bushes on site however, it is considered that these do not represent superlative examples which need to be protected under a Tree Preservation Order. The proposed layout is considered to be acceptable, with gardens/amenity space to the front and rear. The proposed dwelling to the west would also have a substantial garden to the side due to the 'L' shaped plot. It is intended that the boundaries of the site would be close boarded fencing. The applicant will still need to submit a full landscape proposal for approval at the reserved matters stage.

5.6 Residential Amenity

Officers consider that whilst it is perfectly normal for buildings to be in close proximity to each other in densely populated urban locations, careful consideration still needs to be given to the impact of the development on the residential amenities of neighbours and future occupiers alike.

- 5.7 For prospective occupiers amenity areas are to be provided, which would provide ample opportunity for sitting out in a relatively private area. Bin storage and cycle storage would also be provided for each dwelling.
- 5.8 Concern has been expressed with regard to overlooking and impact on privacy for dwellings to the rear on Greenside. The closest of these would be approximately 26 metres away from the rear elevation of the proposed dwellings and this is considered an acceptable distance between properties with no resulting adverse issues of inter-visibility or overlooking. The boundary fencing is to be retained, and is considered high enough to provide adequate screening and privacy for both future and neighbouring occupiers.
- 5.9 Officers consider that some overlooking of neighbouring property is inevitable in this densely populated urban area, where properties are in close proximity to each other. Having regard to the siting of the proposed buildings, Officers have concerns that there may be overlooking/loss of privacy for the occupiers of the dwellings to either side. No details have been given in this respect and as such it is considered reasonable for a condition to be attached to the decision notice to restrict the fenestration in the side elevations of the proposed buildings to fixed and obscurely glazed only.
- 5.10 Officers are satisfied that overall and on balance, subject to conditions, the impact of the proposed development upon neighbouring residential amenity, would be acceptable.
- 5.11 Transportation
Windsor Place is a narrow road with a footway to one side and an area of public open space the other. Located within this grassed area are a number of mature trees. The Council's current minimum parking requirements are listed in the recently adopted SPD: Residential Parking Standards (2013). For a 3no. bed property the requirements are 2no. off street parking spaces per dwelling.
- 5.12 As 2 no. off-street car parking spaces and a cycle and bin storage are to be provided for each dwelling, this level of parking provision will satisfy the minimum adopted standards. However, Officers have some concerns regarding the proposed layout as submitted in both the original and the revised parking scheme. The revised scheme would see vehicles reversing out onto Windsor Place which is something to be avoided. It has been demonstrated that the required number of parking spaces can be achieved on the site to meet the needs of the development, however, a more detailed and thought out arrangement would be required to achieve a scheme of good function and design e.g perhaps incorporating landscaping, sufficient room for occupiers to get in and out of vehicles and also avoid reversing out onto the road. To this end a condition would be attached to the decision notice to the effect that parking arrangements/design would need to be agreed with Officers prior to development commencing.
- 5.13 The development site is well located in respect of it being close to bus routes and the shopping areas along Badminton Road and local shops at St James Street. The proposed parking provision is considered to be acceptable in this sustainable location.

- 5.14 One comment expresses concerns regarding Emergency Vehicle access for the flats next door to the application site. Windsor Place has two entrances and as such it is considered that the proposed development would not impact on access for these or any other vehicles.
- 5.15 Drainage Issues
The Council's Drainage Engineer has raised no objections to the principle of the development, which would also be the subject of Building Control. A SUDS scheme of drainage would be secured by condition.
- 5.16 In addition as this is a brownfield site, run off from previously developed sites should be compared with existing discharge rates, however developers will be required to reduce run off rates (30%) and volumes as much as is reasonably practicable.
- 5.17 Appropriate permeable design and construction of proposed and replacement dwelling frontage paving/tarmac exceeding 5 square metres in area is a requirement to ensure surface water run-off is retained at source. Use of permeable surfacing is required or rainfall to be directed to a permeable soakage area (provided it does not cause flooding of adjacent property) within the curtilage of the dwelling.
- 5.18 Public Open Space
The scheme size falls below the threshold for contributions to open space.
- 5.19 Education
The scheme size falls below the threshold for contributions to education.
- 5.20 Environmental Issues
Given that the existing building would be demolished, Officers consider it appropriate to impose a condition to secure the prior submission and approval of a Waste Management Audit.
- 5.21 Furthermore the developer would be recommended to register the site under the 'Considerate Contractors scheme'. The scheme would also be the subject of Building Regulation Control and controls embodied within The Environmental Health Act. The Council's Environmental Health Officer has raised no objections on Environmental Protection grounds.
- 5.22 Other matters
Concern has been raised regarding access to boundary walls/fencing at the rear of properties for maintenance. This is a civil matter to be arranged between parties and as such is not of relevance in the assessment and determination of this planning application.

A concern has been raised with regard to the change of use from a church to a residential development. Using the listed policies as detailed above, the application for residential use on the site has been fully assessed. The assessment has included the change of use from a church to houses and the principle has been shown to be acceptable. A separate change of use application is therefore not required.

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

1. Approval of the details of the scale and appearance of the buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason

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

2. Plans and particulars of the reserved matters referred to in the condition above, relating to the scale and appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the Local Planning Authority and shall be carried out as approved.

Reason

To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

3. Application for approval of the reserved matters shall be made to the Local Planning Authority 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).

4. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

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

5. The hours of working on site during the period of construction shall be restricted to 8:00 to 18:00 Monday to Friday and 8:00 to 13:00 on 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 CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013.

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

Reason

To ensure that a satisfactory means of drainage is provided, and to accord with Policy EP2 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006.

7. Prior to commencement of development details of the off-street parking facilities (for all vehicles, including cycles) shall be provided for approval and agreed in writing with the Local Planning Authority and retained thereafter for that purpose.

Reason

To ensure the satisfactory provision of parking facilities and in the interest of highway safety and the amenity of the area, and to accord with Policy T12 of the South Gloucestershire Local Plan (Adopted) January 2006 and SPD: Residential Parking Standards (Adopted) December 2013 and Policy CS1 of the South Gloucestershire Local Plan (Adopted) 2013.

8. No development shall take place until a Waste Management Audit has been submitted to and approved by the Local Planning Authority in writing. The Waste Management Audit shall include details of:
 - (a) The volume and nature of the waste which will be generated through the demolition and/or excavation process.
 - (b) The volume of that waste which will be utilised within the site in establishing pre-construction levels, landscaping features, noise attenuation mounds etc.
 - (c) Proposals for recycling/recovering materials of value from the waste not used in schemes identified in (b), including as appropriate proposals for the production of secondary aggregates on the site using mobile screen plant.
 - (d) The volume of additional fill material which may be required to achieve, for example, permitted ground contours or the surcharging of land prior to construction.

(e) The probable destination of that waste which needs to be removed from the site and the steps that have been taken to identify a productive use for it as an alternative to landfill.

Development shall be carried out in accordance with the agreed details.

Reason

In accordance with Policy 37 of the South Gloucestershire Minerals and Waste Local Plan (Adopted) 2002, and Policy 1 of the West of England Joint Waste Core Strategy (Adopted) March 2011 and to accord with NPPF (2012)

9. The reserved matters application shall demonstrate that there would be no overlooking or intervisibility between the proposed dwellings and/or between existing neighbouring dwellings

Reason

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

10. The reserved matters application shall demonstrate that the height of the proposed dwellings shall be approximately 7 metres.

Reason

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

11. The reserved matters application shall include details of the proposed landscaping including planting, boundary treatments and surface areas

Reason

To protect the visual amenity of the area and to accord with Policy L9 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.

12. Prior to the commencement of the development a site specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt, the CEMP shall address the following matters:

(i) Procedures for maintaining good public relations including complaint management and public consultation

(ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.

(iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.

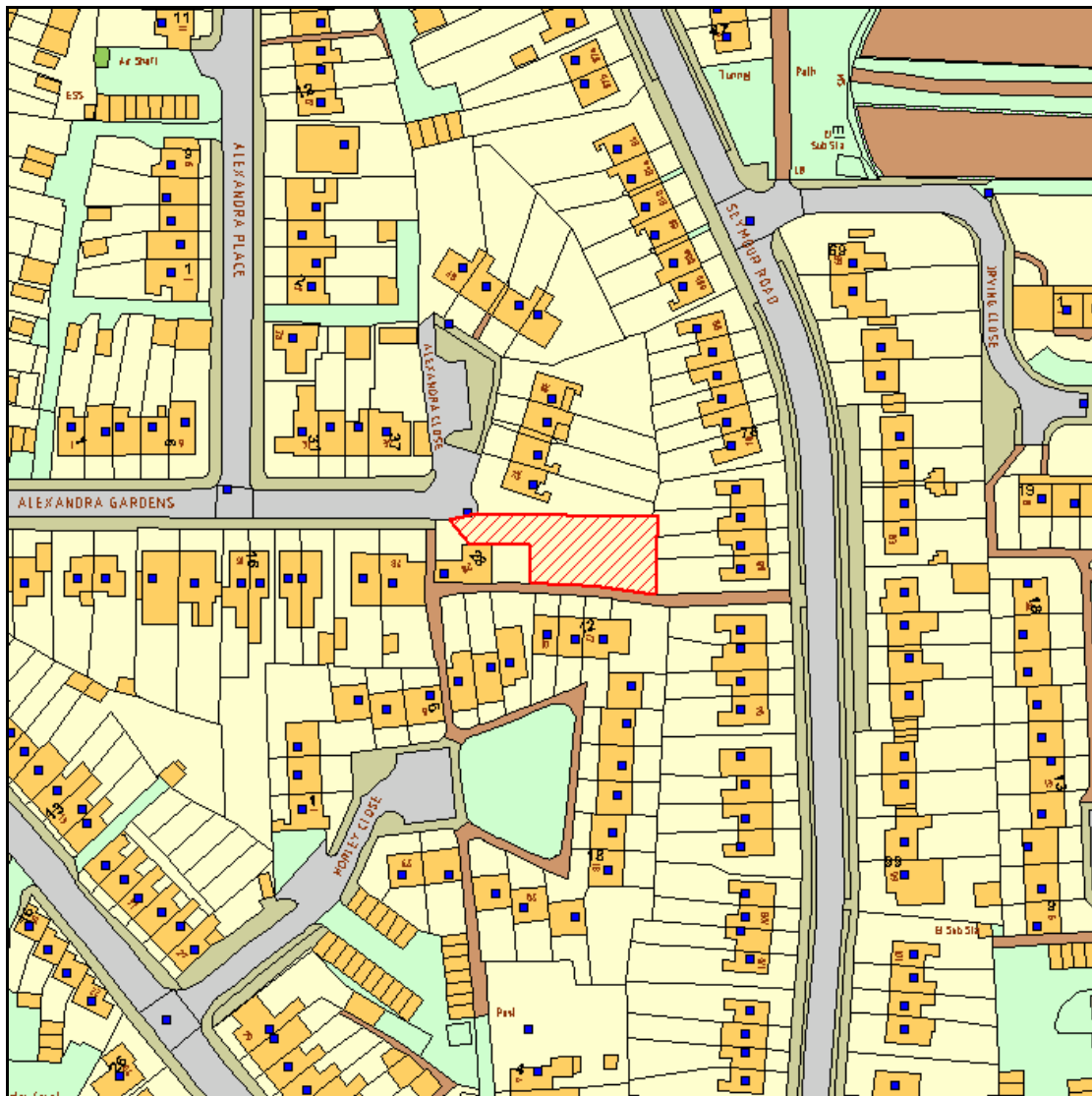
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/1753/F	Applicant:	Universal Properties
Site:	28 Alexandra Gardens Soundwell South Gloucestershire BS16 4QJ	Date Reg:	19th May 2014
Proposal:	Erection of 1 no. pair of semi-detached dwellings with access and associated works.	Parish:	None
Map Ref:	364974 175577	Ward:	Staple Hill
Application Category:	Minor	Target Date:	8th July 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the circulated schedule for determination to take into account the comments of objection received during the public consultation period.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a pair of semi-detached dwellings in the garden of a property on Alexandra Gardens in Soundwell.
- 1.2 The principle of development on this site was first established in 2005. A series of subsequent applications have been made on the site for various different forms of development.
- 1.3 The current application proposed to erect a pair of semi-detached chalet style bungalows. These would be finished externally with a render and tiled roof. Within the tiled roof, four flat roof dormers will be positioned.
- 1.4 The site is within the existing urban area of east Bristol. No further statutory or non-statutory land use designations cover 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
- CS8 Improving Accessibility
- CS9 Managing the Environment and Heritage
- CS15 Distribution of Housing
- CS16 Housing Density
- CS17 Housing Diversity
- CS29 Communities of the East Fringe of Bristol

South Gloucestershire Local Plan Adopted January 2006 Saved Policies

- L1 Landscape
- T12 Transportation
- H4 Development within Existing Residential Curtilages

- 2.3 Supplementary Planning Guidance

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK11/2609/F Approve with Conditions 02/11/2011
Erection of 1no. detached dwelling with associated works
- 3.2 PK07/0711/O Refusal 10/04/2007
Erection of 4no. dwellings (Outline) with layout, design & scale to be determined. All other matters reserved.
- 3.3 PK05/1841/F Approve with Conditions 22/08/2005
Conversion of existing dwelling to form 2 no. self contained flats with balconette. Erection of 2 no. self contained flats with associated parking.
- 3.4 PK01/1624/F Approve with Conditions 27/07/2001
Erection of two storey side extension to form garage with living accommodation above.

4. CONSULTATION RESPONSES

- 4.1 Parish/Town Council
This area is unparished
- 4.2 Drainage
No objection subject to condition
- 4.3 Environmental Protection
No objection subject to condition
- 4.4 Highway Structures
Request informative
- 4.5 Public Rights of Way
Request informative
- 4.6 Transport
No objection subject to condition

Other Representations

- 4.7 Local Residents
Five comments of objection have been received which raise the following points:
- Access to the site is poor
 - Alexandra Gardens is a cul-de-sac and cannot accommodate additional traffic
 - Area is for family homes
 - Boundary treatments need to be considered
 - Concern over the loss of trees
 - Concerns over the access of construction vehicles
 - Development is profit orientated

- Development will lead to overlooking
- Emergency vehicles have problems access the street
- Guarantees are sought over the future development of the existing house
- Issues of land stability
- Lamppost would need to be relocated
- Newts are located nearby
- No external access is provided to the rear gardens
- No provision for visitor parking
- Operations on the site have caused damage to neighbouring gardens
- Proposal is larger than the existing permissions
- Residents suffer problems accessing their properties
- Service vehicles have problems accessing the street
- Site is unable to provide adequate levels of parking
- There are no details about the trees

5. **ANALYSIS OF PROPOSAL**

5.1 This application seeks planning permission for the erection of a pair of semi-detached houses in Soundwell.

5.2 Principle of Development

Policy CS5 directs development to the existing urban areas. Policies CS16 and CS17 support increased density and greater diversification of housing. The proposed development is acceptable in principle and shall be determined against the analysis set out below.

5.3 Efficient Use of Land and Access to Services

Planning policy dictates that the most efficient use of land should be sought and development directed to areas where there is already a good provision of services, shops, and public transport routes.

5.4 Being located within the existing urban area, the site is considered to be a sustainable location for development. There is good access to existing infrastructure in this location. The development site is large enough to accommodate the level of development proposed.

5.5 It is considered that the site is a sustainable location to develop and the proposal would contribute to creating higher density housing.

5.6 Design and Character

The proposed building is very simple in design. It consists of a bungalow with four dormer windows. The massing of the proposed bungalow is lower than the two-storey dwelling permitted under PK11/2609/F. Materials will be controlled through a planning condition, however, it is proposed to finish the building in render with a tiled roof.

5.7 The layout of the site is similar to that permitted under PK11/2609/F with the exception of a larger footprint to the building and an additional parking space for the proposed dwellings. The access is in the same position and alignment.

- 5.8 Development on this site has been previously established as acceptable. It is not therefore considered that the development is out of character with the area. Indeed, the area itself has a variety of building styles and ages and does not have a homogenous or well defined character.
- 5.9 The erection of two-bedroom bungalows is considered to contribute to the diversification of housing types as required by policy CS17. Overall, subject to suitable materials, the design and layout of the development is acceptable.
- 5.10 Amenity
Residential amenity should not be prejudiced as a result of development. A two-storey dwelling has previously been permitted on the site. The proposed buildings are a chalet bungalows. Although the number of units have increased, the massing of the building is significantly reduced. The proposed dwellings are considered to afford a good standard of amenity. Each has a private garden and the separation between the proposed dwellings and the existing nearby buildings is acceptable as it is not materially different from that permitted previously.
- 5.11 The reduction of the mass of the built form is considered to have a lesser impact on the residential amenities of nearby occupiers than the approved two-storey dwelling. It is not considered that the dwellings would be overbearing to nearby sites or result in a material loss of privacy.
- 5.12 The garden space allocated to no.28 has been reduced in order to provide sufficient parking. The retained garden is small; however, there is not an adopted amenity space standard to which development must accord. The test is therefore whether adequate private amenity space is provided. The proposed garden would measure 5.5 metres deep by 7 metres wide. This is considered to be adequate to meet the needs of the property and is therefore acceptable.
- 5.13 Transport
For the development to be acceptable it must provide a safe and suitable access as well as sufficient car parking. Development has previously been permitted on this site and the access is considered to be capable of accommodating the traffic generated by the proposal.
- 5.14 To provide adequate parking, the development must accord with the Residential Parking Standard SPD. This requires 1.5 spaces per two-bedroom property and two spaces per three- or four-bedroom property. The proposed development indicates three parking spaces for the proposed dwellings and two spaces retained for no.28. This reaches the minimum standard as set out in the SPD and is considered acceptable.
- 5.15 A condition will be attached requiring the submission of details regarding covered, secure, cycle parking and a further condition attached regarding the surfacing of the access road.
- 5.16

5.17 Landscape and Trees

A number of trees are located on the development site. Considering the site's planning history, the trees are not an obstacle to development. A landscaping condition will be attached to include the trees that are to be retained and the boundary treatments. This condition is considered necessary and adequate to manage the impact of the development on the landscape of the locality.

5.18 Environment and Ecology

The erection of two dwellings is not considered to have a significant impact on the environment. Although it has been stated that there are favourable ecological habits in the vicinity, as the site is a residential garden, it is not considered to have high status. Therefore, an informative regarding the provisions of other Acts in relation to protect species is considered to suffice in this instance.

5.19 Other Matters

A number of other matters have been raised from the public consultation that has not been covered above.

5.20 It is stated that the area is characterised by family homes. Planning policy seeks a greater diversity of housing stock and therefore this is not a reason for refusal. The Planning Act cannot control parking on the public highway or access of construction vehicles. A construction hours condition will be attached to limit the impact of the construction of the development on residential amenity. The Planning Act can only control the development which is put to the Local Planning Authority; any further development would be subject to assessment under a further planning application should one be required.

5.21 The motivation for development is often profit related. It is not considered that this should attract any weight in this instance.

5.22 It is stated that the operations on the site have led to damage to other properties and that there are issues of land stability. Issues of damage should be pursued through civil action and not through the planning system. Whilst land stability is a material planning consideration, in this instance it is considered that it could be adequately managed through the Building Regulations process.

5.23 Rear access is provided through French doors from each property into the gardens. The developer would have to seek to move the lamppost outside of the planning system and an informative will be attached to that extent.

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. An acceptable standard of site planning and design is proposed; the

development contributes to the efficient use of land; the development will not prejudice residential amenity or highway safety; and, appropriate conditions and informatives can cover environmental, ecological and landscape matters.

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

7. RECOMMENDATION

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

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

2. Prior to the commencement of development details 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 and Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

3. The off-street parking facilities as shown plan 08/B/P hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

4. The access shall not be brought into use until it is surfaced with a consolidated material (not loose stone or gravel) for the first 5 metres and provided with surface water drainage.

Reason

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

5. Prior to the commencement of development detailed plans showing the provision of cycle parking facilities in accordance with the standards set out in Policy T7 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) shall be submitted to the Local Planning Authority for approval. Thereafter, the development shall proceed in accordance with the agreed scheme, with the parking facilities provided prior to the first occupation of the building; and thereafter retained for that purpose.

Reason

To encourage means of transportation other than the private car, to accord with Policies T7 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies).

6. 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); and, all boundary treatments, shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Reason

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

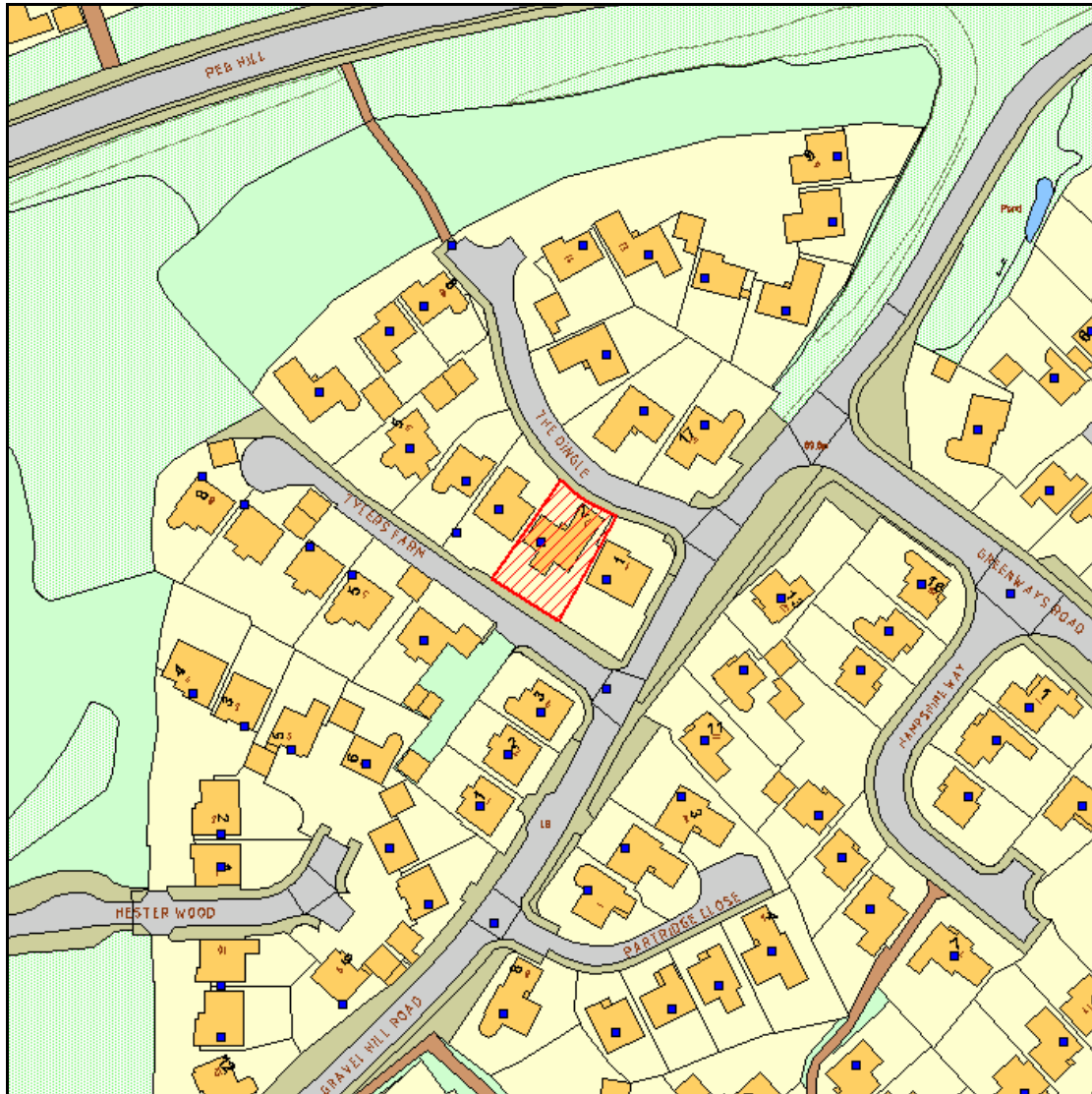
7. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 Monday to Friday, 08:00 to 13:00 Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

To protect residential amenity during construction works and to accord with policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 (Saved Policies) and the National Planning Policy Framework.

