



**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.45/15**

**Date to Members: 06/11/15**

**Member's Deadline: 12/11/15 (5.00pm)**

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 Environment of Community Services know within 5 working days of the date of this Schedule (e.g., if the schedule is published on a Friday, comments have to be received by the end of Thursday) (see cover page for the date).

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

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

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

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

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

## **GUIDANCE FOR 'REFERRING' APPLICATIONS**

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

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

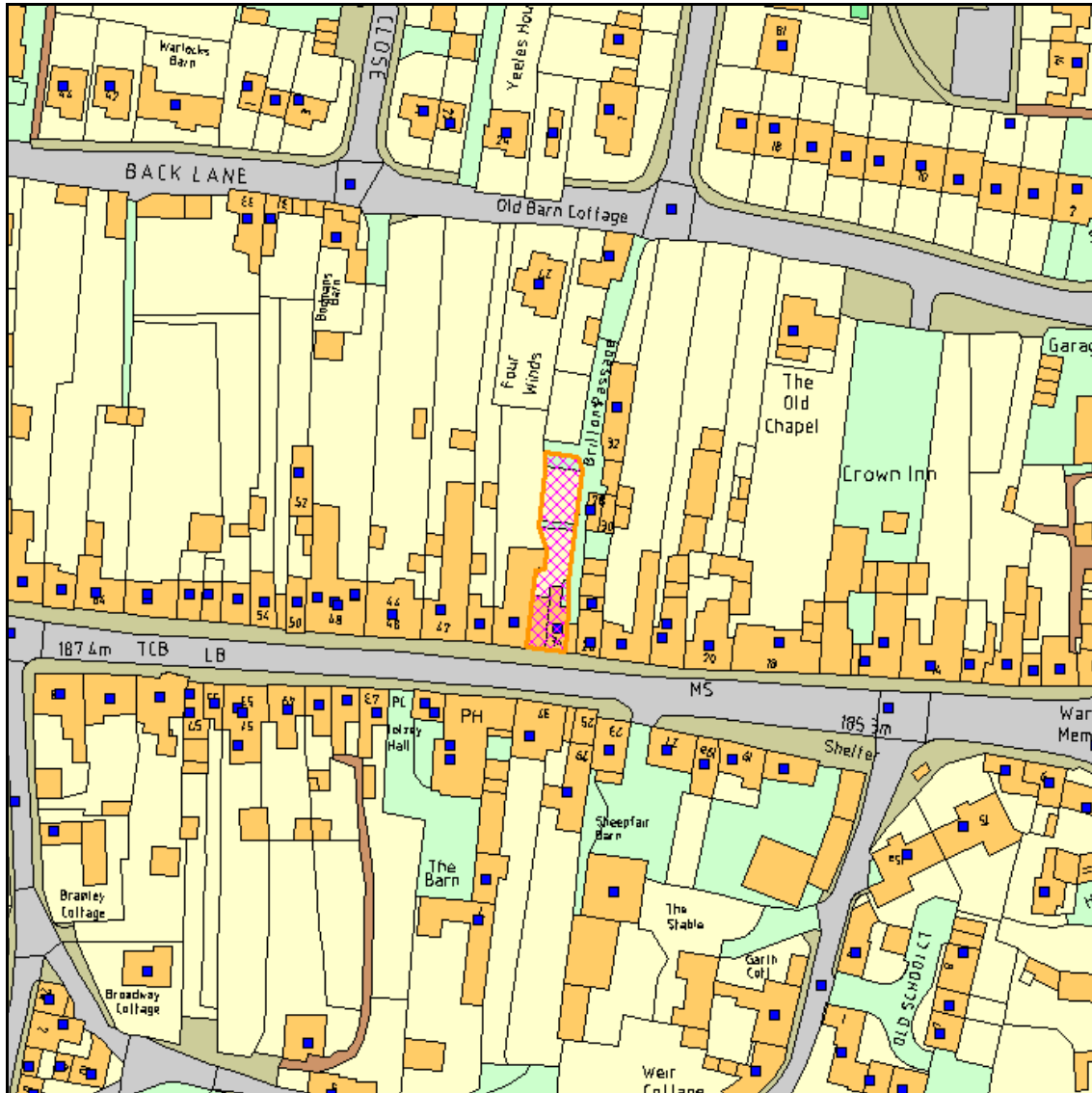
# CIRCULATED SCHEDULE - 6 November 2015

ITEM NO.	APPLICATION NO	RECOMMENDATION	LOCATION	WARD	PARISH
1	<b>PK15/3323/F</b>	Approve with Conditions	34 - 36 High Street Marshfield South Gloucestershire SN14 8LP	Boyd Valley	Marshfield Parish Council
2	<b>PK15/3324/LB</b>	Approve with Conditions	34 - 36 High Street Marshfield South Gloucestershire SN14 8LP	Boyd Valley	Marshfield Parish Council
3	<b>PK15/3441/LB</b>	Approve with Conditions	Cold Ashton Manor Hyde's Lane Cold Ashton South Gloucestershire SN14 8JU	Boyd Valley	Cold Ashton Parish Council
4	<b>PK15/3714/F</b>	Approve with Conditions	12 Bader Close Yate South Gloucestershire BS37 5UA	Yate North	Yate Town
5	<b>PK15/3724/F</b>	Approve with Conditions	1 Steep Lynch High Street Cold Ashton South Gloucestershire SN14 8JT	Boyd Valley	Cold Ashton Parish Council
6	<b>PK15/3839/F</b>	Approve with Conditions	Boydwick Farm Barrow Hill Wick South Gloucestershire BS30 5RH	Boyd Valley	Wick And Abson Parish Council
7	<b>PK15/4021/F</b>	Approve with Conditions	3 Jubilee Road Kingswood South Gloucestershire BS15	Rodway	None
8	<b>PK15/4274/F</b>	Split decision See D/N	1 Hampshire Way Yate South Gloucestershire BS37 7RS	Yate North	Yate Town
9	<b>PK15/4320/CLP</b>	Approve with Conditions	9 Long Road Mangotsfield South Gloucestershire BS16	Rodway	None
10	<b>PK15/4327/CLP</b>	Approve with Conditions	185 Normandy Drive Yate South Gloucestershire BS37 4FL	Yate Central	Yate Town
11	<b>PT15/3336/F</b>	Approve with Conditions	Land At Catbrain Lane Almondsbury South Gloucestershire	Patchway	Almondsbury Parish Council
12	<b>PT15/4052/F</b>	Approve with Conditions	15 Colston Close Winterbourne Down South Gloucestershire BS36 1EW	Winterbourne	Winterbourne Parish Council
13	<b>PT15/4149/RVC</b>	Approve with Conditions	21 Rossall Avenue Little Stoke South Gloucestershire BS34 6JU	Stoke Gifford	Stoke Gifford Parish Council
14	<b>PT15/4245/PDR</b>	Approve with Conditions	42 Little Meadow Bradley Stoke South Gloucestershire BS32 8AT	Bradley Stoke South	Bradley Stoke Town Council
15	<b>PT15/4302/F</b>	Approve with Conditions	2 Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8UE	Stoke Gifford	Stoke Gifford Parish Council
16	<b>PT15/4324/F</b>	Approve with Conditions	2 Ratcliffe Drive Stoke Gifford South Gloucestershire BS34 8UE	Stoke Gifford	Stoke Gifford Parish Council
17	<b>PT15/4325/CLP</b>	Approve with Conditions	46 Orchard Rise Olveston South Gloucestershire BS35 4DZ	Severn	Olveston Parish Council

## CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015

**App No.:** PK15/3323/F  
**Site:** 34 - 36 High Street Marshfield South  
 Gloucestershire SN14 8LP  
**Proposal:** Erection of extension to existing detached garage to form garden room. Installation of 1no. replacement dormer window to front elevation and installation of satellite dish to rear chimney.  
**Map Ref:** 377964 173738  
**Application Category:** Householder

**Applicant:** Mr Iain Gibson  
**Date Reg:** 4th August 2015  
**Parish:** Marshfield Parish Council  
**Ward:** Boyd Valley  
**Target Date:** 24th September 2015



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 100023410, 2008. N.T.S. PK15/3323/F

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

This application for full planning consent merely supports application PK15/3324/LB for Listed Building Consent, which also appears on this Circulated Schedule and is for information purposes only.

### **1. THE PROPOSAL**

1.1 The application relates to 34-36 High Street, Marshfield which is a two-storey dwelling house dating from the mid 18<sup>th</sup> century. The property was two distinct dwellings before being joined together in the early 20<sup>th</sup> century. Internal remedial and renovation works were undertaken to the main house following Listed Building consent PK08/0994/LB. A new garage was built to the north end of the garden under planning permission PK11/3430/F.

1.2 The application proposes:

- A modest new Garden Room extension to the garage with minor alterations to the existing garage and adjacent wall to facilitate easier vehicular access and parking.
- Internal alterations to enlarge existing bathroom.
- A replacement window to front elevation.
- Renewed roof, eave, verge and associated flashings to replace dilapidated finishes and areas.
- New satellite dish to rear/northern chimney stack.
- Minor internal alterations as per drawings.

1.3 The application should be read in conjunction with application PK15/3324/F for listed building consent. This application is supported by the following documents:

- Design and Access Statement

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Planning (Listed Buildings and Conservation Areas) Act 1990  
The National Planning Policy Framework (NPPF) 27<sup>th</sup> March 2012  
The National Planning Practice Guidance (NPPG) 2014

#### **2.2 Development Plans**

**The South Gloucestershire Local Plan Core Strategy (Adopted) Dec 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  
CS34 Rural Areas

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

- L1 - Landscape Protection and Enhancement
- L2 - Cotswolds AONB
- L12 - Conservation Areas
- L13 - Listed Buildings
- H4 - Development within Existing Residential Curtilages
- EP2 - Flood Risk and Development
- T12 - Transportation Development Control Policy for New Development

### 2.3 Supplementary Planning Guidance

The South Gloucestershire Design Checklist (SPD) Adopted August 2007  
The South Gloucestershire Council Residential Parking Standards SPD (Adopted) 2014.

### 2.4 Emerging Plan

#### Proposed Submission : Policies, Sites & Places Plan March 2015

- PSP1 - Local Distinctiveness
- PSP2 - Landscape
- PSP3 - Trees and Woodland
- PSP8A - Settlement Boundaries
- PSP8B - Residential Amenity
- PSP11 - Development Related Transport Impact Management
- PSP16 - Parking Standards
- PSP17 - Heritage Assets and The Historic Environment
- PSP20 - Flood Risk, Surface Water and Watercourse Management
- PSP39 - Private Amenity Space Standards

## 3. **RELEVANT PLANNING HISTORY**

- 3.1 NLBC375 Internal alterations and demolitions works to facilitate conversion of two dwelling into one.  
Approved 04.03.82
- 3.2 PK08/0994/LB Internal and external repairs and alterations to include the opening up of the front door and partial blocking up and replacement of side door window.  
Approved 02.06.08
- 3.3 PK11/2152/F Erection of detached garage.  
Withdrawn 17 Aug. 2011
- 3.4 PK11/3430/F Erection of detached garage. (Resubmission of PK11/2152/F).  
Approve 21 Dec. 2011
- 3.5 PK13/4306/LB Application to retain works already approved under Conditions 1 and 2 of application PK08/0994/LB but not discharged and to retain new works carried out and detailed in the statement dated 24<sup>th</sup> Sept 2013. 15 Jan 2014

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

4.1 Marshfield Parish Council  
No objection

4.2 Other Consultees

Historic Environment

The proposal is occupying a location that would already have been impacted by the construction of the existing garage. There is therefore no archaeological objection.

Lead Local Flood Authority

No comment

Open Spaces Society

No response

PROW

The proposed development once complete is unlikely to affect the public right of way LMA/60 that runs along Brittons Passage, however the works and vehicles required to accommodate the works may affect the route. Standard informatives should be added to any approval.

Listed Buildings and Conservation Officer

No objection.

#### **Other Representations**

4.3 Local Residents  
No responses

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

5.1 Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.2 The South Gloucestershire Local Plan: Core Strategy was adopted by the council on 11th December 2013. By virtue of Section 38(6) of the Planning and Compulsory Purchase Act, the starting point for determining any planning decision will now be the Core Strategy, as it forms part of the adopted Development Plan and is generally compliant with the National Planning Policy Framework 2012 (NPPF). The “saved” policies of the South Gloucestershire Local Plan (adopted 2006) also form part of the extant Development Plan.

5.3 The Policies, Sites & Places Plan is an emerging plan only. Whilst this plan is a material consideration, only limited weight can currently be given to the policies therein.

- 5.4 In accordance with para.187 of the NPPF, Core Strategy Policy CS4A states that; when considering proposals for sustainable development, the Council will take a positive approach and will work pro-actively with applicants to find solutions, so that sustainable development can be approved wherever possible. NPPF Para.187 states that Local Planning Authorities should look for solutions rather than problems and decision-takers at every level should seek to approve applications for sustainable development where possible. Paragraph 50 of the NPPF sets out the importance of delivering a wide range of residential accommodation and makes specific reference to the importance of planning for inclusive and mixed communities and this policy stance is replicated in Policy CS17 of the Core Strategy.
- 5.5 Chapter 4 of the NPPF promotes sustainable transport and states that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe.
- 5.6 Policy CS17 goes on to say that building on gardens will be allowed where this would not adversely affect the character of an area and where, cumulatively, it would not lead to unacceptable localised traffic congestion and pressure on parking. Such development will be allowed where each home has adequate private/semi-private and/or communal outdoor space and where occupiers have access to adequate open and play space within the immediate vicinity.
- 5.7 Policy H4 of the South Gloucestershire Local Plan (Adopted) 6th Jan 2006 permits development within existing residential curtilages, including extensions to existing dwellings and new dwellings subject to criteria that are discussed below. Policy CS1 of the South Gloucestershire Local Plan Core Strategy (Adopted) Dec 2013 seeks to secure good quality designs that are compatible with the character of the site and locality.
- 5.8 Design and Heritage Issues  
The proposals affect a pair of modest cottages within the heart of the Marshfield Conservation Area. They are of two storeys with vaulted cellars and attics and have been subject to a number of alterations during the 20<sup>th</sup> and 21<sup>st</sup> centuries.
- 5.9 The proposals seek to upgrade the cellars, introduce new glazing to improve the energy efficiency within the building, extend the first floor bathroom and introduce additional light to the attics. It is also proposed to extend the modern timber garage at the rear of the site and to raise a low section of boundary wall to the adjacent lane and remove a section of wall, adjacent to the garage.
- 5.10 Officers are supportive of the applicant's aspirations to undertake further enhancement of the property. However, following initial concerns raised by the Council's Listed Buildings and Conservation Officer, about some of the proposed detailing, revised plans have now been submitted. Subject to the conditions below, officers now raise no objection to the proposal.



#### Transportation Issues

- 5.11 The proposal would make parking and manoeuvring easier; there are therefore no transportation objections to the scheme.

#### Landscape Issues

- 5.12 The proposed garage extension would lie to the rear of the property, within the heart of Marshfield. No vegetation would be affected. The building is not prominent in the landscape. Given its scale and design the extension would not harm the natural beauty of the AONB or landscape in general and as such would accord with Local Plan Policies L1 and L2.

#### 5.13 Residential Amenity

It is considered that there are no issues of inter-visibility or loss of privacy. Further, there are no concerns relating to loss of daylight/sunlight and sufficient garden space would remain to serve the property. The impact on residential amenity is subsequently deemed acceptable.

#### Environmental Issues

- 5.14 The site does not lie in an area previously mined for coal, neither is it in an area at risk of flooding.

#### CIL

- 5.15 The South Gloucestershire Community Infrastructure Levy (CIL) & Section 106 Planning Obligations Guide SPD was adopted March 2015. The introduction of CIL charging was delegated to the Director of ECS with charging commencing on 1<sup>st</sup> August 2015.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

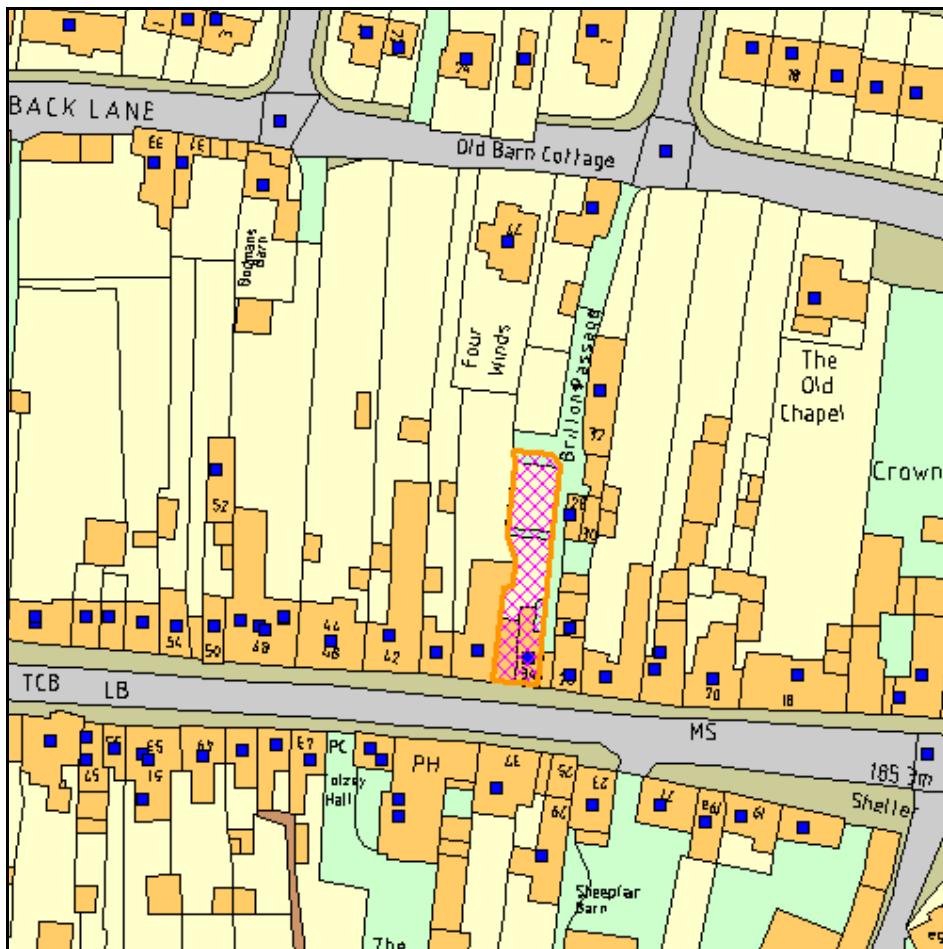
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason

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

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PK15/3324/LB	<b>Applicant:</b>	Mr Iain Gibson
<b>Site:</b>	34 - 36 High Street Marshfield South Gloucestershire SN14 8LP	<b>Date Reg:</b>	4th August 2015
<b>Proposal:</b>	Erection of extension to existing detached garage to form garden room. Internal and external alterations to main house including 1no. replacement dormer window to front elevation. Renewed windows to side and rear elevations and installation of satellite dish to rear chimney.	<b>Parish:</b>	Marshfield Parish Council
<b>Map Ref:</b>	377964 173738	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	24th September 2015



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 100023410, 2008. N.T.S. PK15/3324/LB

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

This application has been referred to the Circulated Schedule following an initial objection from the Society for the Protection of Ancient Buildings.

### **1. THE PROPOSAL**

- 1.1 The application relates to 34-36 High Street, Marshfield which is a two-storey dwelling house dating from the mid 18<sup>th</sup> century. The property was two distinct dwellings before being joined together in the early 20<sup>th</sup> century. Internal remedial and renovation works were undertaken to the main house following Listed Building consent PK08/0994/LB. A new garage was built to the north end of the garden under planning permission PK11/3430/F.
- 1.2 The application proposes:
- A modest new Garden Room extension to the garage with minor alterations to the existing garage and adjacent wall to facilitate easier vehicular access and parking.
  - Internal alterations to enlarge existing bathroom.
  - A replacement window to the front elevation.
  - Renewed roof, eave, verge and associated flashings to replace dilapidated finishes and areas.
  - New satellite dish to rear/northern chimney stack.
  - Minor internal alterations as per drawings.
- 1.3 The application should be read in conjunction with application PK15/3323/F for full planning consent which also appears on this Circulated Schedule but for information purposes only. This Listed Building Application is supported by the following documents:
- Design and Access Statement

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
Planning (Listed Buildings and Conservation Areas) Act 1990  
The National Planning Policy Framework 27<sup>th</sup> March 2012  
The National Planning Practice Guidance 2014
- Development Plans
- 2.2 The South Gloucestershire Local Plan Core Strategy (Adopted) 11<sup>th</sup> Dec. 2013  
CS9 - Managing the Environment & Heritage
- 2.3 The South Gloucestershire Local Plan (Adopted) 6th Jan 2006  
L13 - Listed Buildings

## Emerging Plan

- 2.4 Proposed Submission : Policies, Sites & Places Plan March 2015  
PSP17 - Heritage Assets and the Historic Environment

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

- 3.1 NLBC375 Internal alterations and demolitions works to facilitate conversion of two dwelling into one.  
Approved 04.03.82
- 3.2 PK08/0994/LB Internal and external repairs and alterations to include the opening up of the front door and partial blocking up and replacement of side door window.  
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Approve 21 Dec. 2011
- 3.5 PK13/4306/LB Application to retain works already approved under Conditions 1 and 2 of application PK08/0994/LB but not discharged and to retain new works carried out and detailed in the statement dated 24<sup>th</sup> Sept 2013.  
15 Jan 2014

### **4. CONSULTATION RESPONSES**

- 4.1 Marshfield Parish Council  
No objection

- 4.2 Other Consultees

Conservation Officer

No objections to the revised plans subject to conditions. The objection from SPAB is considered to be overcome.

Council for British Archaeology

No response

Georgian Group

No response

Twentieth Century Society

No response

Society for the Protection of Ancient Buildings

The SPAB is a great advocate of repairs where possible, especially for windows as the fine joinery is so easily lost. We do not feel that the current application offers sufficient justification for the replacement of the windows, and therefore we must object to this application.

*Revised plans were subsequently submitted which are considered to overcome this objection.*

Victorian Society

No response

Ancient Monuments Society

No response

**Other Representations**

4.3 Local Residents

No response

**5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development

The only matter for consideration in this listed building application is the impact on the special architectural and historic character of the Listed Building.

5.2 Design and Impact on the Listed building

The proposals affect a pair of modest cottages within the heart of the Marshfield Conservation Area. They are of two storeys with vaulted cellars and attics and have been subject to a number of alterations during the 20<sup>th</sup> and 21<sup>st</sup> centuries.