CIRCULATED SCHEDULE NO. 30/14 – 25 JUNE 2014

App No.:	PK14/1952/F	Applicant:	Mr Jon Whitehead
Site:	2 The Dingle Yate Bristol South Gloucestershire BS37 7GA	Date Reg:	5th June 2014
Proposal:	Erection of first floor extension over existing garage to provide additional living accommodation	Parish:	Yate Town Council
Map Ref:	371854 183756	Ward:	Yate North
Application Category:	Householder	Target Date:	23rd July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The following report appears on the Circulated Schedule following an objection from the Town Council.

1. THE PROPOSAL

- 1.1 The applicant seeks full planning permission for the erection of a first floor extension over an existing garage to provide additional accommodation. The application site relates to a two-storey 4no. bed dwellinghouse situated within the established settlement boundary of Yate.
- 1.2 During the course of the application revised plans to reduce the scale of the proposal were requested and received by the Council.

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

South Gloucestershire Local Plan Core Strategy (Adopted December 2013)

CS1 High Quality Design

CS5 Location of Development

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

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

T12 Transportation Development Control

2.3 Supplementary Planning Guidance

South Gloucestershire Design Checklist (Adopted 2007)

South Gloucestershire SPD: Residential Parking Standards (adopted) 2013

3. RELEVANT PLANNING HISTORY

- 3.1 P95/2698 Demolition of dwelling and other buildings. Erection of 17 detached dwellings with associated garages, roads, footways and sewers. (To be read in conjunction with outline consent Ref: P94/2544 dated 16 November 1995).
Approved 6.3.96
- 3.2 P94/2544 Residential Development (Outline)
Approved 16.11.95

4. CONSULTATION RESPONSES

4.1 Yate Town Council
South east elevation overbearing

4.2 Other Consultees

Highway Drainage
No comment

Other Representations

4.3 Local Residents
None received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The proposal stands to be assessed against the above listed policies and all other relevant material considerations. Of most importance would be the design (CS1) and the impact on residential amenity (H4). Local planning policy is supportive of proposal for alterations and extensions to existing dwellinghouses provided the design is acceptable and there is no unacceptable impact on residential and visual amenity.

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

5.2 Design and Visual Amenity

The existing dwellinghouse is a large detached two-storey dwelling situated to the north of Yate. It sits within a small cul-de-sac of similar proportioned houses which vary slightly in design. The property benefits from a double garage attached to and set at right angles to the main dwelling. Part of this garage has been converted into living accommodation.

5.3 The proposal would be for a single storey extension above this garage. Original plans submitted showed the extension projecting from the main house for the full length of the garage. Officers expressed concern and revised plans were submitted showing the extension projecting only part way along the garage. This was considered acceptable. The proposed ridge height would be lower than that of the main dwelling, following the height of an existing front gable projection. Single windows would be located in the west and the east elevations serving the new bedroom.

5.4 The proposed first floor extension is considered to be appropriate to the main dwelling and the character of the area in terms of its overall design, scale and massing. Good quality materials to match those of the existing dwellinghouse are proposed and given this and the above, the application can be recommended for approval.

5.5 Residential Amenity

The proposed first floor extension would be at right angles to the main dwellinghouse and windows would be positioned in the west elevation only. Neighbours to the west, at No. 3, follow the general building line created by the application site but also have a double garage projecting from the front elevation. As such the proposed window in the first floor west extension would face the blank side wall of this garage. Given that the window would be at right angles to and windows at approximately 12.5 metres away from neighbours at No. 3 The Dingle, it is considered that there would be no adverse issues of inter-visibility or overlooking from the proposed development. Neighbours to the east at No.1 The Dingle have a similar style property and as such the proposed window in the east elevation would be adjacent to the garage of this neighbour but approximately 6 metres away from the bedroom window of No. 1. Under these circumstances it is considered reasonable to attach a condition ensuring this window is of obscure glazing.

5.6 The application site is positioned to the southeast of No. 3 and although it is acknowledged that there would be changes resulting from the first floor extension it is considered that these would not result in an unacceptable level of overshadowing to the detriment of these neighbours, particularly given that the private rear gardens would remain unaffected.

5.7 Sustainable Transport

The application site has a single garage and 2no. off-street parking spaces. This level of parking provision (3no.) is considered to accord with policy requirements for a 5no. bed property. Given the amount of parking for the site would not change following the proposed development, there are no highway objections to the scheme.

6. CONCLUSION

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

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

7. RECOMMENDATION

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

Contact Officer: Anne Joseph
Tel. No. 01454 863788

CONDITIONS

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 08:00 to 16:00 Monday to Friday and 08:00 to 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 CS9 of the South Gloucestershire Local Plan : Core Strategy (Adopted) December 2013 and the NPPF (2012).

3. The glazing on the first floor east elevation of the extension hereby approved shall at all times be of obscured glass to a level 3 standard or above and be permanently fixed in a closed position.

Reason

To protect the residential amenity of the neighbouring occupiers at No. 1 The Dingle and to accord with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/2112/F	Applicant:	Mr David Blake
Site:	12 Springville Close Bristol South Gloucestershire BS30 9UG	Date Reg:	10th June 2014
Proposal:	Erection of swimming pool enclosure	Parish:	Oldland Parish Council
Map Ref:	366286 171055	Ward:	Longwell Green
Application Category:	Householder	Target Date:	31st July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application has been submitted to the Council's Circulated Schedule process, due to objections received which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a retractable swimming pool enclosure over an existing swimming pool at a property in Longwell Green.
- 1.2 Amendments were submitted during the course of the application at the Officer's request to reduce the size of the enclosure.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- | | | | |
|-----|-------------------------------------|-----------|------------|
| 3.1 | PK14/1339/CLP | Withdrawn | 11/04/2014 |
| | Erection of swimming pool enclosure | | |

Note: the application for a Certificate of Lawfulness was withdrawn once it was established that permitted development rights had been removed from the property.

- | | | | |
|-----|----------------------------------------------|----------|------------|
| 3.2 | P99/4734 | Approved | 28/09/1999 |
| | Erection of single storey side extension | | |
| 3.3 | P96/4573 | Approved | 12/12/1996 |
| | Retention of swimming pool | | |
| 3.4 | K7658/1 | Approved | 23/09/1994 |
| | Retention of conservatory to rear elevations | | |

3.5	K7658	Refused	29/04/1994
	Erection of two storey rear extension		
3.6	K1088/7	Approved	31/05/1977
	Erection of 5 detached houses and 60 semi detached houses. Construction of roads and footpaths.		

Note: Condition (d) of this application removes the permitted development rights with regards to walls, fences and structures.

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No objection.

4.2 Other Consultees

Highway Drainage
No comment.

Other Representations

4.3 Local Residents
Two letters of objection from neighbours which share the rear boundary have been received, and their points summarised below:

- Foundations of the neighbouring fence will be undermined
- Potential for noise pollution
- Size and height of structure is unwieldy
- Swimming lessons may be taught there and so it is not just family swimming taking place

5. ANALYSIS OF PROPOSAL

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

5.2 Design

Permitted development rights for a structure such as the one hereby proposed were removed under a previous application (reference number K1088/7) in order to preserve the visual amenity of the area. The effect on visual amenity is therefore subject to careful consideration. The property benefits from an existing swimming pool in the south-east corner of the garden, which measures 3.65 metres by 9.75 metres. The swimming pool is on ground which is approximately 0.5 metres higher than the surrounding garden and the adjacent footpath which runs along the site boundary. The original design put forward to be considered under this application was for an overly large structure which extended over 4 metres beyond the western edge of the swimming pool. The applicant has compromised by submitting amendments on 9th July 2014 at the Officer's request which reduced the size.

The design is still a little awkward and cumbersome finished in white painted aluminium and glazed panels. It has a predominately gable roof line of 2.484 metres high at it's highest point, and it's retractable nature mean that some panels appear wider than other.

- 5.3 It is accepted that there are limited design options for retractable swimming pool enclosures. Given that the swimming pool is established it is considered reasonable for the applicant to wish to cover it. This is reiterated in the South Gloucestershire Design Checklist SPD which states the importance of considering the benefit to the user alongside the design. The proposal will appear ancillary in nature to the main house and the design is considered acceptable in this context.

5.4 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site. The area on which the enclosure is proposed is already covered with the swimming pool; the proposed development therefore does not alter the availability or quality of private amenity space available to the dwelling. It would increase the quality of the private amenity space by allowing the swimming pool to be used on a more frequent basis by present and future occupiers of the property.

- 5.5 The nearby residents whose residential amenity has been assessed as part of this application are to the rear of the applicant's property, numbers 25 & 27 Longbeach Road. No. 23 Longbeach Road would have been affected by the original proposal, however now that the size has been significantly reduced in length the impact is considered reasonable. The enclosure is likely to be slightly visible from no. 25 and no. 27, however the gable slopes away from the neighbouring properties and is shielded by a fence of approximately 2 metres. As a result, there are not any material loss of light or overlooking concerns. These two affected properties have submitted comments objecting to the application. Weight is given to the fact that the swimming pool is already lawful the potential for noise pollution remains largely unchanged if not improved by

the potential for enclosure. The proposal is therefore in accordance with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.6 Transport

As the proposal increases the footprint of a pre existing outdoor swimming pool only slightly, and the parking provision remains unaffected, there are no transportation concerns regarding the proposal.

5.7 Other matters

One of the letters of objection from a neighbouring property states that it has been said that swimming lessons would be held at the swimming pool once the enclosure is erected. The applicant has advised this is not the case, and this planning permission does not allow the swimming pool to be used for anything other than ancillary to the enjoyment of the dwellinghouse.

Concerns raised regarding potential for undermining an existing boundary fence are considered to be largely civil issues outside of the scope of this planning decision.

6. **CONCLUSION**

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

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

7. **RECOMMENDATION**

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

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 July 2014

App No.:	PK14/2125/F	Applicant:	Mr and Mrs A Houghton
Site:	Bramble Cottage High Street Hawkesbury Upton Badminton South Gloucestershire GL9 1AU	Date Reg:	11th June 2014
Proposal:	Erection of detached garage.	Parish:	Hawkesbury Parish Council
Map Ref:	377600 187176	Ward:	Cotswold Edge
Application Category:	Householder	Target Date:	1st August 2014



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REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE

This report has been submitted to the Council's Circulated Schedule process following concerns raised by the Parish Council which are contrary to the Officer's recommendation.

1. THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a detached garage to serve Bramble Cottage. This application has been submitted alongside an application on the adjacent site to demolish the existing garage and build 1 no. detached dwelling.
- 1.2 A number of important designations cover the site. It is located within the defined settlement boundary of the village of Hawkesbury Upton, and is within Hawkesbury Upton Conservation Area. It also lies within the Cotswolds Area of Outstanding Natural Beauty (AONB).
- 1.3 Amendments were submitted on 2nd July 2014 at the Officer's request, with changes to the materials and the pitch of the garage roof. A period of re-consultation was not necessary as the changes were minimal and reduced the footprint of the garage.

2. POLICY CONTEXT

- 2.1 National Guidance
National Planning Policy Framework March 2012

- 2.2 Development Plans

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

- L1 Landscape Protection & Enhancement
- L2 Cotswold Area of Outstanding Natural Beauty (AONB)
- L12 Conservation Areas
- T7 Cycle Parking
- T12 Transportation
- H4 Development within Existing Residential Curtilages

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS8 Improving Accessibility
- CS9 Managing the Environment & Heritage
- CS34 Rural Areas

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

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/2109/F Pending Consideration
Demolition of existing double detached garage and erection of 1no. detached dwelling with access and associated works.
- 3.2 PK04/4023/F Approve with Conditions 24/01/2005
Erection of two storey and single storey rear extensions and single storey side extension to form porch and additional living accommodation.
- 3.3 PK01/2737/F Approve with Conditions 23/10/2001
Erection of detached outbuilding for use as a summer house and log store.
- 3.4 P95/1599/C Conservation Area Consent 23/06/1995
Minor works of demolition to facilitate erection of two storey side extension. Demolition of shed and garden wall.
- 3.5 P95/1598 Approval of Full Planning 10/07/1995
Erection of two storey side extension to provide kitchen and utility room with bedroom above. Erection of detached double garage. Construction of vehicular access.
- 3.6 P85/2000/L Conservation Area Consent 21/08/1985
Re-Roof using existing slates. Installation of rooflight. Re-Build two chimneys.
- 3.7 P85/1999 Approval of Full Planning 21/08/1985
Rebuild two chimneys

4. CONSULTATION RESPONSES

- 4.1 Hawkesbury Parish Council
Concerns raised regarding the lack of visibility splays to enable a better facility to be provided for pedestrians, as the pavement outside the property is rather narrow. The Parish Council wished to know if the height of the new garage would be relative to the existing garage on the adjacent plot which is subject to another application (PK14/2109/F).
- 4.2 Other Consultees
- Highway Drainage
No comment.
- Listed Building and Conservation
No objection subject to conditions.
- Landscape Officer
No objection subject to a 1:200 scale planting plan with plant schedules detailing the size, type and specification of all proposed tree and shrub planting being submitted as mitigation for development and to enhance the street scene.

Tree Officer
No objection.

Ecology Officer
No ecological constraints subject to a condition.

Sustainable Transport
No objection.

Other Representations

4.3 Local Residents
None received.

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, or the character of the conservation area, and also that there is safe and adequate parking provision and no negative effects on transportation. The site lies within a Conservation Area and an Area of Outstanding Natural Beauty and the proposal needs to be in accordance with policy which ensures these areas are preserved and enhanced, which is determined against the analysis set out below.

5.2 Impact on Area of Outstanding Natural Beauty

The primary objective of the Area of Outstanding Natural Beauty designation in the Cotswolds is to conserve the natural beauty of the landscape, and it is addressed specifically under saved Local Plan policy L2 (Adopted) January 2006. It is recognised that small scale development may be required within the AONB to meet the needs of the communities, as long as appropriate enhancement measures are encouraged. This will be achieved by means of a condition requesting a planting plan to be submitted prior to development commencing, showing the replacement tree planting mentioned in the submitted tree survey to enhance the street scene. Subject to this condition, the Council's Landscape Officer has no objection to the proposal and as it is within the settlement boundary of Hawkesbury Upton it is considered to be small-scale infilling development on a pre existing gravelled area and does not affect the character of the wider landscape in a negative manner. The

development is therefore considered acceptable in terms of saved policies L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006.

5.3 Impact on Environment

The north east boundary of the site is edged with a variety of small trees and shrubs, many of which are to be removed to facilitate the erection of the garage. The three trees to be removed are considered to be of low quality and are not worthy of inclusion in a Tree Preservation Order. The arboricultural survey submitted allow with the application proposed to removed these C category trees and replant along the property boundary with a British native species. Given the low quality of the three existing trees, this mitigation planting is considered an acceptable solution.

5.4 Whilst the application site is not covered by any statutory or non-statutory nature conservation designations, the Council's Ecology Officer has concerns that slowworms and hedgehogs may be affected due to the amount of vegetation which is to be cleared. In order to provide protection and for the proposal to be in accordance with policy L9 of the Local Plan, a condition is to be put on the decision notice requiring that prior to development commencing a mitigation strategy for slowworms and hedgehogs is drawn up and agreed with the Council. Subject to this condition, there are no environmental concerns to the erection of the proposed garage.

5.5 Design and Impact on Conservation Area

It is critical to define the character of the existing site before making an assessment of how that character would be affect by development. The historic development pattern in Hawkebsury Upton is buildings built in a ribbon pattern, following the road, with either side or rear gardens, or both, with closes extending back beyond the housing. Development is concentrated along the High Street, Back Street and Park Street, with open countryside beyond. Along the High Street development is more concentrated at the centre, with a more open and rural character to the north due to a less dense building grain and more open spaces. The gardens and open spaces contribute to the character of the settlement

5.6 The site is in a prominent position within the Hawkesbury Upton conservation area. It includes garden, driveway and garage to Bramble Cottage, which is a low two storey nineteenth century cottage built facing the High Street. The cottage has been extended but generally retains a well preserved traditional appearance and form, with low eaves, render and stone elevations and timber casement windows. To the south of this is a lawned garden area set above the road, retained by a modern bradstone wall. A gravel parking area has been created and a very large garage with a gable roofline built around 15m from the house, which is the garage proposed to be demolished under application number PK14/2109/F. As both applications are being considered at the same time, it is important to assess the impact of this application alongside the current existing garage, and also the proposed two storey new dwelling which is proposed on the adjacent plot.

5.7 The garage is proposed to sit alongside the existing garage set back from the road, and this position is acceptable. Although having the two garages together

is not ideal should the proposed dwelling not be built, the gable is facing a different direction and would partially block the existing garage whilst driving south, which has no architectural merit. The original form of the proposed garage which the agent proposed was rather wide, resulting in an untraditional shallow pitch. Amendments were sought to rectify this, and also the materials were changed from a mix of stone and render to all stone, and the roof tiles clay as opposed to concrete. The application form states that timber is to be used for the garage door and the plans show it is to be side hung vertically in a traditional manner, and therefore it is considered that the design and materials of the proposed garage and respectful of the character of the Conservation Area, and are in accordance with policy L12 of the Local Plan, and policies CS1 and CS9 of the South Gloucestershire Core Strategy (Adopted) December 2013. This assessment is subject to samples of the amended materials being submitted to the Council for approval prior to the commencement of development, which will be ensured by the means of a condition on the decision notice.

5.8 Residential Amenity

Residential amenity should not be harmed as a result of development. Amenity should be considered in terms of the application site and all nearby occupiers. The proposed development will have little impact on the amenity of the application site. The area on which the extension is proposed already consists of a gravel driveway; the proposed development therefore does not alter the availability or quality of private amenity space available to the dwelling. Additionally, the single storey nature of the proposal and its lack of habitable windows mean that there are no overlooking or loss of light concerns. The proposal is acceptable in residential amenity terms and accords with policy H4 of the Local Plan.

5.9 Transport

Although this proposal would make the existing garage inaccessible for vehicles, it is the applicant's intention to demolish the existing garage under application number PK14/2109/F which is currently pending consideration by the Council, and it is unlikely that one would go ahead without the other as this proposal is a replacement for the garage to be demolished. Sufficient parking for at least two vehicles remains for four-bedroomed Bramble Cottage on the large gravelled area. The Parish Council raised concerns regarding a pedestrian visibility splay not being submitted, however the access to the site is to remain unchanged, and the Council's Transport Officer had no objections to the proposal.

6. CONCLUSION

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

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

7. **RECOMMENDATION**

7.1 That permission is **GRANTED** subject to the conditions below.

Contact Officer: Trudy Gallagher
Tel. No.

CONDITIONS

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

Reason

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

2. Prior to the commencement of development, a representative sample panel of facing stone walling showing the stone, coursing and mortar shall be erected on site and approved in writing by the Local Planning Authority. The works shall be completed in accordance with the agreed panel.

Reason

In order that the works serve to preserve the character and appearance of the Conservation Area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, guidance set out in the National Planning Policy Framework and Historic Environment Planning Practice Guide and policy L12 of the Adopted South Gloucestershire Local Plan.

3. Prior to the commencement of development a representative sample of roofing tile shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.

Reason

In order that the works serve to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, guidance set out in the National Planning Policy Framework and Historic Environment Planning Practice Guide and policy L12 of the Adopted South Gloucestershire Local Plan.

4. Prior to the commencement of development the detailed design of the following items shall be submitted and approved in writing by the local planning authority. The works shall be completed in accordance with the agreed details.
 - (a) all new doors and windows
 - (b) new eaves

Reason

In order that the works serve to preserve the character and appearance of the conservation area in accordance with section 72(1) of the Planning (Listed Buildings

and Conservation Areas) Act 1990, guidance set out in the National Planning Policy Framework and Historic Environment Planning Practice Guide and policy L12 of the Adopted South Gloucestershire Local Plan.

5. Prior to the commencement of development a 1:200 scale planting plan is submitted to show details of plant schedules, size, type and specification of all proposed tree and shrub planting to be agreed in writing with the Local Planning Authority. The works must then be carried out in accordance with the agreed details.

Reason

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

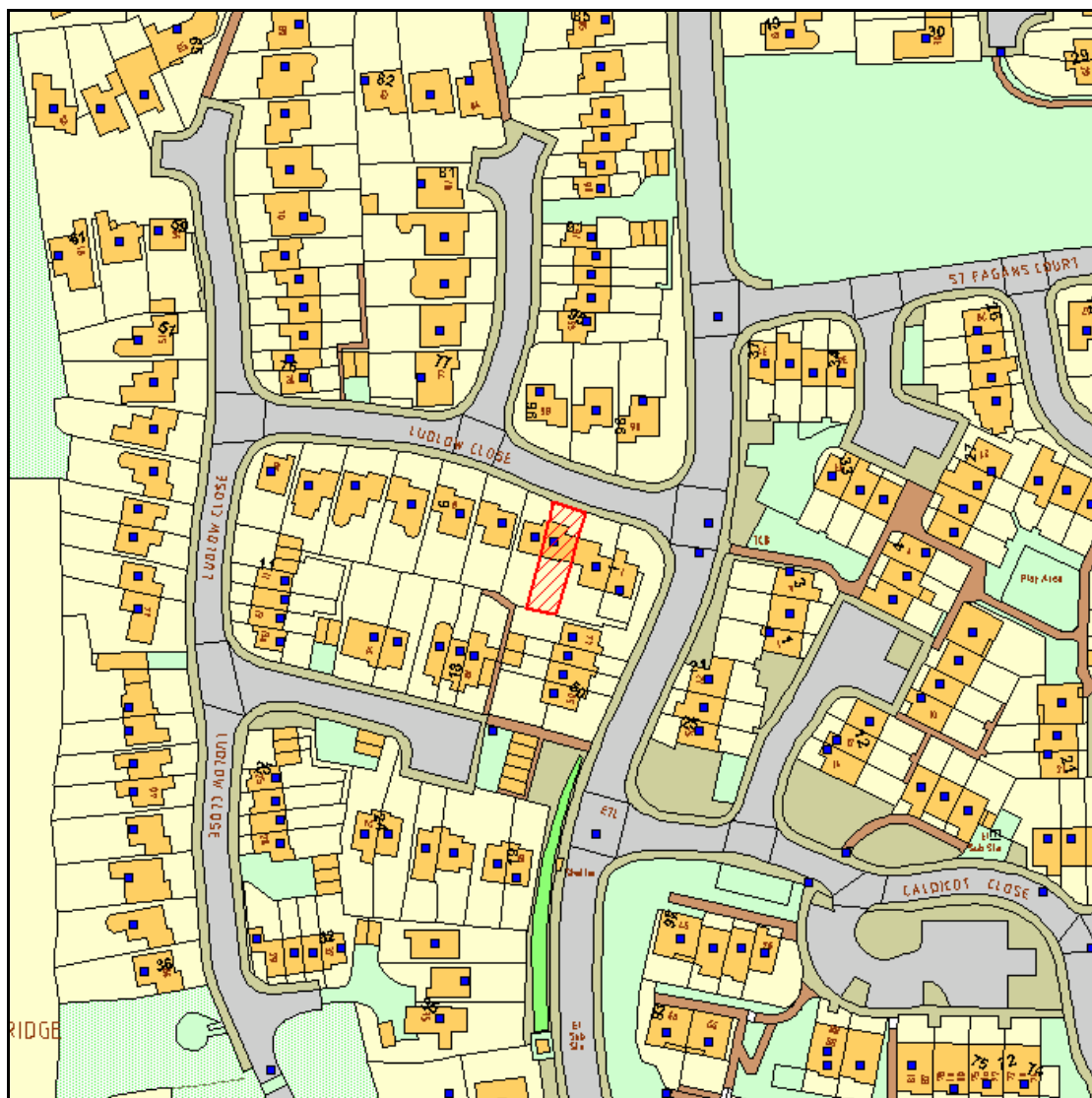
6. Prior to development commencing a mitigation strategy for reptiles (slow-worms) and hedgehogs is to be drawn up and agreed in writing with the Council. All works are then to be carried out in accordance with said strategy.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the wildlife in the area, and to accord with Policy L9 of the South Gloucestershire Local Plan (Adopted) January 2006.

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/2272/CLP	Applicant:	Mr Darren Hicks
Site:	3 Ludlow Close Willsbridge Bristol South Gloucestershire BS30 6EA	Date Reg:	16th June 2014
Proposal:	Application for certificate of lawfulness for the proposed installation of a rear dormer and 2no. velux rooflights to facilitate loft conversion.	Parish:	Oldland Parish Council
Map Ref:	366738 170609	Ward:	Bitton
Application Category:	Minor	Target Date:	4th August 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule for determination as a matter of process. The application is for a certificate of lawfulness for a proposed development.

1. THE PROPOSAL

- 1.1 This application seeks a formal decision as to whether or not the proposed development would be permitted under the regulations contained within The Town and Country Planning (General Permitted Development) Order 1995 (as amended). This application is not an analysis of planning merit, but an assessment as to whether the development proposed accords with the above regulations.
- 1.2 The proposed development consists of the erection of a rear dormer window and the installation of two roof lights.
- 1.3 Having reviewed the planning history on this site, it would appear that there has been a previous permitted development restriction. Planning permission PK14/1072 prevents the use of the garage for any purposes other than the garaging of private motor vehicles and ancillary domestic storage. There is no evidence that this permission has been implemented. An 'open plan' restriction is also in place under planning permission K803/11.

2. POLICY CONTEXT

- 2.1 This is not an application for planning permission. It cannot therefore be determined through the consideration of policies contained within the Development Plan; determining this application must be undertaken as an evidential test of the submitted details against the regulations listed below.
- 2.2 The Town and Country Planning (General Permitted Development) Order 1995 (as amended).

3. RELEVANT PLANNING HISTORY

- 3.1 PK14/1072/F Approve with Conditions 19/05/2014
Erection of single storey rear and first floor side extension to provide additional living accommodation
- 3.2 K803/22 Approval 28/03/1983
erection of 74 dwellinghouses and associated garages, parking spaces, roads, footpath, and toddlers play area
- 3.3 K803/11 Approval 30/07/1979
Erection of 88 dwelling houses on approximately 2.9 hectares and associated garages, roads and footpaths

4. CONSULTATION RESPONSES

4.1 Oldland Parish Council
No objection

4.2 Drainage
No comment

Other Representations

4.3 Local Residents
None received

5. SUMMARY OF EVIDENCE

- 5.1 The following evidence was submitted to the Local Planning Authority on 9 June 2014 –
- Site Location Plan
 - Existing Floor Plans
 - Existing Elevations and Roof Plan
 - Existing Elevations
 - Proposed Floor Plan
 - Proposed Floor Plan and Roof Plan
 - Proposed Elevations

6. ASSESSMENT

6.1 This application seeks a certificate of lawfulness for a proposed dormer window and rooflights at a property in Willsbridge.

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

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

6.4 Assessment of Evidence: Dormer Window
Schedule 2 Part 1 Class B allows for the enlargement of a dwellinghouse consisting of an addition or alteration to its roof, subject to meeting the following criteria:

B.1

Development is not permitted by Class B if –

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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

The plans submitted indicate that the proposed dormer window is approximately 0.8 metres below the highest part of the roof.

- (b) any part of the dwellinghouse would, as a result of the works, extend beyond the plan of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;**

The only alteration to the plane of the roof slope that forms the principal elevation and fronts a highway is the insertion of two additional roof lights. These need to be considered under Part 1 Class C.

- (c) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -**
(i) 40 cubic metres in the case of a terrace house, or
(ii) 50 cubic metres in any other case;

The volume of the proposed dormer would be circa 9.5 cubic metres. This does not reach the threshold identified above and could therefore be permitted development.

- (d) it would consist of or include –**
(i) the construction or provision of a veranda, balcony, or raised platform, or
(ii) the installation, alteration, or replacement of a chimney, flue or soil and vent pipe;

The proposed development does not consist of or include any of the items listed above in (d)(i) or (d)(ii).

- (e) the dwellinghouse is on article 1(5) land.**

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

6.5 Development is only permitted by Class B subject to the following conditions:

B.2

Development is permitted by Class B subject to the following conditions

–

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

The applicant has indicated on the plans that the dormer window would be finished externally with a hung tile of a similar appearance to the tiles on the existing roof. This condition is therefore satisfied.

- (b) **other than in the case of a hip-to-gable enlargement, the edge of the enlargement closest to the eaves of the original roof shall, so far as practical, be not less than 20 centimetres from the eaves of the original roof;**

The edge of the enlargement to the roof is 200 millimetres (20 centimetres) from the eaves of the original roof and therefore this condition is satisfied. The plans indicate a set back of 50 centimetres.

- (c) **any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -**
(i) **obscure glazed, and**
(ii) **non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.**

The submitted plan indicates that there are no windows to be installed in either the side elevation of the property. On that basis, this condition has been satisfied.

6.6 The proposed rear dormer window is considered to comply with Schedule 2 Part 1 Class B of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and is therefore permitted development.

6.7 Assessment of Evidence: Roof Lights

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

C.1

Development is not permitted by Class C if –

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

The dwellinghouse was not granted permission for use as a dwelling under Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).

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

The proposed roof lights do not protrude more than 150 millimetres beyond the plane of the slope of the original roof.

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

The proposed roof lights sit towards the top of the roof; however, they are not higher than the highest part of the original roof.

- (c) **it would consist of or include –**
(i) **the installation, alteration or replacement of a chimney, flue or soil vent pipe, or**
(ii) **the installation, alteration or replacement of solar photovoltaic or solar thermal equipment.**

The proposed development does not consist of or include any of the items listed above in (c)(i) or (c)(ii)

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

C.2

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

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

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

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

6.10 Conversion of Garage

The submitted plans indicate that part of the garage would be converted into living accommodation as part of the proposed development.

6.11 Condition 2 of planning permission PK14/1072/F places a restriction on the use of the garage for solely vehicular parking and ancillary domestic storage.

- 6.12 There is no evidence that this planning permission has been implemented. Should this permission have been implemented, then the certificate of lawfulness could not be granted as the development would be contrary to the above condition.
- 6.13 The test of evidence has found that the dormer window and the roof lights would be permitted development. There is no restriction on Class B or Class C of Part 1 of the Order and therefore these elements of the proposal could be carried out as permitted development even if PK14/1072/F had been implemented. It is only the suggestion of the garage conversion that would not be permitted development.

7. CONCLUSION

- 7.1 The evidence submitted has been assessed against the regulations set out in the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
- 7.2 The erection of a rear dormer window has been found to comply with the criteria of Schedule 2 Part 1 Class B of the abovementioned Order. The proposed development is considered to be permitted development.
- 7.3 The installation of a number of roof lights in the roof slope forming the principal elevation of the property has been found to comply with the criteria of Schedule 2 Part 1 Class C of the abovementioned Order. The proposed development is considered to be permitted development.
- 7.4 The conversion of the garage to additional living accommodation would not be permitted development if planning permission PK14/1072/F had been implemented. However, this certificate is not seeking the opinion of the Local Planning Authority as to whether this would be lawful or not.

8. RECOMMENDATION

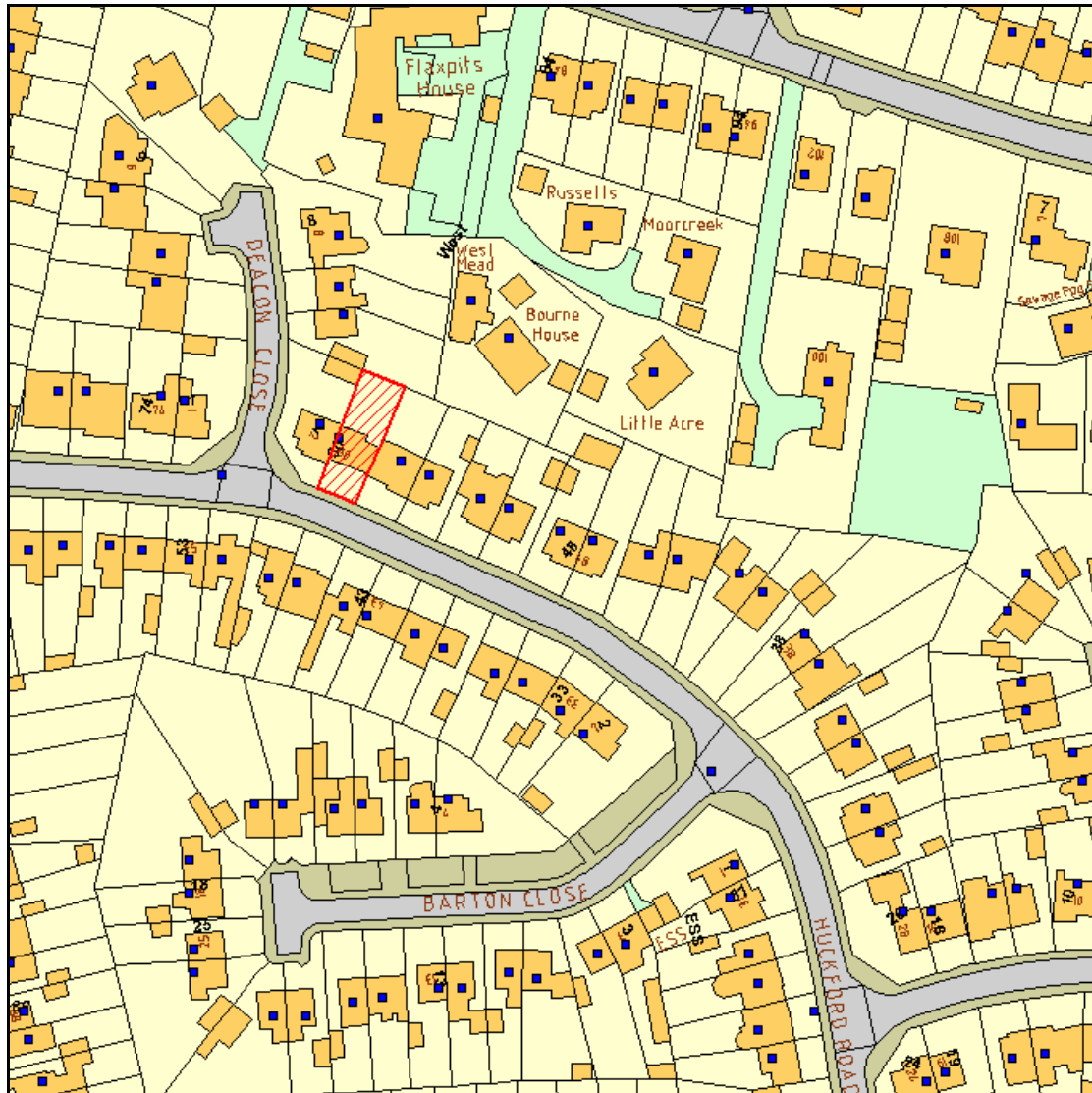
- 8.1 It is recommended that a Certificate of Lawfulness for Proposed Development be GRANTED for the following reason:

Evidence has been provided that demonstrates that the installation of a rear dormer window and roof lights would meet the criteria set out in Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), and is considered permitted development.

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/2308/F	Applicant:	Mr And Mrs Channing
Site:	60 Huckford Road Winterbourne Bristol South Gloucestershire BS36 1DU	Date Reg:	17th June 2014
Proposal:	Erection of two storey side extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365162 180337	Ward:	Winterbourne
Application Category:	Householder	Target Date:	7th August 2014



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 100023410, 2008. **N.T.S. PK14/2308/F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule to take into account the comments made by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a two-storey side extension at a semi-detached house in Winterbourne. The proposed side extension will replace the existing single storey attached garage. The extension would provide a fourth bedroom on the first floor and a store room, utility and toilet on the ground floor.
- 1.2 The application site is within the defined settlement boundary for Winterbourne. The site is not covered by any further statutory or non-statutory land use designations.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
"No objection, however according to the plans submitted there will be no parking on site"
- 4.2 Drainage
No comment

- 4.3 Trading Standards
Weight restricted roads in the locality

Other Representations

- 4.4 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a two-storey side extension at a property in Winterbourne.

- 5.2 Principle of Development
Extensions and alterations to existing properties are broadly supported by policy H4 of the Local Plan subject to an assessment of design, amenity and transport. Therefore, the proposed development is acceptable in principle but should be determined against the analysis set out below.

- 5.3 Design
The proposed side extension is located on a narrow section of the site where the existing garage is positioned. It is proposed to replace the garage with a new two-storey extension. Although narrow, the proposed extension would generally respect the proportions and character of the host dwelling. The front elevation of the extension is set back to distinguish the extension from the original dwelling. This in turn means that the ridge is lower than the ridge of the main house. Externally, materials have been chosen that match those used on the existing property.

- 5.4 A number of other properties in the locality have erected similar extensions. It is therefore unlikely that the proposed extension would have a detrimental impact on the street scene. The extension is not harmful to the architectural composition of the original dwelling or the visual amenity of the locality.

- 5.5 Amenity
Development that has a prejudicial impact on residential amenity will not be permitted. The amenity of the application site and all nearby occupiers should be considered as part of the assessment.

- 5.6 It is not considered that the proposed extension would have a prejudicial impact on the residential amenity of the application site. The development is a replacement of the single storey garage and therefore the increase in the footprint of the dwelling would be minimal.

- 5.7 A number of windows are located in the side elevation of the adjacent property (no.58). At present, these windows overlook the flat roofs of the garages and the side elevation of the application site. It is therefore considered that these windows have a very limited outlook at present. The windows face west, but, as they are positioned between the respective side elevations, they do not receive high levels of direct sunlight.

- 5.8 From the case officer site visit it would appear that two of the windows serve non-principal living accommodation, one is a secondary window, and the final window is likely to serve a bathroom.
- 5.9 Although the proposed extension would impact on these windows, the resulting impact is not considered to be prejudicial. This is because the windows already have a limited outlook and are either secondary or non-principal windows.
- 5.10 Transport
The proposed extension will create a four-bedroom dwelling. To accord with the Residential Parking Standard, a four-bedroom property must provide two off-street parking spaces.
- 5.11 An amended plan has been submitted by the applicant which indicates that sufficient off-street parking can be provided at the dwelling to meet the requirements of the Standard.
- 5.12 It is not therefore considered that the development would lead to increased on-street parking to the detriment of highway safety and the proposal is acceptable on transportation grounds.

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. It is considered that an acceptable standard of design is proposed, the development provides adequate parking, and the impact on residential amenity would not be prejudicial.
- 6.3 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

7. RECOMMENDATION

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

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

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

Reason

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

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

Reason

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

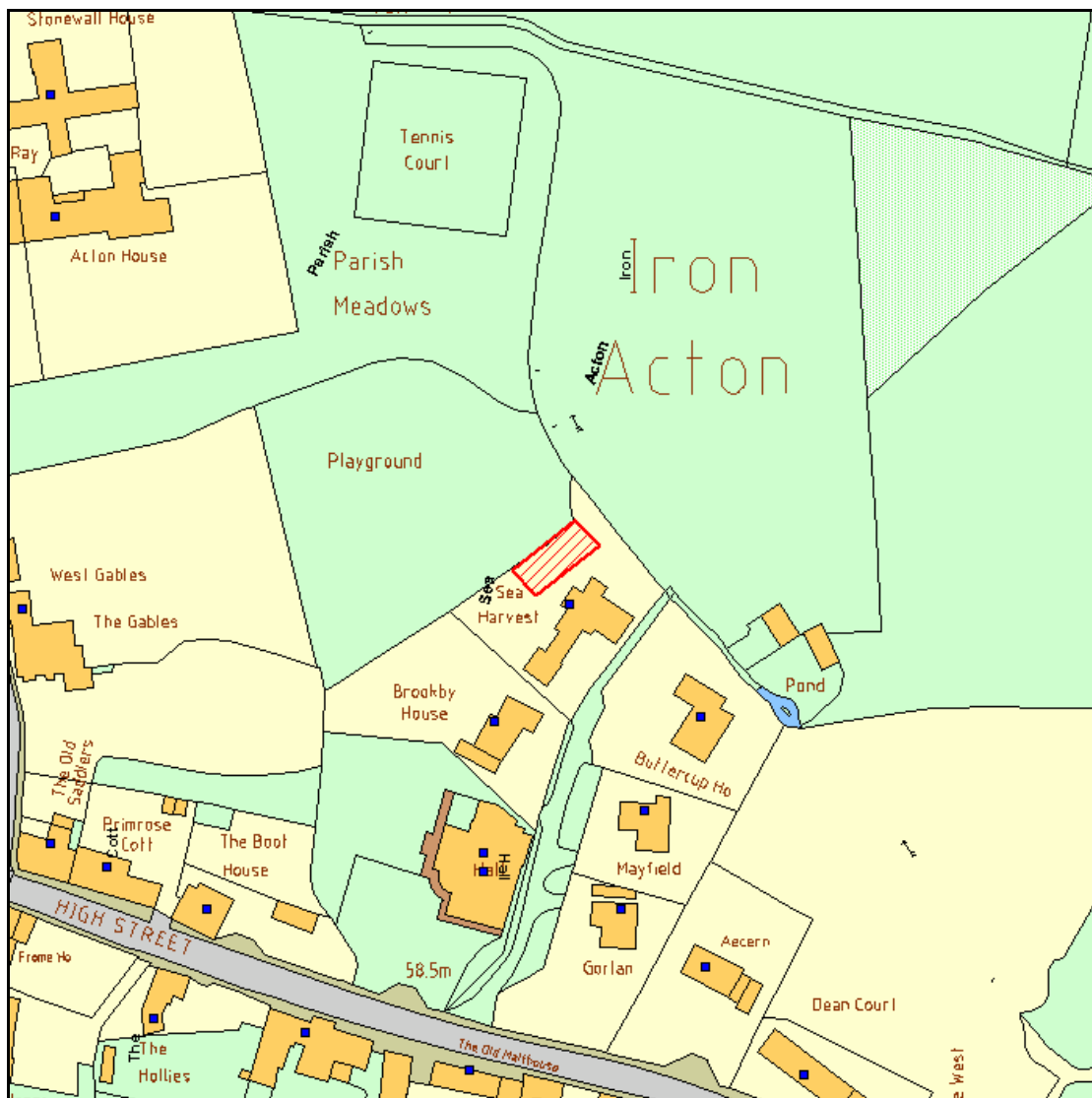
3. The off-street parking facilities shown on the plan hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PK14/2365/TRE	Applicant:	Mr Tovey
Site:	Sea Harvest High Street Iron Acton Bristol South Gloucestershire BS37 9UH	Date Reg:	24th June 2014
Proposal:	Works to 1no. Sycamore tree to crown lift to 3m and thin by 20%, covered by Tree Preservation Order SGTPO 16/12 dated 5 December 2012. (Resubmission of PK14/1209/TRE).	Parish:	Iron Acton Parish Council
Map Ref:	367912 183637	Ward:	Frampton Cotterell
Application Category:		Target Date:	11th August 2014



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 100023410, 2008. **N.T.S.** **PK14/2365/TRE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Comments of objection have been received contrary to the officer's recommendation.