5.3 The proposals seek to upgrade the cellars, introduce new glazing to improve the energy efficiency within the building, extend the first floor bathroom and introduce additional light to the attics. It is also proposed to extend the modern timber garage at the rear of the site and to raise a low section of boundary wall to the adjacent lane and remove a section of wall, adjacent to the garage.

5.4 Officers are supportive of the applicant's aspirations to undertake further enhancement of the property. However, following initial concerns raised by SPAB and the Council's Listed Buildings and Conservation Officer about some of the proposed detailing, revised plans have now been submitted. Subject to the conditions below, officers now raise no objection to the proposal.

**6. CONCLUSION**

6.1 The recommendation to grant Listed Building 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 That Listed Building Consent be GRANTED subject to the conditions listed on the Decision Notice.

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

### **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 the relevant part of the works hereby approved, details of the proposed window repairs (item 3 drawing 140.3.110 rev D) showing the extent of stone replacement and the design and proposed method of fixing of the proposed shutters shall be submitted to the Council for approval. The relevant part of the works shall not be undertaken until written approval has been given by the Council for the submitted details and thereafter the works shall comply exactly with the agreed details.

**Reason**

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

3. Prior to the erection of the satellite dish (item 6 on drawing 140.3.110 rev D) and standing seam roof (item 8 on the same drawing) large scale details of the proposed satellite dish and standing seam roof shall be submitted to the Council for approval. The relevant parts of the works shall not be undertaken until written approval has been given by the Council for the submitted details and thereafter the works shall comply exactly with the agreed details.

**Reason**

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

4. Prior to the construction of the replacement front and rear doors, large scale details of the replacement doors shall be submitted to the Council for approval. The doors shall not be replaced until written approval has been given by the Council for the submitted details and thereafter the new doors shall exactly match the details so agreed.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

5. Prior to the replacement of those windows hereby agreed for replacement and notwithstanding the reference to 20mm glazing bars on the window detail drawing reference 140.3.140, large scale details of the proposed glazing bars which shall be no wider than 18mm shall be submitted to the Council for approval. The windows shall not be replaced until written approval has been given by the Council for the large scale details and thereafter the new windows shall exactly match the details so agreed.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

6. Prior to the commencement of the relevant part of the works hereby approved, details of the new stud partition and its relationship to the historic door at the top of the stairs (item 12 on drawing 140.3.110 rev D) shall be submitted to the Council for approval. The relevant part of the works shall not be undertaken until written approval has been given by the Council for the submitted details and thereafter the works shall comply exactly with the details so agreed.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

7. Prior to the construction of the stone wall (item 20 on drawing 140.3.110 rev D) details of the proposed wall including the coping detail shall be submitted to the Council for approval. The wall shall not be constructed until written approval has been given by the Council for the submitted details and thereafter the wall shall comply exactly with the details so agreed.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.



8. Prior to the commencement of the relevant part of the works hereby approved, details of the new stud partition and its relationship to the historic door at the top of the stairs (item 12 on drawing 140.3.110 rev D) shall be submitted to the Council for approval. The relevant part of the works shall not be undertaken until written approval has been given by the Council for the submitted details and thereafter the works shall comply exactly with the details so agreed.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.

9. Prior to the construction of the replacement dormer (item 1 on drawing 140.3.110 rev D) large scale details of the proposed dormer shall be submitted to the Council for approval. The replacement dormer shall not be constructed until written approval has been given by the Council for the submitted details and the new dormer shall comply exactly with the details so agreed.

Reason

In order that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF, Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013) and Policy L13 of The South Gloucestershire Local Plan (Adopted) 6th Jan. 2006.



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

This application has been submitted to the Council's Circulated Schedule procedure following an objection received from the Society for the Protection of Ancient Buildings, which is contrary to the officer recommendation detailed in this report.

### **1. THE PROPOSAL**

- 1.1 This application seeks listed building consent to convert and extend an existing barn to form garages at the grade II listed Court House, which appears to form part of the wider Manor Farm. The barn is also located within the setting of the grade II listed Manor Barn which lies immediately to the west.
- 1.2 The site is situated within Cold Ashton Conservation Area.
- 1.3 The application has been submitted alongside an associated householder planning application ref. PK15/3439/F, which is currently pending consideration by the Local Planning Authority.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
Planning (Listed Buildings and Conservation Areas) Act 1990
- 2.2 Development Plan  
  
South Gloucestershire Local Plan (Adopted) January 2006  
L13 Listed Buildings  
L12 Conservation Areas  
  
South Gloucestershire Core Strategy (Adopted) December 2013  
CS1 High Quality Design  
CS9 Managing the Environment and Heritage
- 2.3 Supplementary Planning Documents  
Cold Ashton Conservation Area SPD

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

- 3.1 PK15/3439/F Pending Consideration  
Conversion of existing barn to form garages

### **4. CONSULTATION RESPONSES**

- 4.1 Cold Ashton Parish Council  
No objection.

#### 4.2 Other Consultees

##### Listed Building Officer

No objection subject to conditions.

##### Council For British Archaeology

No comment received.

##### Georgian Group

No comment received.

##### Twentieth Century Society

No comment received.

##### Society for the Protection of Ancient Buildings

The general principle of the conversion is not in question, and it is good to see that this building will find a sensible new use. However, we would very much prefer to see the existing footprint remain rather than the north elevation being demolished and rebuilt to form the new bay. In this way the true history of the building will be able to be discerned. No new stone should be used to form the new bay at the north end of the building.

##### Victorian Society

No comment received.

##### Ancient Monuments Society

No comment received.

#### **Other Representations**

#### 4.3 Local Residents

No comment received.

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

#### 5.1 Principle of Development

The only issue to consider in this application is the impact of the proposed works on the special architectural and historic significance of the listed building.

#### 5.2 Consideration of Proposal

The existing barn is of a simple rubble stone construction, open-fronted with a lean-to roof form, and is highly visible from the public realm and the Conservation Area. As noted within the submitted Statement of Significance, the building has been reduced both in height and width, as cartographic evidence points to the loss of a bay at its northern end. Therefore, whilst the comments of the Society for the Protection of Ancient Buildings are acknowledged, the extension appears to be reinstating the historic footprint of the barn and is therefore supported.

- 5.3 As well as the extension to the northern elevation, the proposed scheme would see the front eave height raised and a pitched roof reinstated, restoring the historic form of the building. The reinstatement of the roof would in particular be a significant enhancement on the extant lean-to corrugated tin roof. The proposed conversion will however see the existing partition removed and the north gable also demolished, although all the stone will be reused in the extension and this is to be a conditional requirement. The southern end of the building would remain unaltered and so the interesting buttress to the southern gable would be left in situ, which is the most publicly visible part of the building.
- 5.4 The existing barn is of low significance and visually is not a prominent feature either within its curtilage or within the immediate context. There is therefore no objection to listed building consent being granted subject to conditions. The removal of the concrete stalls also represents an enhancement and this will be conditioned on the decision notice.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That listed building consent is **GRANTED**.

**Contact Officer: Trudy Gallagher**  
**Tel. No. 01454 862217**

## **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. The stone from the demolition of the existing partition and north gable is to be reused in the construction of the extension and the raising of the front eave.

### Reason

In order that the works serve to preserve the historic interest of the curtilage listed building in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

3. Prior to the first use of the garage, the existing concrete stalls immediate to the north of the garage are to be demolished in their entirety.

Reason

In order that the works serve to provide for a degree of enhancement to mitigate for the loss of insitu historic fabric as a result of the demolition of internal partition and the north gable, all in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with National Planning Policy Framework (2012) and policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

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

Reason

In order that the development serves to preserve the architectural and historic interest and setting of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and national guidance set out in the NPPF. This is required prior to commencement as the stone is fundamental to the construction process.

5. 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.
  - a. Rooflights
  - b. All new doors
  - c. Any new vents and flues
  - d. Eaves, verges and ridge
  - e. Rainwater goods

The details shall be submitted via elevation and section drawings at a scale of 1:10, and the development shall be completed strictly in accordance with the agreed details.

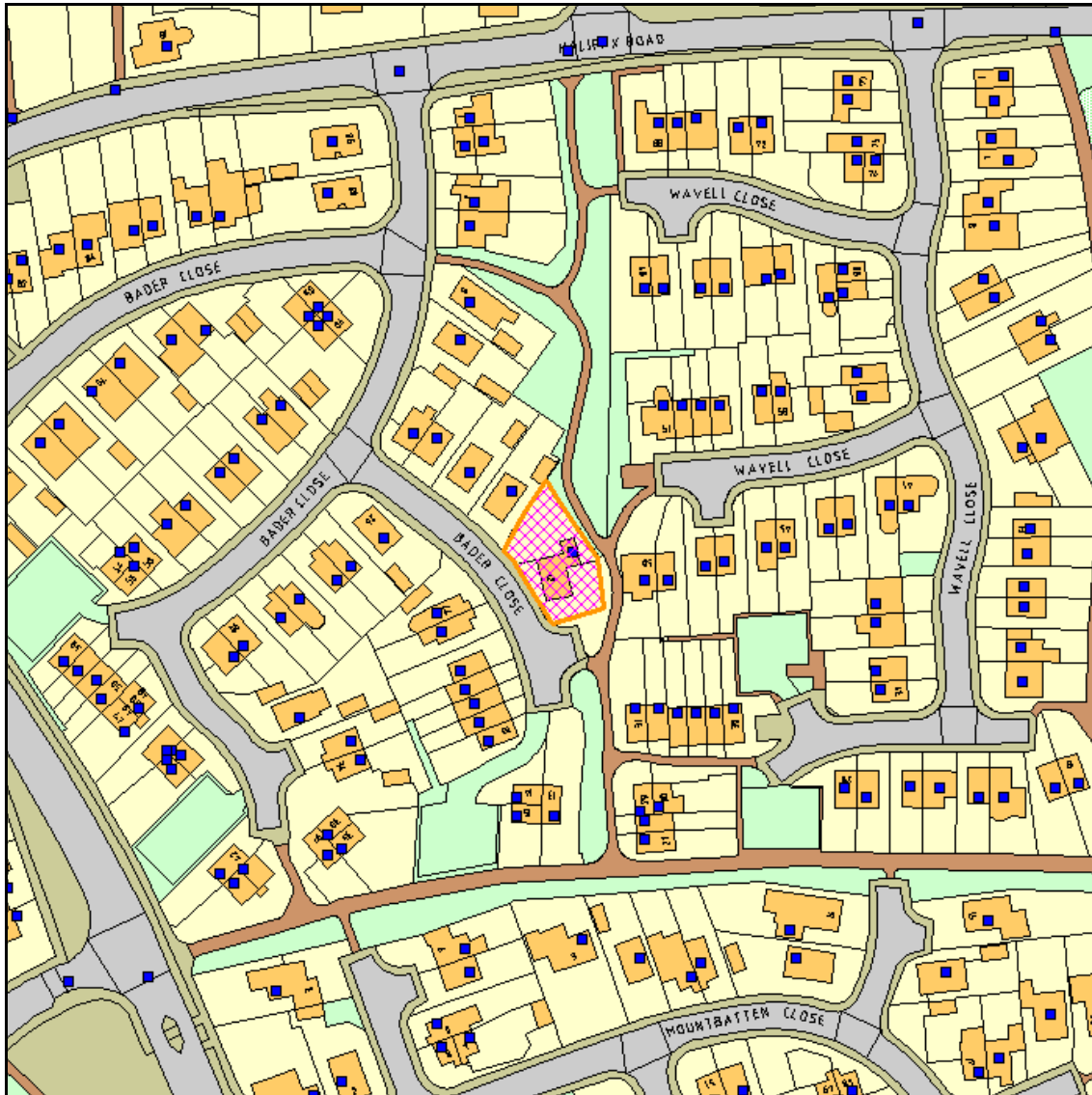
Reason

In light of the above details not being submitted at determination stage for consideration and approval, a pre-commencement is necessary in order to ensure that the works serve to preserve the architectural and historic interest of the listed building, in accordance with section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, national guidance set out at the NPPF and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013).

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

**App No.:** PK15/3714/F  
**Site:** 12 Bader Close Yate South  
Gloucestershire BS37 5UA  
**Proposal:** Erection of two storey rear and single  
storey side extension to form garage  
and additional living accommodation  
(resubmission of PK11/1769/F)  
**Map Ref:** 370825 183428  
**Application Category:** Householder

**Applicant:** Mr S Shaddick  
**Date Reg:** 27th August 2015  
**Parish:** Yate Town Council  
**Ward:** Yate North  
**Target Date:** 20th October 2015



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

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

### **1. THE PROPOSAL**

- 1.1 The application site is situated on the north side of Yate. The site is bounded by residential development to the north west, Bader Close to the west and a foot path to the east. The site comprises a modern two storey detached dwelling with attached single garage to the side (east). A large Oak tree is situated adjacent to the east boundary towards the south east corner of the site. The application site is situated within the residential area of Yate
- 1.2 The application proposes erection of two storey side and rear extension to form garage and additional living accommodation. The proposal has been submitted as a resubmission of PK11/1769/F as that permission, issued in 2011 has expired and work has not commenced. The current application is the same as the previous approved proposals.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
National Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
H4 Development within Existing Residential Curtilages  
L1 Landscape  
  
South Gloucestershire Core Strategy Adopted December 2013  
CS1 High Quality Design
- 2.3 Supplementary Planning Guidance/Documents  
South Gloucestershire Design Checklist – August 2007  
South Gloucestershire Residential Parking Standards

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

- 3.1 PK03/3266/F - Erection of 1.9m high boundary wall. Approved 03.12.2003
- 3.2 PK11/0993/F - Erection of two storey side and rear extension to form garage and additional living accommodation. Withdrawn 13<sup>th</sup> May 2011.
- 3.3 PK11/1769/F - Erection of two storey side and rear extension to form garage and additional living accommodation (Resubmission of PK11/0993/F). Approved 1<sup>st</sup> August 2011.



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

4.1 Yate Town Council  
No objection

4.2 Other Consultees  
Sustainable Transportation

Planning permission has been previously granted to extend the existing dwelling (PK11/1769/F). This current proposal is exactly the same as the approved plans. The level of parking available complies with the Councils residential parking standards. On that basis, there is no transportation objection.

Tree Officer

Policy Context

South Gloucestershire Local Plan [Adopted January 2006]

Policy L1

South Gloucestershire Council adopted planning guidelines- Trees on Development Sites

Assessment of Proposals

There is no change in my opinion that this is a viable scheme however the submitted Arboricultural method statement in its present guise will not be acceptable. The Arboricultural method statement will need to be in accordance with BS:5837:2012. A Tree protection Plan will also need to be submitted with a detailed A.M.S, details for special engineering within the RPA. Given the trees importance within the local landscape an Arboricultural watching brief is recommended for the removal of the existing hardstanding and other works proposed within the RPA.

Conclusions and Recommendations

A Tree protection Plan will also need to be submitted with a detailed A.M.S in accordance with BS:5837:2012

Details for special engineering within the RPA

Arboricultural watching brief is recommended for the removal of the existing hardstanding and other works proposed within the RPA.

Community Spaces

With reference to the above planning application, the applicant must ensure that all materials, scaffolding , plant and arisings associated with this proposal are kept within the property's boundary and not on the adjacent public open space and footpaths. If it is necessary for this to occur the applicant must apply for permission to do so from South Gloucestershire Council's Property Services team.

#### **Other Representations**

4.3 Local Residents

One letter of objection has been received, as follows:

Concerns raised on the following grounds:

- '1. A 4m deep extension to the rear of the property will reduce our level of privacy and light from/to our landing window.*
- 2. The planning application documentation shows the current existence of a garage alongside the house. There is no garage; it was actually demolished some time ago, so this is out of date.*
- 3. There is a concern that, given the width and depth of the proposed garage, there will not be sufficient room to park all the current vehicles used by the occupiers in the remaining space in front of the garage (there appears to be no space alongside the new garage) i.e.*

*1 x motorhome  
1 x caravan c. 5.2m long  
1 x Mini car  
1 x 4x4 vehicle  
1 x white van.*

*...all of which are currently parked on the property with no difficulty or incursion on to the road.*

*The planning documentation submitted shows one vehicle inside the new garage, so consideration needs to be given to the parking of the remaining 4 vehicles. Consideration needs to be given to the fact that this property is at the head of this part of Bader Close with a turnaround area outside. Any road parking by this property's owners will restrict the turnaround space and would cause difficulties not only for residents or visitors, but especially for any emergency vehicles called into the Close.*

*4. Relevant to point 3 above, the planning application documents submitted state that there are no changes to current parking arrangements (reference Section 8 of the Application Form) but given the apparent reduction in space in front of the new garage, this needs to be clarified.'*

## **5. ANALYSIS OF PROPOSAL**

### **5.1 Principle of Development**

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. Policy CS1 of the Core Strategy also seeks to secure a high standard of design. Policy L1 seeks to ensure that landscape features which make a contribution to the character or distinctiveness of an area are retained, protection and managed to ensure their viability and the conservation of the amenity of the area. It is considered that whilst this new application may be considered afresh, it is of note and significant weight that an identical proposal was approved in 2011 (see planning history section above), the only reason this application is necessary is due to the time limit conditioned on the planning application having lapsed with no lawful commencement made on the development.

One of the main issues for consideration therefore are whether there have been any significant policy changes since that time that would warrant a further and different consideration of the proposal. Whilst since the last approval the Core Strategy has been adopted and the NPPF has been introduced, it is not considered that these additions would affect the principle of consideration of such an application for residential extension and the factors to consider with any planning application.

#### 5.2 Design

The dwelling is situated within a modern suburban residential context. The dwelling the subject of this application is a two storey detached dwelling. The rear of the site is screened from views from Bader Close by a 2m high wall running along the entire length of the west boundary, tall trees at the rear (north side) and trees and fencing along the east boundary. As such the proposed extension which would be situated on the rear (north) and side (east) elevations would not be visually prominent. The design is unorthodox but not incongruous and the materials would be of good quality and as such the extension would be in keeping with the character of the existing dwelling and would respect the character distinctiveness and amenity of the surrounding area. As such it is considered that the design of the proposal accords with the criteria of Policies H4 and CS1.

#### 5.3 Residential amenity

The extension would face onto a public path to the east and the highway (Bader Close) to the west. The extension would be situated 7.5m from the shared boundary with no. 11 which abuts the north west boundary and approximately 10 metres from the side elevation of the dwelling of No.11, at its nearest point. The boundary consists of a combination of walling and timber to approximately 2 metres and also contains some vegetation. A detached garage also exists very near to the shared boundary in this direction. No. 11 has two side windows in the elevation facing into the application site. Both windows do not serve principle rooms. Given the location, distance, orientation, design and scale of the proposals in context with its site and surroundings, it is not considered that the proposed extension would significantly or materially prejudice the privacy or amenity of neighbouring occupiers or give rise to material impact in terms of loss of daylight/sunlight, overshadowing or overbearing/bulky development such as to warrant a refusal of the application.

In terms of comments received relating to an existing garage, it is considered that as this application is essentially a resubmission, the previous plans have been resubmitted, inclusive of a side garage on the existing elevations which since appears to have been removed. This does not affect the principles of consideration of the application as proposed, which replaces the single side garage.

#### 5.4 Tree impact

The trees on site make a significant contribution to the character or distinctiveness of the locality therefore should be retained, protected and managed in a way that ensures their long-term viability. It is however that the scheme remains a viable proposition, however it is considered that further details consisting of a Tree protection Plan will need to be submitted with a

detailed A.M.S in accordance with BS:5837:2012 with details for special engineering within the RPA.

An Arboricultural watching brief is also recommended for the removal of the existing hardstanding and other works proposed within the RPA. It is considered that these matters can be addressed through condition.

5.5 Transportation/Highways

Whilst the concerns regarding parking provision, highlighted above, are noted, the site, inclusive of the proposals the subject of this application do provide enough off-street space for parking to meet the adopted residential parking standards for such a property. There are no objections to the proposals on highway grounds.

**6. CONCLUSION**

6.1 In accordance with Article 35 of the Town and Country Planning Development Management Order 2015, 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, the South Gloucestershire Local Plan Core Strategy, set out above, and to all the relevant material considerations set out in the report.

**7. RECOMMENDATION**

7.1 Consent is GRANTED subject to the conditions and informatives as outlined in the attached decision notice:

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

**CONDITIONS**

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

Reason

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

2. The 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 the National Planning Policy Framework.

3. Prior to the commencement of development hereby approved a Tree Protection Plan shall be submitted to the Local Planning Authority and should include a detailed Arboricultural Method Statement in accordance with BS:5837:2012 with details for special engineering within the Root Protection Area and an Arboricultural Watching Brief for the removal of the existing hardstanding and other works proposed within the Root Protection Area, such details shall thereafter be implemented as approved.

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 Policy L1 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Core Strategy Adopted December 2013.