1. THE PROPOSAL

- 1.1 Works to 1no.Sycamore tree to crown lift to 3m and thin by 20%, covered by Tree Preservation Order SGTPO 16/12 dated 5 December 2012 (resubmission of PK14/1209/TRE)

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)

South Gloucestershire Local Plan Core Strategy Adopted December 2013
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance

3. RELEVANT PLANNING HISTORY

- 3.1 PK12/1854/TCA – Works to fell 1 no. Sycamore tree – refused & TPO placed on tree
- 3.2 PK14/1209/TRE – Works to reduce 1 no. Sycamore by 30%- Refused works detrimental to the health of the tree

4. CONSULTATION RESPONSES

- 4.1 Iron Acton Parish/Town Council – NO Objections

Other Representations

- 4.2 Local Residents-
1 no. letter of objection has been received which states:
- Refusal reason for PK14/1209/tre – detrimental to the health of the tree remains valid
 - Disproportionately high impact on trees amenity value also on wildlife/birds.
 - Application fails to declare within Conservation Area
 - Would like expert confirmation that the tree is not a bat roost. Should not be thinned if used by bats/birds.
 - Policy L1 should be used to manage resources (trees) to ensure long term viability.
 - Proposed works affect local amenity.
 - Tree should be preserved in its entirety.

- Tree forms natural barrier between property & park. Concerned about reduction in barrier effect.
- Submitted plan not to scale. Plan should be resubmitted to scale
- Concerned about piecemeal removal of mature trees within CA.
- Feels specification of works not clear and no reason for works given.

5. **ANALYSIS OF PROPOSAL**

5.1 Works to Crown lift to 3m and thin by 20%

5.2 Principle of Development

The Only issues to consider are whether the proposed tree works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long term retention of the specimen.

5.3 Consideration of proposal

Further to inspection of the tree it is considered that the proposed works to the Sycamore tree should not be detrimental to the health of the tree as the works are considered minor, with minimal small sized pruning cuts. The crown lift will allow clearance below the tree and the crown thin will allow dappled light to filter through the canopy. The works will not affect the natural flowing lines of the branches, the size and shape of the tree or the visual amenity to the area. The tree will still provide a natural boundary between the property and the park adjacent. The works to the tree should not affect any wildlife which currently utilises the tree.

6. **CONCLUSION**

6.1 The recommendation to grant consent 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 Consent is granted subject to conditions

8. **CONDITIONS**

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation)(England)Regulations 2012

2. The works hereby authorised shall comply with the British Standard 3998: 2010- Recommendations for Tree work.

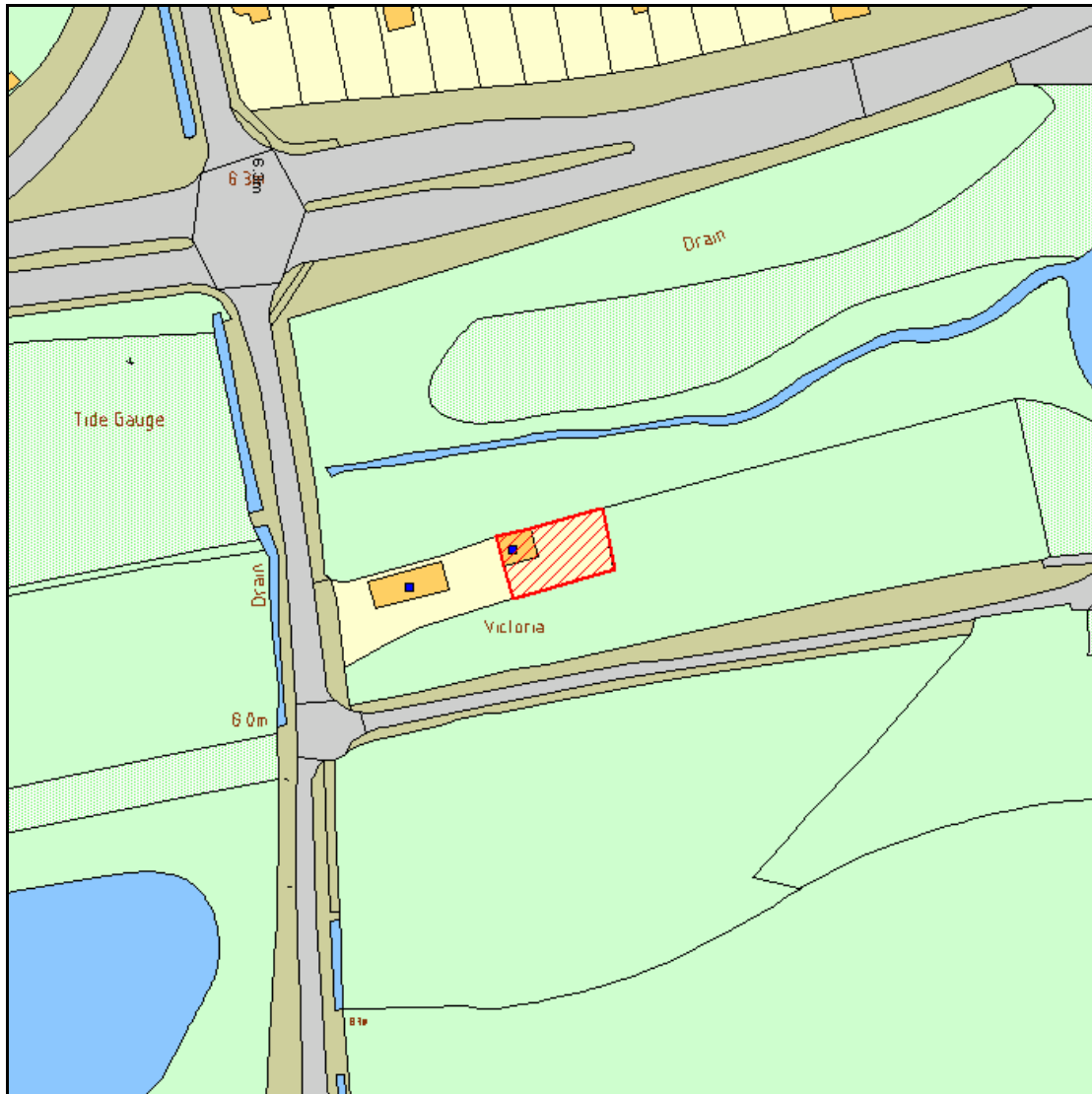
Reason

In the interests of the long term health of the tree, and to accord with The Town and Country Planning (Tree Preservation)(England) Regulations 2012

Contact Officer: Lea Bending
Tel. No. 01454 864201

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT13/2475/CLE	Applicant:	Mr Tom Blackburn
Site:	Victoria Ableton Lane Severn Beach Bristol South Gloucestershire BS35 4PR	Date Reg:	30th July 2013
Proposal:	Use of building and land at Victoria, Ableton Lane, Severn Beach as a separate industrial unit without compliance with condition no. 3 attached to planning permission P89/2732	Parish:	Pilning And Severn Beach Parish Council
Map Ref:	354383 184048	Ward:	Pilning And Severn Beach
Application Category:	Minor	Target Date:	19th September 2013



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N.T.S. PT13/2475/CLE

REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the application is for a Certificate of Lawful Use.

1. THE PROPOSAL

1.1 The site consists of land and a building currently in use as a workshop for light industrial agricultural repairs (Planning Permission P89/2732). The planning permission is subject to conditions requiring that the use of the land and building is retained in use incidentally to the associated dwelling house, which is located immediately to the West of the subject land and buildings (condition 3).

1.2 Condition 3 of Planning Permission P89/2732 reads as follows;

The building hereby approved shall be used incidentally to the dwelling house within the same curtilage and shall at no time be served therefrom to form a separate unit or for any other purpose.

Reason

The use of the building as a workshop is considered unsuitable as a separate unit or for any other purpose.

1.2 It is set out in planning law that a breach of condition must occur for a period in excess of 10 years before it becomes immune from enforcement action and, in effect, lawful. The applicant claims that the building and land has been occupied and operated in breach of condition 3 for a period in excess of 10 years; and seeks to secure the separate use of the business use and residential use this by way of a Certificate of Lawful Development.

2. POLICY CONTEXT

2.1 National Guidance

Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning Act s.171

3. RELEVANT PLANNING HISTORY

3.1 P89/2732 Retention of Single Storey Building, Measuring 37 SQ Metres (400 SQ Feet) For Use as a Workshop For Light Industrial Agricultural Repairs.

Approved 26th October 1989

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

4.1 Two statutory declarations by Thomas Joseph Blackburn (TJB) and Thomas Joseph Blackburn (STB) relating to the use of the industrial use of the land the building. Both of the declarations refer to the subject land and buildings. TJB

submits out that he allowed his son (STB) to take occupation of the site in 2002 and that STB lives off site at 38 Gorse Cover Road. Rent was charged by TJB to STB against the occupation from 2009.

4.2 STB submits that he took up occupation of the land and building in 2002 operating the business trading as 'Gates Plus'; and that the use of the land and building is independent of the dwelling associated with the site. STB attaches a letter from his accountant (RGH Accountancy Limited) who confirm that STB has operated his sole business (Gates Plus) at the site and has incurred expenses for the use of the workshop and yard since April 2002. It is also confirmed that no contribution has been made to the upkeep of 'Victoria Bungalow'.

4.2 A bundle of documents indicating that a separate electricity supply has been installed and charged separately at the workshop from 2000; and business rates demand notices for 2000 and 2001.

5. **SUMMARY OF CONTRARY EVIDENCE**

5.1 None

6. **OTHER REPRESENTATIONS RECEIVED**

4.1 Pilning and Severn Beach Parish Council
No Objection

4.2 Local Residents
No comments have been received

7. **EVALUATION**

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

7.2 The applicant claims that the use of the land and building for industrial purposes has been carried on in breach of condition 3 of planning permission P89/2732 for a period in excess of 10 years.

7.3 The evidence is submitted in the form of two separate statutory declarations with supporting evidence. The supporting evidence, in the form of an electricity bill, a bill for works to install a new electricity supply and South Gloucestershire business rates demands are ambiguous. In particular, this demonstrates only that there was a new electricity supply installed and that it is separately accounted for; and that a business was carried on up to 2001. This evidence does not demonstrate that the subject land and buildings have been used for light industrial purposes in breach of condition 3.

7.4 Notwithstanding the above, officers have visited the site and it is evident that the land and buildings are still in use for the business use; and this appears to

be in the area of metal working and manufacture. It is also evident that the land and buildings are separated from the dwelling that the original planning permission links the business to by virtue of a separating gate and enclosure; although the access to the dwelling and the business unit are effectively shared. Statutory declarations are submitted which set out clearly what the relationship of the dwelling and the business unit has become. In particular, the sworn evidence shows that the business unit is no longer occupied by Mr Thomas Joseph Blackburn but is now occupied by his son, Mr Thomas Joseph Blackburn. Mr Thomas Joseph Blackburn does not live in the dwelling associated with the business use. This has been the situation since 2002 and as such approximately 12 years has now elapsed since the alleged breach of condition 3 began.

- 7.5 There is no contrary evidence to the above. The statutory declarations submitted by the applicant must be given significant weight in considering the evidence submitted as part of this certificate application. It is considered that the sworn declarations set out the most likely course of events leading to the breach of condition and there is no contrary evidence to demonstrate that the breach of the condition has not occurred or has occurred for less than ten years. Although the supporting evidence is ambiguous, the officer site visit did not reveal any indication that the dwelling and business remain in occupation as a single planning unit. On this basis, on the balance of probability it is considered that the building and the land has been occupied as a separate industrial unit in breach of condition 3 for a period in excess of 10 years.

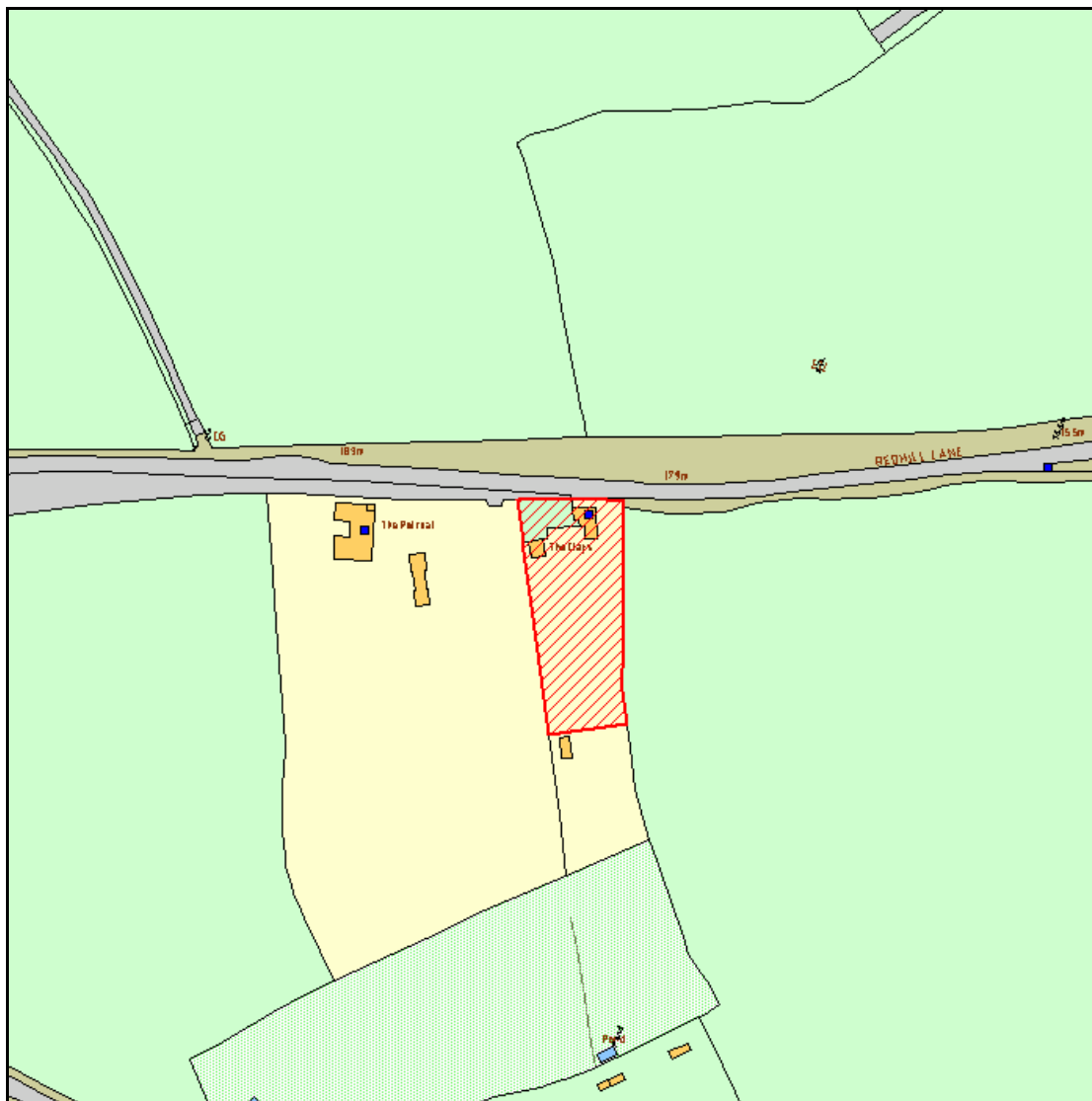
8. RECOMENDATION

- 8.1 That a Certificate of Lawful Development is granted.

Contact Officer: Simon Penketh
Tel. No. 01454 863433

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT13/3260/CLP	Applicant:	Mr S Turner
Site:	The Clays Redhill Lane Olveston South Gloucestershire. BS35 4AJ	Date Reg:	11th September 2013
Proposal:	Application for certificate of lawfulness for the proposed erection of a single storey side extension.	Parish:	Aust Parish Council
Map Ref:	359407 188542	Ward:	Severn
Application Category:	Minor	Target Date:	1st November 2013



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PT13/3260/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey side extension at The Clays, Elberton, would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.
- 1.3 During the course of the application revised plans have been received with amendments to the proposed drawings. The plans considered in the determination of the application are listed in paragraph 5.1 of this report.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P97/1491 - Erection of two storey rear extension to provide sitting room with bedroom and study above. Erection of side porch. Approved 21st May 1997
- 3.2 P89/2445 - Erection of two storey rear extension to provide sitting room with bedroom and study above. Erection of porch. Approved 6th September 1989
- 3.3 P89/1770 - Erection of hay barn, three stables and tack room building. Refused 21st June 1989
- 3.4 P89/1769 - Erection of two storey rear extension to provide sitting room with bedroom and study above. Erection of single storey side extension to form utility room, erection of porch. Refused 14th June 1989
- 3.5 P84/1674 - Erection of double detached garage. Approved 18th July 1984
- 3.6 N6431/1 - Erection of detached dwellinghouse with integral garage. Installation of septic tank (Outline). Refused 27th March 1980

- 3.7 N6431 - Erection of two storey rear extension to form hall, toilet/shower and lounge with two bedrooms over. Erection of front entrance porch (in accordance with the amended plans received by the Council on 4th March 1980 and the applicants letter dated 12th March 1980). Approved 27th March 1980

4. CONSULTATION RESPONSES

- 4.1 Aust Parish Council
No comments

Other Representations

- 4.2 Local Residents
No comments received

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

- 5.1 Site Layout Plan Revised Plan Received 7th May 2014
Proposed Front Elevation and Proposed Side Elevation Revised Drawings Received 17th July 2014.
Proposed Rear Elevation Revised Drawing Received 17th July 2014

6. EVALUATION

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

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

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

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

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

The proposal is single storey.

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

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

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

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

The proposal would extend beyond the side elevation of the original dwellinghouse. It would have a maximum height of 4 metres and the width of it would be less than half the width of the original dwellinghouse.

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

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

The proposal does not include any of the above.

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

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

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

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

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

CONDITIONS

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

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

The proposal would be finished in stonework to match those of the existing dwellinghouse.

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

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

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

The proposal is single storey.

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

Not applicable.

7. RECOMMENDATION

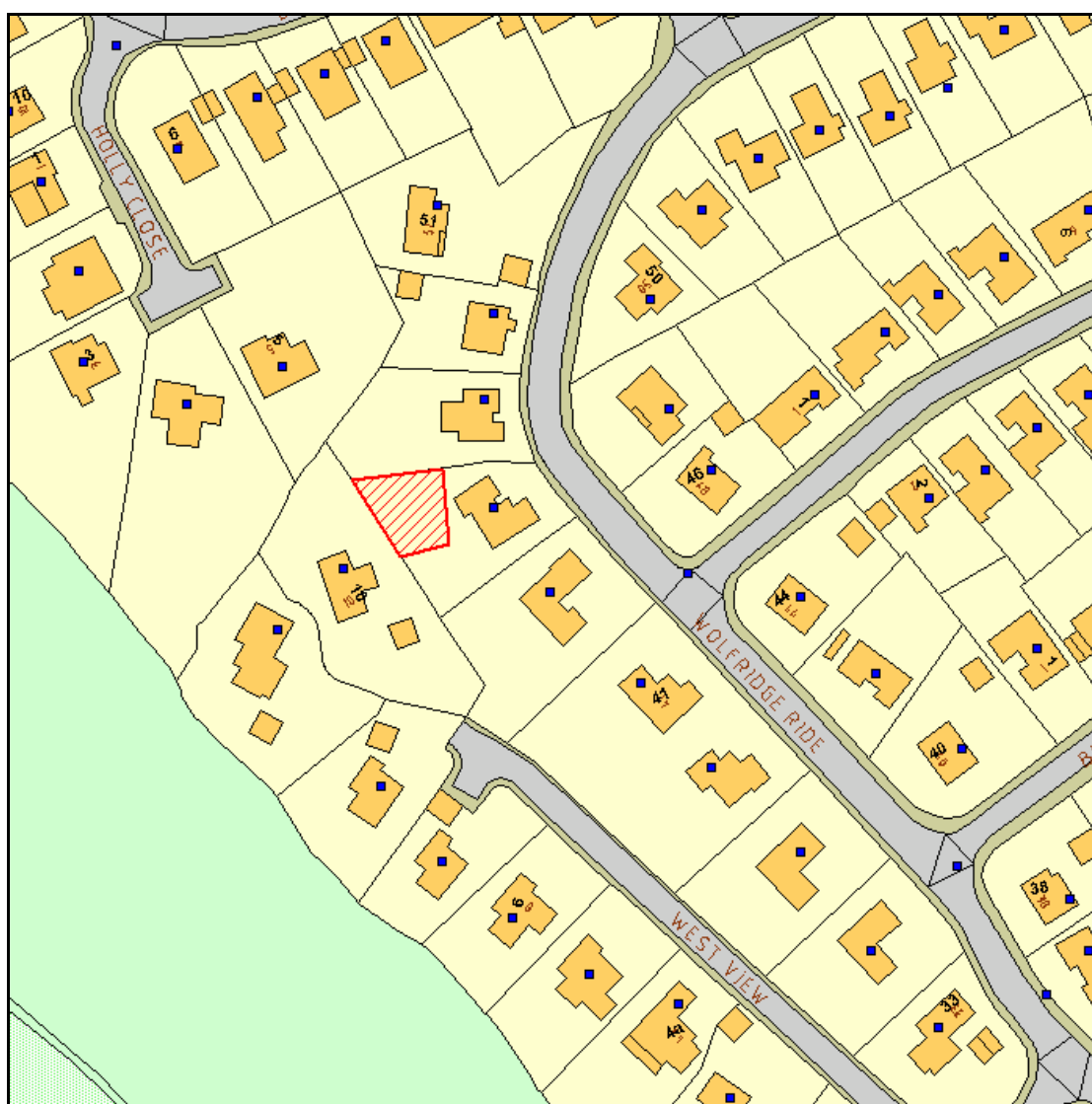
- 7.1 That a certificate of lawfulness for proposed development is granted for the following reason:

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

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/0807/TRE	Applicant:	Mrs Joanne Wolter
Site:	45 Wolfridge Ride Alveston Bristol South Gloucestershire BS35 3RL	Date Reg:	7th March 2014
Proposal:	Works to pollard 8 no. beech trees covered by Tree Preservation Order TPO37 dated 13 January 1971	Parish:	Alveston Parish Council
Map Ref:	362763 187876	Ward:	Thornbury South And Alveston
Application Category:		Target Date:	29th April 2014



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 100023410, 2008. **N.T.S.** **PT14/0807/TRE**

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application appears on the circulated schedule due to the receipt of a letter of objection from the Parish Council and also from a neighbour.