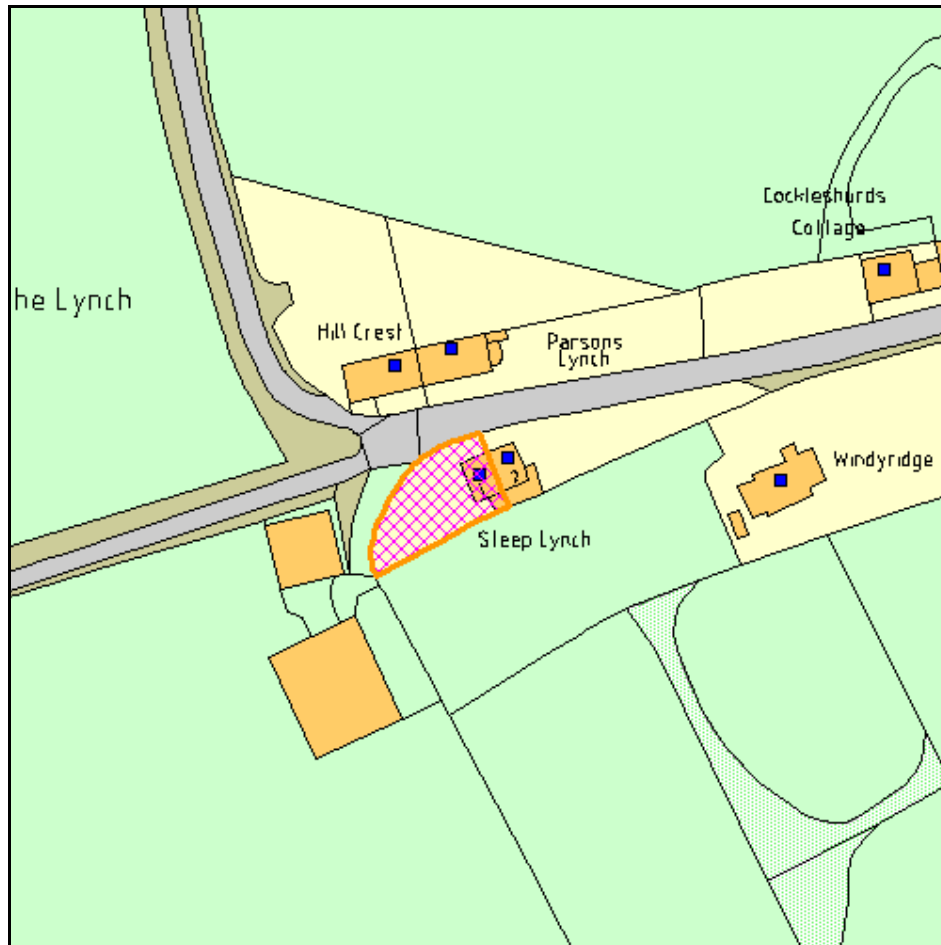
4. The hours of working on site during the period of construction shall be restricted to 08.00 - 18.00 hours Monday to Friday; 08.00 - 13.00 hours on Saturdays and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: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

Reason

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

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PK15/3724/F	<b>Applicant:</b>	Ms Natalie Field
<b>Site:</b>	1 Steep Lynch High Street Cold Ashton Chippenham South Gloucestershire SN14 8JT	<b>Date Reg:</b>	28th August 2015
<b>Proposal:</b>	Erection of detached garden room (retrospective)	<b>Parish:</b>	Cold Ashton Parish Council
<b>Map Ref:</b>	374659 172536	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Householder	<b>Target Date:</b>	21st October 2015



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## **1. THE PROPOSAL**

- 1.1. The application relates to a property located in High Street, Cold Ashton, which is within the Bristol/Bath Green Belt and the Cotswold Area of Outstanding Natural Beauty. Within the application site is a semi-detached cottage, and the application site is bordered by residential properties to the north and east and fields to the south and south west. The cottage has a reasonable sized garden, which lies to the west of the cottage and there is no rear garden.
- 1.2. The applicant seeks planning permission for the erection of a detached garden room at the property, which is of timber construction. The garden room is currently in situ at the property close to the low stone boundary wall to the north of the property, and the original proposal was for the garden room to be moved further south so that it was in line with the rear elevation of the cottage. However, following Officer advice, the applicant has decided to apply for the garden room to be positioned so that its longest side is parallel to the side elevation of the cottage, thus minimising the amount of the building that is visible from High Street. Further information has also been submitted in respect of proposed soft landscaping works following discussions between the Officer and the applicant.
- 1.3. In many instances, structures of this kind at a residential property in this location would benefit from a deemed consent under the Town and Country Planning (General Permitted Development) (England) Order 2015 provided that the structure was located to the rear of the property and not within 2 metres of a boundary. However, in this case, the applicant does not have a garden to the rear of the property and therefore cannot benefit from this permitted development right.

## **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)

Policy L1 – Landscape protection and enhancement

Policy L2 – Cotswolds Area of Outstanding Natural Beauty (AONB)

Policy H4 – Development within existing residential curtilages, including extensions and new dwellings

Policy LC12 – Recreational routes

South Gloucestershire Local Plan Core Strategy Adopted December 2013

Policy CS1 – Design

Policy CS4A – Presumption in favour of sustainable development

Policy CS5 – Location of development

Policy CS9 – Managing the environment and heritage

Policy CS34 – Rural areas

### 2.3. Emerging Policy Documents – South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan March 2015

PSP1 – Local distinctiveness

PSP2 – Landscape

PSP7 – Development in the Green Belt  
PSP39 – Development Within Existing Residential Curtilages, Including Extensions and New Dwellings

#### 2.4. Supplementary Planning Guidance

South Gloucestershire Design Checklist (SPD) Adopted 23<sup>rd</sup> August 2007  
Development in the Green Belt (SPD) Adopted June 2007  
Revised Landscape Character Assessment SPD (adopted November 2014)  
Residential Parking Standards SPD (adopted December 2013)

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

None.

### 4. **CONSULTATION RESPONSES**

#### 4.1. Cold Ashton Parish Council

No objection.

#### **Other Representations (including internal consultation responses of the Council)**

#### 4.2. Archaeological Officer

The development lies at the western edge of the medieval settlement in an area where quarrying was known to take place. It is unlikely that archaeological remains associated with the medieval settlement would have extended into this area and it would not be appropriate to seek any remedial archaeological work. No archaeological objections therefore.

#### 4.3. Landscape Architect

Initially, the Landscape Architect commented as follows:

#### **Conclusion/Recommendation**

There is no landscape objection.

In the event of consent being felt acceptable then a landscape scheme would be required that covers the points raised above. The scheme should be comprehensive and show minimum maintenance heights of planting to ensure optimum screening and integration of the development. The applicant may wish to seek the services of a landscape architect (MLI) or garden designer (MSGD).

It is hoped that the above issues are dealt with prior to a decision being made on the application.

If approval is granted prior to a landscape scheme being approved then a landscape condition is recommended to enhance the setting of the development and contribute to the amenity of the wider landscape:

Prior to the commencement of development and within 3 months from the date of the decision, a scheme of soft and hard landscape to be submitted for approval, which shall include details of all existing trees and hedgerows on the land showing those to be



removed and together with those to be retained including measures for their protection during the course of the development; proposed planting (and times of planting); boundary treatments and areas of hard-standing; specification notes covering topsoil depths, cultivation, planting, irrigation, and maintenance covering a 5 year establishment period to help ensure the planting thrives shall be submitted to the Local Planning Authority for approval. Development shall be carried out in accordance with the agreed details.

Following the submission of amended plans (including soft landscaping details), the Landscape Architect submitted the following comment:

The submitted landscaping scheme [Landscape Proposal drg. no. fig. 1 dated September 2015] is acceptable and no further soft landscape detail is required.

#### 4.4. Other Responses

A supportive comment has been received in respect of the proposal, which relates in summary to the following points:

- The garden room doesn't offend the individual in its current position.
- They have no objection to the repositioning of the garden room, and with suitable hedging to the north boundary wall as proposed, it will be unseen by all.

An objection has been received in respect of the proposal, which relates in summary to the following points:

- The garden room is not small, as it is described.
- The outbuilding is a workshop of a large size compared to the living premises.
- It breaks current regulations relating to Areas of Outstanding Natural Beauty.
- The outbuilding has been raised without any concerns with the area we live, nor the impacts on neighbours (obstructing views).
- Allowing the erection of an oversized outbuilding without concern for the area's aesthetics sets a precedent in such a lovely village.
- Whilst not opposed to the erection of a third outbuilding, the individual is opposed to the size, location and height of the proposed outbuilding. A smaller, lower outbuilding in the same location as the revised plan would be acceptable.
- The individual is also opposed to the way it has been erected without planning permission and respect for the environment/area.

## 5. ANALYSIS OF PROPOSAL

### Principle of Development

5.1. Policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (adopted December 2013) ("the Core Strategy") states that 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 both the site and its context; the density and overall layout is well-integrated with existing adjacent development; safeguard/enhance existing features of landscape, nature conservation, heritage or amenity value and public rights of way; and contributes to relevant strategic objectives.

5.2. Saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 ("the Local Plan) permits proposals for development within existing residential curtilages, including extensions to existing and new dwellings, where they respect the design and character of the existing property and the character of the street scene and surrounding area; would not prejudice the residential amenity of neighbours; would not have an unacceptable impact on highway safety or parking provision; would not prejudice the retention of adequate private

amenity space; and, in the case of extensions to dwellings in the Green Belt, the extensions would not be disproportionate over and above the size of the original building and would not prejudice the openness of the Green Belt. A further material consideration is the 'Development in the Green Belt' Supplementary Planning Document, which was adopted by the Council in June 2007.

- 5.3. Saved Policy L1 of the Local Plan permits development only where the amenity of the landscape and those attributes of the landscape which make a significant contribution to the character / distinctiveness of the landscape and the locality are conserved and, where possible, enhanced. Furthermore, saved Policy L2 of the Local Plan provides that development that would harm the natural beauty of the Cotswold AONB will not be permitted, and that where development is to proceed, measures will be required to conserve and enhance the natural beauty of the landscape.
- 5.4. It is also provided in Policy CS9 of the Core Strategy that new development will be expected to conserve and enhance the natural environment and the character, quality, distinctiveness and amenity of the landscape. Moreover, Policy CS34 of the Core Strategy states that development proposals will protect, conserve and enhance the rural areas' distinctive character, beauty and landscape; protect the unique and valuable setting provided by the rural areas to the urban areas; and protect the designated Green Belt and Cotswold AONB from inappropriate development.
- 5.5. In addition, saved Policy LC12 of the Local Plan states that existing and proposed recreational routes will be safeguarded and proposals that would unacceptably affect the utility and amenity of existing or proposed routes will not be permitted.
- 5.6. The South Gloucestershire Local Plan – Proposed Submission: Policies, Sites and Places Plan March 2015 ("the PSP") has not yet been adopted. As such, whilst the relevant policies from the PSP have been taken into consideration, they are of limited weight.
- 5.7. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

#### Green Belt Issues

- 5.8. The National Planning Policy Framework March 2012 ("NPPF") states that the essential aspects of Green Belts are their openness and permanence. It also provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 5.9. Policy H4 only permits limited extension or alteration of existing dwellings in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building and would not prejudice the openness of the Green Belt. There is a similar criterion in the NPPF.
- 5.10. The Council's 'Development in the Green Belt' SPD provides a test for deciding whether or not an addition is disproportionate, which is as follows:

*"Whether an addition is considered 'disproportionate' or not depends on the individual circumstances of the site, and what type of addition is proposed. The Council will assess this on a case-by-case basis.*

*In assessing whether a proposal is disproportionate or not, account will be taken of the following:*

1. *The increase in volume of the original dwelling (i.e. excluding any extensions or alterations that have already taken place);*
2. *The appearance of the proposal – it should not be out of proportion with the scale and character of the original dwelling;*
3. *Existing extensions and outbuildings within the curtilage.*  
*As a general guide, an addition resulting in a volume increase less than 30% of the original dwelling would be likely to be acceptable.*

*House extension additions that exceed 30% will be carefully assessed with particular regard to the second test in the box above – i.e. whether the proposal would appear out of scale and proportion. The larger a house becomes in excess of 30% of its original size, the less likely it is that new extension(s) will be considered acceptable.”*

- 5.11. Given the age of the dwelling, the term ‘original dwelling’ refers in this case to the volume that the dwelling was on July 1<sup>st</sup> 1948. The Officer notes that it appears that a rear extension has been added over time and, most likely, since 1948. Although there are no planning records to support this, the Officer has used the volume of the property excluding the rear extension as the starting point.
- 5.12. The proposal results in an increase in the overall massing of the original building by approximately 57 cubic metres, which equates to approximately 18% over and above the volume of the original dwelling. The extension to the rear of the property would result in an increase in the overall massing of the original building of approximately 5%. Although the exact volumes of the sheds at the property are not known, from the length and width of the sheds taken from the plans, it is anticipated that even with those structures included in the calculations the total additions would still not reach 30% over and above the volume of the original building.
- 5.13. The detached garden room is of timber construction, painted a light green colour, with a pitched dark grey roof. It is approximately 3.1 metres in width, 6.3 metres in length and 2.8 metres in height. As a result, it will still read as being subservient to the cottage, and it is considered to be proportionate in terms of its scale to the cottage. The appearance of the garden room is not considered to detract from the character of the cottage.
- 5.14. Therefore, the scheme is not considered to be inappropriate development in the Green Belt that would be harmful to the openness of the Green Belt, and is in accordance with Policy H4(E) of the Local Plan.

#### Design and Residential Amenity

- 5.15. Policy CS1 of the Core Strategy states that development will only be permitted where the highest possible standards of design and site planning are achieved. It also states that proposals will be expected to demonstrate the siting, form, scale, height, massing, detailing, colour and materials are informed by, respect and enhance the character distinctiveness and amenity of both the site and its context. Similarly, Policy H4 of the South Gloucestershire Local Plan provides that proposals for development within residential curtilages will only be permitted where they respect the massing, scale, proportions, materials and overall design and character of the existing property and the character of the street scene and surrounding area.
- 5.16. During this application, there have been some discussions between the applicant and South Gloucestershire Council regarding the location of the garden room and the soft landscaping details. Amended plans have been submitted as a result of such discussions.

- 5.17. As stated above, the detached garden room is of timber construction, painted a light green colour, with a pitched dark grey roof. It is approximately 3.1 metres in width, 6.3 metres in length and 2.8 metres in height. It has a tall window in the north-west elevation and four tall windows on the south-west elevation.
- 5.18. The height of the building is within the dimensions that at other properties may have been permitted development, and it is not considered that the height or scale of the property is out of character in the site or its context. Furthermore, while the garden room appears large in comparison to the cottage and for the size of the application site, the massing of the garden room does not detract from the cottage or its context, and still reads as being subservient.
- 5.19. The garden room is now proposed to be located with its longest side parallel to the western side elevation of the cottage and the most southerly elevation of the garden room is to be level with the rear elevation of the property. A pathway is to separate the garden room from the cottage. It is considered that, by siting the garden room in this location, it is set back from the road and minimises the amount of the garden room that can be seen from the road and the properties located opposite 1 Steep Lynch. Moreover, at the time of the visit, it was noted that there were other similar structures elsewhere in the locality. Therefore, the siting of the garden room respects the character of the street scene. A condition is considered necessary in order to secure the relocation of the garden room to the new location.
- 5.20. While the materials used for the garden room differ from those used in the construction of the cottage and its boundary treatments, it appears that good quality materials have been used, and the colour of the materials used minimises the impact of the garden room on its surroundings. As such, it is considered that the materials used respect the character of the site and its context.
- 5.21. On balance, the proposal respects the design and character of the existing property and the surrounding area. Therefore, the proposal is in accordance with Policies H4(A) of the Local Plan and Policy CS1 of the Core Strategy.

### Landscape

- 5.22. Policy L1 of the Local Plan seeks to conserve and enhance those attributes of the landscape which make a significant contribution to the character of the landscape. Furthermore, saved Policy L2 of the Local Plan provides that development that would harm the natural beauty of the Cotswold AONB will not be permitted, and that where development is to proceed, measures will be required to conserve and enhance the natural beauty of the landscape. Policies CS9 and CS34 of the Core Strategy also contain similar provisions, and Policy LC12 of the Local Plan is also relevant in respect of safeguarding existing recreational routes.
- 5.23. It is noted that no landscaping objection was made to the proposal. Moreover, while the building will be visible from High Street, there is a low stone boundary wall to the north of the property and its revised position will mean that its impact on the visual amenity of neighbouring residents and users of the Cotswold Way recreational route will be minimised and will not be significant. The garden room will also be largely screened from views to the south of the property by a high stone boundary wall. In addition, given the design principles described above, it is not considered that the proposed extensions would be out of character with the local area and will not harm the natural beauty of the Cotswold AONB.
- 5.24. Furthermore, the applicant has submitted details of proposed landscaping to include the planting of four trees along the northern and north-western boundary of the property and a hawthorn hedge will be planted along the northern boundary. As a result, the proposal will enhance the natural beauty of the site, the area and the AONB. It is considered necessary to ensure that these landscaping works are carried out by way of condition.

- 5.25. It is considered that the proposals are in accordance with Policy L1, L2 and LC12 of the Local Plan and CS9 and CS34 of the Core Strategy, as they are in keeping with the local and wider landscape context and conserve and enhance the site and the locality.

#### Residential Amenity

- 5.26. Saved Policy H4 of the Local Plan permits proposals for development within existing residential curtilages, including extensions to existing and new dwellings, where they would not prejudice the residential amenity of neighbours.
- 5.27. It is not considered that the height of the garden room (which is 2.8 metres) is such that it would be overbearing to, or result in loss of light for, neighbouring occupiers.
- 5.28. The window in the north-west elevation will look out over the road and towards the front of the residential properties opposite (which will be at least 13 metres away). However, as these properties already have a degree of mutual overlooking from windows on the front elevations opposing each other, and bearing in mind that the garden room is to be set back from the road with additional planting of hedges and trees, it is not considered that this will result in significant loss of privacy. Furthermore, the windows on the south-west elevation will look out towards the garden area of the property, which is enclosed by a stone wall boundary and mature hedges which borders a road.
- 5.29. Therefore, it is considered that the proposal is in accordance with Policies H4(B) of the Local Plan.

#### Amenity Space

- 5.30. Saved Policy H4 of the Local Plan permits proposals for development within existing residential curtilages, including extensions to existing and new dwellings, where they would not prejudice the retention of adequate private amenity space.
- 5.31. The cottage has a reasonable sized garden, which lies to the west of the cottage. Some of the garden area is laid to gravel and is used for parking, and the remainder is laid to lawn. While the garden room appears large for the size of the application site, the massing of the garden room does not result in insufficient private amenity space being retained.
- 5.32. Therefore, the proposal is in accordance with Policies H4(D) of the Local Plan.

#### Transportation Issues

- 5.33. Saved Policy H4 of the Local Plan permits proposals for development within existing residential curtilages, including extensions to existing and new dwellings, where they would not have an unacceptable impact on highway safety or parking provision.
- 5.34. The proposal does result in a decrease in the available area for parking and turning. However, it is considered that there is still sufficient space to park at least two cars and manoeuvre those vehicles to enter forwards on to the road, which is in line with the Council's Parking Standards.
- 5.35. Therefore, it is considered that the proposal is in accordance with Policy H4(C) of the Local Plan.

## Other Issues

- 5.36. It has been noted that one of the comments received in respect of the application stated that the outbuilding is a workshop as opposed to a garden room. The applicants have applied for a garden room, which would be ancillary to the residential use of the property, and that is what has been considered during this application process. The applicants would be permitted to use the garden room for any use which is incidental or ancillary to the residential use of the property, which may include using it as a workshop provided that the level of use does not mean that a material change of use has occurred. If a material change of use does occur, then planning permission would need to be obtained for the new use.
- 5.37. Another objection comment related to the garden room having been erected without any concerns for the impact upon the views of neighbours. It is established in planning law that the views of neighbouring occupiers are not a material consideration. However, issues such as visual amenity, loss of light, structures being overbearing and loss of privacy are material considerations, and these have been considered above.
- 5.38. It was also submitted in one of the comments received that allowing the erection of an oversized outbuilding without concern for the area's aesthetics would set a precedent in the village. In respect of setting a precedent, it should be noted that each application is considered on its merits and, therefore, just because one application has been approved, it does not mean that others will be on that basis. The issues of the building's size and the aesthetics of the area have been considered above.
- 5.39. In addition, another issue raised in one of the comments received was that the objector was opposed to the way the outbuilding had been erected without planning permission. Retrospective planning applications are recognised in government guidance as a legitimate way of addressing breaches of planning control and, therefore, the fact that the application has been submitted retrospectively is not a material consideration which can be taken into account.

## **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 To grant planning permission subject to conditions.

**Contact Officer: Kathryn Leeming**  
**Tel. No. 01454 863117**

## **CONDITIONS**

1. Within 2 months of the date of this decision, the garden room shall be moved to the location shown in the plan entitled 'Proposed Garden Room' (Drawing No. 15-12-2A) received by the Council on 6th October 2015.

### Reason

In order to make the siting of the garden room acceptable in design terms and to protect the visual amenity of neighbouring occupiers in accordance with Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS1 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

2. The soft landscaping works shall be carried out and maintained in accordance with the details provided in the plan entitled 'Landscape Proposal' prepared by WH Landscape Consultancy Ltd (Figure no. 1) received on 6th October 2015, and retained thereafter.

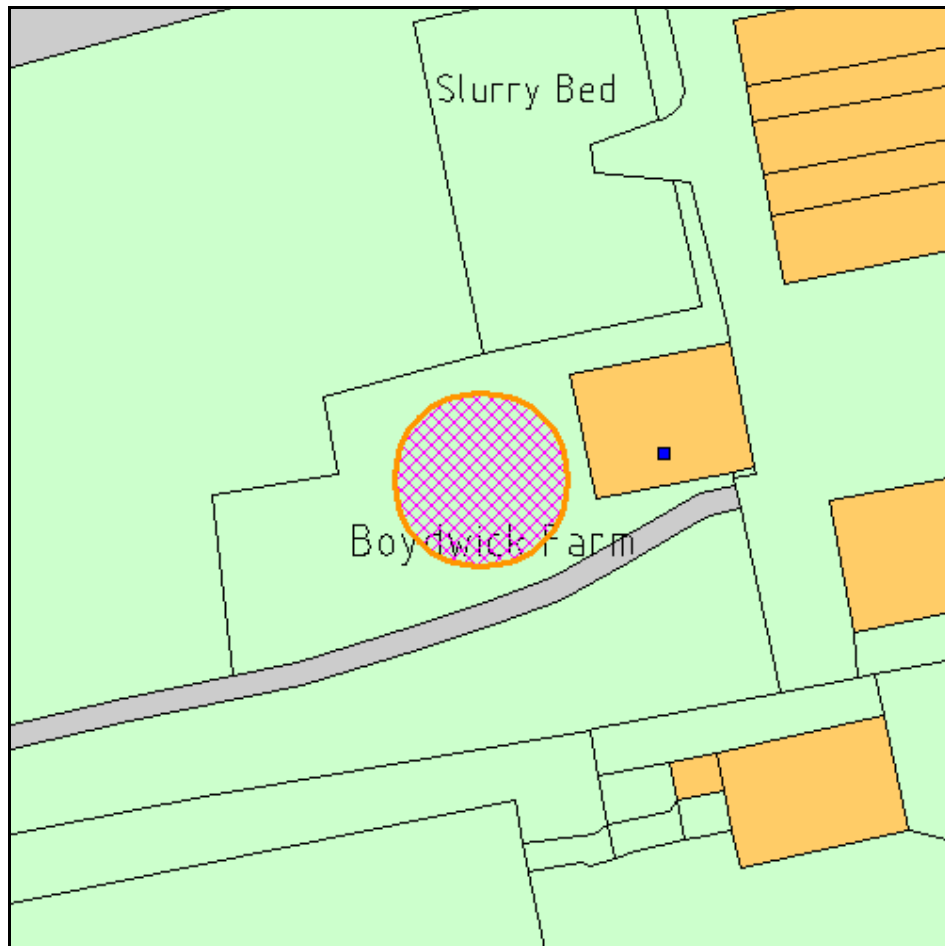
### Reason

In order to conserve and enhance the amenity of the landscape in accordance with L1 and L2 of the South Gloucestershire Local Plan (Adopted) January 2006 and Policy CS9 and CS34 of the South Gloucestershire Local Plan Core Strategy Adopted December 2013.

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PK15/3839/F	<b>Applicant:</b>	Mr Stanley Hargreaves S & R Hargreaves
<b>Site:</b>	Boydwick Farm Barrow Hill Wick South Gloucestershire BS30 5RH	<b>Date Reg:</b>	28th September 2015
<b>Proposal:</b>	Erection of 1no. slurry tower to provide additional slurry storage	<b>Parish:</b>	Wick And Abson Parish Council
<b>Map Ref:</b>	370287 172076	<b>Ward:</b>	Boyd Valley
<b>Application Category:</b>	Minor	<b>Target Date:</b>	19th November 2015

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

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

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission for the erection of a slurry tower to provide additional slurry storage.
- 1.2 The application site is Boydwick Farm, which is set back from Barrow Hill within Wick. The host farm is within the Green Belt and the open countryside.
- 1.3 The proposed slurry tower is to be 18.77 metres in diameter and 4.27 metres high. The proposed tower will be located to the west of the holding and approximately 7 metres from edge of the existing slurry lagoon. The proposed tank will be constructed of steel and will be finished with a dark green exterior. The tower will be placed on a concrete pad and a stoned area will be created surrounding the tower.
- 1.4 The purpose of the tower is to collect excess liquid weeping from the existing slurry lagoon, this liquid will be stored within the proposed slurry tower. In this way it is understood that there will be no increase in the amount of slurry stored at the site, rather that the proposed slurry tank is required to provide storage for excess slurry water. Such a tank is required for the farm to accord with the Nitrate Vulnerable Zone regulations.

### **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

CS34 Rural Areas

##### **South Gloucestershire Local Plan Adopted January 2006 Saved Policies**

E8 Farm Diversification

E9 Agricultural Development

L1 Landscape Protection

#### **2.3 Supplementary Planning Guidance**

South Gloucestershire Design Checklist SPD (Adopted) August 2007

Revised Landscape Character Assessment SPD (Adopted) November 2014

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

- |     |   |                              |            |
|-----|---|------------------------------|------------|
| 3.1 | P98/4437/PA<br>Erection of machinery store. | Prior Notification Permitted | 12/08/1998 |
| 3.2 | P94/1764<br>Erection of cattle shed.        | Approval Full Planning       | 05/07/1994 |

### **4. CONSULTATION RESPONSES**

4.1 Wick and Abson Parish Council  
No comment received.

4.2 Lead Local Flood Authority  
No objection.

4.3 Sustainable Transport  
No objection.

4.4 Highway Structures  
No comment.

4.5 Environmental Protection

Whilst I appreciate that this is a rural location and agricultural odours are already present, there is a risk of additional odours and problems with flies if the slurry tower is not managed appropriately. Many reports suggest siting the slurry storage a minimum distance of 200m from neighbouring properties. As this is to be sited less than 100m from the nearest residential property, management of the slurry store is even more important. The tower must be managed and operated in accordance with ADAS and DEFRA guidance. The officer then went onto request more information with regard to the management and operation of the tower.

#### **Other Representations**

4.6 Local Residents

The Local Planning Authority has received one letter from a member of the public regarding this proposal, this letter contained comments of objection, such comments are summarised below:

- The proposal is sited close to the commenter's property (Blackthorn Farm);
- Concerns regarding odour – the prevailing wind is from the south west from the tower to me;
- The commenter stated that he would have objection if the tower did not 'tower over' his property, and that the tower did not smell.

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

5.1 This application seeks planning permission for the erection of a slurry tower within the open countryside and the Green Belt.

- 5.2 Principle of Development  
Paragraph 89 of the NPPF sets out exceptions where the local planning authority should not regard new buildings as inappropriate. One of these exceptions is the construction of new buildings for agriculture and forestry.
- 5.3 Saved policy E9 of the adopted Local Plan permits proposals for the erection of agricultural buildings in principle subject to criteria relating to the availability of alternative buildings, access and manoeuvring, environmental effects, and residential amenity. Saved policy L1 of the adopted Local Plan and policies CS1 and CS9 of the adopted Core Strategy seek to protect the character and distinctiveness of the landscape and secure high quality design.
- 5.4 Subject to the considerations outlined above, the proposal is acceptable in principle, the remaining report will assess such considerations.
- 5.5 Green Belt  
The proposed development is considered to be appropriate development within the Green Belt under paragraph 89 of the NPPF, therefore. By definition, not harmful to openness.
- 5.6 Alternative Buildings  
From a site visit it was clear there were no other available slurry towers at the site. The submitted details do state that the requirement for the tower is a result of the farm being required to accord with Nitrate Vulnerable Zone regulations.
- 5.7 Landscape and Visual Amenity  
The slurry tower would be located amongst existing agricultural buildings and paraphernalia, in this way, the proposal is well-related to existing agricultural buildings, and by nature of this, an appropriate proposal for this location. It is noted that the slurry tower is rather exposed to views from the north west and west. However, with the context of the site in mind, this is not considered to be problematic or harmful to the character of the landscape due to the proposal being set within the existing surrounding agricultural units.
- 5.8 Residential Amenity and Environmental Effects  
The tower is located approximately 90-100 metres from the closest residential dwelling, and approximately 30-40 metres from a number of more industrial scale/barn-like buildings, as well as a horse menage.
- 5.9 The Council's Environmental Protection Team stated that the siting of the tower in relation to these buildings could be problematic due to odour, as many reports encourage slurry storage to be a minimum of 200 metres from neighbouring properties. The officer went onto state that because of this proximity, the management and operation of the tower must be in accordance with certain guidance from DEFRA and ADAS, the officer then requested further information with regard to the management of the tower.

- 5.10 Officers have little control over the management and operation of the slurry tower, this planning application is just to determine the siting of the proposal and its acceptability. The management and operation of the slurry tower is controlled and influenced by other guidance and legislation that is outside of planning legislation, and therefore outside of what can be considered under this planning application.
- 5.11 Additionally, officers note that there is an existing slurry lagoon immediately to the north of the proposed slurry tower. This lagoon is only approximately 7 metres further from the nearest residential dwelling than the proposed slurry tower. The proposal will create a small reception pit that will collect liquid from the existing lagoon, this liquid will be stored overwinter within the tower, and this will stop such water from simply running out onto the nearby fields. This is required for the farm to accord with the Nitrate Vulnerable Zone regulations. In this way, it is clear that the amount of slurry to be stored at the site will not increase, rather the proposed tower is to improve the environmental conditions at the site.
- 5.12 Overall, officers can understand the concerns regarding odour. However, from the information provided, it is clear that the level of slurry at the site will not increase, rather the slurry tank is necessary in order to allow the improved management of the existing slurry lagoon and to accord with regulations pertinent to slurry storage. Accordingly, officers consider that the odour resulting from this slurry tower will not materially change from the existing situation at the site. Additionally, the appropriate management and operation of the slurry tower is controlled by regulations outside of planning legislation, in this way, the future management of the site is outside of what should appropriately be controlled through this planning application. Nonetheless, should planning permission be granted, an informative note will be included on the decision notice with regard to DEFRA and ADAS guidance.
- 5.13 Comments have been received with regard to the size of the tower, and whether it would 'tower over' the nearby residential property. The proposal is positioned amongst a number of other agricultural buildings and is only 4.27 metres high (considerably smaller than the surrounding agricultural buildings). In addition to this, the tower will be located a considerable distance from the nearby property. Accordingly, in terms of physical presence, the proposal is considered to have an acceptable impact on the nearby residential dwelling.
- 5.14 Access and Manoeuvring  
The proposed slurry tower is located appropriately so that it can be accessed with relative ease. The proposal would not generate excess levels of traffic.

## **6. CONCLUSION**

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

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

## **7. RECOMMENDATION**

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

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

## **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. 45/15 – 6 NOVEMBER 2015

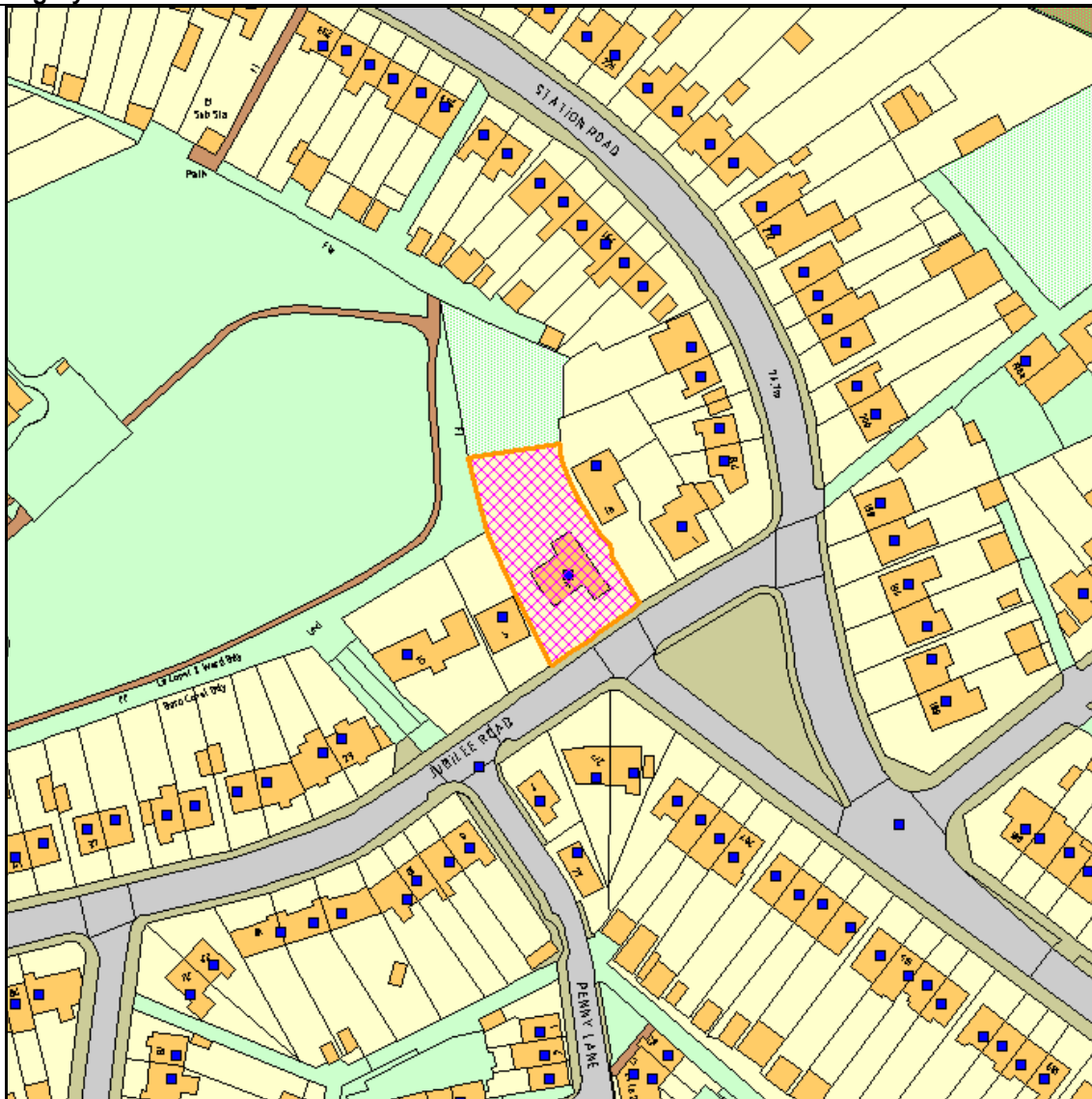
**App No.:** PK15/4021/F  
**Site:** 3 Jubilee Road Kingswood Bristol South Gloucestershire BS15 4XG  
**Proposal:** Demolition of an existing single storey rear extension to facilitate the erection of a single storey flat roof extension. Increase in the ridgeline together with the erection of a side and rear dormer window and the insertion of 1no. first floor rear window to cumulatively facilitate a loft conversion.

**Applicant:** Mr Slade  
**Date Reg:** 22nd September 2015

**Parish:** None

**Map Ref:** 365609 175495  
**Application Category:** Householder

**Ward:** Rodway  
**Target Date:** 12th November 2015



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

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

### **1. THE PROPOSAL**

- 1.1 This planning application seeks planning permission to raise the ridgeline of an existing bungalow and insert side and rear dormer windows along with a first floor rear window to cumulatively facilitate a loft conversion. In addition, planning permission is also sought to erect a single storey rear extension.
- 1.2 The application site is no. 3 Jubilee Road in Kingswood, which is part of the designated urban area of the Communities of the East Fringe of Bristol.
- 1.3 The existing dwelling is a modest bungalow, situated within a street scene with no distinct continuity or character.

### **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  
  
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 SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 None relevant.

### **4. CONSULTATION RESPONSES**

- 4.1 Parish/Town Council  
None.

#### 4.2 Sustainable Transport

No objection, subject to a condition that ensures at least 3 off-street parking spaces are provided. The officer also stated that the applicant should contact the Development Implementation team in order to obtain the necessary specifications to extend the dropped kerb – such details will be included as an informative note should planning permission be granted.

### **Other Representations**

#### 4.3 Local Residents

Two letters have been submitted to the Local Planning Authority with regard to this proposal, both of which have been neutral to this proposal, these comments are summarised below:

- The potential purpose of the property is unclear, the increase in bedrooms together with each dwelling having en-suite bathrooms means the property could be used as home in multiple occupation or sheltered housing;
- Homes in multiple occupation or sheltered housing could cause problems with neighbours; if the dwelling was used in this way the resident would object.

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

#### 5.1 Principle of Development

Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Meaning developments should demonstrate that they: enhance and respect the character, distinctiveness and amenity of the site and its context; have an appropriate density and well integrated layout connecting the development to wider transport networks; safeguard and enhance important existing features through incorporation into development; and contribute to strategic objectives.

5.2 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.

#### 5.3 Design and Visual amenity

The existing dwelling is located toward the end of Jubilee Road, where this highway meets Station Road. Jubilee Road has no distinct character due to the varied scale, form and position of dwellings fronting this highway. Indeed, the adjacent dwellings form no resemblance to the host dwelling, with the neighbouring dwelling to the north east being set back from the highway by quite a distance, and the adjacent dwelling to the west being two storey with front and rear dormers. By nature of the varied architectural design within the area, the extensive nature of the proposed works do not cause concerns with regard to the character of the area.



- 5.4 The proposed works include raising the ridge line by 0.65 metres; inserting side and rear dormer windows, and erecting a single storey rear extension. The increase in the height of the ridge line is considered to be acceptable in scale, and the proposed dormer windows are also appropriate. The proposed rear extension has a depth of a 3 metres with a flat roof which includes a roof lantern. This scale is judge to be acceptable, and the materials proposed are also congruent with the existing dwelling.
- 5.5 Overall, officers note that the proposal does include a number of extensions and alterations, all of which cumulatively enable the dwelling to retain its prominence as a bungalow due the proposal having an acceptable scale and design. .
- 5.6 Residential Amenity  
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier.
- 5.7 The physical scale and presence of the works will not detrimentally overbear on the adjacent dwellings due to the sizeable plot and also the appropriate scale of the proposed works. By nature of the appropriate scale of the proposed works, the dwelling will not result in a material loss of light to the nearby occupiers.
- 5.8 The rear elevation has a dormer window and single casement window proposed. These windows will not result in a material loss of privacy to the adjacent occupiers, there will be some indirect views into the rear garden of no. 5 Jubilee Road, however, such views will be minimal and not materially harmful.
- 5.9 The proposed side dormer window would have indirect views of the front elevation of no. 1a Jubilee Road. The proposed dormer is approximately 8 metres from a first floor bedroom window of no. 1a, due to the angle of these views between the two windows, the proposed dormer is not expected to result in a material loss of privacy to either future occupiers of the host dwelling, or occupiers of adjacent dwelling no. 1a.
- 5.10 Overall, the proposed works will not materially harm the residential amenity of the nearby residents.
- 5.11 Transport and Parking  
If approved the proposal will result in five bedrooms at the dwelling, to accord with the Council's minimum residential parking standard, the dwelling must have a minimum of three off-street car parking spaces within the residential curtilage of the dwelling. The proposed site layout plans demonstrates that at least three car parking spaces can be provided within the residential curtilage of the dwelling, should planning permission be grated, it is recommended that such a parking standard is conditioned.

#### 5.12 Other Matters

The submitted plans and information suggest the proposed works will be utilised as additional living accommodation. Comments have been received by the Council that question the future use of the dwelling, specifically suggesting that the dwelling may be used as house in multiple occupation (HMO). A HMO where less than six (unrelated) residents live would not require planning permission, this is considered to be permitted development. As this is considered to be permitted development, officers find it unreasonable to restrict this future use.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

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

Reason

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

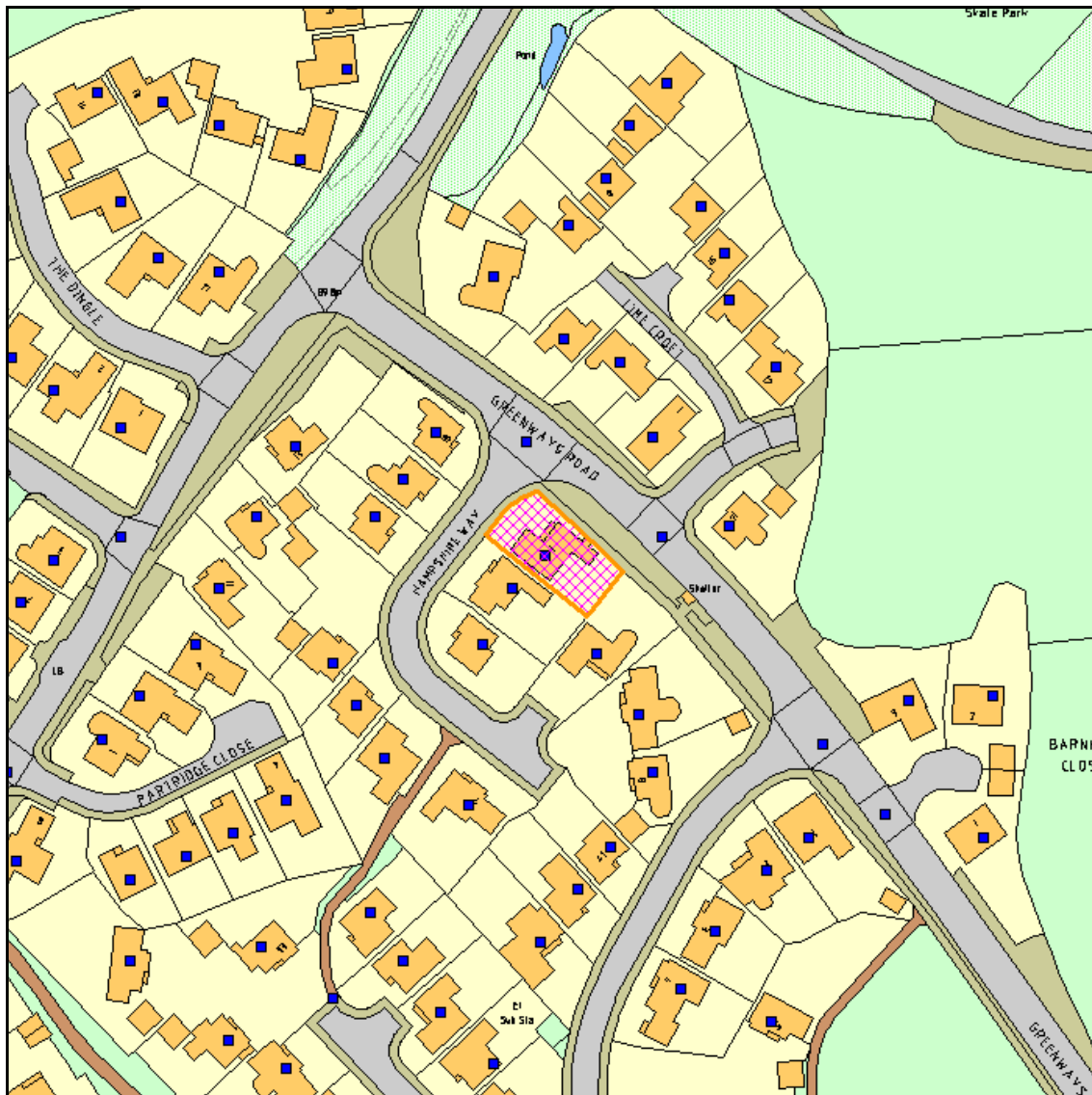
2. Prior to the first occupation of the hereby approved works, and at all times thereafter, three off-street parking spaces shall be provided within the residential curtilage of dwelling measuring at least 2.4 metres by 4.8 metres respectively.

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; and the minimum Residential Parking Standard SPD (Adopted) December 2013.

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PK15/4274/F	<b>Applicant:</b>	Mr Robert Washbourne
<b>Site:</b>	1 Hampshire Way Yate Bristol South Gloucestershire BS37 7RS	<b>Date Reg:</b>	2nd October 2015
<b>Proposal:</b>	Erection of two storey front extension and single storey rear extension to provide additional living accommodation	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371958 183721	<b>Ward:</b>	Yate North
<b>Application Category:</b>	Householder	<b>Target Date:</b>	24th November 2015



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

##### **4.1 Yate Town Council**

Objection, the Town Council originally had no objection to the proposal (comment submitted on the 07/10/2015), however, since this comment was submitted, a further comment has been received by the Local Planning Authority, this comment was in objection to the proposal and was received on the 29/10/2015. The Town Council objected on the following grounds:

- Loss of daylight;
- Loss of outlook;
- Overbearing impact;
- Highway safety issues;
- Design and visual appearance.

##### **4.2 Public Rights of Way**

No comment, the proposal is unlikely to affect the right of way footpath (LYA 77) that runs along the north east boundary of the property.

##### **4.3 Sustainable Transport**

No objection, the proposal does not increase the number of bedrooms at the dwelling, without the existing garage, there is still enough room on the driveway for two cars to park.

##### **4.4 Open Spaces Society**

No comment received.