1. THE PROPOSAL

- 1.1 The application seeks consent to pollard 8 beech trees growing on land to the rear of 45 Wolfridge Rise, Alveston. The trees are growing in a group and are all multi stemmed.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning Act 1990
Town and Country Planning (Tree Preservation) (England) Regulations 2012
- 2.2 Local Plan
South Gloucestershire Local Plan (Adopted January 2006) – Policy L1

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Alveston Parish Council
Objects to the application on the grounds that the plans were insufficiently clear and that pollarding is not the correct form of treatment for Beech trees and pruning would be more acceptable.
- 4.2 Tree Officer
No Objection

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a neighbouring resident. The neighbour advises they have no objection to the trees being pruned or controlled but considered pollarding to be an altogether more drastic treatment.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
The issue to consider in this application is whether the proposed works will adversely affect the health and appearance of the tree, which makes a significant contribution to the character and visual amenity of the area.
- 5.2 Consideration of Proposal
The issue to consider in this application is whether the proposed works will adversely affect the health and appearance of the trees, which make a significant contribution to the character and visual amenity of the area.

- 5.3 The trees affected by this application all form part of the former Wolfridge Wood. The trees are growing in the rear garden of the property in a cluster of almost circular layout. Although the parish council has raised concern that the plans are not clear, they are sufficiently detailed to allow the tree officer to locate and assess the proposed works
- 5.4 Council officers do accept that pollarding is a more drastic course of action than pruning – this is not however to say that it is unacceptable. In this instance, given that a significant portion of the garden of 45 Wolfridge is vegetated, pollarding the trees is an acceptable compromise that will enable the long term retention of the trees. Although the pollarding will have an visual impact, Beech trees can respond well to this form of treatment and will grow back 9albeit in a different form) to offer amenity to the area. Consideration is also given the extent of existing surrounding trees that will help to mitigate the visual impact of the proposed works.
- 5.5 Providing the works are carried out in accordance with the BS standard for tree works, the councils tree officer has no objection to the proposed works. This is a view that your planning officer agrees with.

6. RECOMMENDATION

- 6.1 It is recommended that permission for these works be GRANTED subject to the conditions on the decision notice.

Contact Officer: Marie Bath
Tel. No. 01454 864769

CONDITIONS

1. The works hereby authorised shall be carried out within two years of the date on which consent is granted.

Reason

To avoid the accumulation of consented tree works and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

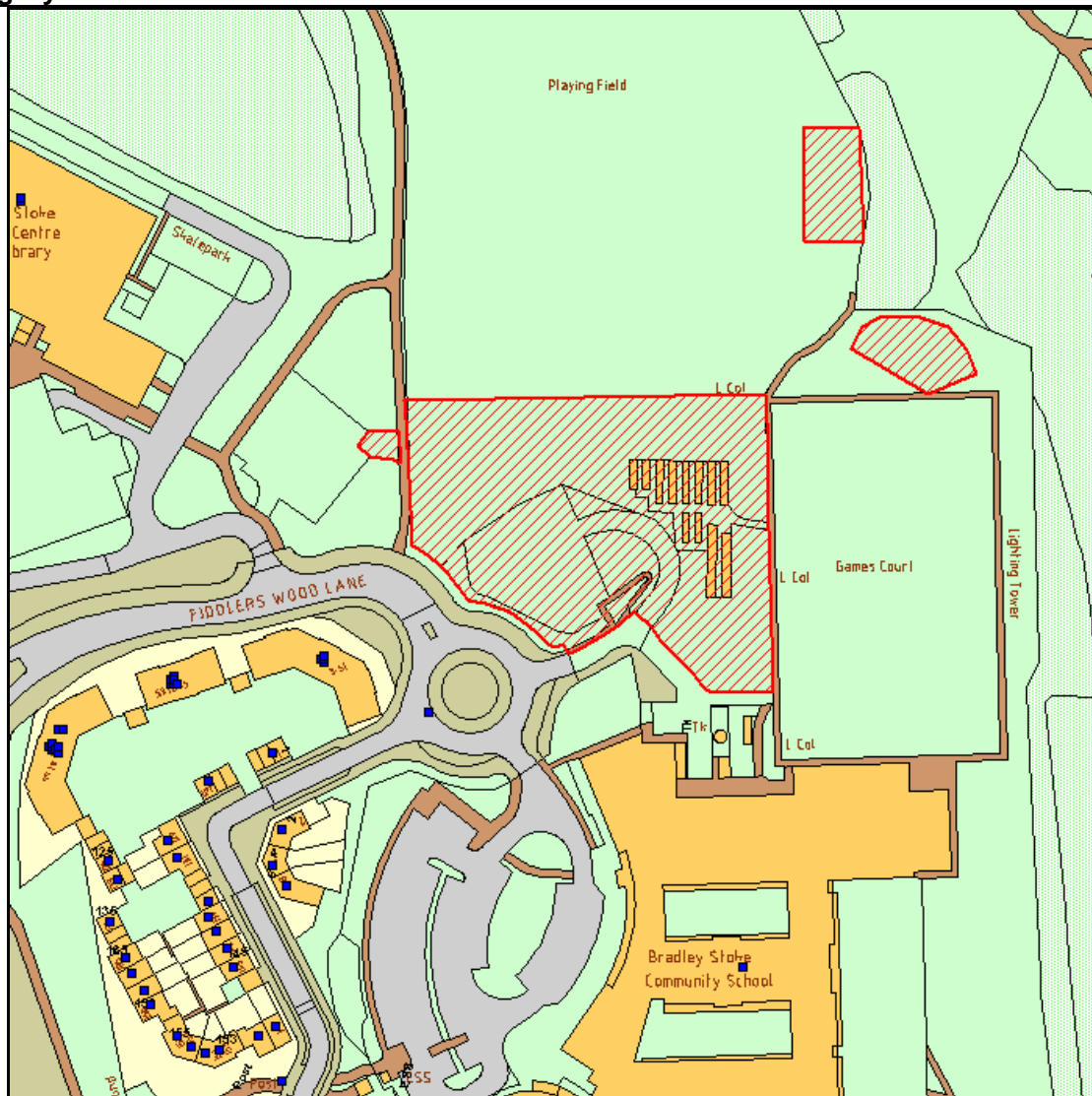
2. The works hereby authorised shall comply with British Standard 3998: 2010 - Recommendations for Tree Work.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of the health and visual amenity of the tree, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/1676/R3F	Applicant:	Olympus Academy Trust
Site:	Bradley Stoke Community School Fiddlers Wood Lane Bradley Stoke South Gloucestershire. BS32 9BS	Date Reg:	12th May 2014
Proposal:	Erection of Primary School with playground, landscaping and associated works. Relocation of existing sports facilities.	Parish:	Bradley Stoke Town Council
Map Ref:	362454 181843	Ward:	Bradley Stoke Central And Stoke Lodge
Application Category:	Major	Target Date:	6th August 2014



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 100023410, 2008. **N.T.S.** **PT14/1676/R3F**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application appears on the Circulated Schedule because an objection has been received from a member of the public contrary to the officers recommendation, and because it is a Regulation 3 application as the Council are the owners of the land.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a primary school with a playground, landscaping and associated works. Permission is also sought for the relocation of existing sports facilities.
- 1.2 The application site comprises approximately 7177 square metres of land to the north of Bradley Stoke Secondary School, and to the east of Fiddlers Wood Lane. The site comprises an overflow car park for the adjacent secondary school, and sports facilities, including high jump and long jump tracks, and cricket nets, located on the edge of the school playing fields. The site is located within the north fringe of the Bristol urban area and within the defined Bradley Stoke Settlement Boundary. The existing highway route off the roundabout on Fiddlers Wood Lane will serve the proposal.
- 1.3 The primary school comprises seven classrooms for primary/reception age pupils; kitchen; hall; and ancillary learning space. Hard and soft landscaping is proposed around the building to include an asphalt playground with netball and tennis markings to the rear of the building; planted grass areas to provide outdoor learning areas; a paved front entrance area; and a visitor and disabled car park. The school will cater for up to 210 pupils when fully occupied.
- 1.4 A screening opinion has been carried out due to the area of the site being over 0.5 hectares. The proposal is not considered to require an Environmental Impact Assessment (EIA).

2. POLICY CONTEXT

2.1 National Guidance

National Planning Policy Framework March 2012

2.2 Development Plans

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

L1 Landscape Protection and Enhancement

L5 Open Areas within the Existing Urban Area

L9 Species Protection

T12 Transportation Development Control Policy for New Development

T8 Parking Standards

T7 Cycle Parking

LC4 Proposals for Educational and Community Facilities within the Existing Urban Area and Defined Settlement Boundaries

LC9 Protection of Open Space and Playing Fields

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

CS25 Communities in the North Fringe of Bristol Urban Area

2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist SPD (adopted)

3. RELEVANT PLANNING HISTORY

- 3.1 PT00/1509/R3O, erection of secondary school, associated playing fields, car parking and external works (outline), withdrawn, 23/08/00.
- 3.2 PT00/2225/R3, outline application for (a) - Site A - secondary school; associated playing fields; car parking and external works (9.26 ha), and (b) Site B - construction of access road; roundabout and residential development (5.0 ha), approval, 25/01/02.
- 3.3 PT09/5299/R3F, relocation of existing bike sheds within the school site, approval, 20/11/09.
- 3.4 PT08/2006/R3F, erection of two-storey sixth form centre, dance studio/ gym and single-storey changing rooms; additional and repositioning of cycle shelter facilities, extension to car park and associated works, approval, 19/09/08.
- 3.5 PT03/1914/R3F, erection of secondary school, sports pitches and associated landscaping, parking and access, approval, 23/12/03.
- 3.6 PT01/0630/R3F, construction of roundabout and extension of Fiddlers Wood Lane to serve proposed school and residential land, approval, 12/06/01.

4. CONSULTATION RESPONSES

- 4.1 Bradley Stoke Town Council
No objection subject to the school attempting to make adequate parking provision for dropping off and collecting children from the new school.
- 4.2 Transportation DC Officer
No objection subject to condition
- 4.3 Crime Prevention Officer
No objection. I would recommended however, that all the windows and doors are to the police approved secured by design (SBD) standard either PAS24-2012 or LPS1175 SR2.
- 4.4 Wessex Water
It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Wessex Water Sewer Protection Team for further advice on this matter.

- 4.5 Drainage Officer
No objection subject to condition
- 4.6 Sports England
In summary, Sports England raises no objection to the application and recommends securing community use as a planning condition.
- 4.7 Ecological Officer
No objection subject to condition
- 4.8 Landscape Officer
The planting plan should be amended. A condition should be attached to any approval requiring a detailed planting plan to be submitted and approved.
- 4.9 Early Years and Schools Planning Officer
Bradley Stoke Community School is working with the LA on this scheme, which is supported by the CYP Committee. The academy is planning to expand by changing its lower age range to include primary phase.

Other Representations

- 4.10 Local Residents
One letter of objection has been received from a member of the public. The following is a summary of the reasons given for objecting:
- ☐ Increased traffic flow around local roads;
 - ☐ The majority of pupils will be dropped off at the school by car;
 - ☐ Increased congestion on local roads;
 - ☐ The expansion of other primary schools should be considered.

5. ANALYSIS OF PROPOSAL

- 5.1 Principle of Development
Guidance contained in the National Planning Policy Framework (NPPF) states that Local Authorities should plan positively for the provision for community facilities to enhance the sustainability of communities and residential environments. The NPPF also states that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities; and that great weight should be given to the need to create, expand or alter schools. In this instance, when considering need, significant weight is given to the fact that the scheme is supported by the Children and Young People Committee. There is a growth in demand for primary school places due to a fast growing population; therefore, there is a need to provide new primary school places to ensure that there will not be a shortfall of provision in the future.

Policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy) seeks to protect open space and land used for playing fields. In addition, policy L5 of the Local Plan seeks to prevent the loss of existing urban

areas where it would adversely affect the character and visual amenity of the locality.

The proposed primary school is located on land to the south and west of the main sports pitches at the site and will replace an overflow car parking area, bicycle shelters, as well as several sports facilities such as cricket nets, long jump and high jump tracks. The site is located on the edge of existing playing fields such that the development will not encroach onto existing sports pitches; it does not form a visual break between developments; it is not a characteristic feature of the locality; and it does not comprise any trees or vegetation, which make a significant contribution to the character of the area. It is not considered that the loss of open space will adversely affect the character or visual amenity of the area. It is not considered that the proposal is in conflict with the main aims of policy L5 of the Local Plan.

The school building proposed is located as far south as possible over the existing car park and cycle stores to minimise the impact on existing sports facilities. The application sets out that the existing sports facilities will be relocated onto areas of the playing field which are underused. Accordingly, the main sports facilities at the school, which include grass football and rugby pitches, as well as an all weather pitch will be retained and will not be adversely affected despite there being a likely intensification of their use. The application sets out that there will be the provision of a new asphalt playground with a formally marked court, as well as a new Sports England natural turf mini football pitch with a 3 metre safety zone. The applicant has addressed all other issues raised by the Football Association (FA), and the English Cricket Board (ECB) and significant weight is given to the fact that Sports England has no objections to the proposal.

Sports England has requested that a community agreement condition be attached to any permission to ensure that existing sports facilities are made available to the community. However, evidence has been submitted which demonstrates that the school currently has a significant number of community users. The school already embraces the use of the facilities by the community, which generates income that is needed to support the school budget. It is not considered that the proposal will have a materially greater effect on the use of the facilities by the community than the existing situation. Therefore, whilst the comments made by Sports England are noted, it is not considered that a condition with regards to a community use agreement is necessary, relevant for the development to be permitted, or reasonable in this instance. Such a condition does not pass the tests for applying conditions under the National Planning Policy Guidance (NPPG). Given the above, it is not considered that the proposal will have an adverse effect on existing play fields or sports facilities; and therefore, is not in conflict with policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006.

- 5.2 The site is located in the north fringe of the Bristol urban area. Policy CS5 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 sets out that this is the location where most new development will take place in order to reduce the need to travel and commute. In addition, the site is located within the defined Bradley Stoke settlement boundary, and saved policy LC4 of

the South Gloucestershire Local Plan (adopted) January 2006 allows for proposals for the development, expansion or improvement of education and community facilities within the existing urban area and defined settlement boundaries.

- 5.3 Accordingly, the proposal is considered to represent sustainable development, the principle of which is supported by policy. The main issues to consider are matters relating to appearance/form and the effect on the character of the area; the transportation issues, including whether the proposed school is located on a site that is highly accessible by non-car modes of travel, whether the proposal will lead to an unacceptable level of on-street parking; the effect on the residential amenity of neighbouring occupiers; and environmental effects.

5.4 Design

Use

The proposal is for a new primary school and associated hard and soft landscaping works, which include an asphalt playground to the rear, landscaped outdoor learning areas, a paved front entrance area and a visitor/disabled parking area to the front. Internally, the proposed school provides 7no. primary and reception classes; a library resource area; a kitchen; hall; and other ancillary learning areas. According to the applicant the hall, kitchen, and some toilet areas will be available out of school hours to provide further benefit to the local community.

Amount

The proposal is for a single primary school. The site area is approximately 7100 square metres. The floor area of the building is approximately 1145 square metres with the accommodation being provided over a single floor.

Appearance/Scale/Sustainability

The proposal comprises a relatively simple form consisting primarily of a linear row of classrooms under a mono-pitched roof, and an assembly hall encompassed by a dual pitched roof. The classrooms and hall are linked via lower lean-to sections. The classrooms are all north facing to ensure that they remain cool in the summer and to provide convenient direct access to the rear playground.; however, high level south facing lights will ensure that the classrooms will be well illuminated by natural light. The eaves project beyond the walls of the building to provide a functional shelter, and this also provides an attractive and contemporary feature.

The proposed materials have been selected to reflect the palette used in the existing secondary school, which is considered an acceptable approach. The roof is to be constructed of aluminium on a profiled metal structural deck; the external walls are to comprise a blue brick plinth, with coloured cementitious render, and coloured panels at a high level; the windows are proposed to be double glazed aluminium polyester powder coated windows. The materials proposed are acceptable in principle, and if permission is granted, a condition is recommended in respect of samples of materials.

The hall and classrooms are the highest parts of the scheme and have an apex of approximately 7 metres. The scale of the building will generally reflect the

scale of the existing secondary school to the south, whilst the closest residential property to the west of the site is a four storey block of flats. Accordingly, it is not considered that the proposal will appear adversely out of keeping with the scale of surrounding built form. The southwestern side elevation of the building is set back approximately 21 metres from Fiddlers Wood Lane behind proposed planting; therefore, it is not considered that the proposal will be adversely prominent from views from the surrounding area

An energy statement has been submitted by the applicant, which demonstrates that the proposal will be of a design, and include features that will help conserve energy and reduce CO2 emissions. High efficiency gas boilers will be installed to provide sufficient hot water for an under floor heating system and hot water; photo voltaic panels have been included in the design to be installed on the south facing roof to provide energy and reduce the energy demand of the school. The design of the building seeks to maximise natural light through the use of glazed facades and roof lights. Where additional light is required LED lighting will be installed in all areas. Sensor lighting will be fitted to the W/Cs and all ancillary store areas. In terms of ventilation, the main hall and all classrooms will be naturally vented with low level intakes through attenuated louvers and high level extracts, with air quality and ventilation usage being monitored and adjusted by the occupants. According to the applicant the boiler and PV option will exceed the statutory building regulations for energy usage and CO2 emissions. In addition, an initial thermal model has been created which demonstrates the proposal exceeding the SBEM requirements in terms of energy usage.

Access/Layout

The building comprises an 'L' shaped footprint and is orientated at an oblique angle within the site. An existing vehicular access route off Fiddlers Lane will serve the building, which will lead to a visitor and disabled car park. The building is back from the front and side boundaries of the site to provide adequate space for outdoor play areas and planting. The main learning areas are located to the rear of the building where they will provide direct access to a grass and asphalt playground. A grass landscaped outdoor learning area is wrapped around the front and west side of the building.

Landscaping

A plan showing proposed planting around the site has been submitted; however, it is considered that the planting should include more biodiversity improvements and that more of the planting should therefore, be native or be more beneficial to wildlife. There are also concerns that the landscape plan includes 4no. Pinus Nigra, which can grow to a height of 20-55 metres, and will therefore, have the potential to grow too large within the context of the site. They should be substituted, possibly with smaller pine species; however, a substantial tree such as an Oak could be accommodated in the visitor and disabled car park area.

The Beech hedge appears to have the 2 metre high weld mesh fencing through the centre of it, which will make maintenance difficult and should therefore, be amended. Along the entrance ramp a viburnum hedge is shown adjacent to a Beech hedge. Further clarification is required regarding how this will be

maintained and at what height. It may be beneficial to omit one of the hedges and replace with planting with more seasonal interest, wildlife value and visual interest.

There are two quite large areas of planting either side of the ramp up to the visitor and disabled car park. It should be considered if it would be possible to make more use of this area, perhaps through the provision of more seating. In any case, the planting could be more varied and reflect the planting on the rest of the school grounds. There is concern that the Petrovskia, Calamagrostis and Veronicastrum will lack much structure and interest during the winter months. If permission is granted, a condition is recommended to ensure a detailed planting plan is provided to secure amendments required.

Security/Crime Prevention

The applicant has worked closely with the Crime Prevention Design Advisor for the South Gloucestershire area in relation to the design of the proposed school. The Crime Prevention Design Advisor has raised no objections to the proposal provided that the doors and windows are to the police approved Secured By Design standard (SBD). A condition is recommended on this basis if permission is granted.

5.5 Transportation

The site is considered to be in a sustainable location within close proximity to the Bradley Stoke Town Centre. Accordingly, the site is highly accessible by walking and cycling, and by public transport.

5.6 Car parking for the school is to be mainly provided at the adjacent secondary school. The recently approved planning application for the relocation of an overflow car park (PT14/1184/R3F) was supported with transport information which demonstrates that the overall parking provision, including the proposed relocated car park, is sufficient to meet the existing and predicted parking demand for the two schools combined. The parking provision is also in accordance with the Council's maximum parking standards set out under policy T8 of the adopted Local Plan.

5.7 The application form indicates that 12no. cycle parking spaces are to be provided, however, they are not shown on any of the submitted plans and need to be provided in a convenient location close to the entrance of the school.

5.8 A combined Travel Plan has been submitted for the Primary and Secondary Schools. This is fairly comprehensive, and a couple of minor changes required to the targets and the inclusion of a management plan to control parent drop off and pick up at the start and end of the school day can be agreed and secured by condition if permission is granted. The concerns raised by a member of the public regarding the impact of additional traffic are noted. However, weight is given to the fact that the site is located in a highly sustainable location, which in combination with an updated travel plan, will provide opportunities for alternative modes of travel to private car use.

5.9 Residential Amenity

The closest residential property to the site is a block of flats (no.3-51) on the opposite side of Fiddlers Wood Lane approximately 37 metres from the site. It is considered that the level of separation is sufficient to ensure that residential occupiers will not be significantly adversely affected in terms of loss of natural light, privacy, or noise. Whilst there may be some additional disturbance and congestion due to parents dropping off and picking up children from the school, this will primarily only be twice a day at peak times in the morning and afternoon, Monday to Friday. The site is located in a highly sustainable location where there are opportunities for walking and cycling to school; there will also be opportunities for car sharing as pupils may have siblings that attend the secondary school. Accordingly, if permission is granted, a condition is recommended for an updated School Travel Plan to be agreed with the Local Planning Authority to include measures to promote car sharing, walking, cycling, and use of the public transport, as well as a management plan to control vehicle drop off and pick up of children at the start and end of the day in order to reduce the impact on neighbouring occupiers through disturbance and congestion. Subject to a appropriately worded condition, if permission is granted, it is not considered that there would be a significant adverse effect on the residential amenity of neighbouring occupiers through an increase in levels of on-street parking and congestion.