#### **Other Representations**

##### **4.5 Local Residents**

Six letters have been submitted to the Local Planning Authority with regard to this planning application, each letter has been in objection to the proposal. The comments within these letters are summarised below:

- Character and Visual Amenity:
  - The host dwelling is in a prominent location;
  - The proposal would change the character of the cul-de-sac – the proposal differs radically from the existing area;
- Residential Amenity of no. 2 Hampshire Way:
  - Reduction in light available to no. 2 Hampshire Way, this will make the kitchen and the first floor much darker;
  - The proposal will impact the quality of life for residents of no. 2;
  - Overbearing and overpowering appearance;
- Car Parking and Highway Safety:
  - The proposal will convert the garage into living accommodation, this will result in the loss of two car parking spaces;
  - Hampshire Way has a parking problem the proposal will exacerbate this problem and result in illegal parking contrary to the Highway Code; the Road Vehicles (Construction and Use) Regulations 1986 and the Road Traffic Act 1988;

- Young children walk through the cul-de-sac.

## 5. ANALYSIS OF PROPOSAL

- 5.1 This application seeks planning permission for the erection of a first floor front extension, and a single storey rear extension to a detached two storey dwelling house within an urban area.
- 5.2 Principle of Development  
Policy CS1 'High Quality Design' of the South Gloucestershire Core Strategy (adopted December 2013) states development proposals will only be permitted if the highest possible standards of site planning and design are achieved. Paragraph 56 of the NPPF states that high quality design is seen as a 'key aspect of sustainable development...indivisible from good planning', this paragraph goes on to state that good design contributes positively to 'making places better for people'. Accordingly, the design of the proposed works must be analysed closely in terms of scale, layout and how they contribute to 'making places better for people'.
- 5.3 Saved Policy H4 of the South Gloucestershire Local Plan (adopted January 2006) is supportive in principle of development within the curtilage of existing dwellings. This support is provided proposals respect the existing design; do not prejudice residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation.
- 5.4 Character of the Area and Visual amenity  
The most prominent part of this proposal is the first floor front extension. In-keeping with the character of the area, and the existing dwelling, the proposed front extension will have a hipped roof. As well as this, the existing utilises a bow window and generally a similar fenestration detailing to the existing dwelling. The proposed front extension also sets the ridge line down from the existing dwelling's ridge line, this allows the extension to not dominate the existing dwelling.
- 5.5 The proposed rear extension will effectively just change the elevations and roof treatment of the existing conservatory. The proposed development involved replacing the majority of the glazing on the conservatory with solid brick elevations and matching tiles on the roof.
- 5.6 Overall, the proposed works are considered to have an acceptable design in terms of visual amenity that is largely congruent with the character of the area.
- 5.7 Residential Amenity  
Saved policy H4 of the adopted Local Plan aims to ensure that residential development within established residential curtilage does not prejudice the residential amenity of any neighbouring occupier. As well as this, one of the core planning principles in the NPPF (paragraph 7) states that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Accordingly, should the proposed works be found to have a detrimental impact on the residential amenity of the nearby occupiers, the proposal should not be supported by the Local Planning Authority.

- 5.8 The proposed rear extension is a rather modest proposal, that simply converts an existing conservatory to a more solid rear extension, this element of the proposal is acceptable in terms of residential amenity.
- 5.9 The existing dwelling has a single storey front extension in the form of a garage with an appropriately shallow hipped roof. There are no immediate dwellings to the north, but there is a detached dwelling immediately to the south west of the existing dwelling that should be carefully assessed with regard to residential amenity. This dwelling, no. 2 Hampshire Way, is set slightly further back within its plot than the host dwelling, by nature of this position the dwelling starts in line with the existing garage.
- 5.10 As a result of the scale and position of the proposed first floor front extension, the proposal must be assessed as to whether the proposal will result in an overbearing impact on the occupiers of no. 2 Hampshire Way. There is a gap of approximately 2 metres between the host dwelling (including the proposed extension) and the no. 2 Hampshire Way. The side elevation of no. 2 has a number of windows and a door, of these side elevation fenestration there is a double casement window to a kitchen, and also a clear glazed kitchen door. The levels of natural light that enter this kitchen are not optimal, however, due to the height of the existing front garage, and the form of its hipped roof, these windows and door allow the kitchen to be relatively well illuminated by natural light.
- 5.11 The kitchen of no. 2 has a modest size and is separated from the rear garden room by solid opaque double doors, effectively this kitchen is separate room from the garden room, meaning the only natural light that enters this room is from the double casement window and the clear glazed door on the side elevation of the dwelling.
- 5.12 If approved, the levels of natural light entering this kitchen window would be materially reduced as a result of the height of the proposal and its proximity to no. 2. This would mean the kitchen would suffer from poor levels of natural light. It is noted that the kitchen currently does not enjoy an excellent level of natural light due its fenestrations proximity to the side elevation of the host dwelling, however, there is currently adequate levels of natural light entering this kitchen as a result of the single storey nature of the front garage and its hipped roof.
- 5.13 The height and nature of the garage roof currently allows for a largely unobstructed zone to the north west within an angle of 25° above a horizontal line drawn two metres above ground level within the kitchen. If approved the proposal would not allow for this unobstructed zone, such an unobstructed zone is considered to be guidance as to whether a proposal will allow for satisfactory levels of natural light and outlook.

- 5.14 Officers understand that traditionally kitchens were not considered to be 'habitable' rooms that attract higher levels of protection with regard residential amenity. However, this view is no longer considered to be appropriate, as it is reasonable to consider a kitchen to be primary in nature, and of integral importance to the functioning and enjoyment of a dwellinghouse. Accordingly, should this proposal be allowed, there would be a significant and detrimental impact on the enjoyment and amenity of the occupiers of no. 2 Hampshire Way.
- 5.15 Overall, it is considered that the proposed first floor front extension would have materially harm the outlook from the kitchen of no. 2, and also the levels of natural light that enter this kitchen. Cumulatively, this results in a materially overbearing impact on the occupiers of no. 2, materially harming and prejudicing the residential amenity of the residents at this dwelling. In light of this, the proposal is considered to be contrary to saved policy H4, and also a core principle of the NPPF that requires planning to ensure a good standard of amenity for all existing and future occupants of land and buildings.
- 5.16 Transport and Parking  
Officers are aware that there are a number of objections with regard to alleged illegal parking within Hampshire Way, alleged illegal parking is controlled/prohibited under separate legislation to planning, therefore this planning application cannot seek to control such parking any further than ensuring the proposal accords with the relevant planning policy and guidance.
- 5.17 The host dwelling has four bedrooms, the proposal, if approved would not result in an increase of bedrooms at the dwelling. Officers note that the level of car parking at the property would be reduced if planning permission was granted as the existing front garage would be converted to additional living accommodation. However, to accord with the Council's adopted residential car parking standard the property would only need to provide two off-street car parking spaces within the residential curtilage of the dwelling – the application site affords this. Accordingly, as the proposal is in-keeping with the Council's minimum residential parking standard there are no highway safety or parking objections.
- 5.18 Similar Nearby Development  
The agent for the application has argued that a precedent has been set by the Local Planning Authority permitting a similar proposal at no. 1 Carmarthen Way which is a comparable dwelling positioned in a corner plot approximately 75 metres to the south east within the neighbouring cul-de-sac. This dwelling (no. 1 Carmarthen Way) was permitted under the same planning permission as the host dwelling, under planning ref. PK12/3073/F, a similar first floor front extension to this proposal was permitted to this dwelling. The agent has therefore questioned why the Local Planning Authority approved this extension, but is minded to refuse this application. Although officers note that both proposals are comparable, they are not identical. The application approved under PK12/3073/F also has an adjacent dwelling, however, this dwelling is set in a similar position to its neighbouring dwelling, additionally, this dwelling only has one side opening that is a door, this is due to the internal layout of the adjacent dwelling being different to that of no. 2 Hampshire Way.



Accordingly, in terms of residential amenity, this proposal and the planning approval (PK12/3073/F) are found by officers to be largely incomparable. As well as this, officers find it pertinent to state that each planning application is assessed on its own merits.

## **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 As reflected throughout this report, the proposed single store rear extension is considered to be acceptable, whereas the proposed first floor front extension has been established to be harmful to the residential amenity of the occupiers of no. 2 Hampshire Way.
- 6.3 Accordingly, the recommendation to **refuse** permission for the proposed first floor front extension; and to **approve** the single storey rear extension; 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 SPLIT DECISION**

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

### **CONDITIONS - Single Storey Rear Extension**

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

Reason

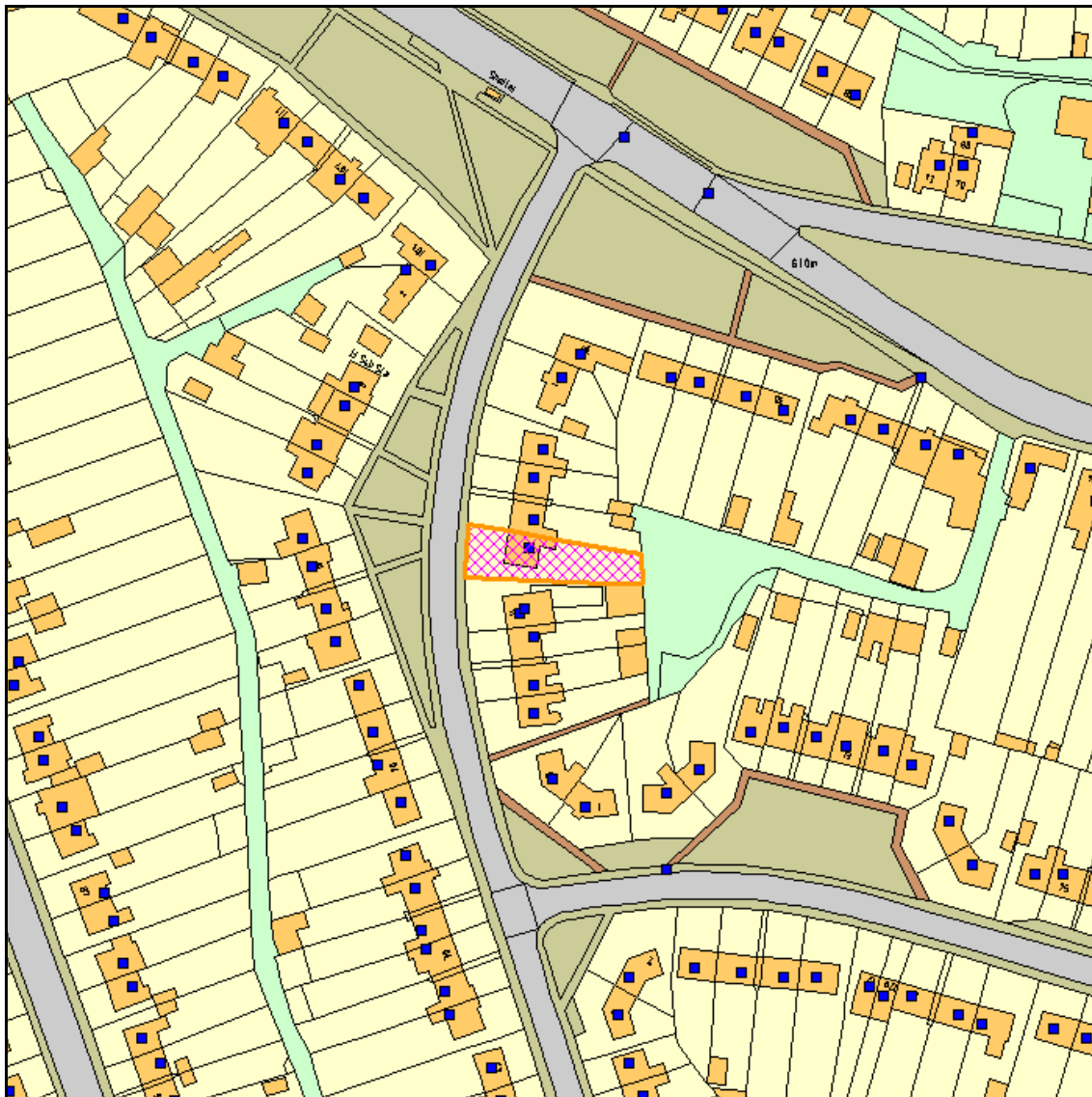
To comply with the requirements of Section 91 of the Town & Country Planning Act 1990 (as amended).

### **REFUSAL REASON – First Floor Front Extension**

1. The proposed first floor front extension by reason of its position, mass and height would have an overbearing effect on the occupiers of the adjoining property. Specifically, the proposal would significantly reduce the levels of natural light and the outlook of the kitchen of no. 2 Hampshire Way. Accordingly, the proposed first floor front extension would be to the detriment of residential amenity and would also be contrary to Policy CS1 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; saved Policy H4 of the South Gloucestershire Local Plan (Adopted) January 2006 and the National Planning Policy Framework.

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PK15/4320/CLP	<b>Applicant:</b>	Mr & Mrs Taylor
<b>Site:</b>	9 Long Road Mangotsfield Bristol South Gloucestershire BS16 9HG	<b>Date Reg:</b>	9th October 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a single storey lean to rear extension	<b>Parish:</b>	None
<b>Map Ref:</b>	366014 176416	<b>Ward:</b>	Rodway
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	2nd December 2015



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

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

### **1. THE PROPOSAL**

1.1 The applicant is seeking a formal decision as to whether the proposed erection of a single storey lean-to extension at 9 Long Road, Mangotsfield would be lawful development. 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) (England) Order 2015.

1.2 The application is 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 Permitted Development) (England) Order 2015 (GPDO)

The submission is not a full planning application, as such the Adopted Development Plan is not of relevance to the determination of this application; the decision rests on 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 the proposed development is lawful against the GPDO.

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

There is no relevant planning history at the site.

### **4. CONSULTATION RESPONSES**

#### **4.1 Rodway Council**

No objection

#### **4.2 Other Consultees**

None received

#### **Other Representations**

#### **4.3 Local Residents**

None received

## 5. ANALYSIS OF PROPOSAL

### 5.1 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 not consideration of planning merit, the application is based on the facts presented. This submission is not an 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.

5.2 The key issue in this instance is to determine whether the proposal falls within the permitted development rights afforded to the householders under Schedule 2, Part 1 Class A of the GPDO (2015).

5.3 The proposed development consists of a single storey extension to the rear of the property. This development would be within Schedule 2, Part 1 Class A of the GPDO (2015), which allows for the enlargement, improvement or other alterations of a dwellinghouse, provided it meets the criteria detailed below:

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

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) As 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 total area of the ground covered by the buildings (other than the original dwellinghouse) would be less than 50% of the total area of the property's curtilage.

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

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

- (d) 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 rear extension would not exceed the height of the eaves to the existing dwellinghouse.

- (e) **The enlarged part of the dwellinghouse would extend beyond a wall which—**
- (i) **forms the principal elevation of the original dwellinghouse;**
  - or**
  - (ii) **fronts a highway and forms a side elevation of the original dwellinghouse;**

The extension does not project beyond a wall which forms the principle elevation nor does it form a side elevation of the original dwellinghouse which fronts a highway.

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

The development does not extend beyond the rear wall of the original dwellinghouse by more than 3 metres nor does it exceed 4 metres in height.

- (g) **Until 30th May 2019, for a dwellinghouse not on article 2(3) 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;**

Not applicable.

- (h) **The enlarged part of the dwellinghouse would have more than a single storey and—**

- (i) **extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or**
- (ii) **be within 7 metres of any boundary of the curtilage the dwellinghouse opposite the rear wall of the dwellinghouse;**

The extension proposed is a single storey.

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

The extension would not be within 2 metres of the boundary, nor would they exceed 3 metres in height.

- (j) **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 a single storey, or**
  - (iii) **have a width greater than half the width of the original dwellinghouse;**

The proposal does not extend beyond the side elevation of the dwellinghouse.

- (k) **It would consist of or include—**
- (i) **the construction or provision of a verandah, 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 2(3) land, development is not permitted by Class A if—**

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

The application site does not fall on article 2(3) land.

**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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;**

The proposed plans indicate that the proposal will be finished with render, brick, windows and roof tiles to match existing. The proposed materials would therefore have a similar appearance to the materials in the host dwelling.

- (b) **any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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**

Not Applicable.

(c) **where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.**

Not Applicable.

## 6. **RECOMMENDATION**

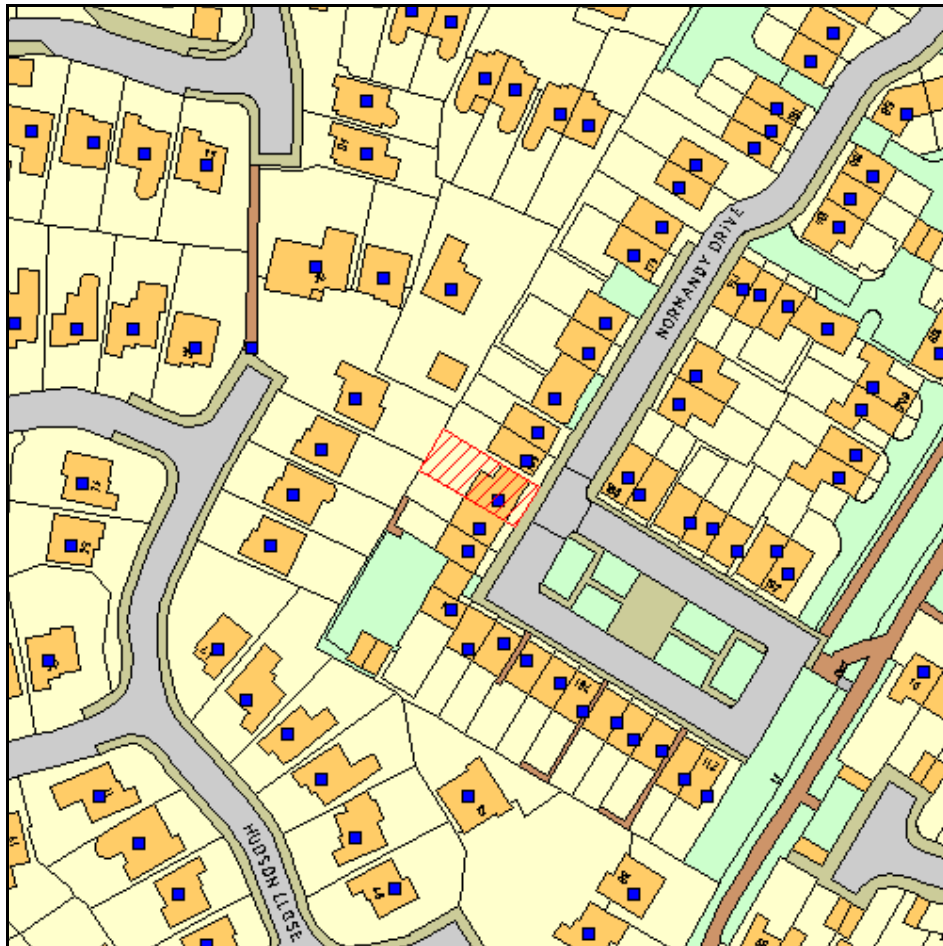
6.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Hanni Osman**  
**Tel. No. 01454 863787**

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PK15/4327/CLP	<b>Applicant:</b>	Mr And Mrs Gazzard
<b>Site:</b>	185 Normandy Drive Yate South Gloucestershire BS37 4FL	<b>Date Reg:</b>	7th October 2015
<b>Proposal:</b>	Application for a certificate of lawfulness for the proposed erection of a rear conservatory.	<b>Parish:</b>	Yate Town Council
<b>Map Ref:</b>	371842 181820	<b>Ward:</b>	Yate Central
<b>Application Category:</b>	Certificate of Lawfulness	<b>Target Date:</b>	27th November 2015



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

The 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 rear conservatory at 185 Normandy Drive, Yate would be lawful.
- 1.2 The 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 solely on the facts presented.
- 1.3 The application is for a proposed rear conservatory which will extend 3 metres beyond the rear elevation of the existing dwellinghouse, with a width of 2.75 metres and a maximum height of 2.7 metres (2.325 metres from ground level to eaves height).
- 1.4 After reviewing the property's planning history for the site, it is clear that the relevant householder permitted development rights are intact and are, therefore, exercisable.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

The submission is not a planning application 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.

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

- 3.1 PK10/2864/RVC                      Refusal    14/03/2011  
Variation of condition 2 attached to PK09/1388/F dated 27/09/2010 to allow the open market housing only to be constructed to Code for Sustainable Homes (CfSH) Level 2 instead of Level 3. The affordable housing units will remain at CfSH Level 3.
- 3.2 PK09/1388/F                              Approve with Conditions                              27/09/2010  
Proposed erection of 228 residential units and associated works.
- 3.3 P91/0103/10                              Withdrawn    01/04/1999  
Residential Development (Outline). (In accordance with amended plan received by the Council on 26 February 1992).

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

- 4.1 Yate Town Council  
Yate Town Council does not object.
- 4.2 Archaeological Officer  
No objection
- 4.3 Councillor Ruth Davis  
One letter with general comments summarised below:
- Difficult to comment without access to rear of property.
  - No objection unless topography causes overlooking of other properties.

#### **Other Representations**

- 4.4 Local Residents  
No comments received

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

- 5.1 Location Plan; Block Plan; Existing and Proposed Ground Floor Plan and Elevations– all received on 02/10/2015.

#### **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 an 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 in this instance 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 2015.
- 6.3 The proposed development consists of a conservatory to the rear of property. This development would fall within Schedule 2, Part 1, Class A, which 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 –**

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) As 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 total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

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

The height of the rear conservatory would not exceed the height of the highest part of the roof of the existing dwellinghouse.

- (d) 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 rear conservatory would not exceed the height of the eaves of the existing dwellinghouse.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse; or**  
**(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The rear conservatory does not extend beyond a wall which fronts a highway or the principal elevation of the original dwellinghouse.

- (f) Subject to paragraph (g), 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 application relates to a semi-detached dwellinghouse. The proposed conservatory would extend 3 metres beyond the rear wall of the original

dwellinghouse and have a maximum height of 2.7 metres. The proposed development, therefore, meets these criteria.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) 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;**

Not applicable.

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

The rear conservatory would be single storey.

- (i) 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 rear conservatory would be within 2 metres of the boundary. However, the eaves would not exceed 3 metres in height.

- (j) 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 a single storey, or**
  - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal does not extend beyond the side elevation of the original dwellinghouse.

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

The development would not include any of the above.

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

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

The application site does not fall on article 2(3) land.