5.10 Environmental Ecology

The site is not covered by any statutory or non-statutory nature designations. The application site consists of a mixture of hardstanding, gravel and mown amenity grassland (playing fields) of negligible value for nature conservation. Accordingly, there are no ecological constraints to granting planning permission, although the opportunity should be taken to include biodiversity enhancements within the new development. Therefore, if permission is granted a condition is recommended for a landscaping scheme, using as far as possible native species and including trees, shrubs and herbaceous species to be agreed with the Local Planning Authority. A condition in respect of a management plan for the planting is also recommended if permission is granted.

5.11 Tree Impacts

Although a number of trees and shrub planting will be removed to facilitate the development, it is not considered that there will be a significant adverse effect on the character or visual amenity of the area to warrant a refusal. In addition, additional planting will be carried out as part of the proposed development, which will offset any tree loss.

5.12 Drainage/Flooding

The application site is in Flood Zone 1; it is in an area where there is a low probability of flooding; therefore, it is not considered that the proposed development will be at a significant risk from flooding. The Council's Drainage Officer has raised no objections to the proposal subject to a drainage condition, if permission is granted, to ensure that surface water is dealt with adequately in the interests of flood prevention and pollution control.

5.13 Further Matters

The comments made by a neighbouring occupier with regards to the expansion of existing schools are noted. However, the principle of the development is supported by policy and there is no requirement for a sequential test to be undertaken for the provision of primary school places.

6. CONCLUSION

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

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

7. RECOMMENDATION

7.1 Planning permission is GRANTED subject to the following conditions.

Contact Officer: Jonathan Ryan
Tel. No. 01454 863538

CONDITIONS

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

Reason

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

2. All windows and doors shall be to the police approved secured by design (SBD) standard either PAS24-2012 or LBS1175 SR2.

Reason

In the interests of security and crime prevention to ensure a high quality standard of design and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Design Checklist SPD (adopted).

3. Prior to the commencement of the development an ecological management plan shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details. (For the avoidance of doubt the plan should include details of a planting scheme involving

mixed native shrub species and new habitat to be created to benefit local biodiversity. It should also include a programme of monitoring of all works for a period of 5 years).

Reason

In the interests of the wildlife and the ecological interests of the site and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L9 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

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

Reason

To ensure an adequate means of drainage is provided and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.

5. Prior to the commencement of the development a site specific Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt the CEMP shall address the following matters:

- (i) Procedures for maintaining good public relations including complaint management and public consultation
- (ii) Mitigation measures as defined in the British Standard BS 5228: Parts 1 and 2 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance. Piling will not be undertaken and Best Practice alongside the application of BS 5228 shall be agreed with the LPA.
- (iv) The use of a Considerate Contractors or similar regime for the site induction of the workforce highlighting pollution prevention and awareness.
- (v) Measures to control the tracking of mud off-site from vehicles.
- (vi) Measures to control dust from the demolition and construction works approved.
- (vi) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (vii) Adequate provision for the delivery and storage of materials.
- (viii) Adequate provision for contractor parking.

Reason

In the interests of highway safety and the amenities of the area and to accord with policies T12 and LC4 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. The School Travel Plan shall be updated and submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building hereby

permitted. The development shall be carried out in accordance with the agreed details.

For the avoidance of doubt the Travel Plan shall as a minimum include:

Contact details for the Travel Plan Coordinator.

Annual Travel Mode surveys.

Modal shift targets.

A timetable for implementation.

Measures to encourage non single occupancy car use and promote walking, cycling and use of public transport.

An annual review of the number of cycle parking spaces and a commitment to provide additional spaces should they be required.

Monitoring and reporting back to South Gloucestershire Council timetable.

A management plan to control vehicle drop off and pick up of children at the start and end of the school day.

Reason

In order to deliver sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking & cycling and to reduce local congestion at peak times and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

7. The building hereby approved shall not be occupied until 18 standard and 2 disabled car parking spaces have been made available for use by the school on the campus as a whole.

Reason

To ensure adequate off-street parking is provided in the interests of highway safety and the amenities of the area and to accord with policies T12 and LC4 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policies).

8. Prior to the commencement of the development a plan demonstrating the provision of a minimum of 12 covered and secure cycle parking spaces shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details prior to the first occupation of the building hereby approved and retained thereafter.

Reason

To ensure adequate cycle parking is provided to promote sustainable transport choices and to accord with policies T12 and T7 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policies).

9. Prior to the commencement of development samples of the roofing and external facing materials, including fenestration, 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 an adequate standard of external appearance and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Design Checklist SPD (adopted).

10. The hours of working on site during the period of construction shall be restricted to the following times:

Monday - Friday.....7:30am - 6:30pm

Saturday.....8:00am - 1:00pm

No working shall take place on Sundays or Public Holidays.

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

Reason

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

11. The sports facilities shall be provided in accordance with the plan "proposed outdoor sports facilities: block plan" no. 2710 C received by the Council on 16th June 2014 prior to the first occupation of the building hereby approved.

Reason

To ensure that adequate sports facilities are provided for the school and the community and to accord with policy LC9 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

12. Notwithstanding the details submitted, 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. (For the avoidance of doubt, the scheme of landscaping shall include the amendments recommended under the landscape section of the Officer Report).

Reason

In the interests of the character and appearance of the area and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy).

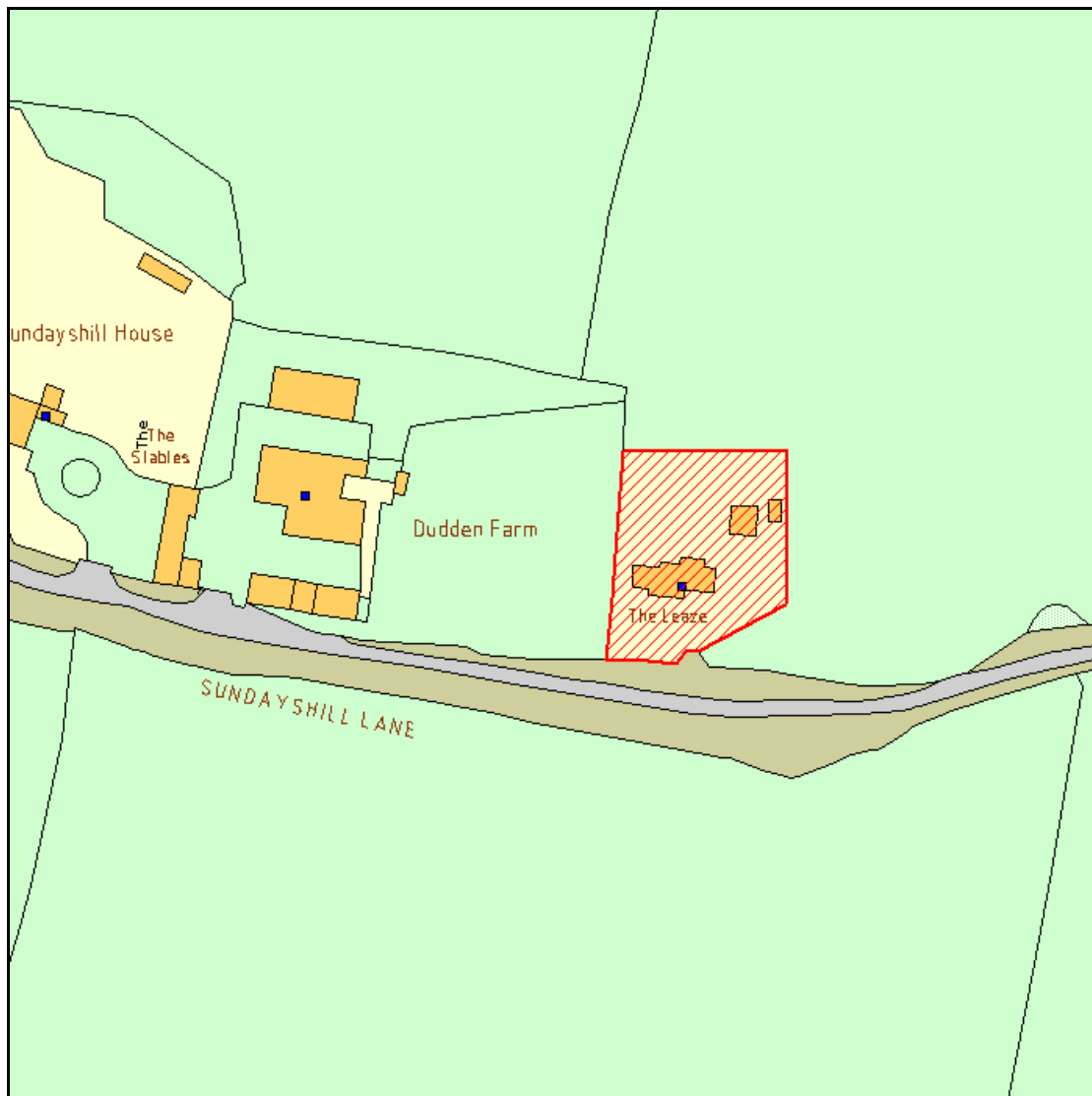
13. The development shall be carried out in accordance with the Outline Sustainability Statement received by the Council on 17th July 2014.

Reason

In the interests of sustainability and energy conservation and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and the South Gloucestershire Design Checklist SPD (adopted).

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/1685/CLE	Applicant:	Mrs Rosemary Fergie-Woods
Site:	The Leaze Sundayshill Lane Falfield Wotton Under Edge South Gloucestershire GL12 8DQ	Date Reg:	19th May 2014
Proposal:	Occupation of existing residential dwelling (Class C3) without compliance with agricultural occupancy condition attached to planning permission SG1804 (dated 23rd February 1951)	Parish:	Falfield Parish Council
Map Ref:	367602 193412	Ward:	Charfield
Application Category:	Minor	Target Date:	4th July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application appears on the Circulated Schedule as the application is for a Certificate of Lawful Use.

1. THE PROPOSAL

- 1.1 The site consists of a large dwelling and associated outbuilding standing in a large curtilage. The dwelling is subject to an agricultural workers occupancy condition.
- 1.2 The applicant claims that the dwelling has been occupied in breach of the condition since 11th June 2003.

2. POLICY CONTEXT

- 2.1 National Guidance
Town and Country Planning (General Procedures) Order 1995 Article 24
Town and Country Planning Act s.171

3. RELEVANT PLANNING HISTORY

- 3.1 SG1804 House for Agricultural Worker, new vehicular access
Approval dated 23rd February 1951

4. SUMMARY OF EVIDENCE IN SUPPORT OF THE APPLICATION

- 4.1 Two statutory declarations by Malcolm Macleod (MM) and Dianne Margret Macleod (DMM) relating to the occupancy of the dwelling known as The Leaze. Both of the declarations state that MM and DMM have occupied the dwelling as a private residence since 1st February 2004; and that MM and DMM work in agriculture and have not done so at any time during the their occupancy of the property.
- 4.2 A bundle of documents relating to the tenancy agreements with Rhodar Ltd and the Landlord (Mrs Rosemary Fergie-Woods) dating back to 11th June 2003; and the current Tenancy Agreement between Recycled Waste Dot Com and the landlord and an account statement dating back to 1st February 2004.

5. SUMMARY OF CONTRARY EVIDENCE

- 5.1 None

6. OTHER REPRESENTATIONS RECEIVED

- 6.1 Falfield Parish Council
No comment has been received
- 6.2 Highways Authority
No Comment
- 6.3 Local Residents
No comments have been received

7. EVALUATION

7.1 The application for a Certificate of Lawfulness is not a planning application and is purely an evidential test. The test of evidence to be applied is whether or not the case has been shown on the balance of probability. As such the applicant needs to provide precise and unambiguous evidence.

7.2 The application claims that the dwelling has been occupied in breach of the planning permission SG1804 (dated 23rd February 1951) and is now Lawful. The planning permission grants the following;

House for agricultural worker, new vehicular access.

The planning permission has four conditions. Condition (a) reads as follows;

The dwelling to be occupied only by members of the agricultural population and their dependants as defined in Circulars 62 and 64 issued by the Ministry of Town and Country Planning

and the reason given is as follows;

The site is in an area which it is intended to reserve in the development plan for rural purposes and the application is supported by the Ministry of Agricultural and Fisheries

7.3 Essentially, the applicant must be able to demonstrate (on the balance of probability) that the dwelling has been occupied continuously by persons not working in agriculture for a period of 10 years or more. The evidence submitted includes information demonstrating that the dwelling has been let out to two separate businesses (Rhodar Ltd and Recycled Waste Dot Com) for a continuous period since 11th June 2003.

7.4 The dwelling has been let to Recycled Waste Dot Com since 1st February 2004. Each of the statutory declarations show that both MM and DMM commenced occupation of the dwelling on the same date; and that MM and DMM are not employed and have not previously been employed in agriculture during their occupation of the dwelling.

7.6 There is no contrary evidence to the above. The officer site visit did not bring to light any reason to dispute this claim. The statutory declarations submitted by the applicant and the supporting documents provide clear and unambiguous evidence and are given weight as this is evidence sworn under oath and witnessed by a legal solicitor. On this basis, the declarations are given weight in the determination of this application. Officers consider that, on the balance of probabilities, the dwelling and its curtilage has been occupied in breach of the planning permission (SG1804) for a period of over 10 years (since at least 1st February 2004). Officers therefor consider that the occupation of the dwelling on an unfettered basis is lawful.

8. RECOMENDATION

8.1 That a Certificate of Lawful Development is Granted for the continued occupation of the dwelling in breach of Planning Permission SG1804.

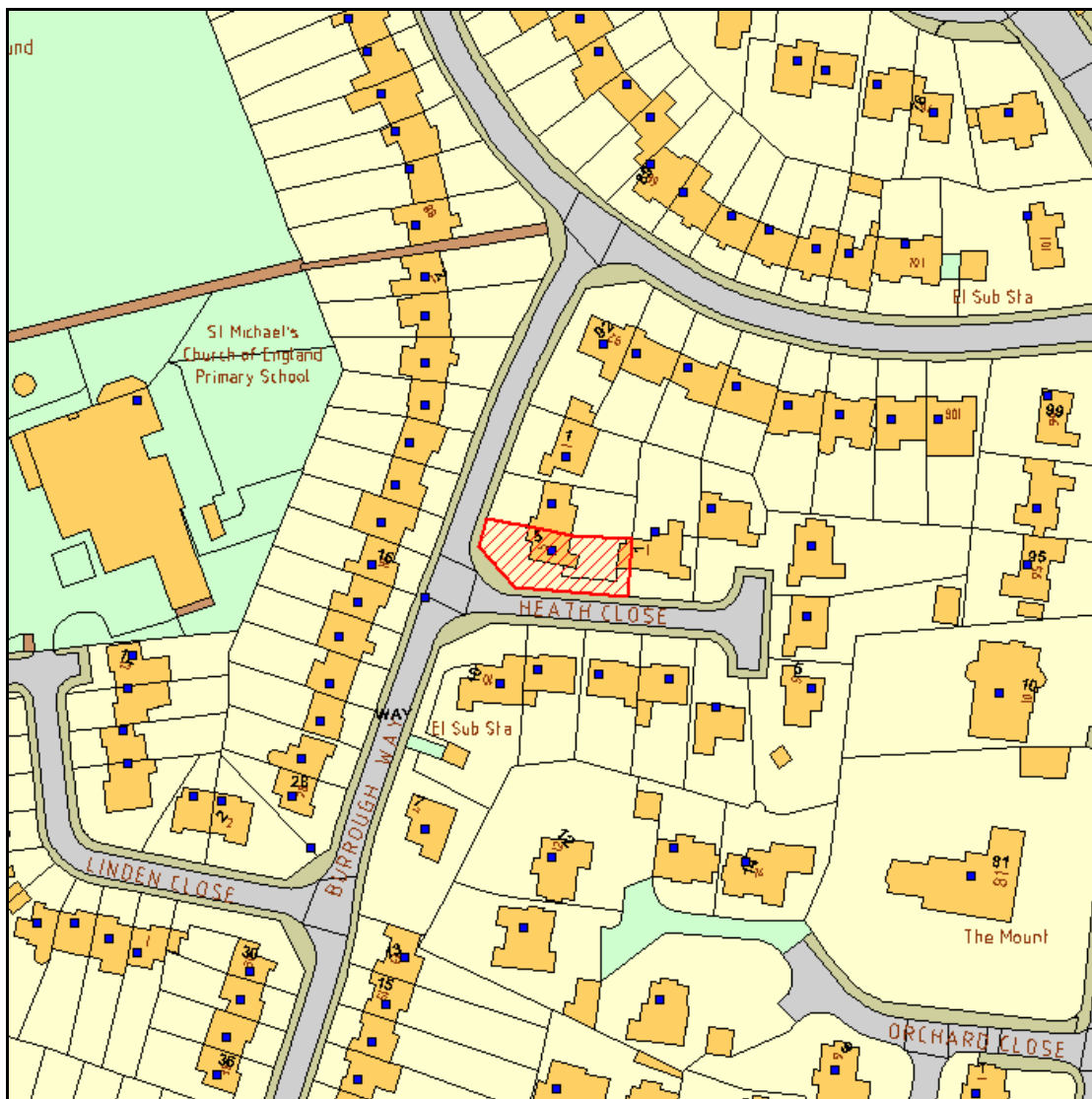
Contact Officer: Simon Penketh
Tel. No. 01454 863433

CONDITIONS

1. The applicant has demonstrated on the balance of probability that the existing dwelling and land known as The Leaze at Sundays Hill Lane, Falfield (outlined in red on the attached plan received by the Council on 9th May 2014) has been occupied not in accordance with Planning Permission SG1804 (dated 23rd February 1951) for a period of in excess of 10 years immediately preceding the date of this application.

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/2130/F	Applicant:	Mrs H Englefield
Site:	5 Burrough Way Winterbourne South Gloucestershire BS36 1LF	Date Reg:	19th June 2014
Proposal:	Demolition of existing rear extension. Erection of single storey side and rear extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365320 180589	Ward:	Winterbourne
Application Category:	Householder	Target Date:	31st July 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey side and rear extension to form additional living accommodation.
- 1.2 The application relates to a semi-detached dwelling situated in an established residential area of Winterbourne.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 None relevant

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
No objection
- 4.2 ECS Trading Standards and Licensing Service
Information r.e. weight limits in area.

Other Representations

- 4.3 Local Residents
One letter of objection has been received from a local resident. The comments are summarised as follows:
 - Reduction of width between wall and pavement.
 - Encroachment on privacy.
 - Under impression building line could not extend beyond existing wall.
 - Discussion with applicant r.e. reduction in width of extension.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey side and rear extension to form additional living accommodation. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

5.2 Residential Amenity

The application site consists of a semi-detached dwelling situated on a corner plot at the junction of Burrough Way and Heath Close. The locality is established residential in character. The nearest neighbouring properties to the proposed extension are no.3 Burrough way (attached to north elevation, no.1 Heath Close (adjacent to rear (east) boundary), and no.s 9 and 10 Heath Close (opposite side of highway).

5.3 The proposal is to erect a single storey side and rear extension replacing an existing rear lean-to. The proposed extension consists of two elements. The first is a single storey rear and side extension with a hipped roof, extending beyond the original rear elevation by 2.6 metres and the side elevation by 1.5 metres. The second consists of a side pitched roof extension extending beyond the side elevation by 3.9 metres. The rear extension would remain 3.5 metres from the mutual boundary with the attached neighbour, and the side extension would be 2.2 to 1.6 metres from the pavement.

5.4 Concern has been raised by a local resident that the proposed side extension, which would bring the building closer to the pavement and adjacent highway, would prejudice the privacy of the occupiers of the dwelling on the opposite side of Heath Close. These comments are noted but it is considered that as the development is single storey, and a distance of approximately 15 metres would remain between the side elevation of the extension and the front elevations of no.s 9 and 10, adequate space would remain to ensure that their amenity is unaffected. No windows other than rooflights are proposed on the side elevation facing no.s 9 and 10 and as such it is not considered that the development would be intrusive on mutual privacy. In terms of the impact on the attached neighbour it is considered that the distance of 3.5 metres is sufficient to ensure that the extension would not appear overbearing or oppressive on the occupiers of no.3 and would not significantly alter light entering the property. It is considered that adequate private amenity space would remain to serve the host dwelling.

5.5 Whilst it is considered that the impact on the amenity of neighbouring is acceptable it is noted that during the construction there is potential for some temporary disruption as a result of the building operations. In order to reduce disruption, in the interests of the amenity of the neighbouring occupiers, it is considered reasonable and necessary to condition working hours.

5.6 Design

The application relates to a double storey semi-detached property with a pitched roof. The dwelling is finished in mix of render and cladding to the front elevation with all other elevations finished in brick facing. The dwelling is sited on a spacious plot with a large front and side garden which is laid to grass and open. The rear garden is however relatively small and enclosed by a brick wall. The immediate locality has an open character which is particularly apparent at the junction to Heath Close as a result of the wide pavements and open plan front gardens. Heath Close is characterised by evenly spaced semi-detached dwellings with flat roof attached garages.

- 5.7 The proposal consists of two elements: a single storey side extension with a lean-to roof and a single storey side and rear extension with a hipped roof. The extension, in particular the side lean-to, will be very visible in the immediate street scene being on a corner plot adjacent to the junction. Following pre-application discussions the width and length of the side extension has been reduced in order to leave a greater gap between the extension elevation and the adjacent pavement. The extension would be built on the existing open plan garden area and this is regrettable but it is considered that the design of it with a reduced length has taken measures to reduce its impact on the character of the estate. A space of 2.2 to 1.6 metres would remain between the side elevation and the pavement and the applicant indicates that a hedgerow boundary treatment is to be included. Although the grassed side garden would be enclosed it is considered that the proposed boundary treatment would be appropriate to ensure that soft landscaping remains. The open plan front garden would also remain and continue to contribute towards the character of the area. The design of the front elevation with one small window is considered to be a little blank in comparison to the original front elevation of the dwelling however this detail would not warrant a refusal on design grounds. The remainder of the extension, which has a hipped roof, is considered to be modest and should not appear out of place in the street scene.
- 5.8 The proposal is to finish the extension in render to the front elevation and brick facing to the side and rear elevations which is in keeping with the materials used on the original dwelling and those used in the surrounding area. A condition will ensure that these materials match the existing dwelling.
- 5.9 Highway Safety
The proposed extension would not effect the existing parking provision serving the dwelling and would not result in an increase in the number of bedrooms in the dwelling. The proposed development does not raise any other concerns in terms of highway safety.
- 5.10 Other Matters
Concern raised by a local resident refers to a conversation with the applicant indicating potential for the side extension to reduce in width. These comments are noted however the Agent confirms that the application is to be determined as submitted. As Officers do not raise any significant concern in terms of residential amenity it has not been considered necessary to request these amendments in this instance.