**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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The proposal is for a rear conservatory.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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

Not applicable.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

## **7. RECOMMENDATION**

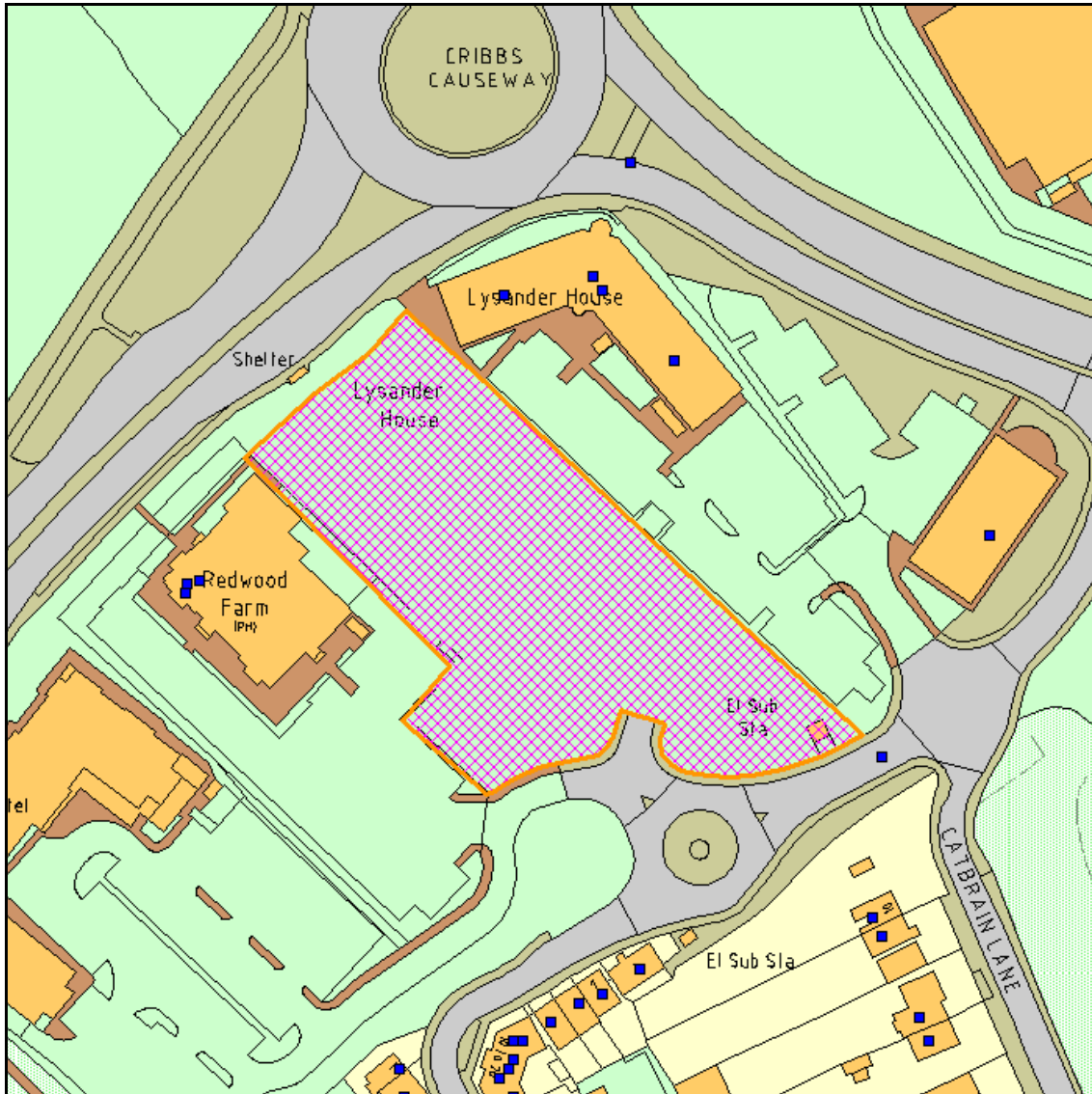
- 7.1 That a certificate of Lawfulness for Proposed Development is **granted** for the following reason:

Evidence has been provided to demonstrate that the proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of the Town and Country Planning General Permitted Development Order 2015.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 868388**

## CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015

<b>App No.:</b>	PT15/3336/F	<b>Applicant:</b>	The Orders Of Saint John Care Trust and Wixams First Limited
<b>Site:</b>	Land At Catbrain Lane Almondsbury South Gloucestershire BS10 7TQ	<b>Date Reg:</b>	5th August 2015
<b>Proposal:</b>	Erection of 72no. bed dementia Care Home (Use Class C2) with parking, landscaping and associated works.	<b>Parish:</b>	Almondsbury Parish Council
<b>Map Ref:</b>	357564 180576	<b>Ward:</b>	Patchway
<b>Application Category:</b>	Major	<b>Target Date:</b>	2nd November 2015



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 100023410, 2008. **N.T.S.** **PT15/3336/F**

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

This report appears on the Circulated Schedule as there is an objection contrary to the officer recommendation.

### **1. THE PROPOSAL**

- 1.1 The site consists of an empty plot of land situated between the Redwood Farm Pub and Restaurant and Lysander House Offices. The site is located immediately to the Southeast of Cribbs Causeway. Access to the site is from Catbrian Lane, off the small roundabout also providing access to the Premier Inn Hotel and New Charlton Way.
- 1.2 The proposed development would provide a 72 bed C2 residential care home with specialist care facilities for people suffering with dementia. The development would include 28 parking spaces (including four spaces for disable drivers) and 12 cycle parking spaces. The development would generate a requirement for 40 full time staff and 30 part time staff. Given the nature of the proposal, staff would be present at the site over a 24 hour period, and not necessarily present at the site at the same time.
- 1.3 The proposed building is arranged in two linked blocks of two and three storey respectively with the three storey element located in the Northwest half of the site.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance

- 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
- CS23 Community Infrastructure and Cultural Activity
- CS25 Communities of the North Fringe of Bristol
- CS26 Cribbs/Patchway New Neighbourhood

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

- L1 Landscape Protection and Enhancement
- EP4 Noise Sensitive Development
- E3 Employment Development within the Urban Area
- T8 Parking Standards
- T12 Transportation for New Development



- 2.3 Supplementary Planning Guidance  
Cribbs/Patchway New Neighbourhood Development Framework SPD (March 2014)  
Design Checklist SPD (August 2007)  
Waste Collection Guidance for New Development SPD (January 2015)

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

- 3.1 PT07/3188/F          Erection of 7 no. 2 and 3 storey office buildings with car parking, cycle storage, bin storage and associated works. Construction of new pedestrian access.

Approved      8<sup>th</sup> August 2008

*This development has not been implemented and the consent is now expired*

### **4. CONSULTATION RESPONSES**

- 4.1 Almondsbury Parish Council  
Object raising concern about additional traffic, pollution for residents, a lack of pedestrian access to the site and parking issues for visitors and staff.

- 4.2 Urban Design Officer (Major Sites Team)  
No Objection in principle.

- 4.3 Highway Authority  
No Objection in principle. The development provides sufficient off street parking and turning facilities to accommodate staff and visitors and necessary servicing of the site. The Highway Authority is satisfied that the site is accessible on foot, but that dropped kerbs should be provided across the junction to the site. Cycle parking will require some adjustment. These issues can be address by way of planning condition.

It is also noted that the site history shows that the site has previously benefitted from planning permission for an office development. The Highway Authority acknowledge this and set out that the use now proposed would generate less vehicular movements and previous consents.

- 4.4 Landscape Architect  
No Objection in principle subject to the provision of further planting specification and schedule for the agreement of the Local Planning Authority; and confirmation of the exact position of the acoustic fence and associated screen planting. This information can be secured by way of planning condition.

- 4.5 Archaeologist  
No Objection in principle subject to a condition securing the requirement of an archaeological desk-based assessment and the creation of a mitigation strategy for further archaeological fieldwork if required.

4.6 Ecologist  
No Objection in principle subject to the imposition of a condition requiring a destructive survey and mitigation method statement in respect of the potential for reptiles to be present on the site.

4.7 Environmental Protection Officer  
No Objection in principle.

*Noise.* The proposed acoustic fencing is sufficient to protect against noise in the external areas of the site.

*Air Quality.* The impact of the proposed development would be negligible in air quality terms. Spp The construction phase of the development should proceed in accordance with the best practice dust management measures as identified in the submitted Air Quality Report.

4.8 Arts and Development  
Suggests that for major new development a contribution for public art may be required that is relevant and specific to the development and/or locality and commensurate with its size and/or importance.

4.9 Crime Prevention Officer (Avon and Somerset Police Constabulary)  
No Objection

4.10 Wales and West Utilities  
No Objection in principle. The company has equipment located in the locality and require that the developer makes contact with them regarding the development during its construction phase.

*An informative to this effect can be added to the Decision Notice should the proposal be approved.*

### **Other Representations**

4.11 Local Residents  
No comments have been received

## **5. ANALYSIS OF PROPOSAL**

5.1 The proposed development consists of the construction of a 72 bed residential care home (C2) specialising in dementia care. The site is located within the North Fringe Urban Area, and in particular is within the Cribbs/Patchway New Neighbourhood as allocated under Policy CS26 of the South Gloucestershire Local Plan; Core Strategy (Adopted) December 2013.

5.2 Principle of Development  
Paragraph 14 of the National Planning Policy Framework (NPPF) makes a general presumption in favour of sustainable development. In particular (in respect of decision making) Paragraph 14 of the NPPF makes it clear that where development plans are absent, silent or relevant policies are out of date, the Local Planning Authority should grant planning permission unless;

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole; or,
  - specific policies in the NPPF indicate development should be restricted.
- 5.3 The recent planning appeal decision (APP/P0119/1/14/2220291) approved the development of 106 dwellings in Charfield. The outcome of that appeal is such that it has been found that South Gloucestershire Council can no longer demonstrate that it has a five year supply of deliverable housing. Accordingly, in considering this application weight should be given to Paragraph 49 of the NPPF which sets out that;
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 5.4 C2 type residential development is a use that counts towards the 5 year housing land supply. On this basis, it is considered that the failure by South Gloucestershire Council to demonstrate a five-year supply of deliverable housing land means that policies CS5 and CS15 are now out of date. The assessment of this application therefore falls to the requirements of paragraph 14 of the National Planning Policy Framework and as such, the proposed development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposal; which are the provision of new housing towards the five-year supply of deliverable housing land. The impacts of the development are considered below.
- 5.5 Location of the Development  
The site is within an area marked under policy CS12 of the South Gloucestershire Local Plan, Core Strategy as being an 'Interim Safeguarded Area' for economic development. Nonetheless, the site is also within the Cribbs/Patchway New Neighbourhood (CPNN) allocation under policy CS26 of the South Gloucestershire Local Plan, Core Strategy. In relation to 'interim safeguarded' sites, Policy CS12 indicates that any future use would be controlled either through the CPNN SPD or concept statement process. This particular site is not identified in the CPNN as an area for economic development; which is generally focussed to the East of the CPNN allocation.
- 5.6 Given that the site is not identified for employment associated with the CPNN and given that there is little prospect of the site coming forward for economic development over an interim period, officers are satisfied that the development of the site for C2 residential care would not undermine the scope of Policy CS12 (interim safeguarding). Officers are also satisfied that the development of the site for C2 residential care would not conflict with the aims or employment objectives of policy CS26 in bringing forward

employment/economic development in the CPNN. Officers conclude that the proposed development would broadly accord with the objectives of Policy CS26 to diversify uses in this area.

5.7 Design, Layout and Local Character

The site is currently an empty plot, devoid of any landscape features and located amongst relatively recent office, hotel, leisure and housing development. The area is dominated by the Hotel (to the Southwest of the site) and the dual carriageway (Cribbs Causeway) passing to the Northwest of the site. The general character of the area is sub-urban in nature.

5.8 *Layout and Appearance of the Building*

The development would provide for C2 residential care. The care is in relation to people suffering from dementia and is a very specialist type of accommodation. The design of the building is such that it responds to the specialist needs and functional requirements of this type of care; whilst also responding to the relatively constrained characteristics of the site.

5.9 The building is arranged in two distinct sections linked centrally at ground and first floor level. The Southwest section of the building contains two floors whilst the Northeast section contains three floors. The building is generally comprised of specific 'households' of either 8 or 16 beds and the applicant sets out that this represents effective management of care. Each 'household' has access to the central 'street' which provides special environments to stimulate memories and recreational activities including a shop, cinema and a hairdressers. The restaurant and communal spaces are also access from the central space.

5.10 The layout of the building also responds to the relatively narrow proportion of the site and its location between Catbrain Lane and Cribbs Causeway. The shape the building responds to the requirement to minimise internal noise levels and provide adequate outdoor specialist amenity space for the residents under care, and general parking and servicing facilities. Nonetheless, officers are satisfied that the materials to be used in the construction of the building are of good quality. The orientation of the building would facilitate a good building performance in sustainability terms. The private external spaces are generally acceptable and would provide specialist activities that the applicant sets out are very relevant for this type of residential care.

5.11 In general terms, the site is considered to be well connected via public transport networks being close to main arterial public transport routes. It is also close to services and general housing. The comments made by the Parish Council are noted in respect of pedestrian access are noted. However, in respect of the general servicing of the site by staff, pedestrian access to nearby transport nodes and housing are readily available.

5.12 The proposed development is expected to achieve 'Life Time Homes', 'Building for Life' and 'secure by Design' standards as well as specific design standards for elderly persons (HAPPI) and disabled requirements (SELHP) and Dementia Services Development Centre Design Guide, gold standard.

5.13 *Landscape Impact*

The proposed development would provide specific private gardens and outdoor recreational facilities in favour of care and therapy of the residents of the development. Officers are satisfied that the appearance of the garden areas is acceptable in landscape terms. Further planting and landscaping would be provided in the car parking areas associated with the development and areas that would be generally visible from the public realm. Officers are satisfied that the proposed approach is acceptable in principle.

5.14 In general terms, the aims of South Gloucestershire are to provide positive environmental improvements to the main routes towards Bristol within South Gloucestershire. Clearly, Cribbs Causeway is a major route. In this instance it is desirable to introduce high quality development in this locality where it addresses a frontage with the movement corridor. The appearance of this site from Cribbs Causeway is key in addressing this objective. Officers are satisfied that the appearance of the building from the surrounding area including Cribbs Causeway is acceptable. However, in order to address noise levels for the external circulation space associated with the development, there is a requirement to provide an acoustic fence at the back edge of the highway land (some three to five metres from the main highway and approximately 1 metre lower). In order to ensure that the introduction of the fence does not appear unsightly, appropriate landscaping should be introduced to mitigate its impact. The layout of the site is such that it is proposed to introduce substantial tree planting along the frontage of the site with Cribbs Causeway. Officers consider that this would make a positive contribution to the character of the movement corridor in principle.

5.15 Notwithstanding the above, there remains some concern over the proposed plant specimens particularly in the area of the site against the Cribbs Causeway movement corridor. On this basis, any approval of this development would be subject to a condition requiring a specific planting schedule for agreement prior to the occupation of the development.

5.16 Having regards to the above, officers are satisfied that the proposed development represents high quality design consistent with Policy CS1 of the South Gloucestershire Local Plan. Subject to the above condition, the development is acceptable in design terms and would act to enhance the general character of the site and the surrounding locality.

5.17 Residential Amenity

The development is sited a substantial distance from the nearest residential property such that the development would not result in a material impact in terms of the privacy and residential amenity of the dwellings associated with New Charlton Way and Catbrain Lane. It is noted that the adjacent public house includes residential flat accommodation. However, the proposed development would not overlook primary windows associated with the adjacent residential accommodation in the flats and is considered to be acceptable in that regard.

- 5.18 As set out above, the design of the care home is such that it would meet specific standards for care of elderly people suffering from dementia in particular Dementia Services Development Centre Design Guide, gold standard. The Landscape Officer has provided comments in respect of the standard of the layout of external areas in relation to the needs and management of the residents. Whilst these comments are noted, this issue is one which the operator of the site is responsible for. Given that the applicant has indicated that specific standards care are expected to be achieved as part of the development, the layout of the gardens is considered acceptable. On this basis, it is considered that the development is acceptable in respect of the amenity of its future occupants.
- 5.19 Ecological Considerations  
It is generally acknowledged that the site is of limited ecological value. However, there is potential for reptiles to be present on the site. Accordingly the applicant has provided a Reptile Mitigation Strategy which sets out the process for surveying the site prior to the commencement of the development and, in the event that reptiles are discovered, provides the method for translocation. This is considered acceptable and can be secured by condition in the event that this application is approved.
- 5.20 Archaeological Considerations  
The site is located within an area with potential for archaeological remains to be present. Whilst there is no objection to the proposed development in this regard, it is necessary to provide a survey of the site for potential archaeology and for necessary watching brief during the construction of the development. This can be specifically controlled by way of condition in the event that this application is approved.
- 5.21 Public Art  
The proposed development is classed as a major development and is residential in nature. As such consideration for a contribution for public art related to the development should be considered.
- 5.22 Policy CS23 sets out that major residential development and schemes that will attract a large number of users will be required to demonstrate the method for contributing towards the South Gloucestershire Cultural, Heritage and Arts Strategy through the provision of additional, extended or enhanced or enhanced facilities and access to/or facilitation of art and cultural activities for the new residents.
- 5.23 It is acknowledged that the development would provide 72 bed spaces for dementia care and this will also involve associated staff and visitors. The nature of the use of the development is very different from open market housing. Indeed, the development would not attract large numbers of users and the operation of the development would be private with very limited public interface. The nature of the residents is such that very specialist care will be required. Cultural activities relevant to the specific needs of the residents is to be provided by the provider of the care the residents receive (the operator of the site).

External areas and internal areas will be provided with specific activities in this regard and it is considered that the introduction of art onto the development is appropriately for the operator of the development to implement. Any art/activities associated with the development are not likely to benefit the general public given the nature of the development.

5.24 On this basis, officers consider that a requirement for a contribution towards public art as part of this development would be contrary to the provisions of CIL Regulations 2010, and such a contribution is not appropriate.

5.25 Highway Safety and Amenity

Officers are satisfied that the development will provide adequate parking to serve staff and visitors to the development and adequate turning for large service vehicles and general servicing of the development on a day to day basis. Officers are also satisfied that the surrounding highway network adequately caters for the development, and that the site is accessible on foot and public transport. A condition securing this layout and parking can be applied in the event that this application is approved.

5.26 Comments made by the Highway Authority in respect of cycle parking and dropped kerbing at the access to the site are noted. In this instance, officers have secured revisions to the layout of cycle parking such that the facilities would be fully workable and accessible to staff and visitors to the site. A dropped kerb is already present at the access of the site and this has been installed some time ago as part of other development. On this basis, there are no requirements for conditions to secure these measures should this application be approved.

5.27 The development proposal includes a travel plan. Officers are satisfied that the travel plan will achieve positive sustainable methods for travelling to the site and on this basis is acceptable. In the event that this application is approved, a suitably worded condition securing the implementation of the travel plan can be imposed.

5.28 Concluding Analysis

As set out earlier in this report, Policy CS5 of the South Gloucestershire Local Plan, Core Strategy is out of date for the purposes of residential development as a result of the failure by South Gloucestershire Council to provide a five year supply of deliverable housing land. On this basis, paragraph 14 of the National Planning Policy Framework is relevant and requires that planning permission should be approved unless there are adverse impacts which significantly and demonstrably outweigh the benefits of the development.

5.29 In this instance, officers are satisfied that, subject to the conditions set out in the main body of this report that the development is acceptable in all respects. Accordingly, in accordance with paragraph 14 of the National Planning Policy Framework, the planning application should be approved.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

- 7.1 That Planning Permission is approved subject to the following conditions;

**Contact Officer: Simon Penketh**  
**Tel. No. 01454 863433**

### **CONDITIONS**

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

Reason

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

2. The on-site parking facilities (for all vehicles, including cycles); and the on-site manoeuvring and turning facilities shown on the drawing M9059 APL003 C (as received by the Local Planning Authority on 4th November 2015) 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; and the South Gloucestershire Residential Parking Standards SPD (Adopted) December 2013.

3. The development shall be operated in accordance with the requirements and recommendations of the Travel Plan prepared by I-Transport as received by the Local Planning Authority on 3rd August 2015.

Reason

To encourage means of transportation other than the private car, to accord with Policy CS8 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013.



4. Notwithstanding the submitted details, prior to the first occupation of development, a scheme of landscaping showing the proposed planting shall be submitted to the Local Planning Authority for approval in writing. For the avoidance of doubt the details shall include a full planting schedule and planting specification. The agreed planting shall be implemented no later than the first available planting season following the first occupation of the development hereby approved. Any planting which dies, becomes diseased or is otherwise removed in the first five years following its implementation shall be replaced on a like for like basis in the same or next available planting season. Thereafter the development shall be carried out in accordance with the agreed details.

Reason

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

5. Notwithstanding the submitted details, prior to the first occupation of the development hereby approved, details demonstrating the exact position, height and necessary screen planting related to the acoustic protection fence along the Northwest boundary of the site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the acoustic fence shall be implemented in accordance with the agreed details and shall be retained as such.

Reason

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

6. The development hereby approved shall be implemented in accordance with the recommendations and mitigation strategy as set out in the Reptile Mitigation Strategy by B J Collins as received by the Local Planning Authority on 2nd November 2015.

Reason

To ensure the works are carried out in an appropriate manner and in the interests of potential ecology (reptiles) which may be present on the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.

7. Prior to the commencement the development, including any exempt infrastructure works, geotechnical works or remediation works, the results of an archaeological desk-based assessment and a detailed mitigation strategy, including a timetable for the implementation of the mitigation strategy, must be submitted to and approved by the local planning authority. Thereafter the approved programme and mitigation measures identified shall be implemented in all respects.

Reason

In the interest of archaeological investigation or recording, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. These measures and information are required prior to the commencement of the development as any works carried out without further investigation will result in the loss of potential archaeology present and opportunity for appropriate recording.

8. The development hereby approved shall be implemented in accordance with the recommendations set out in section 6.1 of the submitted Air Quality Assessment as received by the Local Planning Authority on 26th October 2015

Reason

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

9. The hours of working on site during the period of construction shall be restricted to 07:30 to 18:00 on Monday to Friday inclusive and 07:30 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

In the interests of visual amenity and to protect the amenity enjoyed by those living in the locality to accord with the provisions of the National Planning Policy Framework.

10. The development hereby approved shall be implemented strictly in accordance with the following plans;

M9059 APL001  
M9059 APL002 Revision A  
M9059 APL005 Revision A  
M9059 APL006 Revision A  
M9059 APL007 Revision A  
M9059 APL008 Revision A  
M9059 APL009 Revision A  
M9059 APL010 Revision A  
M9059 APL011 Revision A  
M9059 APL012 Revision A  
M9059 APL013 Revision A  
M9059 APL017 Revision A

as received by the Local Planning Authority on 3rd August 2015.