5.11 The Council's Trading Standard and Licensing Service has highlighted a number of weight restrictions in the area and this information is outlined on the decision notice as information for the applicant.

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 conditions on the decision notice.

Contact Officer: Sarah Fordham
Tel. No. 01454 865207

CONDITIONS

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

Reason

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

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

Reason

To ensure a satisfactory standard of external appearance and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006, and policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013

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

or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

In order to reduce disruption during the construction phase, in the interests of the amenity of the neighbouring occupiers, and to accord with saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.: PT14/2178/F
Site: 32 Clyde Road Frampton Cotterell
 Bristol South Gloucestershire BS36 2EE

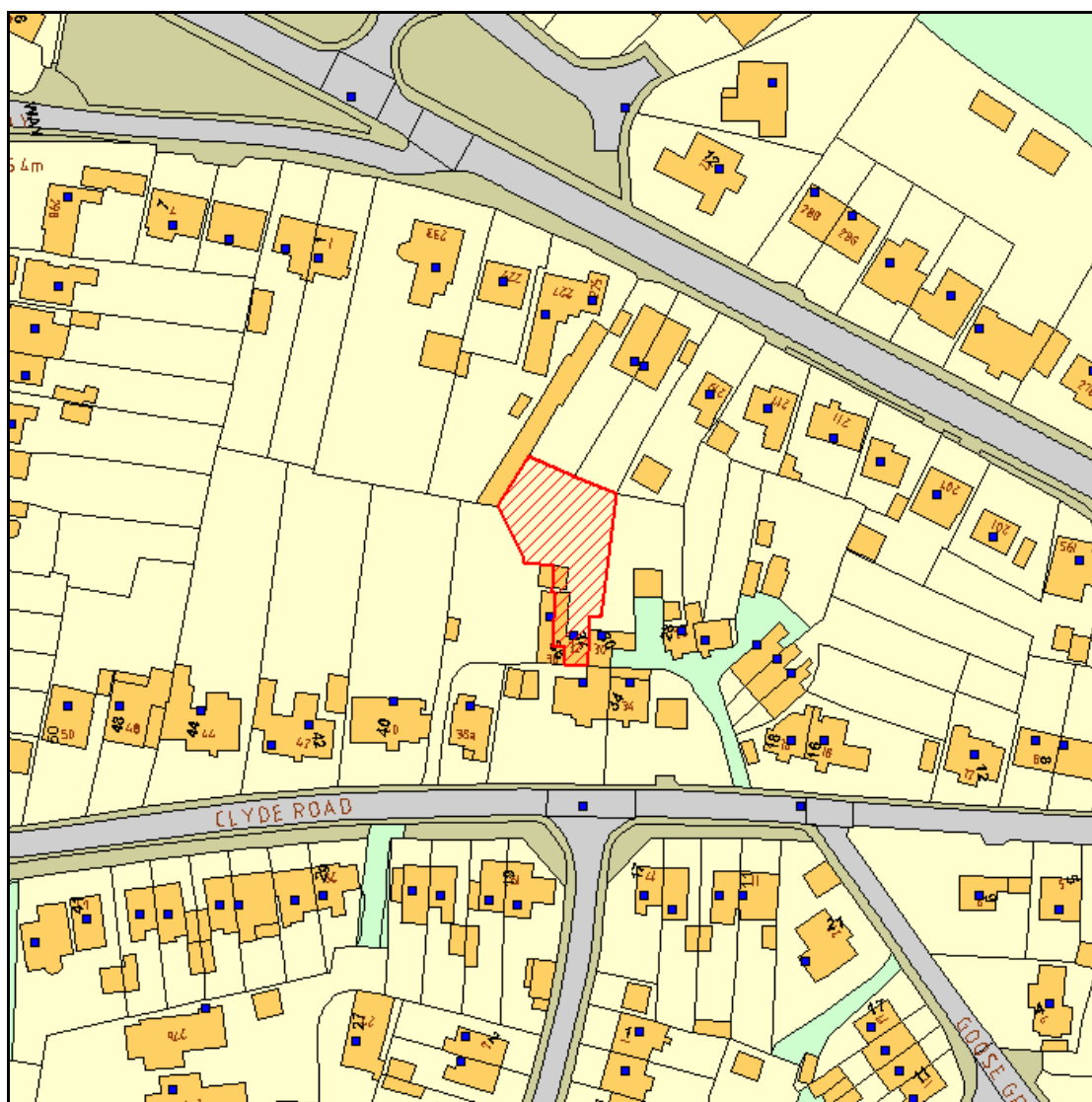
Applicant: Mr Nick Ruff
Date Reg: 13th June 2014

Proposal: Demolition of existing single storey extension. Erection of single storey extension and new staircase to north elevation to form additional living accommodation.

Parish: Frampton Cotterell Parish Council

Map Ref: 366947 181726
Application Category: Householder

Ward: Frampton Cotterell
Target Date: 5th August 2014



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REASON FOR REPORTING TO CIRCULATED SCHEDULE

The application is referred to the Circulated Schedule owing to a representation that has been received by the Parish Council.

1. THE PROPOSAL

- 1.1 The application seeks permission for the demolition of an existing single storey extension and the erection of a larger single storey extension to the far north elevation of the building to form additional living accommodation. The proposal also includes the erection of a first floor extension above the porch to form a staircase enclosure.
- 1.2 The application relates to a mid terrace cottage situated behind no.s 34 and 36 Clyde Road, accessed from a private lane from Clyde Road to the side of no.34.
- 1.3 During the course of the application the description of development has been amended to include the new proposed staircase enclosure. A re-consultation period was not deemed necessary as there were no changes to the amount of development proposed.

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
CS34 Rural Areas

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

3. RELEVANT PLANNING HISTORY

- 3.1 No planning history

4. CONSULTATION RESPONSES

- 4.1 Frampton Cotterell Parish Council
The Parish Council would like this referred to SGC'S Site Committee for a site visit.

- 4.2 ECS Trading Standards and Licensing Service
Information r.e. weight restrictions.

Other Representations

- 4.3 Local Residents
No comments received

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for extensions to the north elevation of no.32 Clyde Road to form additional living accommodation. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety and design.

5.2 Residential Amenity

The application site consists of a double storey dwelling situated to the rear of no.s 34 and 36 Clyde Road. The dwelling and its attached neighbour (no.30) form a pair of cottages that are accessed from a private lane to the side of no. 34 Clyde Road. The access to the site is pedestrian only through a gateway to the side of the porch on no.30. The layout of the living accommodation associated with the host dwelling is split between the original cottage, part of the attached building to the east – the rest of which forms no.38, and a long elongated single storey stretch of buildings situated on the east boundary to the north elevation of the original cottage. To the north of the cottage is a large garden which extends beyond the north boundary of no.38, up to the south boundaries of no.s 221 and 223 Church Road.

- 5.3 The first element of the proposal is to erect a single storey extension to the far north elevation of the building attached to the string of single storey buildings on the east boundary of the site. The proposed single storey extension would replace an existing workshop building linking into the existing kitchen. The design of it incorporates a 'green roof system' the majority of which is a flat roof with overhanging canopies. The total scale of the extension (including the canopy) measures 8.1 metres in width and 10.85 metres in depth with a maximum ridge height of 3.5 metres. The extension would be 9.5 metres from the front elevation of the original dwelling and approximately 3 metres from the mutual boundary of the front garden of no.30. The extension is on the east boundary of no.38 attached to an existing outbuilding associated within no.38.

- 5.4 Although the extension would be directly adjacent to the boundary of no.38 it is not considered that it would prejudice the amenity of the occupiers of this neighbour. The extension would be visible above the outbuilding within no.38 but it is considered that the additional height of 1.15 metres would not appear overbearing on this part of the garden and would have no effect on the outlook experienced by the occupiers. The rest of the single storey extension would be entirely enclosed within the garden area of the host dwelling and due to its distance from no.38, raises no concerns in terms of loss of amenity or privacy.

- 5.5 In terms of the impact on no.30 it is considered that sufficient space would remain between the extension and the garden boundary, and the extension and the front elevation, to ensure that the amenity of the occupiers of no.30 would not be significantly prejudiced. The extension would have glazed opening doors to the south elevation facing the front of the host dwelling and its attached neighbours. However it is not considered that this would result in a significant level of overlooking or loss of privacy to the occupiers of no.30 due to the angle of vision. The area directly to the front of no.30 is not entirely private due to the rights of access that already exist to no.32.
- 5.6 The second element of the development is to extend above the existing porch to form an enclosed staircase. This part of the development is small having a depth of only 1.2 metres, a height to match the eaves of the original cottage, and a width of 1.5 metres. This enclosure would block a window on the attached building to the east. Although in a different building, due to the layout of the living accommodation this window serves a bedroom of the host dwelling. The proposal is to include a window on the front elevation of the enclosure and install rooflights for this bedroom. It is considered that the scale of this part of the development and its location would have no impact on the amenity of the neighbouring occupiers.
- 5.7 The proposed development does not raise any concern in terms of any potential impact on the amenity of any other surrounding occupiers. It is however noted that during construction some limited disruption can occur as a result of building operations and as such it is considered reasonable and necessary to condition working hours accordingly.
- 5.8 The dwelling is served by a large garden area and although the proposal would use more space than the existing it is considered that sufficient amenity space would remain to serve the dwelling.
- 5.9 Design
The application site consists of one of a pair of small semi-detached cottages situated to the rear of no.s 34 and 36 Clyde Road. The dwelling is access from a private access drive around the side and back of no. 34. Although visible to neighbouring occupiers the dwelling is not visible within the public realm being tucked behind the surrounding properties. The dwelling itself although not remarkable in appearance has a pleasant character and setting with an established garden to the front. The layout of the living accommodation is quite unusual with ground floor living being located within the string of buildings on the east boundary of the site.
- 5.10 The proposal is to erect a modern single storey extension with a 'green roof system'. The plans indicate that all other roofs will be clay pantiles as existing with some remedial work using pantiles to match. The extension has a surrounding canopy which would be constructed in aluminium timber/aluminium composite with greyer powder coating. The walls of the single storey extension would be rendered with a section of local stone.
- 5.11 It is considered that the design approach to the extension would complement the existing elongated string of buildings introducing a modern juxtaposition to the site. The layout and materials proposed are considered to integrate into the surrounding mature gardens through the use of the green roof. The extension,

although attached to the original dwelling via the existing buildings, would have a sense of separation and would not detract from the character of the pair of original dwellings. Overall it is considered that the single storey extension would enhance the site and is therefore in accordance with the policy CS1 of the Core Strategy and saved policy H4 of the SGLP.

5.12 The proposed staircase enclosure is to the front elevation of the building with a flat roof. The proposal is to finish the enclosure in oak/sweet chestnut cladding. Although the design and materials of this element is not entirely in keeping with the character of the dwelling it is not considered that it would significantly detract from the character or distinctiveness of the site or the locality. Being tucked into the corner of the building it would not appear significantly intrusive in the site and would not be visible from the public realm. Overall it is considered acceptable in terms of policy CS1 of the Core Strategy and saved policy H4 of the SGLP.

5.13 Highway Safety

The existing dwelling is served by a pedestrian access only and does not benefit from any off street parking provision. As such the extensions do not prejudice any existing off street parking facilities. The extensions do not increase the number of bedrooms in the dwelling and as such it is not expected to include any parking as a result of this development. There are therefore no objections on grounds of parking or highway safety.

6. CONCLUSION

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

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 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 hours of working on site during the period of construction shall be restricted to 08:00 to 18:00 Mondays to Fridays (inclusive); 08:30 to 13:00 Saturdays, and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the curtilage of site.

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/2188/PDR	Applicant:	Mrs M Bennett
Site:	4 Kent Close Stoke Gifford Bristol South Gloucestershire BS34 8TB	Date Reg:	20th June 2014
Proposal:	Erection of single storey rear extension to provide additional living accommodation	Parish:	Stoke Gifford Parish Council
Map Ref:	361666 179967	Ward:	Stoke Gifford
Application Category:	Householder	Target Date:	6th August 2014



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N.T.S. PT14/2188/PDR

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The application seeks permission for the erection of a single storey rear extension to replace an existing rear conservatory.
- 1.2 The application relates to a mid terrace dwelling situated within an established residential area of Stoke Gifford.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 N2483/AP2 - Erection of 100 dwellings and garages; construction of estate roads and footpaths (in accordance with the revised plans received by the Council on 8th March 1979). (Details following outline). To be read in conjunction with planning permission Ref..No. N.2483. Approved 12th April 1979
 - Permitted development rights removed.

4. CONSULTATION RESPONSES

- 4.1 Stoke Gifford Parish Council
No comment received
- 4.2 Public Right of Way
The proposal will not affect the nearest recorded public right of way.

Other Representations

4.3 Local Residents

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

- Too large in comparison to property and surrounding properties.
- Too high. Block light into garden.
- Problems with sewerage pipes.
- Noise levels.
- Private lane is for use of residents. No space for equipment.
- Who would be responsible for damage caused by development?
- Road very crowded – what arrangements have been made for workers parking, skips etc. Do not want portaloos being opposite house again.
- No room for contractors to park.

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a single storey rear extension to form additional living accommodation. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

5.2 Residential Amenity

The application relates to a mid terrace dwelling situated within an established residential area of Stoke Gifford. The proposal is to erect a single storey rear extension with a depth of 4 metres, a width of 4 metres, and a maximum height of 4 metres. The extension would replace an existing slightly smaller conservatory and would be directly adjacent to the mutual boundary with no.5, which is the attached neighbour to the southeast, but would remain 2.2 metres from the mutual boundary of no.3. The rear elevations of no.s 3 and 5 are set back from the rear elevation of no.4 by 2.1 and 3.8 metres respectively. No.3 has an existing rear conservatory which runs level with the rear elevation of the host dwelling.

5.3 Concern has been raised by the occupiers of no. 3 in relation to the proposed height and scale of the proposed extension. These comments are noted however it is considered the gap between the extension and the boundary of no.3 is sufficient to ensure that proposed height and depth over and above the existing conservatory would not have a detrimental impact on the amenity of the occupiers of no.3 in terms of overbearing impact or loss of outlook. No. 3 is situated to the northwest of the host dwelling. Whilst it is acknowledged that the extension may have some limited impact on light levels entering the rear garden of no.3 at peak hours it is not considered that this would be significant such that a refusal could be warranted. A door is proposed in the side elevation of the extension facing no.3 however this would not prejudice mutual privacy due to the existing close boarded fence boundary treatment.

- 5.4 The extension has potential to have a greater impact on the amenity of the occupiers of no.5 owing to the set back of no.5 compared to the rear elevation of the host dwelling. Although the proposed extension with its greater height will be more apparent to the occupiers of no.5 than the existing conservatory it is not considered that it would be detrimental to their amenity. The outlook from the rear windows of no.5 is already limited by the double storey bulk of the host dwelling and it is not considered that the proposed extension would substantially change this, nor would its appear significantly overbearing due to the single storey nature of it. No.5 is situated to the southeast and as such the proposed extension will not have a significant impact on light entering it. There are no proposed windows that could prejudice the privacy of the occupiers of no.5.
- 5.5 The host dwelling is served by a small enclosed rear garden. Although the extension would take up a greater proportion of garden than the existing conservatory it is considered that sufficient amenity space would remain for the size of the dwelling.
- 5.6 Although the impact of the development on the neighbouring occupiers is considered acceptable it is noted that during the construction phase some temporary disruption can occur as a result of building operations. In order to reduce disruption, in the interests of the amenity of the neighbouring occupiers, it is considered reasonable and necessary to condition working hours.
- 5.7 Design
The application relates to a mid-terrace dwelling situated on an established 20th century residential cul de sac. The dwelling has a pitched roof and is finished in brick facing. The proposed extension is to the rear of the dwelling, which is entirely enclosed and not visible within the public realm. It is considered that the proposed lean-to rear extension is of an appropriate design in keeping with the character of the original dwelling. Concern has been raised in relation to the scale of the extension in the context of the site and these comments are noted. It is acknowledged that the proposed extension is larger than the conservatory it replaces and is within a small garden. However, it is not considered that the scale of the extension results in overdevelopment of the site, nor does it detract from the character or distinctiveness of the site or the locality. As such the development is considered acceptable in terms of saved policy H4 of the SGLP and policy CS1 of the Core Strategy.
- 5.8 Highway Safety
The application seeks permission for the erection of a rear extension. It would not have any impact on the existing parking provision for the site and would not increase the number of bedrooms in it. It is therefore considered that the proposal would not prejudice the retention of adequate off street parking provision.
- 5.9 Comments have been made in relation to the impact of construction traffic/parking on the highway. It is acknowledged that during construction contractors and associated vehicles may need to visit the site. It is also acknowledged that on street and off street parking is limited on the cul de sac. However this in itself is not an issue that can warrant a refusal of the application. Construction

traffic would only be temporary and limited for a development of this scale. The onus is on the applicant and any contractor to park in an appropriate place which does not block access to the surrounding properties. Further comments have been made in relation to the 'private' nature of the rear access. This issue is not a matter that is material in the consideration of this planning application.

5.10 Public Sewer

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

5.11 Other Matters

Further comments have been made in relation to potential damage to neighbouring properties as a result on the development. It is highlighted that any damage caused during construction is a civil matter and does not carry material weight in the determination of this application.

6. CONCLUSION

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

7. RECOMMENDATION

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

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.: PT14/2190/F
Site: 26 Clyde Road Frampton Cotterell
 Bristol South Gloucestershire BS36
 2EE

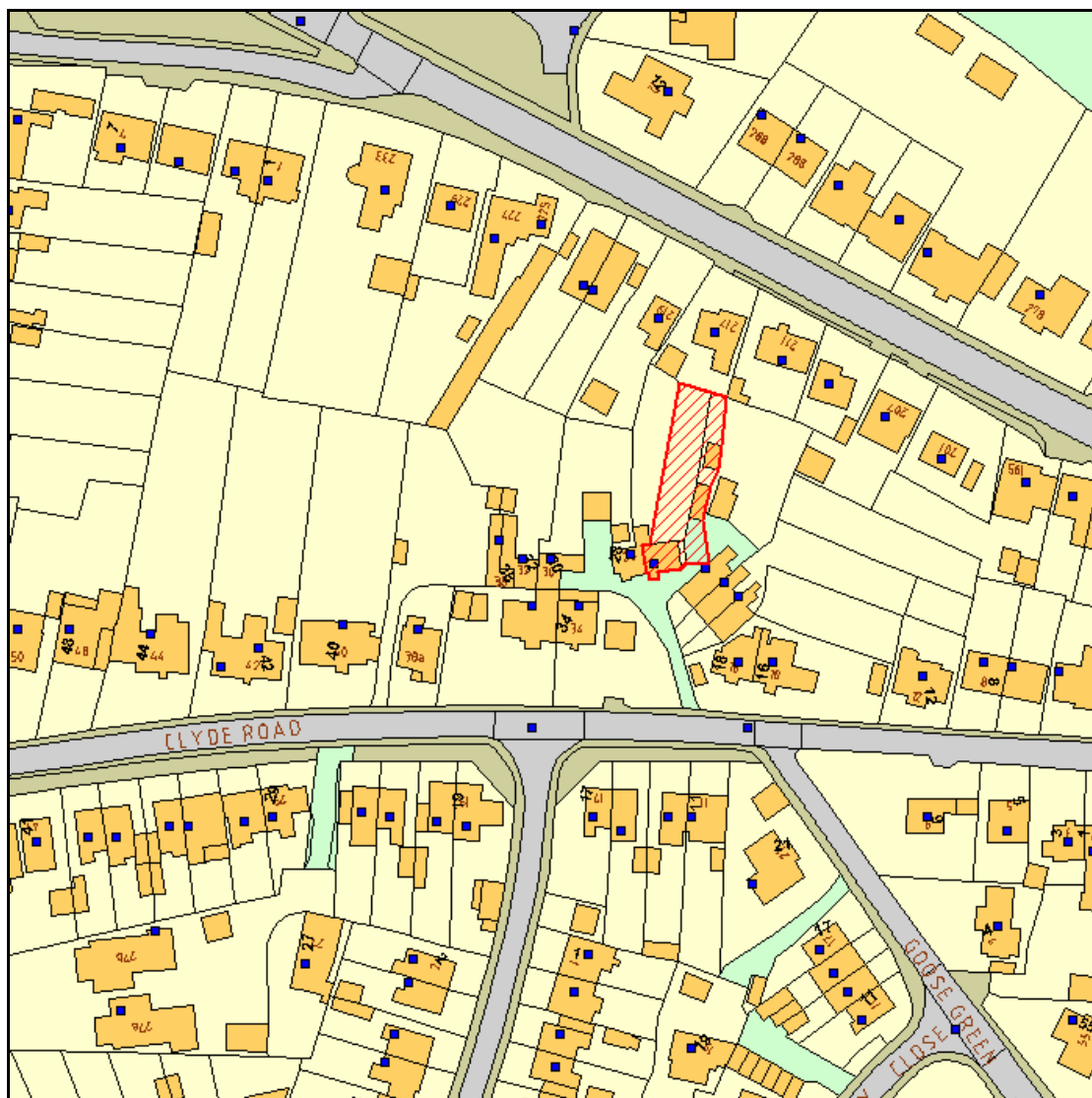
Applicant: Mr Dylan Yates
Date Reg: 11th June 2014

Proposal: Erection of two storey rear and first floor side extension to form additional living accommodation.

Parish: Frampton Cotterell
 Parish Council

Map Ref: 366975 181725
Application Category: Householder

Ward: Frampton Cotterell
Target Date: 31st July 2014



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N.T.S. PT14/2190/F

REASON FOR REPORTING TO CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in accordance with procedure given that two letters of concern have been raised when the Officer recommendation is one of approval.