M9059 APL003 Revision C (excluding soft landscaping and planting)

as received by the Local Planning Authority on 4th November 2015

Reason;

For the avoidance of doubt.

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PT15/4052/F	<b>Applicant:</b>	Mr And Mrs K Willies
<b>Site:</b>	15 Colston Close Winterbourne Down Bristol South Gloucestershire BS36 1EW	<b>Date Reg:</b>	18th September 2015
<b>Proposal:</b>	Erection of single storey side and rear extension to provide additional living accommodation	<b>Parish:</b>	Winterbourne Parish Council
<b>Map Ref:</b>	365163 179798	<b>Ward:</b>	Winterbourne
<b>Application Category:</b>	Householder	<b>Target Date:</b>	12th November 2015



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 100023410, 2008. N.T.S. PT15/4052/F

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

This application appears on the Circulated Schedule following objections from a local resident.

### **1. THE PROPOSAL**

- 1.1 The applicant seeks full planning permission for the erection of a single storey side and rear extension.
- 1.2 The application site relates to a two-storey end of terrace property situated within the settlement boundary 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
CS4a	Sustainable Development
CS5	Location of Development
CS8	Improving Accessibility
CS9	Environmental Resources and Built Heritage

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

H4	Development within Existing Residential Curtilages, Including Extensions and New Dwellings
L1	Landscape Protection and Enhancement

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

- 3.1 None relevant

### **4. CONSULTATION RESPONSES**

- 4.1 Winterbourne Parish Council  
No objection

- 4.2 Other Consultees

Archaeologist  
No comment

#### Tree Officer

There are no objections to this application however there is a Magnolia tree growing within the rear garden and trees subject to a Tree Preservation Order growing along the rear boundary. The trees are at a sufficient distance to the proposal that they ought not to be affected by the development.

In order to ensure that there is no access to the rear garden and to prevent the possibility of any accidental damage to the trees a Tree Protection Plan will be required showing the fencing line and this could be conditioned.

### **Other Representations**

#### 4.3 Local Residents

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

- I was not allowed to extend within a certain number of metres of the protected trees as there is insufficient water course for them
- Why is this extension that extends beyond mine and closer to the trees allowed?
- One of the trees will be removed but what about the other one and will this have any effect on the Pine trees to the side of my property?

## 5. **ANALYSIS OF PROPOSAL**

### 5.1 Principle of Development

The application stands to be assessed against the above listed policies and all material consideration. Policy CS1 is used to assess the overall design of development which is required to be of a good standard, to complement the host property and be in keeping with the character of the area in general. Saved Policy H4 is also relevant here to ensure any development does not have a negative impact on the existing occupants or its closest neighbours. Saved Policy L1 is used to assess proposals in terms of their effect on trees and landscape and to safeguard these assets.

It is considered that the proposal accords with policy and this is discussed in more detail below.

### 5.2 Design and Visual Amenity

The application site is situated within a quiet cul-de-sac in Winterbourne. The property is an end of terrace and benefits from a rear garden which splays out to the southwest. Closest neighbours to the northwest are at ninety degrees to the application site and their respective attached garages are in between the houses, set at an approximately 45 degree angle.

5.3 The proposal would be to demolish an existing small side/rear addition and replace this with an extension stretching across the entire width of the structure and then wrapping around to the side. The structure would achieve a height of 2 metres to eaves and 3.4 metres to its ridge. It would extend out from the rear of the dwelling by approximately 3.3 metres and out from the side by approximately 2.3 metres. Openings would be in all three sides of the structure and would include rooflights to bring additional light into the extension. Materials used in its construction would be to match the host property.

5.4 In terms of its design, scale and massing the proposed rear and side extension is considered an acceptable form of development that is both appropriate to the existing dwellinghouse and the area in general.

It is therefore considered that the proposal accords with policy requirements and can be recommended for approval.

5.5 Residential Amenity

As mentioned above the application site holds an end of terrace position with closest neighbours to the northwest being at an angle away from the property. This property has a small window and door at ground floor level which it is thought leads to a utility room. Given the ninety degree angle and the pair of attached garages in between the properties it is considered that there would be no adverse impact on this neighbour resulting from the development. Closest neighbours to the east are at No.13 and this property benefits from a single storey rear extension that extends out by approximately 2 metres. It is acknowledged that the proposed rear addition to No. 15 would be slightly larger, extending out by an additional 1.3 metres, but given the orientation of the buildings and the single storey nature of the development with no openings in its east side it is considered there would be no issues of overlooking or inter-visibility resulting from the development. The proposal therefore accords with policy and on this basis can be supported.

5.6 Tree Assessment

As mentioned above the application site has a larger than average garden for these modest properties, in which there are planted a number of trees. It is proposed to fell one tree of the eucalyptus genus. This tree is not a native species and was planted by the owners some 20 years ago. It has now become too large for the garden and given its height and the orientation of the property, the tree tends to affect the amount of light entering the existing house and is also leaning at an angle. It is not covered by a Tree Preservation Order and the site does not sit within a conservation area. If the tree was to remain it would also be quite close to the proposed extension. The decision has been made to fell this tree and Officers have no objection to the proposal. Other works include the pruning of a Magnolia Tree within the garden. Again this tree is not covered by a Tree Preservation Order and as such there are no objections to the proposed works.

5.7 A neighbour has pointed out the proximity of trees covered by Tree Preservation Orders in the gardens of houses to the southwest. These trees run along the boundary between the application site and its neighbours in Prospect Close. Officers have assessed the proposed single storey rear extension and plans estimate this would be approximately 10 metres from the closest tree in Prospect Close. It is considered that provided the integrity of the root protection of these trees is maintained, the trees would not suffer adversely from the proposed development. Given the distance between the trees and the type of small development proposed, these measures can be satisfactorily covered under a condition.

5.8 Other matters

The neighbour at No. 13 Colston Close has referred to his own planning application being restricted due to the proximity of the TPO'd trees along the rear boundary of gardens in Prospect Close. Officers can find no record of any such planning application (or any other correspondence with this neighbour) and must assume that the structure has been built under permitted

development rights afforded to these properties. It must be noted however that permitted development regulations do not give recommended distances between buildings and trees. Plans indicate that the closest tree to No. 13 is over 24 metres away and it would seem unlikely that there would have been restrictions to a single storey addition to the rear of this property due to the proximity of these trees.

- 5.9 With regard to any impact on the small Pine trees belonging to the neighbour, a condition is to be attached to the decision notice requiring a Tree Protection Plan (TPP) which would consider all trees both on site and adjacent to the site. A Root Protection Area (RPA) of a tree is determined by British Standards BS5837:2012 as being an area with a radial spread equal to 12 times the diameter of the stem (in cms) when measured at 1.5metres above ground level. The TPP will indicate the extent of the RPA and the position of protective fencing. If any other measures, such as ground protection, are necessary this will also be indicated on the plan. It is considered that these measures would be sufficient protection for trees in the vicinity.

## **6. CONCLUSION**

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

## **7. RECOMMENDATION**

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

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

## **CONDITIONS**

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

Reason

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

2. The hours of working on site during the period of construction shall be restricted to 7:30 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 H4 of the South Gloucestershire Local Plan (Adopted) January 2006; Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013 and the provisions of the National Planning Policy Framework.

3. Prior to the commencement of development full details in the form of a Tree Protection Plan (TPP) is to be submitted to and approved in writing by the LPA. The plan must consider all trees both on site and adjacent to the site that may be affected by the proposal. The Root Protection Area (RPA) of a tree is determined in BS5837:2012 as an area with a radial spread equal to 12 times the diameter of the stem (in cms) when measured at 1.5metres above ground level. The TPP should indicate the extent of the RPA and the position of any protective fencing. If any other measures, such as ground protection, are necessary these should also be indicated on the plan. Development is to proceed according to the approved plan.

Reason

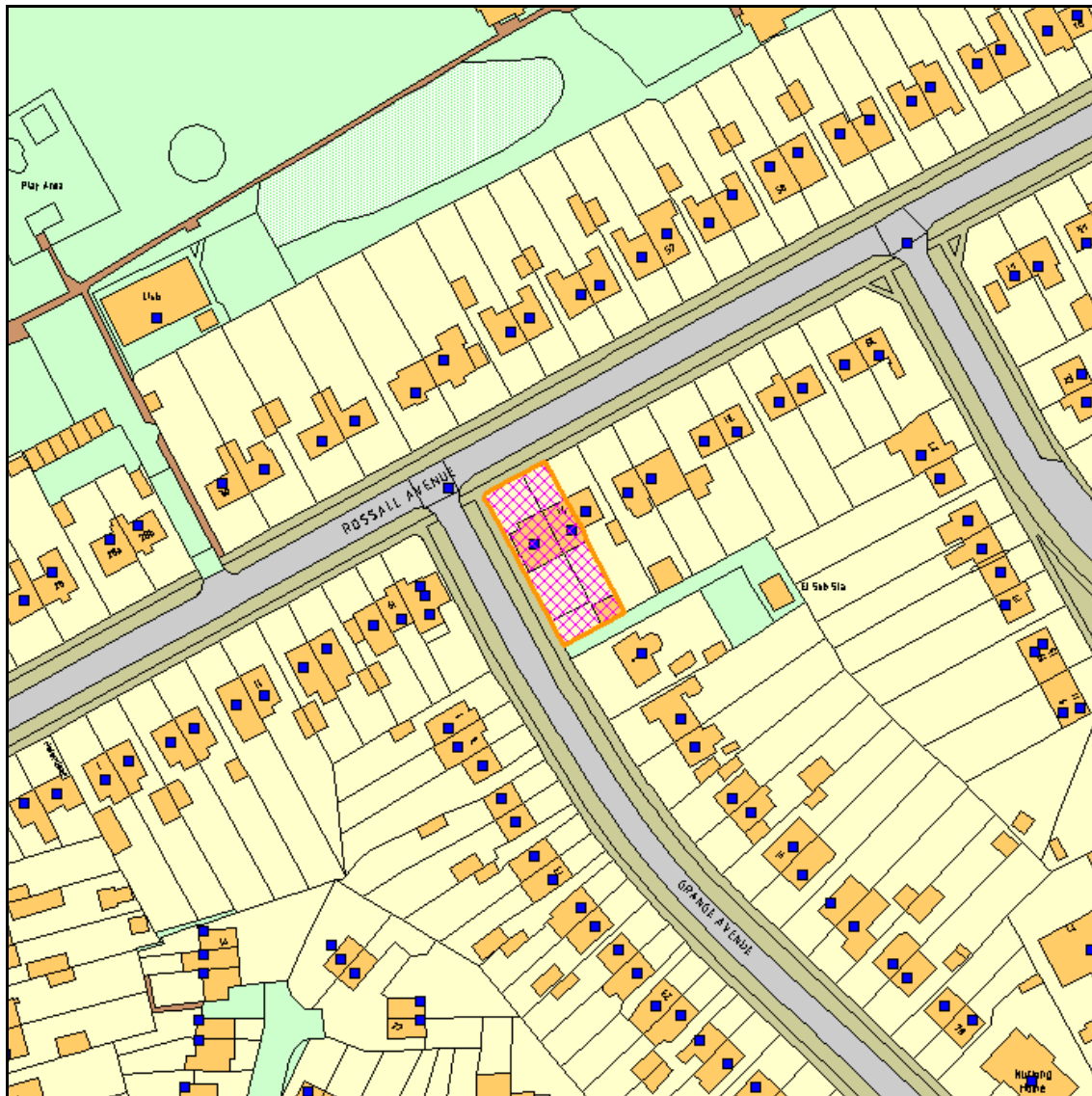
This is a pre-commencement condition to avoid irreparable damage to the trees, in the interests of the long term health of the trees, and to accord with The Town and Country Planning (Tree Preservation) (England) Regulations 2012; Policy L1 of the South Gloucestershire Local Plan (adopted) 2006 and Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) 2013.



**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

**App No.:** PT15/4149/RVC  
**Site:** 21 Rossall Avenue Little Stoke Bristol  
 South Gloucestershire BS34 6JU  
**Proposal:** Variation of condition 2 attached to  
 planning permission PT12/3948/F to  
 allow the retention of the existing  
 garage.  
**Map Ref:** 361304 180931  
**Application Category:** Minor

**Applicant:** Mr Tom Coleman  
**Date Reg:** 30th September  
 2015  
**Parish:** Stoke Gifford  
 Parish Council  
**Ward:** Stoke Gifford  
**Target Date:** 20th November  
 2015



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## **REASON FOR SUBMISSION TO THE CIRCULATED SCHEDULE**

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

### **1. THE PROPOSAL**

1.1 The application site is within the North Fringe of Bristol Urban Area, and is composed of two dwellings, one of which was permitted under planning ref. PT12/3948/F. This planning application was permitted subject to conditions, one of these conditions aimed to ensure that adequate off-street parking facilities are provided at the site (condition 2):

Cond 2. The off-street parking facilities (for all vehicles, including cycles) shown on the plans 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 Policies T8 and T12 of the South Gloucestershire Local Plan (Adopted) January 2006.

1.2 To facilitate this parking arrangement an existing garage had to be removed, this application proposes to retain this existing garage, and still provide the same levels of vehicle parking, for both cars and bicycles. This application is submitted under s73 of The Town and Country Planning Act to vary condition 2 to allow the retention of the existing garage, such retention and parking arrangement is displayed on the 'Proposed Site Plan (2435/3)'.

### **2. POLICY CONTEXT**

2.1 National Guidance  
National Planning Policy Framework March 2012

2.2 Development Plans

#### South Gloucestershire Local Plan Core Strategy Adopted December 2013

CS1 High Quality Design  
CS4A Presumption in Favour of Sustainable Development  
CS5 Location of Development  
CS8 Improving Accessibility  
CS15 Distribution of Housing  
CS16 Housing Density  
CS17 Housing Diversity  
CS25 Communities of the North Fringe of Bristol

#### 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 SPD (Adopted) December 2013  
South Gloucestershire Design Checklist SPD (Adopted) August 2007

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

- 3.1 PT14/4170/NMA    Objection    10/11/2014  
Non material amendment to planning permission PT12/3948/F to retain existing garage and relocate parking spaces for new dwelling.
- 3.2 PT12/3948/F    Approve with Conditions    16/01/2013  
Erection of 1no. attached dwelling with access and associated works.

### 4. **CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
No objection, concerns raised about no drop kerbs currently in place that could cause a parking problem, also a lamp post at the location needs to be investigated.
- 4.2 Sustainable Transport  
No objection, the amendments to the site plan are acceptable.

#### **Other Representations**

- 4.3 Local Residents  
One letter has been received by the Local Planning Authority with regard to this planning application, this letter contained comments of objection, such comments are summarised below:
- Parking problems in the vicinity of 42 Rossall Avenue will be exacerbated as the garage has no dropped kerb.

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

- 5.1 This application proposes to vary condition 2 of the approved development (PT12/3948/F) to allow for the retention of an existing garage – to do so the conditioned site layout plan under PT12/3948/F would be replaced with an amended plan that identifies the retention of the existing garage, and the amended parking layout.
- 5.2 Principle of Development  
The development was approved under PT12/3948/F, this development has commenced and therefore the planning permission remains extant. On this basis, the principle of the development is established. The scope of s73 applications is limited so that the local planning authority should only consider the condition subject to this s73 application, specifically, with regard to the reason for why this condition was originally imposed.

Accordingly, the only matters for consideration under this application relate specifically to the impact of retaining the existing garage at the south east of the site in terms of highway safety and the amenity of the area. This is addressed below.

5.3 Highway Safety and Vehicle Parking

The purpose of condition 2 was to ensure that adequate levels of car and cycle parking were afforded to both dwellings at the application site. Since the original development was approved, the Council has adopted a minimum car parking standard for residential development, the cycle parking standard required by saved policy T7 is unchanged. The Council's car parking standard requires residential development to have a number of off-street car parking spaces commensurate with the number of bedrooms within the dwelling. Accordingly, both units within the application site require at least two off-street parking spaces measuring at least 2.4 metres by 4.8 metres.

5.4 The retention of the existing garage will change the position of the car parking afforded to the recently permitted dwelling (unit 1), the proposed car parking area will be utilised as a driveway for the retained garage. The amended car parking area for unit 1 will be of an acceptable size and will be located in an accessible location. The position of car parking for no. 21 (the original dwelling) will remain unchanged.

5.5 The cycle parking for both units will be moved into the rear gardens of both dwellings, this is acceptable.

5.6 To facilitate access to the parking area for unit 1 a street light will have to be removed, this would require permission from the Council's Developments Implementation Team, as will the dropping of any kerb. Should planning permission be granted, it is advised that an informative note is attached to the decision notice alerting the applicant to the need to contact the Council's Development Implementation Team.

5.7 Overall, the proposed cycle and vehicle parking accords with the Council's minimum car parking standard, and also the requirements of saved policy T7. Therefore, there are no highway safety objections to the proposed variation of condition, and with regard to the amenity of the area, the proposed vehicle parking situation is deemed acceptable. Accordingly, should the variation to condition 2 be permitted, it is recommended that condition 2 is varied in such way to require that the new parking arrangement is implemented in accordance with the submitted parking arrangement.

5.8 Visual and Residential Amenity

The garage to be retained is an existing garage, which has an acceptable and non-harmful impact on both the character of the area, and the residential amenity of the nearby occupiers.

#### 5.9 Conditions

The original permission conditioned details regarding the submission of a roof tile sample (condition 3); and also a Sustainable Drainage Systems (SuDS) (condition 4). Both of these conditions have been formally discharged by the Local Planning Authority, should planning permission be granted it is recommended that the conditions are imposed to ensure that any remaining development is carried out in accordance with the details agreed under the discharge of condition applications.

### 6. CONCLUSION

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

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

### 7. RECOMMENDATION

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

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

### CONDITIONS

1. The off-street parking facilities (for all vehicles, including cycles) shown on the Proposed Site Plan (2435/3) hereby approved shall be provided before the building is first occupied, and thereafter retained for that purpose.

#### Reason

To ensure the satisfactory provision of car and cycle 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; T7 of the South Gloucestershire Local Plan (Adopted) January 2006; and the minimum Residential Parking Standard SPD (Adopted) December 2013.

2. The development shall be carried out in accordance with the roofing materials agreed under the application to discharge condition 3 of planning ref. PT12/3948/F.

#### Reason

In the interests of visual amenity, in accordance with Policy CS1 of the Core Strategy (adopted) December 2013; and saved Policy H4 of the South Gloucestershire Local Plan (adopted) January 2006.

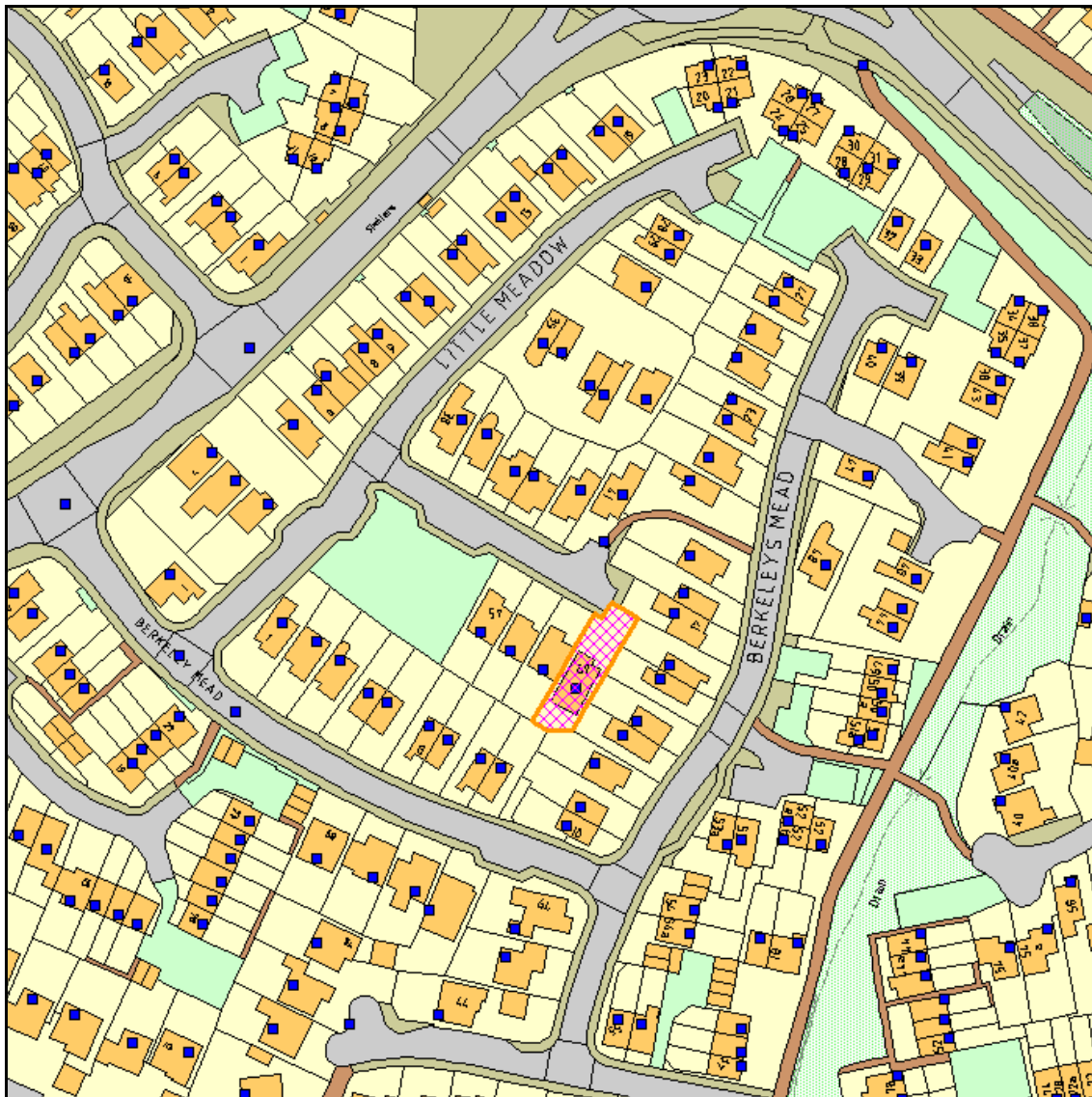
3. The development shall be carried out in accordance with the drainage details agreed under the application to discharge condition 4 of planning permission PT12/3948/F

Reason

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

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PT15/4245/PDR	<b>Applicant:</b>	Mr Stan Porter
<b>Site:</b>	42 Little Meadow Bradley Stoke Bristol South Gloucestershire BS32 8AT	<b>Date Reg:</b>	2nd October 2015
<b>Proposal:</b>	Erection of a single storey rear extension to provide additional living accommodation (retrospective)	<b>Parish:</b>	Bradley Stoke Town Council
<b>Map Ref:</b>	363049 180680	<b>Ward:</b>	Bradley Stoke South
<b>Application Category:</b>	Householder	<b>Target Date:</b>	25th November 2015



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

The application has been referred to the Circulated Schedule because two comments were received that are contrary to the Officer's recommendation.