1. THE PROPOSAL

1.1 The application seeks permission for the erection of a two storey rear and first floor side extension in order to provide additional living accommodation. The side extension element effectively builds up and over an existing single storey side extension albeit marginally wider. A dormer will be built on the front elevation.

1.2 The application relates to a semi-detached two storey building bungalow situated within a residential area of Frampton Cotterell.

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
CS34 Rural Areas

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

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

3. RELEVANT PLANNING HISTORY

3.1 PT09/1074/F Single Storey side and rear extension (approved)

4. CONSULTATION RESPONSES

4.1 Frampton Cotterell Parish Council
No objection

4.2 Transportation DC (Revised)

The revised site and block plan overcome the previous concerns as it indicates that parking is available in line with the Council's standards and as such there is no transportation objection to the proposal

4.3 Highway Drainage
No comment

4.4 Environment and Community Services (Trading Standards)
Informative recommended

Other Representations

4.6 Local Residents

Two letters of concern received.

The concerns can be summarised as follows:

- The proposal must adequately address drainage issues given that a drainage system runs from the rear kitchen through the neighbouring property
- Concern that the proposal may undermine the structure of the boundary wall
- No objection in principle but would like to see conditions added in relation to ensuring car parking given the increase in bedrooms and to ensure that water is discharged to the mains drainage

One letter has been received raising no objection but indicated that the access to the side of No.26 is narrow and should not be compromised

5. ANALYSIS OF PROPOSAL

5.1 Principle of Development

The application seeks permission for the erection of a two storey side and rear extension. Saved policy H4 of the South Gloucestershire Local Plan (Adopted) 2006 permits this type of development in principle subject to criteria relating to residential amenity, highway safety, and design.

5.2 Residential Amenity

Residential amenity is assessed in terms of whether a proposal would result in the loss of light/outlook or appear oppressive or overbearing to neighbouring occupiers or whether a proposal would result in the loss of privacy

Given the location of the proposed extension any impact upon residential amenity must largely be assessed against No 28 and No.24 the immediate neighbours.

The extension sits along a large two storey extension at No.28 which extend out considerably beyond the proposed and is angled away with a 1 metre gap to the boundary. It is not considered that the structure would appear oppressive and overbearing to that occupier given this relationship. No windows are

proposed in the side (west) elevation. For the avoidance of any doubt as to impact, a condition will be attached requiring consent for any further windows in both side elevations to allow an assessment of their impact.

With respect to No.24, the extension extends to the side and rear albeit the side element is effectively a first floor extension. Given the relative juxtaposition between 26 it is not considered that the proposal would appear oppressive or overbearing. Only a rooflight is proposed above ground floor level on this elevation. Again for the avoidance of any doubt a condition will be attached to the decision requiring consent for any future windows in the side elevation

Subject to the above condition it is considered that the proposed development would not cause significant detriment to the residential amenity of neighbouring occupiers.

5.3 Design

The application relates to a modest semi-detached property with a large existing single storey extension.

The rear extension appear quite contrived reflecting the shape of the site (a rhombus shape). The side extension is effectively built over the existing structure. The rear element is not ideal in design terms but situated on the rear will have little impact upon the wider amenity of the area. The side and dormer extension is considered to match the form of the existing structure and subject to a condition requiring the use of matching materials is considered appropriate.

5.4 Transport

Concern has been raised as to whether the proposal accommodates sufficient parking provision given an increase in the number of bedrooms

The Council Transport Officer has viewed the proposal and the applicant has clarified the red line area which now includes parking to the side of the building. The drive and garage will provide at least the two parking spaces required by the Council Parking Standards.

5.5 Other Matters

Concern has been raised regarding drainage matters, essentially that run off from the building is accommodated for and a connection is made to the existing drainage system to ensure that there is no adverse impact upon neighbouring occupiers Drainage (and waste disposal) is considered by Part H of the Building Regulations and will need to be considered through that process. Connection to the public sewer is a matter for the applicant to agree with the service provider.

With respect to concerns that the proposal may cause damage to the neighbouring property – this is not a matter that can affect the determination of a planning application. This is a legal matter between the parties. The applicant

will be subject to the Party Wall act and the obligations specified under that act but that is separate matter. An informative will be attached to the decision notice to advise the applicant of the Act and that the decision does not grant access over neighbouring land in order to undertake the work.

A concern has been raised that the development should not block an access to the side used by other properties to access garages to the rear. The applicant has shown a red line that crosses where this access might be. An informative regarding right to build on land outside of the ownership or where there is shared access rights will be included on the decision notice. The Case Officer has also drawn this to the attention of the applicant in a separate e-mail.

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 conditions on the decision notice. Given that the Red Line area has been amended re-consultation of neighbouring occupiers has taken place with an expiry date for comment of 30th July. Should additional comments be received this report will be referred back to the Circulated Schedule to include those comments received. .

Contact Officer: David Stockdale
Tel. No. 01454 866622

CONDITIONS

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

Reason

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

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

Reason

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

3. No windows other than those shown on the plans hereby approved shall be inserted at any time in the first floor side elevations of the property.

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.: PT14/2218/CLP
Site: 18 Hawthorn Close Charfield Wotton
 Under Edge South Gloucestershire GL12
 8TX

Applicant: Mr Mike Chalk
Date Reg: 11th June 2014

Proposal: Erection of a single storey rear extension
 to provide additional living accommodation

Parish: Charfield Parish
 Council

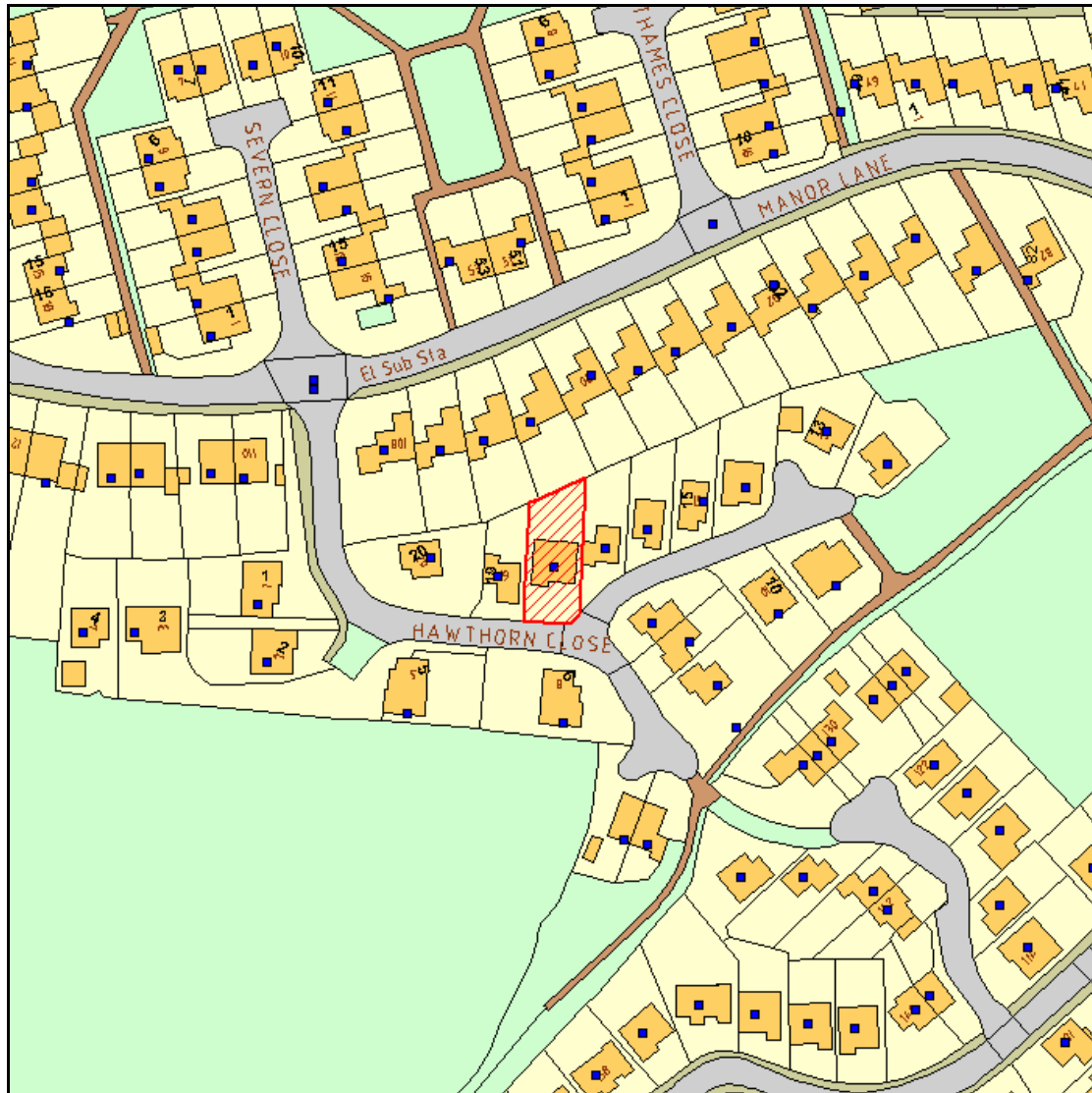
Map Ref: 372171 191843

Ward: Charfield

Application Category: Minor

Target Date: 1st August 2014

Category:



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N.T.S. PT14/2218/CLP

REASON FOR REPORTING TO CIRCULATED SCHEDULE

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

1. THE PROPOSAL

- 1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey rear extension at 18 Hawthorn Close, Charfield would be lawful. This is based on the assertion that the proposal falls within the permitted development rights normally afforded to householders under the Town and Country Planning (General Permitted Development) Order (As Amended) 1995.
- 1.2 This application is a formal way of establishing whether the proposal requires planning permission or not. Accordingly there is no consideration of planning merit, the decision is based on the facts presented.

2. POLICY CONTEXT

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

3. RELEVANT PLANNING HISTORY

- 3.1 P96/1637 Approved 03/06/1996
Erection of first floor side extension over existing garage to provide 2 enlarged bedrooms.
- 3.2 P88/3450 Approved 19/02/1989
Erection of 32 detached dwellings and garages, provision of open space and associated driveways, access roads and footways
- 3.3 P88/1680 Approved 16/02/1989
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)

Permitted development rights have been partially removed under condition 05:

'Notwithstanding the provisions of Article 3 and Classes I and II of the First Schedule to the Town and Country Planning General Development Orders 1977-1987 no buildings, gates, fences, walls or other means of enclosure other than those indicated on the plan(s) hereby approved shall be constructed without the prior permission, in writing, of the Council. '

4. CONSULTATION RESPONSES

4.1 Charfield Parish Council
No objection.

4.2 Other Consultees

Councillor

No comment received.

Highway Drainage

The proximity of a highway drain may affect the layout of the development. Maintenance of this system is the responsibility of South Gloucestershire Council and is therefore subject to building over/close to restrictions. The applicant must discuss this matter with the Council. It is imperative that the Highway drain is located on site prior to development.

Other Representations

4.3 Local Residents
None received.

5. SUMMARY OF EVIDENCE IN SUPPORT OF APPLICATION

5.1 Existing Site Plan, Proposed Extension Site Plan, Drawing nos E262/1, E262/2 and E262/3.

6. ANALYSIS OF PROPOSAL

6.1 Principle of Development

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

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

6.3 The proposed development consists of a rear extension. This development would fall under the criteria of *Schedule 2, Part 1, Class A*, of the Town and Country Planning (General Permitted Development) Order (As Amended) 1995. (The enlargement, improvement or other alteration of a dwellinghouse).

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/2315/F	Applicant:	Mr And Mrs M Shilaber
Site:	26 Parkside Avenue Winterbourne Bristol South Gloucestershire BS36 1LU	Date Reg:	20th June 2014
Proposal:	Demolition of existing garage/workshop. Erection of single storey side and rear extension to form additional living accommodation.	Parish:	Winterbourne Parish Council
Map Ref:	365071 180821	Ward:	Winterbourne
Application Category:	Householder	Target Date:	7th August 2014



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REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

This application is referred to the Circulated Schedule in order to take into account the comments made by the Parish Council.

1. THE PROPOSAL

- 1.1 This application seeks planning permission for the demolition of the existing garage and workshop and the erection of a single storey side and rear extension in its place.
- 1.2 The existing garage and store is in a poor state of repair. This would be replaced with a utility room and study.
- 1.3 The site is located within the settlement boundary of Winterbourne. The site is not covered by any further statutory or non-statutory land use designations.

2. POLICY CONTEXT

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

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

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

3. RELEVANT PLANNING HISTORY

- 3.1 There is no planning history on this site.

4. CONSULTATION RESPONSES

- 4.1 Winterbourne Parish Council
“No objection however according to the plan submitted there will be no provision for parking with the removal of the garage and car port”

Other Representations

- 4.2 Local Residents
None received

5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for a rear and side single-storey extension at a house in Winterbourne.
- 5.2 Principle of Development
Extensions and alterations to existing dwellings are broadly supported by policy H4 of the Local Plan, subject to an assessment of design, amenity and transport. Therefore the proposed development is acceptable in principle but should be determined against the analysis set out below.
- 5.3 Design
The proposed extension is simple in character and appearance and is subservient to the main dwelling. The existing garage and carport have a flat roof; the proposed building will have a lean to roof where it abuts the side elevation of the property and a dual pitch gabled roof for the rear element.
- 5.4 The most significant change from the existing structure is the increased height by virtue of the roof. This would be located along the boundary of the site but would project no further than the existing garage. The proposed built form would not result in an unreasonable relationship between the buildings.
- 5.5 Overall, the design is considered to be informed by and respect the character of the existing building and the proposal is not harmful to visual amenity.
- 5.6 Amenity
Development that has a prejudicial impact on residential amenity will not be permitted. This should be assessed in terms of the impact on the application site and on all nearby occupiers.
- 5.7 It is not considered that the development will have a prejudicial impact on the application site. There is only a limited increase in the footprint of the building and adequate private amenity space is retained.
- 5.8 The proposed development will occur along the eastern boundary of the site. Although located due west of no.28, it is not considered that the development would have a significant impact on the amenity of this property. The length of the wall is not materially longer than the existing wall and the increase in height is considered to be reasonable. No windows are proposed in the side elevation facing no.28.
- 5.9 Transport
Comments have been received from the parish council that suggest, as a result of the development, there would be no off-street parking at the property.
- 5.10 The existing garage is not wide enough to count as a parking space under the minimum internal size standards set out in the Residential Parking Standard and therefore the loss of the garage cannot be considered a loss of a parking space.

5.11 Taking this into account, the parking arrangements at the property will not alter as a result of development. Furthermore, the proposal would not result in an increase to the number of bedrooms at the property and therefore it is not considered to result in a greater demand for car parking.

5.12 It is therefore considered that the existing car parking arrangements are sufficient to meet the needs arising from the development and no objection is raised on transportation grounds.

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. An acceptable standard of site planning and design is proposed that would not result in a prejudicial impact on residential amenity and adequate parking is retained on site.

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

7. RECOMMENDATION

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

Contact Officer: Griffith Bunce
Tel. No. 01454 863438

CONDITIONS

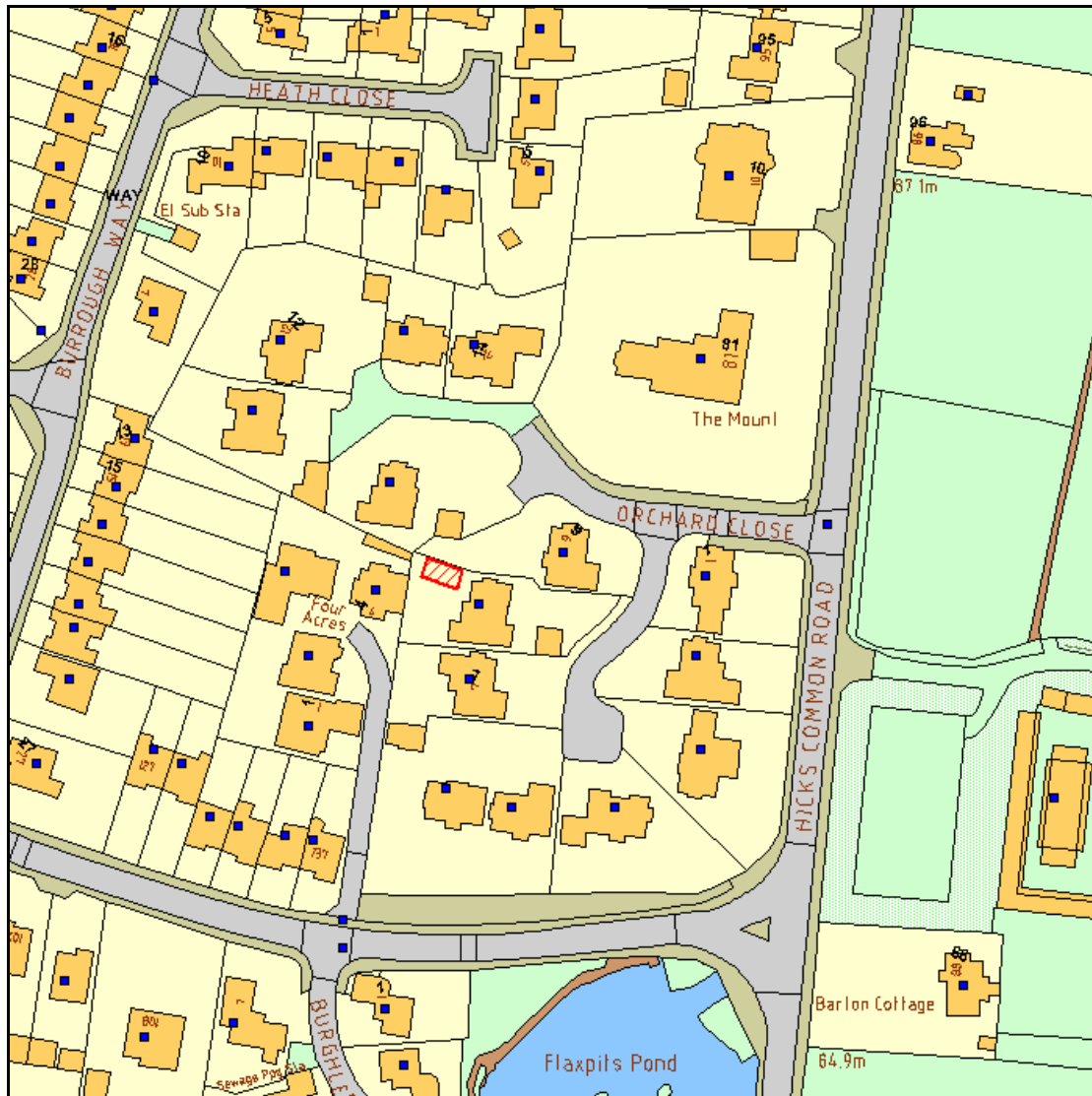
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

CIRCULATED SCHEDULE NO. 30/14 – 25 JULY 2014

App No.:	PT14/2360/TRE	Applicant:	Mrs J Hemsley
Site:	8 Orchard Close Winterbourne Bristol South Gloucestershire BS36 1BF	Date Reg:	24th June 2014
Proposal:	Works to fell 2no. Sycamore trees covered by Tree Preservation Order TPO 404 dated 12 July 1989.	Parish:	Winterbourne Parish Council
Map Ref:	365362 180468	Ward:	Winterbourne
Application Category:		Target Date:	11th August 2014



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 100023410, 2008. **N.T.S.** **PT14/2360/TRE**

REASON FOR REPORTING TO THE CIRCULATED SCHEDULE

Comments of support have been received which are contrary to the officer's recommendation.

1. THE PROPOSAL

1.1 The application seeks consent to fell 2no. sycamore trees covered by Tree Preservation Order 0291 dated 15th May 1989

1.2 The agent was contacted to inform them that this application would be refused unless an arboricultural report were submitted to support the removal, or that the application was withdrawn and re-submitted with an alternative specification. Neither was forthcoming and so this application is being determined as submitted.

2. POLICY CONTEXT

2.1 National Guidance

- i. The Town and Country Planning Act 1990
- ii. The Town and Country Planning (Tree Preservation) (England) Regulations 2012.

3. RELEVANT PLANNING HISTORY

3.1 PT13/0467/TRE – Works to fell 6 no. mixed trees and reduce by 35% 1no. Silver Birch as per attached schedule/site plan – Approved with conditions

3.2 PT08/2863/TRE - Works to crown clean and raise 1 no. Birch tree and remove 1 no. Acer (identified as Liquidamber orientalis), and 20% thin of 1 no. twin stemmed Sycamore – Approve with conditions

3.3 PT05/2144/TRE - Works to two Sycamore trees, one Liquidamber, one Prunus and one Silver Birch – Approve with conditions

4. CONSULTATION RESPONSES

4.1 Winterbourne Parish/Town Council
The Parish Council object to this proposal.

Other Representations

4.3 Local Residents

There has been one letter of support from a neighbour. Their concerns are as follows:

- Half the branches cover the bottom of their garden
- Too little sunlight to grow vegetables
- Birds leaving a mess below the trees
- Branches falling into garden
- Fallen leaves into garden

5. ANALYSIS OF PROPOSAL

5.1 To fell 2no sycamores.

5.2 Principle of Development

The only issues to consider are whether the proposed works would have an adverse impact on the health, appearance, or visual amenity offered by the tree to the locality and whether the works would prejudice the long-term retention of the specimen.

5.3 Consideration of Proposal

The 2 mature sycamore trees are visible from the highway and make up part of the original Tree Preservation Order covering The Mount (SGTPO 0291) 15th May 1989. They are in keeping with the surrounding tree scape which is made up of mature broadleaf trees. Their removal would impact adversely on the local landscape.

No valid arboricultural reasons have been submitted to support the removal of these trees.

5.4 Other issues

I am mindful of the concerns raised by the neighbour, however these are not valid reasons to remove the trees.

The applicant has since submitted further reasons to support the application, in that her son suffers from asthma which is triggered from the pollen released by the trees.

The production of pollen is a natural and seasonal phenomenon of all flowering plants and cannot be accepted as a valid reason to remove a tree.

6. RECOMMENDATION

6.1 It is recommended that permission for these works be REFUSED.

Contact Officer: Phil Dye
Tel. No. 01454 865859

REASONS FOR REFUSAL

1. The removal of the trees would be detrimental to the character and appearance of the area contrary to Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006.