### **1. THE PROPOSAL**

- 1.1 This application seeks retrospective planning permission for the erection of a rear conservatory at a property in Bradley Stoke.
- 1.2 The property in question is detached and set back from No 43, with a smaller roof ridge line. There is a large area of hardstanding to the front of the property with parking for 2/3 cars. The rear garden of the property overlooks three neighbouring gardens and there is a 1.6 metre fence surrounding the boundary.
- 1.3 This application would have been permitted development under the General Permitted Development Order (England) (2015), had the permitted development rights not been previously removed under condition 5 of application no. P88/0020/103.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework March 2012  
National Planning Policy Guidance 2014
- 2.2 Development Plans  
  
South Gloucestershire Local Plan Core Strategy Adopted December 2013  
CS1 High Quality Design  
CS8 Improving Accessibility  
  
South Gloucestershire Local Plan Adopted January 2006 Saved Policies  
T12 Transportation  
H4 Development within Existing Residential Curtilages
- 2.3 Supplementary Planning Guidance  
South Gloucestershire Design Checklist (Adopted) August 2007  
Residential Parking Standard (Adopted) December 2013

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

- 3.1 P84/0020/1 Approval 03.12.1986  
Residential, shopping & employment development inc. Roads & sewers and other ancillary facilities on approx.1000 acres of land.
- 3.2 P93/0020/372 Approval of Reserved Matters 14.07.1993  
Erection of 66 no. Dwellings, no. 7 one bed flats and ancillary works. (In accordance with the amended plans received by the council on 21 May 1993 and 28 June 1993) and amended drawings received by the council on 12 July 1993) (to be read in conjunction with P84/20/1).



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

##### 4.1 Bradley Stoke Town Council

- Objection on grounds of loss of privacy and visual amenity for the neighbouring property.

##### 4.2 Other Consultees

###### Planning Enforcement

No Comment.

##### **Other Representations**

##### 4.3 Local Residents

Neighbour Objection Comment received from 13 Berkeleys Mead, Bradley Stoke.

- The height of the floor has been raised up significantly which is an invasion of privacy.
- The room has changed use from a conservatory to a kitchen and so is in more use and has created a loss of privacy.
- The height of the extension has increased and due to not being glass this causes loss of light.
- The whole window should be frosted.

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

##### 5.1 Principle of Development

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 in accordance with policy CS1 of the Core Strategy, and that there is no unacceptable impact on residential and visual amenity, and also that there is safe and adequate parking provision and no negative effects on transportation. Therefore, the proposal is acceptable in principle but should be determined against the analysis set out below.

##### 5.2 Design

The single storey extension has a lean-to roof and extends beyond the rear elevation by a modest distance. The extension does not span the entire width of the property and has a face brick finish to match the existing dwelling, along with white UPVC glazing, and so the proposal is considered acceptable in terms of policy CS1 of the Core Strategy 2013.

##### 5.3 Residential Amenity

There have been two objections from Bradley Stoke Town Council and a neighbour regarding loss of privacy and loss of visual amenity for the neighbouring properties. The extension has rear windows and doors and a window on the side elevation.

The extension is single storey and the existing boundary treatment prevents overlooking so there is not considered to be a significant loss of privacy. Similarly, the proposed side elevation in plan 500/01 the materials top openings of the window to the side are to be obscure glazed which will also prevent overlooking and respect privacy. Any over-looking that results from the extension is considered normal within built-up residential areas. The extension has a lean-to roof with two rooflights but the heights of the windows have not changed from the previous conservatory. Due to the modest scale of the rear extension there are also no concerns regarding loss of light to the surrounding neighbours. It is considered that there is adequate amenity space remaining for the present and future occupiers of No.42 Little Meadow. The proposal is considered to accord with policy H4 of the Local Plan 2006.

#### 5.4 Transport

No new bedrooms are proposed and the extension does not encroach onto existing parking provision. Therefore, there are no transportation objections to the proposal.

### 6. CONCLUSION

- 6.1 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Local Planning Authorities are required to determine applications in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
- 6.2 The proposed development has been assessed against the policies listed above. The design of the single storey rear extension is acceptable and the development will not prejudice residential amenity or highway safety.
- 6.3 The recommendation to **grant** permission has been taken having regard to the policies and proposals in the South Gloucestershire Local Plan (Adopted) January 2006 and the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 set out above, and to all the relevant material considerations set out in the report.

### 7. RECOMMENDATION

- 7.1 It is recommended to **GRANT** planning permission subject to the condition listed below.

**Contact Officer: Chloe Buckingham**  
**Tel. No. 01454 863464**

### CONDITION

1. The top openers of the window to the side elevation are to be obscure glazed as stated in drawing no. 500/01 and should be implemented within 1 month of the permission being granted.

Reason

In the interests of residential amenity and to accord with Policy H4 of the South Gloucestershire Local Plan (2006).

## CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015

<b>App No.:</b>	PT15/4302/F	<b>Applicant:</b>	Tesco Stores Ltd
<b>Site:</b>	2 Ratcliffe Drive Stoke Gifford Bristol South Gloucestershire BS34 8UE	<b>Date Reg:</b>	7th October 2015
<b>Proposal:</b>	Installation of ATM to front elevation.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362161 179983	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th November 2015



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PT15/4302/F

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

This application appears on the Circulated Schedule as a result of comments received, from the Parish Council, contrary to Officer recommendation. The application appears on the Circulated Schedule with a further application which for the same site, for protective bollards around the premises. One further application has been received for the site relating to advertising consent for details around the proposed ATM, as this was registered later this will be considered in due course on its own merits.

### **1. THE PROPOSAL**

- 1.1 The application is for the installation of an ATM machine.
- 1.2 The site is a retail premises, currently under extension and refurbishment. A separate advertising consent is being sought for the display of 3no internally illuminated fascia signs and 1no internally illuminated projecting sign to the ATM surround (ref PT15/4465/ADV – which is currently under consideration), as well as the proposed requirement for the installation of 9 bollards. The application for the protective bollards is being dealt under separate planning application, reference PT15/4324/F.
- 1.3 The site located immediately off the roundabout at the Hatchet Lane/Ratcliffe Drive junction. The site is part of a small rank of retail outlets and is located within the built up 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

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

- 3.1 PT14/4099/F – Erection of extension to existing retail store to provide enlarged store and new shop unit. Approved 16<sup>th</sup> March 2015.

### **4. CONSULTATION RESPONSES**

- 4.1 Stoke Gifford Parish Council  
Local Member to call to sites. No planning application has been submitted in relation to this proposal. A supporting letter appears to be the only document loaded onto the planning portal.

4.2 Other Consultees  
Highways Drainage  
No comments

Sustainable Transportation  
No objection

Highways Structures  
No comment

### **Other Representations**

4.3 Local Residents  
No comments received

## **5. ANALYSIS OF PROPOSAL**

5.1 Principle of Development  
Policy CS1 of the Core Strategy requires that development proposals demonstrate that form, scale detailing, colour and materials are informed by and respect the site and its context.

5.2 The proposal for an ATM machine on a retail unit within the urban area is not considered to give rise to any visual or local amenity issues and is considered acceptable given the context of the site and general location.

5.3 With regards to the comments received a full application form and accompanying details have been received, sufficient to enable the Local Planning Authority to satisfactorily determine the condition.

## **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 application is considered to comply with the requirements of Policy CS1 of the Core Strategy.

6.2 The recommendation to grant permission has been taken having regard to the policies and proposals in the South Gloucestershire Core Strategy set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

7.1 That planning permission is granted subject to the condition recommended.

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

**CONDITION**

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

Reason

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

**CIRCULATED SCHEDULE NO. 45/15 – 6 NOVEMBER 2015**

<b>App No.:</b>	PT15/4324/F	<b>Applicant:</b>	Tesco Stores Ltd
<b>Site:</b>	2 Ratcliffe Drive Stoke Gifford Bristol South Gloucestershire BS34 8UE	<b>Date Reg:</b>	7th October 2015
<b>Proposal:</b>	Installation of 9 no. bollards to the front and side.	<b>Parish:</b>	Stoke Gifford Parish Council
<b>Map Ref:</b>	362161 179983	<b>Ward:</b>	Stoke Gifford
<b>Application Category:</b>	Minor	<b>Target Date:</b>	27th November 2015



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

This application appears on the Circulated Schedule as a result of comments received, from the Parish Council, contrary to Officer recommendation. The application appears on the Circulated Schedule with a further application which for the same site, for an ATM machine. One further application has been received for the site relating to advertising consent for details around the proposed ATM, as this was registered later this will be considered in due course on its own merits.

### **1. THE PROPOSAL**

- 1.1 The application seeks permission for the installation of Installation of 9 no. protective bollards to the front and side of the premises.
- 1.2 The site is a retail premises, currently under extension and refurbishment. Associated with this are requirements for the installation of an ATM, and associated display of 3no internally illuminated fascia signs and 1no internally illuminated projecting sign to the ATM surround, as well as the proposed requirement for the installation of 9 bollards. The applications for the ATM are being dealt with concurrently under separate planning applications, references PT15/4302/F and PT15/4465/ADV.
- 1.3 The site located immediately off the roundabout at the Hatchet Lane/Ratcliffe Drive junction. The site is part of a small rank of retail outlets and is located within the built up area of Stoke Gifford.

### **2. POLICY CONTEXT**

- 2.1 National Guidance  
National Planning Policy Framework  
Planning Policy Guidance
- 2.2 Development Plans  
  
South Gloucestershire Local Plan (Adopted) January 2006  
E3 Criteria for Assessing Proposals for Employment Development within the Urban Area  
T12 Transportation  
  
South Gloucestershire Local Plan Core Strategy (Adopted December 2013)  
CS1 High Quality Design

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

- 3.1 PT14/4099/F – Erection of extension to existing retail store to provide enlarged store and new shop unit. Approved 16<sup>th</sup> March 2015.

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

4.1 Stoke Gifford Parish Council

Local Member to call to sites. Parts of the existing building have been demolished and not extended as per original planning application. Concerns raised regarding pedestrian safety in proximity of ATM.

4.2 Transportation

No objections

Lead Local Flood Authority

No comment

Highway Structures

No comment

Other Representations

4.3 Local Residents

No comments received

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

5.1 Principle of Development

The principle of the retail use of the site is already established. The main issue for consideration therefore is the potential impact of the bollards on the area.

5.2 Local/Visual Amenity

The site is an existing retail outlet and is located within an existing urban area. The proposed bollards are located on the front and side of the premises in order to offer protection. It is not considered that the proposals would have a significant or detrimental impact upon the site and surroundings.

5.3 Transportation

It is considered that the location of the bollards is such that they raise no concerns in highways terms. There are no transportation objections to the proposals.

5.4 With regards to the further comments received, any concerns with non-compliance of separate consents would be a matter to address through enforcement. The proposed ATM is considered under a separate application. There are no highways concerns with regards to access associated with 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 and the South Gloucestershire Local Plan Core Strategy, set out above, and to all the relevant material considerations set out in the report.

## **7. RECOMMENDATION**

- 7.1 That planning permission is granted subject to the conditions recommended.

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

## **CONDITIONS**

1. The 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. 45/15 – 6 NOVEMBER 2015**

**App No.:** PT15/4325/CLP  
**Site:** 46 Orchard Rise Olveston Bristol  
 South Gloucestershire BS35 4DZ

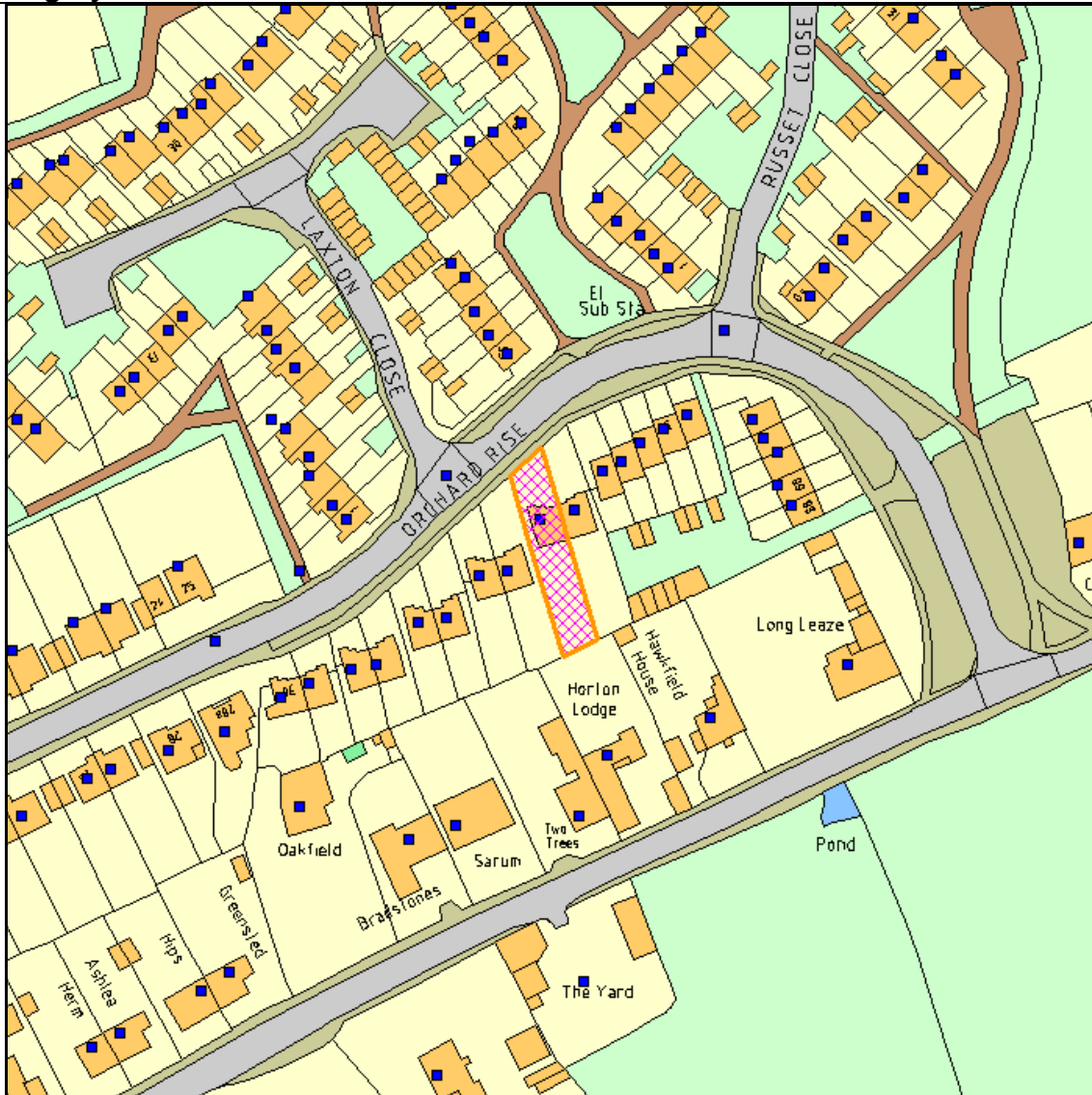
**Applicant:** Mr Ian Atkin  
**Date Reg:** 7th October 2015

**Proposal:** Application for a certificate of lawfulness for the proposed conversion of existing integral garage to provide living accommodation

**Parish:** Olveston Parish Council

**Map Ref:** 360376 187059  
**Application Category:** Certificate of Lawfulness

**Ward:** Severn  
**Target Date:** 30th November 2015



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 100023410, 2008. **N.T.S.** **PT15/4325/CLP**

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

The 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 conversion of an existing integral garage to provide living accommodation to 46 Orchard Rise, Olveston, would be lawful.
- 1.2 The 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 solely on the facts presented.
- 1.3 The application site is within the designated settlement boundary of Olveston, in an area 'washed over' by the Bristol/Bath Green Belt.
- 1.4 The existing dwellinghouse has one garage internal to the dwelling. The internal garage is proposed to be converted to form additional living accommodation. To achieve this, the original garage door will be infilled with a new matching brick wall, 2.1 metres high and 2.2 metres wide, and a casement window, 1.75 metres in length and 1.2 metres wide.
- 1.5 After reviewing the property's planning history for the site, it is clear that under application refs. SG2967/Jap and SG2967/Jap1, some relevant householder permitted development rights were removed for this property but these conditions do not restrict the proposed development.

### **2. POLICY CONTEXT**

#### **2.1 National Guidance**

Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A.

The submission is not a planning application 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.

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

- |     |  |                         |            |
|-----|--|-------------------------|------------|
| 3.1 | PT05/3049/F  | Approve with Conditions | 23/11/2015 |
|     | Erection of rear conservatory and side porch.  |                         |            |
| 3.2 | N154/2   | Approve with Conditions | 21/10/1982 |
|     | Erection of a single storey rear extension to provide kitchen and dining room to both dwellings. |                         |            |

- 3.3 N154/1 Approve with Conditions 03/11/1977  
Erection of rear porch (in accordance with the applicants letter received by the Council on 27th September 1977).
- 3.4 N154 Approve with Conditions 11/07/1974  
Erection of side porch.
- 3.5 SG2967/Jap5 Approve with Conditions 06/01/1971  
Layout and erection of 49 houses, together with drains, garages, hard standings and landscapings.
- 3.6 SG2967/Jap4 Refuse 18/12/1970  
Erection of 50 houses.
- 3.7 SG2967/Jap3 Approve with Conditions 30/07/1968  
Erection of 80 dwelling houses and garages in accordance with the revised layout plan No. 1b received 18.11.68.
- 3.8 SG2967/Jap1 Approve with Conditions 68/10/1965  
Layout of 139 Dwellinghouses (107 Terrace houses, 32 Semi-detached houses) Garages and Roads, and detail plans of 32 semi-detached houses.  
*Cond. G – Notwithstanding the provision of the First Schedule of the Town and Country Planning General Development Order 1968 no garage or other structure shall be erected without the consent of the Local Planning Authority.*
- 3.9 SG2967/Jap Approve with Conditions 04/11/1964  
Residential development on 11 ½ acres.  
*Cond. G – No walls, fences or other structures of any kind shall be erected without the express consent of the Local Planning Authority.*

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

- 4.1 Olveston Parish Council  
No objection
- 4.2 Councillor  
No comments received

#### **Other Representations**

- 4.3 Local Residents  
No comments received

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

- 5.1 Combined Block/Location Plans (000); Existing Plans (001); Proposed Plans (002) – all received on 05/10/2015.

## 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 an 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 in this instance 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 2015.

6.3 Application refs. SG2967/Jap and SG2967/Jap1 bring into effect both G Conditions mentioned above. These conditions affect Schedule 2, Part 1 of the GDPO 2015 in terms of the erection of garages and other structures and Part 2 of the GDPO 2015 in terms of the erection of walls, fences or other means of enclosure. However, these conditions do not restrict the proposed development under this application.

6.4 The proposed development consists of an integral garage conversion into an additional bedroom.

6.5 Under Section 55(2) of the Town and Country Planning Act 1990, the conversion of the integral garage to form an additional bedroom would not amount to 'development' because there are no conditions on the original, or subsequent permissions for the property requiring that the garage be retained, and the material change of use before and after falls within the same primary use class (C3 Dwellinghouses) of the building.

6.6 To effect the conversion, the building works proposed would remove the existing garage door and replace it with a wall and window. This alteration amounts to 'development' set out in Section 55(2) of the Town and Country Planning Act 1990 because the building operations will materially affect the external appearance of the building. However, such alterations are normally permitted development by reason of Part 1 Class A of the GDPO 2015. In Enfield 06/06/2000 DCS No 058-330-712, involving the change of use of an integral garage to a study, the inspector distinguished between the change of use and the building works. He found that the change of use would not materially affect the character and use of the dwellinghouse as such and was therefore not development. He found that the replacement of the garage door with a window and wall would materially affect the external appearance of the building but would be permitted development.

6.7 Following the decision in Enfield 06/06/2000 DCS No 058-330-712, the replacement wall would therefore fall within *Schedule 2, Part 1, Class A*, of The Town and Country Planning (General Permitted Development) (England) Order 2015, which 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 –**

- (a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use)**

The dwellinghouse was not granted under classes M, N, P or Q of Part 3.

- (b) As 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 total area of ground covered by buildings (other than the original dwellinghouse) would be less than 50% of the total area of the curtilage.

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

The height of the replacement wall would not exceed the height of the roof of the existing dwellinghouse.

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

The proposal does not change the height of the existing garage eaves.

- (e) The enlarged part of the dwellinghouse would extend beyond a wall which—**

- (i) forms the principal elevation of the original dwellinghouse;  
or  
(ii) fronts a highway and forms a side elevation of the original dwellinghouse;**

The replacement wall forms part of the principal elevation of the original dwellinghouse, but it does not extend beyond the wall because it is replacing an existing garage door.

- (f) Subject to paragraph (g), 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 replacement wall would not form part of the rear elevation and is a maximum height of 2.1 metres.

- (g) Until 30th May 2019, for a dwellinghouse not on article 2(3) 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;**

Not applicable.

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

The replacement wall would be single storey and does not form part of the rear elevation.

- (i) 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 replacement wall would be within 2 metres of the boundary of the curtilage of the dwellinghouse, but the proposal does not change the height of the existing garage eaves.

- (j) 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 a single storey, or**
  - (iii) have a width greater than half the width of the original dwellinghouse; or**

The proposal does not form part of a side wall of the property.

- (k) It would consist of or include—**
  - (i) the construction or provision of a verandah, balcony or raised platform,**

- (ii) the installation, alteration or replacement of a microwave antenna,
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
- (iv) an alteration to any part of the roof of the dwellinghouse.

The development would not include any of the above.

**A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—**

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

The application site does not fall on article 2(3) land.

**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) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The replacement wall will be constructed in brick to match the brickwork used in the existing dwelling.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must 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 a single storey, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposal is single storey.

**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 proposed extension would be allowed as it is considered to fall within the permitted rights afforded to householders under Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015.

**Contact Officer: Helen Braine**  
**Tel. No. 01454 868388**